

ENF Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>13154</u>
MEPA Analyst:	<u>Arthur Pugsley</u>
Phone:	617-626- <u>1029</u>

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: Nauset Marine Inc. Proposed Permitting of Existing Marina Configuration, and Zone of Reconfiguration		
Street: 235 Main Street		
Municipality: East Orleans	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates:	Latitude: 041° 46' 40.7" N Longitude: 069° 58' 09.5" W	
Estimated commencement date: Existing N/A	Estimated completion date: Existing N/A	
Approximate cost: N/A	Status of project design: 100 %complete	
Proponent: Nauset Marine Inc., Attn: Todd Walker		
Street: PO Box 357		
Municipality: Orleans	State: MA	Zip Code: 02653
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Beth E. Hays		
Firm/Agency: Coastal Engineering Co., Inc.	Street: 260 Cranberry Hwy	
Municipality: Orleans	State: MA	Zip Code: 02653
Phone: 508-255-6511	Fax: 508-255-6700	E-mail: bhays@ceccapecod.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): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: Order of Conditions SE 54-1676, Army Corps of Engineers Permit CENAE-R 200100380, DPW Ch. 91 Licenses 4639, 4924, and 5795.

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

- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input checked="" type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Total site acreage	3.5+/-			
New acres of land altered		0		
Acres of impervious area	.2+/-	0	.2+/-	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	2710sf+/-	0	2710sf	
Number of housing units	0	0	0	
Maximum height (in feet)	30'+/-	0	30'+/-	
TRANSPORTATION				
Vehicle trips per day	50+/-	0	50+/-	
Parking spaces	40+/-		40+/-	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	230+/-	0	230+/-	
GPD water withdrawal	0	0	0	
GPD wastewater generation/treatment	230+/-	0	230+/-	
Length of water/sewer mains (in miles)	0	0	0	

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 (Specify: Estimated & Priority Sites of Rare Species-See Div. of Fisheries letter dated 10/28/03, Appendix A) 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: Pleasant Bay _____) 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.*)

This ENF filing is submitted pursuant 301 CMR 11.03. Although no specific review threshold is met, the project locus is within the Pleasant Bay Area of Critical Environmental Concern. The scope of this filing proposes no work, however, a Chapter 91 License is being pursued under the scope.

Scope of this Filing

- Updating of the Chapter 91 License for current configuration, and
- The establishment of a Zone of Reconfiguration for float configuration

Background

Nauset Marine, Inc., has owned and operated what is currently referred to as Nauset Marine East Marina on Meetinghouse Pond in Orleans, since approximately 1979. The Marina has been actively under operation as early as 1962, when the first Chapter 91 License was issued to Charles M. Campbell, DPW Lic. No. 4639 (see Appendix A). This license permitted an existing westerly pier, float and ramp (adjacent to the current boat launching ramp), an existing marine railway, and proposed pier, ramp and finger float system, with mooring piles, in the vicinity of the current system on the eastern part of the shoreline).

Subsequently, in 1965, East Orleans Boat Yard Inc., was issued, DPW Lic. No. 4924 (see Appendix A). This license included the expansion of the finger float system and mooring piles, on the eastern part of the shoreline.

In 1970, East Orleans Boat Yard Inc., was issued DPW Lic. No. 5795 (see Appendix A). This license included dredging, the construction of the current concrete boat ramp, the construction of the current westerly pier ramp and float, as well as the bulkhead sheeting, modifications and increase to the easterly finger float system, mooring piles, dredging and "Utilities and other services appurtenant to the operation of a marina facility" which "...may be placed on the structures authorized...".

Current Configuration

The current configuration of the piers and float systems is similar to those shown on the 1970 license, with the following exceptions:

- 240 linear feet of finger floats have been decreased;
- 240 linear feet of service floats have been increased.

Basically, the marina decreased its capacity for boat dockage and re-positioned those floats between the two pier systems as service floats. No increase to the float systems occurred by this repositioning. The marina has also eliminated the use of some of its potential boat dockage for use as a dinghy dock. This practice removed

the dinghies from being dragged and anchored along the adjoining marshes, and has proven to be an environmentally sound, though not financially profitable use of the float space.

The current configuration is the same that existed in 1982, and as shown on the 1982 photo submitted with this filing (see Appendix A).

The marina has been issued an Army Corps of Engineers Permit for the facility (CENAE-R 200100380), as it exists today, and the Permit has included a Zone of Reconfiguration, both as presented in this filing (see Appendix A).

Zone of Reconfiguration

This filing also includes the establishment of a Zone of Reconfiguration. The establishment of this Zone, already approved by the Army Corps of Engineers, would allow the marina to perform adjustments to the float layout, within parameters either previously established by the permitting agencies, or requiring a simple review of proposed reconfiguration, prior to actual movement of floats. This Zone of Reconfiguration does not permit any increases to total float area.

No eelgrass was observed within the proposed Zone of Reconfiguration. The entire Meetinghouse Pond is not included in the DEP/MCZM mapping of eelgrass beds (see Appendix A).

Alternative Analysis

There is no work proposed under this filing. This filing is for the licensing of the existing configuration and establishment of a zone of reconfiguration.

The "do nothing" alternative would allow the existing configuration to remain, as is, which would be precisely what is requested under this filing. Except this alternative would require the proponent to complete an entire review process for any future re-configuration anticipated.

Alternative 2 would require the marina to revert to its licensed configuration. This alternative would negate the positive benefits obtained by the modifications from a marina whose operational goals was maximization of boat slip rental spaces, to one that consists of a modest number of boat slips, availability of transient dockage, and accommodation for dinghy docking (which eliminates anchoring of dinghies on the adjoining marshes and shoreline).

Alternative 3, the preferred alternative, would permit the marina in its current configuration, and establish a zone of reconfiguration. The zone of reconfiguration would allow the marina to perform modest adjustments to its slip configuration, after first having received administrative approval from both the Town of Orleans and the Department of Environmental Protection. This alternative is the same alternative already approved and permitted by the Army Corps of Engineers under Permit Number CENAE-R 200100380.

Summary

The operation and continued use and operation of the Boat Yard do not and will not adversely impact the resource areas within the area, or adjacent resource areas. The current configuration, particularly the use of the floating dock space as a dinghy tie-up, eliminates damage to adjacent resource areas, especially the salt marsh, and provides a safe, environmentally sound and functional utilization of the marina structures without consideration for maximizing marina revenues.

The Nauset Marine East marina, in its current configuration, meets the performance standards and spirit of the Wetlands Protection Act, the Town of Orleans Code and Wetlands Regulations for recreational use of the community waterways.