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February 24, 2006

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

PROJECT NAME:	Peabody Bikeway
PROJECT MUNICIPALITY:	Peabody
PROJECT WATERSHED:	Ipswich River/North Shore
EOEA NUMBER:	13662R
PROJECT PROPONENT:	City of Peabody
DATE NOTICED IN MONITOR:	January 25, 2006

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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the City of Peabody is proposing to reuse an existing abandoned railroad track bed as a multi-use recreational trail that would provide year-round recreational opportunities to bicyclists, pedestrians and other users. The 4.6 mile long Peabody Bikeway will be constructed in two sections. One section will be in West Peabody, along the Ipswich River. The second section will parallel the existing Proctor Brook trail through central Peabody. The bikeway will generally consist of a ten foot bituminous concrete surface roadway with two foot wide crushed stone shoulders on either side of the roadway. Where sections of the proposed bikeway must extend through developed areas, existing pavement will be reconstructed and re-stripped as needed to provide a safe bikeway corridor. Various appurtenances, such as timber safety fences, benches and informational signage will be installed along the bikeway at appropriate locations.

The project is undergoing review pursuant to Sections 11.03 (1)(b)(2), 11.03(2)(b)(1) and 11.03 (3)(b)(1)(f) of the MEPA regulations because the project will result in the creation of more than 5 acres of impervious surface; because the project site falls within Priority or Estimated Habitat of rare species as listed in the current Massachusetts Natural Heritage Atlas; and because the project will result in the alteration of greater than ½ an acre of “any other wetlands”. The project will require a National Pollutant Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA); a 401 Water Quality Certificate from the Department of Environmental Protection (DEP); review from the MA Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); review from the Massachusetts Historical Commission (MHC); and an Order of Conditions from the Peabody Conservation Commission. The project is being funded in part by the Massachusetts Highway Department (MHD). Because the proponent is seeking financial assistance from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

The project area is an abandoned railroad track bed running generally northwesterly from the city center. The former railway was constructed in the 19th century along a riverbank and through wetlands to make best use of the flat grades which are characteristic of those areas. The project was first submitted to MEPA in October of 2005. The project presented in the original ENF had far more significant impacts to wetlands. The proponent decided to withdraw the ENF and redesign the project in an attempt to minimize wetland impacts. The project as currently proposed will result in impacts to 4,741 square feet (sf) of Bordering Vegetated Wetland (BVW); 95 sf of land under water (LUW); 104,784 cubic feet of existing fill in bordering land subject to flooding (BLSF); 354,458 sf of riverfront area; and 49 linear feet of bank. The proponent has received an Order of Conditions from the Peabody Conservation Commission for the proposed project (DEP #55-577). The project requires a 401 Water Quality Certificate from DEP. An alternatives analysis that evaluates practicable alternatives that would have less impacts on wetland resources is required as part of the 401 application process.

Impacts to BVW will be mitigated by two wetland replication areas along the proposed bikeway. According to plans submitted with the project’s Notice of Intent, approximately 4,471 sf of replication is planned for the loss of the BVW. Following comments from DEP on the resubmitted ENF, I encourage the proponent to create a replication area at a ratio of greater than 1:1, to ensure a margin of error in the event that the replication is not successful. In addition, the proponent should note comments from DEP with regard to compensatory flood storage for the estimated 107,784 cubic feet of BLSF that would be filled for the trail.

The proponent states in the ENF that a key design intent for the project was to maintain existing drainage patterns to the maximum extent possible. For the most part, the bikeway will utilize sheet flow off the paved roadway directed away from developed properties. According to the ENF, since the bikeway will be the closest land parcel to receiving waterways, its peak flows will crest long before peak flows from distant, more densely developed tributary areas begin discharging to receiving waterways. Existing culvert crossings will be reutilized whenever possible to minimize impacts to resource areas. Where new culvert installations are necessary, the proponent will maintain present hydraulic connections at stream channels.

Portions of the proposed work will occur in close proximity to areas which are noted as estimated habitat for the blue-spotted salamander, which is listed as a "species of special concern" by the MA NHESP. The NHESP program has stated that the project as proposed will not adversely affect the actual habitat of the blue-spotted salamander and will not result in a prohibited "take" of the species provided that the proponent adheres to the conditions listed in NHESP's comment letter dated November 9, 2005, and resent to MEPA on February 16, 2006.

MHC has indicated that portions of the project area beyond the present footprint of the railroad track bed are considered to be archaeologically sensitive. The project area includes several ancient Native American archaeological sites and a bridge included in MHC's Inventory of Archaeological Assets of the Commonwealth. Because the project is being funded with federal assistance through the MHD, the project must be reviewed by MHD's Cultural Resources Section in accordance with the Programmatic Agreement between the Federal Highway Administration, MHD and MHC.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of the Peabody Bikeway project do not warrant the preparation of an EIR. Any outstanding issues may be addressed by the state and local permitting agencies. No further MEPA review is required at this time.

February 24, 2006

Date


Stephen R. Pritchard

Comments received:

2/7/2006	Massachusetts Historical Commission
2/14/2006	Department of Environmental Protection, Northeast Regional Office
2/16/2006	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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