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March 7, 2008

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

PROJECT NAME : Ryder's Cove Landing  
PROJECT MUNICIPALITY : Chatham  
PROJECT WATERSHED : Cape Cod  
EOEEA NUMBER : 14175  
PROJECT PROPONENT : **Town of Chatham**  
DATE NOTICED IN MONITOR : February 6, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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 project consists of maintenance dredging at the Ryder's Cove Town Landing. Approximately 40 cubic yards (cy) of material over a total area of approximately 2,000 square feet (sf) will be removed from a previously dredged area associated with the public boat ramp and bulkhead. The existing float system will be expanded from one float to a total of three floats, with the addition of two 8-foot by 20-foot seasonal, pipe-supported floats. This boat ramp provides public access to Pleasant Bay through Ryder's Cove. The project site is adjacent to Ryder's Cove Boat Yard.

The project site is located at the terminus of Ryder's Cove Road, which is located near the intersection of Route 28 and Old Comers Road. The site contains a paved parking area, boat ramp, floats, and a privately owned building and boat storage area associated with adjacent marina activities. This boat ramp is used by the public for recreational and commercial boat

launching. The adjacent small beach area is used for dinghy storage. The ENF states that the project will impact approximately 2,000 sf of Land Under Ocean, 400 sf of Coastal Beaches, and 2,000 sf of Land Containing Shellfish. Impact to Coastal Beaches is associated with the deposition of dredge spoils on the adjacent dinghy beach.

The project is undergoing review pursuant to Section 11.03 (11)(b) because the project requires a State Agency action and the project site is located within an ACEC. The project will require a Chapter 91 (c.91) permit from the Massachusetts Department of Environmental Protection (MassDEP). The proponent must also obtain approval under the Programmatic General Permit (PGP) from the United States Army Corps of Engineers (U.S. ACOE). The project will require an Order of Conditions from the Chatham Conservation Commission. The project may also be subject to Office of Coastal Zone Management (CZM) federal consistency review.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over wetlands, waterways, and tidelands, and stormwater.

#### Wetlands, Waterways and Tidelands

The proposed dredging area is located within a previously authorized dredge area (MassDEP License No. 1615). The dredge material disposal area has been used for previous dredging operations, with materials deposited above the Mean High Water (MHW) line. The proponent intends to obtain a new c.91 License to accurately reflect the addition of two new seasonal floats, and a new c.91 Permit for the proposed dredging operations. An Order of Conditions has been issued by the Chatham Conservation Commission for the latest round of proposed maintenance dredging, and approval under the most recent PGP from the U.S. ACOE will be required. The proponent will be required to include information on testing of the dredge material or grain size analysis of the receiving beach as part of the c.91 License application.

Approximately 40 cy of material will be dredged to a depth -2 Mean Low Water (MLW), extending out roughly 20 feet from the existing bulkhead. The approximate surface area of dredging is 2,000 sf, an area approximately half of that permitted under MassDEP License No. 1615. Dredging will occur from shore using an excavator or similar land-based equipment, staged within the parking lot adjacent to the bulkhead. Dredge materials will be dewatered within the parking area, within a haybaled containment area, and then placed on the dinghy beach disposal site. The new floats will each measure 8 feet by 20 feet for a total of 320 sf of new float area. The float area is almost entirely above the permitted dredge area, while a small corner of one float will extend beyond this area into an area above Land Containing Shellfish. The Town of Chatham Shellfish Warden is supportive of the project proposal. The addition of new floats may require the relocation of single wooden support piling to allow for the efficient use of the additional floats. This piling is located within the proposed dredge area and can likely be easily relocated during the dredging process.

### ACECs

The project site is located wholly within the Pleasant Bay ACEC. The comment letter received from the ACEC Program indicates that the project is consistent with the Pleasant Bay Resource Management Plan, which promotes public access to the bay's water resources. The MassDEP Waterways (c.91) Regulations allow for the construction of publicly owned water-dependent structures below the MHW within ACECs where the proponent can demonstrate that the structures have been designed to minimize encroachment in the water. MassDEP's comment letter notes that the proposed floats as shown on the project plans appear to meet this criterion.

### Rare Species

The project site lies within the Pleasant Bay ACEC and according to the Division of Marine Fisheries (*Marine Fisheries*) is mapped shellfish habitat for quahogs (*Mercenaria mercenaria*) and soft shell clams (*Mya arenaria*). *Marine Fisheries* has also noted that the waters of Pleasant Bay and surrounding embayments have been identified as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Additionally, eelgrass (*Zostera marina*) beds are located offshore of the landing, but not within the proposed work area. I encourage the proponent to enact a time-of-year restriction prohibiting dredging or any silt producing work from January 15 to May 31, unless appropriate containment techniques can be employed, to minimize impacts on winter flounder spawning.

The waters of Ryder's Cove are depicted as containing *Priority Habitat of Rare Species* and *Estimated Habitat of Rare Wildlife* according to the most recent Massachusetts Natural Heritage Atlas (12<sup>th</sup> edition). The proponent submitted a Massachusetts Endangered Species Act (MESA) Project Review Checklist and site plans to the Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife. The NHESP concluded, that based on a review of the information provided and information currently in their database, the project as currently proposed will not result in a prohibited "take" of state-listed rare species. Any changes to the proposed project or any additional work beyond that shown on the site plans reviewed by the NHESP may require an additional filing pursuant to MESA.

### Stormwater

The existing marina parking area and boat ramp contains a catch basin for limited stormwater control. The project will not alter existing conditions within the parking area, and stormwater measures will remain in place. The proponent will employ a sedimentation barrier within the existing catch basin, as well as a ring of haybales around the dredge material dewatering basin during the construction period to reduce impact to the on-site stormwater management system.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed with obtaining required State permits.

March 7, 2008

Date



Ian A. Bowles

Comments received:

- 02/19/2008 Division of Marine Fisheries
- 02/26/2008 Massachusetts Department of Environmental Protection
- 02/26/2008 Department of Conservation and Recreation – Areas of Critical Environmental Concern Program
- 02/26/2008 Office of Coastal Zone Management

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