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February 8, 2008

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

PROJECT NAME : Insight Bridgeway Inn, LLC Marina Dredge and
 Pier Relocation Project
 PROJECT MUNICIPALITY : Marshfield
 PROJECT WATERSHED : South Coastal
 EOE A NUMBER : 14143
 PROJECT PROPONENT : **Insight Bridgeway Inn, LLC**
 DATE NOTICED IN MONITOR : December 10, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). However, significant issues remain to be addressed in project permitting.

As described in the Environmental Notification Form (ENF), the proposed project involves the mechanical dredging to – 5 mean low water (MLW) with a one foot overdredge (-6 MLW) of approximately 2,430 cubic yards of material from this previously dredged (1996) 28,900 square foot (sf) area of the Bridgeway Marina boat basin abutting the South River channel in Marshfield. The project also involves the proposed removal, and the relocation and reconstruction of the marina’s existing pier and float dock configuration. The South River is designated as an Outstanding Resource Water (ORW) as per 314 CMR 4.06 of the Massachusetts Water Quality Standards.

The project is undergoing review pursuant to section 11.03 (3)(b)(1)(c) of the MEPA regulations, because the project requires state permitting and results in the alteration of 1000 or more sf of outstanding resource waters (ORW) The project will require a Chapter 91 License and a Water Quality Certificate from the Department of Environmental Protection (MassDEP). The Marshfield Conservation Commission has issued an Order of Conditions for the proposed project.

The project will also require a Section 404 General Program from the U.S. Army Corps of Engineers (ACOE). The project may require a Consistency Review by the Office of Coastal Zone Management (CZM).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to issues that may cause Significant Damage to the Environment and that are within the subject matter of required state permits. In this case, MEPA jurisdiction extends to the broad subject matter of the Chapter 91 License, including impacts to wetlands, coastal resources, and lands subject to the public trust.

Maintenance Dredging

The proponent proposes to mechanically dredge approximately 2,430 cubic yards of material from a 28,900 square foot (sf) area of the Bridgeway Marina boat basin to facilitate vessel access and accommodate the relocation and reconfiguration of the marina's dock and float system. The dredged material will be loaded on barges and transported to the Cape Cod Disposal Site (CCDS) for unconfined off-shore disposal, or may be used as fill material at a beneficial reuse upland location. In their comments, MassDEP has indicated that the project, as currently proposed, would result in an expansion of the previously dredged area. According to CZM, marina expansions in ORWs are not currently permitted allowed under 314 CMR 9.00. I note that MassDEP is in the process of amending 314 CMR 9.00. Proposed amendments include a provision to allow enlargements of existing structures or facilities for water-dependent uses in ORWs. Should the proposed regulations be promulgated, the proposed improvement dredging may be permissible. During the MEPA consultation session this project, the proponent indicated that the proposed dredging area and reconfiguration area could be further reduced to remain within the existing maintenance dredging footprint. I anticipate that this issue will be addressed during permitting. The proponent should provide to the MEPA Office a copy of the final project plans for the project file.

Reuse Compatibility of Dredged Materials

Although the ENF did not include a discussion of the proponent's sediment grain size analysis of the dredged sediment material, the proponent has indicated that the dredged material grain size is too fine to be used for beach nourishment applications. According to comments received from MassDEP, the Waterways Regulations require MassDEP to determine the suitability of sediment material for use as beach nourishment.

The proponent will need to provide additional information to MassDEP during permitting regarding sediment sampling and analysis to demonstrate that the dredged materials from the project are not compatible for beach nourishment. The proponent should work with MassDEP and ACOE to develop a sediment sampling plan that will adequately characterize the material to be dredged and evaluate its potential for use as a beach nourishment material. A chemical or sieve analysis of the dredged material should be conducted. The proponent should coordinate with MassDEP regarding a determination for beneficial reuse of the dredged material.

Rare Species & Shellfish Habitat

According to the comments received from DMF and CZM, the project site is located in mapped shellfish habitat for soft shelled clams (*Mya arenaria*), blue mussels (*Mytilus edulis*), and razor clams (*Ensis directus*). The South River also serves as passage, spawning, and/or juvenile development habitat for American eels (*Anguilla rostrata*), winter flounder (*Pseudopleuronectes americanus*), rainbow smelt (*Osmerus mordax*), alewife (*Alosa pseudoharengus*), American shad (*Alosa sapidissima*), tomcod (*Microgadus tomcod*), and lamprey (*Petromyzon marinus*). The Division of Marine Fisheries has recommended that the proponent commit to time-of-year (TOY) restrictions for conducting any dredging and/or in-water silt producing activities from February 1 through July 30. DMF has also indicated that the use of the Cape Cod Bay Disposal Area for the disposal of dredged material may be restricted during part of the year to protect marine mammals. I ask that the proponent work closely with DMF to determine the presence and extent of shellfish within or abutting the project area and to develop a strategy for mitigating the project's impacts to shellfish resource areas. In their comments, the Natural Heritage and Endangered Species Program (NHESP) indicated that the project site is also located within the habitat for the Common Tern (*Sterna hirundo*), a state listed Special Concern species. According to NHESP, the proposed maintenance dredging and relocation and reconfiguration of the pier and float system will not result in adverse impacts to the resource area habitat of the Common Tern.

Pier and Float Dock Relocation

The project includes the relocation and reconstruction of an existing 6'x40' timber pile-supported access pier and existing float configuration from its current location across Ferry Street. As proposed, the existing access pier and 40-slip float configuration will be relocated approximately 125' north along the east side of Ferry Street.

The proponent has constructed a 900 sf marina service building with a dedicated shore-side vessel pump-out tight tank and gravel parking area on a 10,000 sf lot (Lot 1) located on the west side of Ferry Street across from the proposed new ramp and pier location. The pier relocation process will involve the demolition of the existing 6'x40' timber pier and the construction of a 6'x8' concrete slab walkway, a 8'x25' pile-supported gated pier with guard railing, a 6'x14' ramp, and utilities including electricity, sewer and water service. As described in the ENF, the existing marina floats and 40-slip float layout will be relocated to the new pier location, and will not result in any increase in slip spaces or float area/footprint. The proponent should ensure that final plans for the project include a profile(s) along the southeastern boundary of the project site through the area of the proposed filter fabric and trap rock.

Stormwater

As described in the ENF, the proposed project includes the construction of a stormwater collection system to mitigate water quality impacts from contaminated runoff from the parking area (approximately 218,000 sf) to Wellfleet Harbor. The proposed stormwater management plan is comprised of 9 deep sump catch basins and a Stormtreat system, with discharge to the outer harbor. In their comments, the Massachusetts Office of Coastal Zone Management (CZM) and the Cape Cod Commission (CCC) have recommended that the project incorporate spill containment provisions to ensure that surface spills of petroleum products that could occur during refilling of underground fuel tanks, or during rudimentary boat maintenance activities can be contained and removed prior to release into the marine environment. The proponent should consult with CZM and CCC during final project design to identify appropriate spill containment provisions to be incorporated within the proposed project.

Based on the comments received, I believe that an EIR is not required for this project. However, while I am not requiring an EIR for this project, the proponent will need to address the comments of the agencies during the permitting process, particularly with respect to the delineation of proposed dredged area and reconfiguration area, the beneficial reuse of the dredged material for beach nourishment, and the design of the proposed construction management plan to satisfactorily avoid any impacts to habitat resource areas and surface water bodies. The project is subject to CZM federal consistency review and the proponent should consult with CZM on this issue. I strongly encourage the proponent to actively participate in the South River Watershed Association's South River initiative to address water quality, natural resources, public access, boating needs and conservation issues.

February 8, 2008

DATE



Ian A. Bowles, Secretary

Comments received:

1/28/08	Division of Marine Fisheries
1/29/08	Office of Coastal Zone Management (CZM)
1/29/08	Massachusetts Department of Environmental Protection (MassDEP) – SERO
12/18/07	Natural Heritage Endangered Species Program (NHESP)
12/24/07	Massachusetts Historic Commission (MHC)
12/27/07	Board of Underwater Archaeological Resources

ENF #14143
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