

For Office Use Only Executive Office of Environmental Affairs MEPA Analyst: <i>Bill GAGE</i> Phone: 617-626-1025

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Ellisville Inlet Relocation		EOEA #: 12937
Street: Barrier Beach Fronting 201 Ellisville Road		
Municipality: Plymouth	Watershed: South Coastal	
Universal Transverse Mercator Coordinates: 372509E,4633182N	Latitude: 41°50'25"	Longitude: 70°32'08"
Status of project construction: Not started %complete 0%		
Proponent: Friends of Ellisville Marsh, Inc.		
Street: c/o Goldthwaite, 55 Lookout Point Road		
Municipality: Plymouth	State: MA	Zip Code: 02360
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Tricia Brennan		
Firm/Agency: LEC Environmental Consultants, Inc.	Street: 36 Cordage Park Circle, Suite 312	
Municipality: Plymouth	State: MA	Zip Code: 02360
Phone: (508) 746-9491	Fax: (508) 746-9492	E-mail: shumphries@lecenvironmental.com

In 25 words or less, what is the project change? **The project change involves change of project owner, updated survey conditions, minor revisions to proposed inlet, removal of existing jersey barriers, and an updated beach nourishment plan. The previous permit for this project was issued as a one-time, emergency permit. A ten-year maintenance permit will be sought.**

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **12/24/2002**

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Permits Issued: Emergency Authorization pursuant to Waterways Regulation 310 CMR 9.20 and Water Pollution Control Regulations 314 CMR 9.12(3) issued 11/6/03; Department of the Army Permit issued 11/21/03; 401 Water Quality Certification – After-the-Fact issued 11/28/07; Extension Permit for Order of Conditions issued 8/1/05.

Financial Assistance: Environmental stewardship grants for the Ellisville Marsh Restoration Project received from Entergy Corporation and the Makepeace Neighborhood Fund in June 2008.

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))
 Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?
 Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage (area to be dredged)	0.6	0.39	0.99
Acres of land altered	0		
Acres of impervious area	0		
Square feet of bordering vegetated wetlands alteration	0		
Square feet of other wetland alteration (beach area be nourished with dredged material)	26,500	43,000	43,000
Acres of non-water dependent use of tidelands or waterways	0		
STRUCTURES			
Gross square footage			
Number of housing units			
Maximum height (in feet)			
TRANSPORTATION			
Vehicle trips per day			

Parking spaces			
WATER/WASTEWATER			
Gallons/day (GPD) of water use			
GPD water withdrawal			
GPD wastewater generation/ treatment			
Length of water/sewer mains (in miles)			

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes- (Piping Plover) No

4. impact on 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 No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes (Ellisville Harbor) No
If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION

(a) Brief description of the project as most recently reviewed

The purpose of this project as previously filed was to address ongoing and severe coastal bank erosion that had been occurring along the west bank of the Ellisville Marsh entrance channel at Lookout Point. The channel had from the time it was blocked through avulsion in 1991 by the so-called "No Name storm" until late 2003 migrated approximately 1400 feet southward along Ellisville Beach and undermined the base of the coastal bank. A one-time emergency permit issued to the Project Applicant and property owner Vlad Hruby allowed the reopening of the channel inlet and relieved this problem. Restoration of tidal flows to the marsh created a number of positive impacts in the marsh and enhanced threatened species' habitat on Ellisville beach.

The project has changed in several key aspects:

- **Coastal bluff erosion is no longer the driving factor** – the objective of the continuation of this project is the enhancement of fisheries and wildlife habitat in Ellisville Marsh and threatened species nesting habitat on Ellisville Beach. This Project is consistent with 310 CMR 9.40(1)(a) and (b). The entire area of interest under this Project (Ellisville Marsh and Ellisville Beach) is accessible to the general public 100% of the time, being owned partly by the Wildlands Trust of Southeastern Massachusetts and the Commonwealth of Massachusetts (Ellisville Harbor State Park).
- **The current project proponent is the Friends of Ellisville Marsh, Inc.**, a 501(c)(3) non-

profit organization founded solely and exclusively for the purpose of restoring and protecting Ellisville Marsh. The Friends was created as the direct result of a MA DEP Administrative Consent Order in its Enforcement Action against the prior permit holder (see Expanded Project Narrative). We do not own property and its approximately 100 members live throughout the Plymouth community and beyond. Funding for the project has been generated through grassroots fundraising and grantsmanship. The owner of the property is the Wildlands Trust of Southeastern Massachusetts.

(b) Description of material changes to the project as previously reviewed

Material changes to the project include the following:

- **Ten-year maintenance permits are to be sought** – Prior permits issued for this Project were granted on a one-time, emergency basis. All environmental impacts resulting from the November 2003 channel relocation appear to have been positive and the Applicant therefore seeks to obtain a ten-year maintenance permit for the proposed continuation of the Project.
- **Removal of Jersey barriers** – Two rows of Jersey barriers installed by Mr. Hruby during the 2003 Project will be removed.
- **Modifications are proposed to the inlet design** – The proposed design would lower the inlet channel to Mean Low Water level to improve the ability of the channel inlet to naturally self-scour.
- **Updated Beach Nourishment Plan** – Based on two seasons of daily monitoring of Piping Plover nests on Ellisville Beach and Ellisville Harbor State Park beach by the Applicant in coordination with the Massachusetts Audubon Society, a new beach nourishment plan is proposed, using dredged natural material.

(c) Significance of the proposed changes, with specific reference to the factors listed in 301 CMR 11.10(6)

This is a continuation of the November 2003 Project with similar scope of work; however, as noted above, the objective is now enhancement of fisheries and wildlife in Ellisville Marsh as compared to the private property interest at the heart of the earlier project. The new Project proponent is a non-profit corporation dedicated solely to restoring and preserving this sensitive environmental area, and the commitment is long-term. No adverse effects occurred from the previous dredging. Changes in the proposed channel location and placement of dredged material reflect updated conditions and are relatively minor. The area to be dredged remains less than 1 acre.

Anticipated impacts on the Ellisville Harbor ACEC and Piping Plover nesting habitat on Ellisville Beach are favorable. These outcomes are now the fundamental objectives of the Project.

The expected date for recommencement of the Project is February/March 2009, prior to the start of Piping Plover nesting season.

(d) Measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts.

Work permitted under this Project will be undertaken on a schedule that avoids the Piping Plover

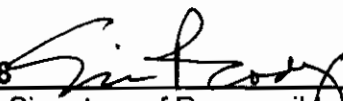
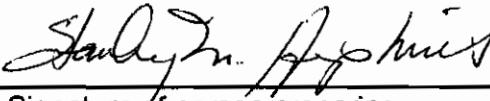
nesting season (March 15th through September 15th).

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<u>7/15/08</u>		<u>7/15/08</u>	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

<u>Eric P. Cody</u>	<u>Stan Humphries</u>
Name (print or type)	Name (print or type)

<u>Friends of Ellisville Marsh, Inc.</u>	<u>LEC Environmental Consultants, Inc.</u>
Firm/Agency	Firm/Agency

<u>c/o Cody, 65 Lookout Point Road</u>	<u>36 Cordage Park Circle, Suite 312</u>
Street	Street

<u>Plymouth, MA 02360</u>	<u>Plymouth, MA 02360</u>
Municipality/State/Zip	Municipality/State/Zip

<u>(508) 341-3813</u>	<u>(508) 746-9491</u>
Phone	Phone