



The Commonwealth of Massachusetts

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SECRETARY

December 15, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Restoration of the Saugus Iron Works Turning Basin & Dock
PROJECT MUNICIPALITY : 244 Central Street – Saugus
PROJECT WATERSHED : Saugus River
EOEA NUMBER : 13563
PROJECT PROPONENT : National Park Service (NPS)
DATE NOTICED IN MONITOR : November 8, 2006

The Secretary of Environmental Affairs determines that the Draft Environmental Impact Report (DEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). I find that no major issues remain that warrant the preparation of a separate Final Environmental Impact Report (FEIR). Therefore, in the next edition of the Environmental Monitor, I will publish notice that the DEIR is being reviewed as an FEIR, in accordance with 301 CMR 11.08(8)(b)(2)(b).

According to the DEIR, the proposed project consists of the restoration/excavation of the Saugus River turning basin and the reconstruction of the dock (443 square foot (sf)) and bulkhead (110 linear feet) at the Saugus Iron Works. The project will remove approximately 163,350 sf of existing bordering vegetated wetlands (BVW) dominated by *Phragmites australis* and other non-native species. The proponent will restore approximately 65,776 sf of native BVW, and it will replace about 97,574 sf of BVW with mud flat/open water and riparian berm. The project will include the disposal of approximately 7,200 cubic yards of sediment from the riverbed to a landfill after dewatering has occurred on-site. The project site is approximately 8.51 acres.

This project is subject to a mandatory EIR. It will require a Chapter 91 License and Permit, a Section 401 Water Quality Certificate, and a Superseding Order of Conditions from the Department of Environmental Protection (MassDEP). MassDEP has determined that the project meets the "limited" project provisions for a wetland restoration under the Wetlands Protection Act, and the Saugus Conservation Commission has denied the proponent's request for an Order of Conditions. The project will require Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project may need a Section 10 Permit (Rivers & Harbors Act of 1899) and a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers. Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project within the subject matter of required state permits (wetlands, waterways, and stormwater) that may have significant environmental impacts.

The proponent has estimated that the disposal of excavated material will generate approximately 30 to 40 truck trips per day for four to six weeks.

Review of the DEIR:

The DEIR provided a detailed project description with a summary/history of the project. It included existing and proposed site plans. No project phasing was described. The DEIR described each state agency action required for the project. It demonstrated how the project is consistent with the applicable performance standards. The DEIR contained sufficient information to allow the permitting agencies to understand the environmental consequences of their official actions related to the project.

The DEIR discussed the project alternatives from the ENF. The proponent evaluated alternatives with the ability to avoid or minimize wetland related impacts. Three alternatives were identified in the DEIR:

- Alternative B - Preferred Alternative - the restoration of the turning basin and waterfront structures to their condition prior to the 1957 dam breach and the restoration of the portion of the Saugus River south of the historic turning basin area.
- Alternative C – identical to the Preferred Alternative, but it does not include the restoration of the Saugus River south of the historic turning basin.
- Alternative D – identical to the Preferred Alternative, except that only 40-percent of the southern area of the tidal basin would be excavated and restored to approximate 1954 contours.

The DEIR analysis presented the alternative configurations at the site and identified the advantages and disadvantages of the Preferred Alternative. It provided a comparative analysis

that clearly showed the differences between the environmental impacts associated with each of the alternatives.

There are no Chapter 91 Licenses for the existing pier, bulkhead, and bridge. The DEIR included a Chapter 91 Permit Application in Appendix M.

The Wetland Section of the DEIR examined options that avoided impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. The DEIR demonstrated that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). It addressed the significance of the wetland resources on site, including riverfront areas; flood control; storm damage prevention; fisheries; and wildlife habitat. No public water supplies and wells were identified in the DEIR.

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations were delineated on project plans. Bordering vegetated wetlands that have been delineated in the field were surveyed, mapped, and located on the project plans. Wetland resource areas and riverfront areas were characterized according to 310 CMR 10.00. The Saugus Conservation Commission has accepted the resource area boundaries.

The proposed activities, including construction plans (in Appendix L) and mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, were evaluated. The proponent will replant native species to maintain the amount of shading along the streambed and water temperatures after removing invasive plant species. A detailed wetlands replication plan was provided in the DEIR.

The DEIR evaluated potential drainage impacts on water resources from the dewatering of the dredged material in Appendix H. It presented drainage calculations and plans for the management of runoff from the dredged material. The DEIR included a detailed description of the proposed drainage system design for the dewatering area. It identified the quantity and quality of flows. The project will increase the water storage volume as a result of the dredging/excavation of the boat basin. The DEIR addressed the performance standards of MassDEP's Stormwater Management Policy. It demonstrated that the dewatering area is consistent with this policy. The DEIR discussed the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. It included a discussion of best management practices employed to meet the NPDES requirements, and it included a draft Pollution Prevention Plan in Appendix D.

The DEIR presented a summary of the results of the Marsh Characterization Report in Appendix C.

The DEIR provided a summary of the proponent's habitat assessment. The project is not

expected to impact any state-listed species. No work is proposed in the stream channel. The DEIR documented the streambed in Appendices G and J and its proposed monitoring program in Appendix E. The DEIR described the habitat enhancements.

The proponent consulted with the Massachusetts Historical Commission (MHC), the Massachusetts Board of Underwater Archaeological Resources, and the local Historic Preservation Commission on this proposed project.

The DEIR included a construction management plan that describes the project, phasing, erosion and sedimentation controls, monitoring, and contingencies in Appendix L.

Summary of the DEIR Mitigation:

The DEIR included mitigation measures in Section 2.6. In the DEIR, the proponent has committed to the following mitigation measures:

- Limit operation of equipment to weekday daytime hours and monitor noise compliance with local regulations.
- Install silt fencing along the perimeter of the project area to collect and contain sediment generated by the project, approximately \$4,500.
- Install a sediment barrier along the perimeter of the excavation where it abuts the Saugus River channel to filter sediment out of the water, approximately \$235,000.
- Install a gravel and cobble berm planted with native woody vegetation to enhance smelt habitat, approximately \$6,000.
- Conduct weekly monitoring of anadromous fish and American eel populations throughout the spawning season for a minimum of three years in partnership with Massachusetts Division of Marine Fisheries and the Saugus River Watershed Council, approximately \$5,250 (NPS portion only).
- Control water quality during construction, approximately \$52,000.
- Conduct a Monitoring Plan (in Appendix E) on a semi-annual basis for three years after project completion to verify the successful reestablishment of the native ecological habitat, approximately \$120,000.
- Restrict access to the historic slag pile, approximately \$5,000.
- Replace contaminated sediments and a *Phragmites australis* dominated wetland with diverse native tidal marsh, open water/mud flat and riparian berm habitats and restore natural floodplains, native emergent freshwater tidal wetland habitat, and intertidal mudflat habitat, approximately \$2,800,000 (proposed project).
- Conduct no work within the Saugus River channel in order to protect the annual spawning of rainbow smelt.
- Facilitate the removal of the Hamilton Street Weir from the Saugus River with the other stakeholders, approximately \$5,000 (NPS portion only).

The above listed mitigation costs are part of the overall project costs of \$2.8 million. The

proponent is providing leadership with the Town of Saugus to remove the existing weir structure that is located downstream of the project site within the Saugus River. This weir structure reduces the natural tidal flow to the project site.

The proposed project is the restoration of the degraded bordering vegetated wetlands along the Saugus River. I consider the proposed project as mitigation for the 1957 breach of the Prankers Pond dam upstream of the Iron Works site, which has resulted in nearly 4 acres of wetlands that are choked by invasive plant species and some industrial contaminants that were contained in the sediments released.

On December 8, 2006, the proponent submitted supplemental information on the project that contained a proposed Section 61 Finding for DEP. The proposed Section 61 Finding contained a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation.

The DEIR and the supplemental material (December 8, 2006), which have been submitted on the above project, have addressed the substantive issues. The proponent must file a response to comments on the DEIR, any revisions proposed by MassDEP for the project's Section 61 Findings, and a proposed Section 61 Finding for MCZM prior to the publication of the next issue of the Environmental Monitor (dated December 23, 2006). In the Environmental Monitor, the DEIR will be noticed as an FEIR.

December 15, 2006
Date


Robert W. Gollidge, Jr.

Cc: Nancy Baker, DEP/NERO

Comments received:

MHC, 11/20/06
MA Board of Underwater Archaeological Resources, 11/24/06
MCZM, 12/4/06
DEP/NERO, 12/8/06
Saugus River Watershed Council, 12/8/06
MA Div. of Marine Fisheries, 12/8/06
NPS, 12/8/06
NPS, 12/8/06
NPS, 12/8/06

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