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March 21, 2008

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

PROJECT NAME : Hyannis Marine Improvement and Maintenance Dredging  
PROJECT MUNICIPALITY : Hyannis and Yarmouth  
PROJECT WATERSHED : Cape Cod  
EOEA NUMBER : 14187  
PROJECT PROPONENT : Hyannis Marine  
DATE NOTICED IN MONITOR : February 20, 2008

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).

This project consists of improvement and maintenance dredging, placement of a steel sheet pile at the toe of an existing revetment and construction of two vessel power wash systems. The proponent intends to coordinate the improvement dredging with planned and previously permitted maintenance dredging. Dredging will be performed by mechanical methods, placed on barges and transported to a previously approved dewatering site at the marina. At the site visit, the proponent indicated that dredge material would be placed on filter fabric bags on the barge prior to movement to the dewatering basin. The improvement project will generate approximately 8,200 cubic yards (cy) of fine-grained sediments. The sediment will be trucked to one of four possible disposal sites identified in the Environmental Notification Form (ENF). The project will impact approximately 56,600 sf of Land Under the Ocean (LUO). The proponent is consulting with the Town of Barnstable to establish discharge standards and monitoring requirements for discharge of the wash water to the municipal wastewater treatment plant.

The site is a 6.1 acre parcel located along the eastern shore of Hyannis Inner Harbor within Hyannis and Yarmouth. The site includes an active 160-slip marina. A deep Federal Channel is located west of the site that serves commercial and recreational marine traffic, functions and

activities. According to the 12<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas, the project is located within Priority and Estimated Habitat. Also, according to the Division of Marine Fisheries (DMF), the project site lies within mapped shellfish habitat for soft shelled clams (*Mya arenaria*), quahogs (*Mercenaria mercenaria*) and oysters (*Crassostrea virginica*).

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(f) because it requires a state permit and consists of a alteration of ½ or more acres of any other wetlands. The project requires a Chapter 91 Dredge Permit, a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). Also, it will require an Order of Conditions from the local Conservation Commission (and hence a Superseding Order of Conditions in the event the local Order is appealed).

Because the proponent is not seeking financial assistance from the Commonwealth, 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. These include wetlands and water quality.

The project is subject to the MassDEP Stormwater Management Policy as a redevelopment project. MassDEP comments indicate that the proponent should consider incorporating additional mitigation measures into the project to minimize sediment and/or nutrient loading prior to discharge. Comments from Coastal Zone Management (CZM) and DMF identify the importance of ensuring the power wash system is designed to minimize impacts to the harbor, including untreated discharge. Consult CZM Clean Marina Guidance Document and Pressure Washing Addendum.

MassDEP comments identify several issues that will require additional clarification during project permitting including total impacts to LUO and dredge quantities for maintenance and improvement dredging. Also, MassDEP comments note that the project appears to propose dredging that may be deeper than existing depths of the federal channel. MassDEP will require additional information to justify dredging to the proposed depths of the basins.


Comments from DMF indicate that project is located near a horeshoe crab (*Limulus polyphemus*) spawning beach. These comments indicate that adequate containment measures such as silt curtains should be required to minimize the impacts of fine grain sediments on the spawning habitat. In addition, the proponent should ensure that dredging does not extend into the intertidal area where it could result in slumping of the intertidal bank.

Comments from the Board of Underwater Archaeologists (BUAR) indicate that the site may have high sensitivity for archaeological artifacts and request that the proponent conduct an archaeological reconnaissance survey of the area including the use of side scan sonar, sub bottom profiler and marine magnetometer. I encourage the proponent to consult with the BUAR regarding its request for an archaeological survey and to provide documentation to BUAR regarding previous disturbance to the site.

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required. Outstanding issues can be addressed during project permitting.

March 21, 2008

Date



Ian A. Bowles

Comments Received:

- 3/11/08 Department of Environmental Protection /Southeast Regional Office (MassDEP/  
SERO)
- 3/10/08 Coastal Zone Management
- 3/4/08 **Division of Fisheries and Wildlife**
- 3/7/08 Division of Marine Fisheries
- 3/10/08 **Board of Underwater Archaeological Resources**

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