Commonwealth of Massachusetts
Executive Office of Environmental Affairs ■ MEPA Office

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
EOEA No.: 14208
MEPA Analyst: Deirdre Buckley
Phone: 617-626- 1044

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Rushy Marsh Restoration Project		
Street: 60 Oregon Way		
Municipality: Barnstable (Cotuit)	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates: 4606011N 379620E	Latitude: 41 35'48" Longitude: 70 26'40"	
Estimated commencement date: Fall 2008	Estimated completion date: Spring 2009	
Approximate cost: $240,000.00	Status of project design: 100 %complete	
Proponent: Town of Barnstable/Conservation Division		
Street: 200 Main Street		
Municipality: Hyannis	State: MA	Zip Code: 02601
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Paula Sullivan		
Firm/Agency: Sullivan Engineering, Inc.	Street: 7 Parker Road, P O Box 659	
Municipality: Osterville	State: MA	Zip Code: 02655
Phone: 508-428-3344	Fax: 508-428-3115	E-mail: paula@sullivanengin.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
☐Yes ☒No

Has this project been filed with MEPA before?
☐Yes (EOEA No._____) ☒No

Has any project on this site been filed with MEPA before?
☐Yes (EOEA No._____) ☒No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

a Single EIR? (see 301 CMR 11.06(8))	☐Yes	☒No
a Special Review Procedure? (see 301CMR 11.09)	☐Yes	☒No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	☐Yes	☒No
a Phase I Waiver? (see 301 CMR 11.11)	☐Yes	☒No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres):

Are you requesting coordinated review with any other federal, state, regional, or local agency?
☒Yes(Specify_US Army Corps of Engineers, DEP, CZM) ☐No

List Local or Federal Permits and Approvals:
Amended Order of Conditions file SE3-4531 issued Oct., 11, 2006, amended March 11, 2008, will require Chapter 91 license, 401 Water Quality Certification and USACE permit and CZM consistency

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

☐ Land	☐ Rare Species	☒ Wetlands, Waterways, & Tidelands
☐ Water	☐ Wastewater	☐ Transportation
☐ Energy	☐ Air	☐ Solid & Hazardous Waste
☐ ACEC	☐ Regulations	☐ Historical & Archaeological Resources

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage	17.70		
New acres of land altered		0	
Acres of impervious area	0	0	0
Square feet of new bordering vegetated wetlands alteration		1350	
Square feet of new other wetland alteration		4405	
Acres of new non-water dependent use of tidelands or waterways		0	
STRUCTURES			
Gross square footage	N/A	N/A	N/A
Number of housing units	N/A	N/A	N/A
Maximum height (in feet)	N/A	N/A	N/A
TRANSPORTATION			
Vehicle trips per day	N/A	N/A	N/A
Parking spaces	N/A	N/A	N/A
WATER/WASTEWATER			
Gallons/day (GPD) of water use	N/A	N/A	N/A
GPD water withdrawal	N/A	N/A	N/A
GPD wastewater generation/ treatment	N/A	N/A	N/A
Length of water/sewer mains (in miles)	N/A	N/A	N/A

State Permits & Approvals

☒ Order of Conditions Approved SE3-4531
☐ Superseding Order of Conditions
☒ Chapter 91 License Will require to be filed
☒ 401 Water Quality Certification Will require to be filed
☐ MHD or MDC Access Permit
☐ Water Management Act Permit
☐ New Source Approval
☐ DEP or MWRA Sewer Connection/ Extension Permit
☒ Other Permits (*including Legislative Approvals*) – Specify:

CZM consistency will be required

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

☐ Yes (Specify_____) ☒ No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

☐Yes (Specify_____) ☒No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

☒Yes (Estimated & Priority Habitats as shown on Oct 2006 map but not on prior maps) ☐No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

☐Yes (Specify_____) ☒No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

☐Yes (Specify_____) ☒No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

☐Yes (Specify_____) ☒No

PROJECT DESCRIPTION: The project description should include **(a)** a description of the project site, **(b)** a description of both on-site and off-site alternatives and the impacts associated with each alternative, and **(c)** potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

Rushy Marsh Pond is located along the southern shoreline of Barnstable in the village of Cotuit on Cape Cod. The Pond is presently separated by Oregon Beach from Nantucket Sound and has a relatively small, inefficient hydraulic connection consisting of an 18-inch diameter culvert. Based upon a review of historical shoreline charts dating back to 1787, a larger tidal inlet existed allowing for substantial flushing of the Pond. Due to sediment drift and man made changes to the shoreline, the historic inlet has closed. The project site is considered to be the Pond itself, and a 25 foot easement running between the Pond and Nantucket Sound. The easement was granted to the Town of Barnstable by a private property owner in 1956 for emergency drainage of the Pond, and runs from the Pond to what was then defined as the entrance to Poponesset Bay.

This project proposes to re-establish the historical hydraulic connection between Rushy Marsh Pond and Nantucket Sound by constructing essentially what is an open cut inlet running 220 linear feet between the Pond's edge and MLW at the Sound. The makeup of the overall inlet, that runs form the Pond to the Sound, consists of 95 feet of open cut, a 40 foot box culvert under Oregon Way, an 85 foot open cut with the seaward 60 foot portion of the southern face (up drift) consisting of stone groin. The open cut section is 10 feet wide at the bottom and 25 feet wide at the top of the cut. The box culvert section is 5 feet high by 10 feet wide.

The wetland resources at the site from the Pond to the Sound consist of land under the water, bordering vegetated wetland, dune, beach, and land under the ocean.

The lack of tidal flow has resulted in very poor water quality and a greatly diminished biota. The re-creation of the historic inlet will re-establish a more productive ecosystem within the Pond. While the primary goal of the project is water quality improvement, attendant improvements are expected such as the re-colonization of fringe salt marsh along the Pond's edge, reduction of total nitrogen within the Pond to thresholds below DEP limits, and re-establishment of a marine fish and benthic species within the Pond.

Alternatives considered in the analysis were no action, larger culvert, inlet, and coastal engineering structures.

For a detailed description of the site and the subsequent analysis, please refer to Attachment 6, "Feasibility Study to Improve Tidal Circulation in Rushy Marsh Pond, Cotuit, Mass." by Applied Coastal Research and Engineering, Inc. draft report dated March 2006.