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June 25, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : NFS Permitting of Dredge Spoil Beneficial Use
PROJECT MUNICIPALITY : Newburyport
PROJECT WATERSHED : Merrimack
EEA NUMBER : 16378
PROJECT PROPONENT : Massachusetts Department of Conservation and Recreation
DATE NOTICED IN MONITOR : May 26, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of beach nourishment along the shoreline adjacent to Reservation Terrace at the northern end of the Plum Island Reservation in Newburyport by the Massachusetts Department of Conservation and Recreation (DCR). The project proposes placement of 165,000 cubic yards (cy) of dredge material removed from the Merrimack River Navigational channel in Newburyport Harbor by the U.S. Army Corps of Engineers (ACOE) onto 9.02 acres of eroding beach owned by DCR under the Beneficial Use of Dredge Material Program authorized under Section 204 of the Water Resources Development Act of 1992 (WRDA) (Section 204). DCR is the non-federal sponsor (NFS) for the Section 204 Project, which is the focus of this ENF. This sediment placement will expand on the 125,000 cy of material which will be placed just south of this location to protect the existing south jetty spur as part of the ACOE Federal Base Plan for sediment disposal for the Merrimack River Federal Navigation Project (FNP) dredge. This ACOE Federal Base Plan is not subject to state regulation, including MEPA review, under federal preemption principles. Material placed on the beach under the Section 204 Project will maintain a slope no steeper than 1V:10H (vertical to horizontal) to provide suitable foraging habitat for the piping plover after

project completion. If the total dredge volume is ultimately greater than the current estimate of 290,000 cy, changes to the nourishment template would be limited to a change in the elevation of the berm and would not change the overall footprint and side slope of the proposed nourishment areas. Beach nourishment activities will provide sediment to the littoral system of the Plum Island Reservation and nourish and replenish the dune and barrier beach. ACOE anticipates dredging to occur during the 2021-2022 dredging season.

In a separate ENF submitted in 2021 (EEA# 16367), the City of Newburyport (City) proposed short-term protection along approximately 830 linear feet (lf) of the shoreline along Reservation Terrace between 69th Street and north of 77th Street on Plum Island. The City's project would include installation of a series of sand-filled coir envelopes to protect existing public and private infrastructure landward of the dune from impacts associated with erosion and flooding. The DCR/ACOE project will include more substantial beach nourishment. While the City will benefit from proposed beach nourishment, the ACOE/DCR Project is not intended to protect public and private infrastructure landward of the beach. The City's proposed shoreline protection represented a short-term measure with a primary focus on protecting infrastructure to address erosion and flooding until the ACOE/DCR Project is completed. If the ACOE/DCR Project begins in the fall of 2021, the City may elect not to move forward with the short-term proposed project. Thus, as discussed in the Certificate on EEA #16367, proceeding with the proposed interim measures in the City's project appeared severable and did not appear to preclude more durable and longer-term solutions in the near future.

Project Site

The 52.5-acre project site is located at the northern end of Plum Island Reservation adjacent to Reservation Terrace along the southern shore of the Merrimack River and inside of the existing jetties at the mouth of the river. The site consists of a degraded coastal dune on a barrier beach. According to the ENF, the shoreline has fluctuated seaward and landward over the years; however, significant erosion at this location with loss of dune on the order of 400 lf has occurred over the past eight years as a result of repeated storm surge and waves during Nor'easter events. There is now no dune left seaward of Reservation Terrace where previously there were hundreds of feet; this erosion has left public and private infrastructure unprotected. The project area currently experiences overwash during storm events that may damage existing roadways, residential structures and municipal infrastructure that is located just landward of the existing dune system.

Wetland resource areas in the vicinity of the project site associated with the Atlantic Ocean and Merrimack River include: Land Under Ocean (LUO); Barrier Beach which consists of Coastal Beach and Coastal Dune; Coastal Bank; Riverfront Area (RFA); and Land Subject to Coastal Storm Flowage (LSCSF). According to the Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) (Map No. 25009C0133F, effective on July 6, 2012), the project site is located within a zone VE with a Base Flood Elevation (BFE) of 22 feet. The project area is located in *Priority* and *Estimated* Habitat as mapped by the Massachusetts Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP). The Merrimack River provides migratory habitat for spawning anadromous fish, including river herring, rainbow smelt, white perch, and catadromous American eel.

Environmental Impacts and Mitigation

Potential environmental impacts are associated with alteration of 9.02 acres of land which include wetland resource areas (some of which are coincident). Table 1 summarizes both impacts from the proposed project under Section 204 and from the ACOE (also referred to as USACE) project.

Table No. 1 – Summary of Resource Area Impacts

RESOURCE AREA	IMPACT FROM SECTION 204 PROJECT	IMPACT FROM USACE PROJECT
Land under the Ocean	347,750 sf (7.97 Ac.) impacted during nourishment placement This Project results in a reduction of approximately 7,527,170 sf (172.8 Ac.) due to the elimination of the nearshore placement areas.	250,300 sf (5.75 Ac.) impacted during nourishment placement 7,527,170 sf (172.8 Ac.) impacted for the nearshore placement areas.
Coastal Beach	45,750 sf (1.05 Ac)	140,500 sf (3.23 Ac.)
Land Containing Shellfish	347,750 sf (7.97 Ac.) impacted during nourishment placement This Project results in a reduction of approximately 7,527,170 sf (172.8 Ac.) due to the elimination of the nearshore placement areas.	250,300 sf (5.75 Ac.) impacted during nourishment placement 7,527,170 sf (172.8 Ac.) impacted for the nearshore placement areas.
Barrier Beach	45,750 sf (1.05 Ac)	140,500 sf (3.23 Ac.)
"Fish Run"	347,750 sf (7.97 Ac.) impacted during nourishment placement This Project results in a reduction of approximately 7,527,170 sf (172.8 Ac.) due to the elimination of the nearshore placement areas.	250,300 sf (5.75 Ac.) impacted during nourishment placement 7,527,170 sf (172.8 Ac.) impacted for the nearshore placement areas.
Est. Habitats of Rare Wildlife	392,950 sf (9.02 Ac)	390,800 sf (8.97 Ac.)
LSCSF	7,250 sf (0.17 Ac)	19,500 sf (0.45 Ac.)
Riverfront Area	7,250 sf (0.17 Ac)	19,500 sf (0.45 Ac.)
1. Temporary impacts to resource areas are included in USACE authorizations. There are no additional temporary impacts from construction, access or staging areas associated with the Project included in this ENF application. 2. The estimated impacts listed above under the USACE project are not included in the Project. These are listed for reference as the two projects are adjacent to each other, however the USACE project is not subject to MEPA review.		

The project is proposed to address substantial ongoing erosion on this stretch of the beach along Reservation Terrace. Measures to avoid, minimize and mitigate environmental impacts include implementation of construction-period best management practices (BMPs) and placement of dredge sediments restricted to the period September 1, 2021 through March 31, 2022 to avoid impacts to nesting rare shorebird species, including Piping Plover and Least Tern.

Jurisdiction and Permitting

The project is undergoing MEPA review and requires an ENF pursuant to 301 CMR 11.03(3)(b)(1)(a), 11.03(3)(b)(1)(e), 11.03(3)(b)(1)(f) and 11.03(3)(b)(4) because it requires Agency Actions and will alter Coastal Dune, Barrier Beach or Coastal Bank, require new fill or structure in a velocity zone, alter one-half or more acres of other wetlands, and require disposal of 10,000 cy or more of dredged material, unless at a designated in-water disposal site. The project will require a Construction and Access Permit from DCR, a Chapter 91 (c. 91) Permit from the Massachusetts Department of

Environmental Protection (MassDEP) and Massachusetts Endangered Species Act (MESA) review from NHESP.

The project will require an Order of Conditions from the Newburyport Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP) and may require Federal Consistency Review from the Massachusetts Office of Coastal Zone Management (CZM).

Because the project is being undertaken by a State Agency and receiving Financial Assistance, MEPA jurisdiction for any future review would be broad in scope and extend to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the ENF

The ENF provides a description of existing and proposed conditions, a discussion of project alternatives, an analysis of potential impacts to wetland resource areas, and preliminary project plans. It identifies measures to avoid, minimize, and mitigate project impacts. Comments from State Agencies do not identify significant impacts that were not reviewed in the ENF or identify additional alternatives for further review.

Alternatives Analysis

The ENF includes an analysis of potential alternatives to address the condition of the project site including: No Action; Hardened Shoreline Structures (Alternative 2); Federal Base Plan with Nearshore Placement (Alternative 3); and Section 204 Beneficial Use Placement (Preferred Alternative). According to the ENF, ACOE designed the project and proposed nourishment templates are prescribed by volumes and existing conditions provided by them. While Alternatives 2 and 3 could potentially address the erosion at the project site, the Preferred Alternative has been developed and selected by ACOE with agreement from DCR. The No Action Alternative would not include any beach nourishment and was dismissed because it would not provide associated recreational and ecological benefits nor address the ongoing erosion that has occurred over the past eight years at the project site and associated vulnerability of existing infrastructure along Reservation Terrace.

Alternative 2 would install a coastal engineering structure such as a seawall or stone revetment to limit additional erosion at the site. This alternative was deemed infeasible because while hardened shoreline structures may reduce erosion, they are costly, require maintenance, may disrupt natural sediment movement and transport patterns, and are generally precluded by current regulations on a barrier beach.

ACOE will be conducting a maintenance dredging project to remove approximately 290,000 cy of sandy material from the Newburyport Harbor FNP. Under the Federal Base Plan which includes nearshore placement (Alternative 3), approximately 125,000 cy of the dredged material will be placed on the beach at DCR's Plum Island Reservation to protect the inlet's south jetty from flanking due to coastal erosion, and the remainder of the dredged material would be deposited at nearshore locations off Salisbury Beach and Plum Island Beach as nourishment for the littoral system. This alternative was dismissed because it fails to maximize the sediments returned directly to the eroding beach.

The Preferred Alternative which would include placement of all available sandy dredge material from the FNP at Plum Island Reservation. Section 204 of the WRDA allows for changes in ACOE's selected disposal location for the purpose of beneficial use. At the request of the City, ACOE performed a beneficial use assessment and determined that all the dredge spoils can be placed at Plum Island Reservation as a Beneficial Use. DCR, as the NFS of the Section 204 Beneficial Use portion of ACOE's project, is seeking regulatory approval for placement of the additional approximately 165,000 cy of dredged material, slated for disposal at the two nearshore locations, on the beach at Plum Island Reservation. This material would provide beach nourishment, establishment of habitat for threatened and endangered species such as piping plover and least terns, shoreline stabilization, and protection of landward areas from erosion and coastal storm damage.

Wetlands

According to the ENF, the proposed beach nourishment is intended to be a relatively short-term "soft" solution to address the ongoing erosion that has occurred over the past eight years at the project site and associated vulnerability of existing infrastructure along Reservation Terrace compared to construction of a permanent engineered structure. The project will result in unavoidable impacts to the following resource areas, some of which overlap: Barrier Beach including Coastal Beach and Coastal Dune; LUO; LCS; Fish Run; RFA; and LSCSF. The Newburyport Conservation Commission will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the Stormwater Management Standards (SMS). MassDEP will review the project to determine its consistency with the c. 91 Waterway Regulations (310 CMR 9.00). If the project is subject to CZM federal consistency review, the project must be designed to be consistent with CZM's enforceable program policies. The ENF describes the project's consistency with performance standards for applicable wetland resource areas.

The project will place 165,000 cy of suitable sandy material at the Plum Island Reservation, an eroding beach and dune system. The entirety of Plum Island is a Barrier Beach. According to the ENF, the nature of proposed work along the ocean necessitates the limit of work entirely within wetland resource areas. The project will permanently impact 347,200 square feet (sf) of LUO, LCS, and fish runs; 45,750 sf of coastal beach and barrier beach; and 7,250 sf of LSCSF. Placement of dredged material in this location is considered beneficial use of dredged material to mitigate erosion and coastal storm damage for some period until other measures are implemented. Material will be hydraulically dredged with a cutterhead dredge and pumped onto the beach system at Reservation Terrace. Snow fencing will be installed, and native coastal plants will be planted in the restored primary dune.

Comments from CZM note that it has worked closely with stakeholders to discuss strategies to address the complex issues that impact the project area. CZM comments identify support for the project as the placement of compatible dredge sediments directly onshore provides an improvement to the natural ability of the coastal beach and dune system to dissipate storm energy and reduce the impacts of erosion, while improving the health of the barrier beach system and avoiding unintended impacts associated with hardened structures. CZM will continue working with stakeholders on longer-term strategies to address the issues in this location.

Comments from the Massachusetts Division of Marine Fisheries (DMF) recommend a time of

year restriction of no in-water work from February 15th to June 30th for the protection of spawning winter flounder and migrating diadromous fish due to the volume of fill (subtidal and intertidal) and continued monitoring of the beach profile to measure the longevity of the nourishment and inform any subsequent nourishment solutions at the site.

Rare Species

As indicated in the *Massachusetts Natural Heritage Atlas* (14th Edition), portions of the project will occur within *Priority and Estimated Habitat* for state-listed species, specifically within habitat for Piping Plover (*Charadrius melodus*; Threatened), Least Tern (*Sternula antillarum*; Special Concern) and Seabeach Needlegrass (*Aristida tuberculosa*; Threatened). These species and their habitats are protected pursuant to MESA (M.G.L c. 131A) and its implementing regulations (321 CMR 10.00) and the WPA and its implementing regulations (310 CMR 10.00), as appropriate. The Piping Plover is also listed as Threatened and protected pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11). NHESP comments anticipate that the project will require conditions to avoid a prohibited Take of state-listed species which will likely include, but not be limited to, measures to prevent disturbance to state-listed species during the nesting period (April 1 – August 31), nourishment slopes not steeper than 1V:10H, use of existing established access routes, as well as monitoring and management of state-listed species and their habitats.

Climate Change

Massachusetts coastal cities and towns experience coastal storm damage to property, infrastructure, and natural resources, along with associated economic disruptions. These impacts are projected to worsen and broaden with the effects of climate change. According to the ENF, the DCR Upper North Shore Regional Sediment Management Study (January 2021) describes the accelerated erosion that has occurred at the project site and along the general north shore region. This Study was aimed at understanding the variety of coastal and inlet processes that govern the Merrimack River and barrier island complex and to offer potential shorter-term response strategies. It summarized available data and modeled coastal processes to assess the performance of shoreline management strategies including specific evaluation of the Merrimack River entrance. The Study indicates that the shoreline is likely to continue to erode at a rate of 30 to 70 feet per year unless a gyre circulation pattern, which forms to the west of the south jetty, is interrupted. Potential solutions included constructing a weir through the south jetty, constructing an offshore breakwater, and beach nourishment. The ENF indicates that while the nourishment associated with the project would not be a long-term solution to erosion at this site, it would provide some level of protection without the need to install permanent structures. Ultimately the Study identified a major nourishment combined with some type of structure to interrupt the gyre to be the recommended long-term solution for the project site.

According to the ENF, the project is intended to be a short-term solution to the on-going erosion and address concerns of damage to existing public and private infrastructure landward of the project site. Onshore placement of dredged material will improve the beach ecosystem and mitigate erosion and coastal storm damage for some period of time until other measures are implemented. The ENF notes there is still the potential for future erosion from Nor'easters or other significant ocean storms; however, impacts will be lessened significantly in the near term (approximately two to five years). DCR does not have immediate plans to maintain or replenish the sediments being placed at Plum Island Reservation,

and the ENF did not provide analysis of the expected longevity of the beach nourishment activity based on expected levels of sea level rise. However, future nourishment projects proposed by DCR or other stakeholders are not precluded. Additional beach nourishment may occur on an “as-needed” basis in response to erosion of the beach and/or future maintenance dredging implemented by ACOE. I encourage DCR and other stakeholders to engage in long-term planning to address the effects of climate change and beach erosion in this area.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

June 25, 2021

Date



Kathleen A. Theoharides

Comments received:

06/15/2021	Massachusetts Office of Coastal Zone Management (CZM)
06/16/2021	Massachusetts Division of Marine Fisheries (DMF)
06/15/2021	Massachusetts Natural Heritage and Endangered Species Program (NHESP)
06/17/2021	Massachusetts Board of Underwater Archaeological Resources (BUAR)

KAT/PPP/ppp



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

OFFICE OF COASTAL ZONE MANAGEMENT

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MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA
ATTN: Purvi Patel, MEPA Office
FROM: Lisa Berry Engler, Director, CZM
DATE: June 15, 2021
RE: EEA-16378, NFS Permitting of Dredge Spoil Beneficial Use; Newburyport

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated May 26, 2021, and offers the following comments.

Project Description

The project proposed in the ENF includes placement of approximately 165,000 cubic yards (cy) of dredge sediment onto approximately 9.02 acres of eroding beach owned by the Massachusetts Department of Conservation and Recreation. The placement will expand on the 125,000 cy of material to be placed just south of this location to protect the existing south jetty spur as part of the U.S. Army Corps of Engineers Federal Base Plan for sediment disposal for the Merrimack River Federal Navigation Project dredge. This project will permanently impact 347,200 square feet (sf) of land under the ocean, land containing shellfish, and fish runs; 45,750 sf of coastal beach and barrier beach; and 7,250 sf of land subject to coastal storm flowage. Material placed on the beach will maintain a slope no steeper than 1V:10H to provide suitable foraging habitat for the piping plover after project completion. If the total dredge volume is greater than the current estimate of 290,000 cy, changes to the nourishment template would be limited to a change in the elevation of the berm. The overall footprint and side slope of the nourishment areas are not anticipated to change. Placement of dredge sediments will be restricted to September 1, 2021 through March 31, 2022 to avoid interactions with nesting endangered and threatened shorebird species, including Piping Plover (*Charadrius melodus*) and Least Tern (*Sternula antillarum*). The nourishment is proposed to address substantial ongoing erosion on this stretch of beach.

Project Comments

The proposed project area consists of a dune system that has eroded approximately 400 feet landward since 2013, and currently experiences overwash during storm events that may damage existing roadways, residential structures and municipal infrastructure that is located just landward of the existing dune system. Over several years, CZM has worked closely with stakeholders at the local, state, and federal levels to find strategies that address this complex issue. As noted in the ENF, this project is intended to be a short-term strategy to address the on-going erosion and concerns of damage to existing infrastructure landward of the project site. The placement of material in this location is considered beneficial use of dredged material to mitigate erosion and coastal storm damage for some period until other measures are implemented. CZM supports this project, as the placement of compatible dredge sediments directly on shore provides a direct improvement to the natural ability of the coastal beach and dune system to dissipate storm energy and reduce the impacts of erosion, while improving the health of the barrier beach system and avoiding unintended impacts associated with hardened structures. CZM intends to continue working with stakeholders on longer-term strategies to address the issues in this location.



Federal Consistency Review

The proposed project may be subject to CZM federal consistency review, in which case it must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Robert Boeri, Project Review Coordinator, at robert.boeri@mass.gov, or visit the CZM web site at <https://www.mass.gov/federal-consistency-review-program>.

LE/kg

cc: Kathryn Glenn, CZM
Rachel Freed, Jill Provencal DEP NERO
Daniel Padien, Chrissy Hopps, DEP Waterways
David Wong, DEP
Julia Godtfredsen, Newburyport Conservation Agent



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Director

June 15, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Purvi Patel
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

RE: EEA# 16378 Dredge Spoil Beneficial Reuse at Plum Island Reservation

Dear Secretary Theoharides:

Massachusetts Division of Marine Fisheries (DMF) staff have reviewed the Environmental Notification Form submitted by the Massachusetts Department of Conservation and Recreation for beach nourishment at Plum Island Reservation. The proposed beach nourishment project will utilize the dredge material removed from the Merrimack River Navigational channel in Newburyport Harbor. The proposal is to place 165,000cy of suitable sandy material at the Plum Island Reservation, an eroding beach and dune system. The project falls under the Beneficial Use of Dredge Material Program of the Army Corps of Engineers (ACE). Material will be hydraulically dredged with a cutterhead dredge and pumped onto the beach system at Reservation Terrace.

The Merrimack River provides migratory habitat for spawning anadromous fish, including river herring (*Alosa spp.*), rainbow smelt (*Osmerus mordax*), white perch (*Morone americana*), and catadromous American eel (*Anguilla rostrata*). Habitat for spawning, and juvenile development for winter flounder (*Pseudopleuronectes americanus*) and forage habitat for shore-zone fishes.

Placement of sand will cover 347,200sf of Land Under the Ocean in a Fish Run, and 45,750sf of Coastal Beach. Snow fencing will be installed, and native coastal plants will be planted in the restored primary dune. It is recognized that the nourishment will be a short-term solution to ameliorate ongoing erosion along Reservation Terrace and protect upland properties. Beach nourishment is considered a soft solution that would provide temporary protection without construction of a permanent engineered structure. Additional alternatives including alteration of the ACE South Jetty to a weir style jetty, as recommend in the DCR Regional Sediment Management Study, are expected to be further developed for a longer-term solution to the problem.

DMF has the following recommendations for your consideration:

- Due to the volume of fill, both subtidal and intertidal, we recommend a time of year restriction of no in water work from February 15th to June 30th for the protection of spawning winter flounder and migrating diadromous fish.

- We recommend continued monitoring of the beach profile to measure the longevity of the nourishment and inform any subsequent nourishment solutions at the site.

Thank you for considering our comments on this proposal. Please contact Tay Evans with any questions at tay.evans@mass.gov or 978-282-0308 x 168

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is fluid and cursive, with the first name "Daniel" and last name "McKiernan" clearly legible.

Daniel J. McKiernan
Director

DM/te/sd

cc.

B. Boeri, CZM

E. Reiner, EPA

K. Shaw, NMFS

Newburyport Conservation Commission (conscom@townofnewbury.org)

D. Smith, GZA



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June 15, 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Purvi Patel, EEA No. 16367
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: NFS Permitting of Dredge Spoil Beneficial Use
Proponent: Department of Conservation and Recreation
Location: Reservation Terrace, Plum Island Reservation, Newburyport, MA
Project Description: Beach Nourishment/Dredge Spoil Beneficial Reuse on Plum Island
Document Reviewed: Environmental Notification Form
EEA File Number: 16367
NHESP Tracking No.: 16-35980

Dear Secretary Theohardies:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Environmental Notification Form* (ENF) for the proposed beach nourishment and beneficial reuse of dredge spoils (the "Project") at Plum Island Reservation (off Reservation Terrace) in Newburyport, MA and would like to offer the following comments.

The Project as currently proposed will occur within *Priority* and *Estimated Habitat* as indicated in the *Massachusetts Natural Heritage Atlas* (14th Edition). Plum Island Reservation provides habitat for the Piping Plover (*Charadrius melodus*; Threatened), Least Tern (*Sternula antillarum*; Special Concern), Seabeach Needlegrass (*Aristida tuberculosa*; Threatened). These species are protected pursuant to the Massachusetts Endangered Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00) as well as the Massachusetts Wetlands Protection Act and its implementing regulations (WPA, 310 CMR 10.37, 10.58(4)(b) and 10.59), as appropriate. The Piping Plover is also listed as Threatened and protected pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11). This Project will require direct filing with the Division for compliance with the Massachusetts Endangered Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00).

Based on the information contained within the ENF and in advance of a formal filing pursuant to the MESA, the Division anticipates this project will require conditions to avoid a prohibited Take of state-listed species. Protections are anticipated to include but are not limited to measures to prevent disturbance to state-listed species during the nesting period (April 1 – August 31), nourishment slopes not steeper than 1V:10H, use of existing established access routes, as well as monitoring and management of state-listed species and their habitats.

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As our MESA review is not complete, no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the Division has made a final determination.

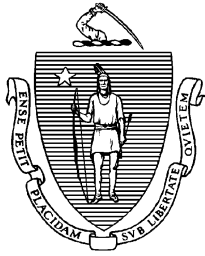
If you have any questions about this letter, please contact Amy Hoenig, Endangered Species Review Biologist, at (508) 389-6364 or Amy.Hoenig@state.ma.us. We appreciate the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is fluid and cursive, with the first name "Everose" and last name "Schlüter" clearly legible.

Everose Schlüter, Ph.D.
Assistant Director

cc: Michael Driscoll, Department of Conservation and Recreation
David Smith, GZA GeoEnvironmental
Newburyport Board of Selectmen
Newburyport Planning Department
Newburyport Conservation Commission
DEP Northeast Regional Office, MEPA



The COMMONWEALTH OF MASSACHUSETTS
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June 15, 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: Purvi Patel, MEPA Unit (via email attachment)
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: NFS Permitting of Dredge Spoil Beneficial Use Project-Plum Island Beach (EEA #16378),
Newburyport, MA

Dear Secretary Theoharides,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above-referenced proposed project as detailed in the Environmental Monitor of May 26, 2021 and offers the following comments.

The Board has conducted a preliminary review of its files and secondary literature sources to identify known and potential underwater archaeological resources within the proposed project area. Preliminary research suggests the occurrence of numerous shipwrecks in the project's vicinity in the shoal waters around the north end of Plum Island and the mouth of the Merrimack River during the period of 1777-1931. Further, the loss of earlier and smaller coastal vessels and the purposeful abandonment of obsolete or damaged vessels are generally not found in the documentary record. The level and diversity of maritime commerce, fishing, and recreational activities throughout the Merrimack River and Plum Island region may have resulted in the creation of a number of undocumented and anonymous underwater archaeological sites such as small craft, derelict vessels, or dumpsites. These possible site types represent classes of vessels of which our knowledge is severely limited and, thus, are potentially historically and archaeologically significant.

However, given the high rate of erosion and general retreat of the coastline within the proposed project area, the Board expects that this project is unlikely to impact submerged cultural resources.

Should heretofore-unknown underwater archaeological resources be encountered during the course of the project, the Board expects that the project's sponsor will take steps to limit adverse effects and notify the Board and the Massachusetts Historical Commission, as well as other appropriate agencies, immediately, in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the MEPA review process. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above or by email at david.s.robinson@mass.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David S. Robinson", with a stylized flourish at the end.

David S. Robinson
Director

/dsr

Cc: Brona Simon, MHC
Marcos Paiva, USACE (via email attachment)
Robert Boeri and Kathryn Glenn, MCZM (via email attachment)