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April 7th, 2006

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

PROJECT NAME:	UMASS/Savin Hill Cove Channel Dredging
PROJECT MUNICIPALITY:	Boston
PROJECT WATERSHED:	Boston Harbor
EOEA NUMBER:	13732
PROJECT PROPONENT:	University of Massachusetts, Boston Campus
DATE NOTICED IN MONITOR:	February 22, 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.

As described in the Environmental Notification Form (ENF), the project involves an improvement dredging project in Savin Hill Cove in Boston. The proponent proposes to mechanically dredge approximately 22,000 cubic yards (cy) of material within the Fort Point Basin near the University of Massachusetts (UMASS) Boston campus. UMASS Boston is currently having problems with the quality and temperature of water entering its cooling plant intake structure. The University is also in need of additional draft at its dock facilities and along its access to Dorchester Bay Channel. The dredging program proposed in the ENF consists of dredging a channel extending southwesterly from the basin for approximately 1,000 feet, before turning southeasterly for 1,000 feet to connect with the Dorchester Bay Channel. The basin in the area of the cooling water intake plant will be dredged to Elevation -11 MLW. The basin area around the docks will be dredged to Elevation -8 MLW.

The Fort Point Basin docking facility is a year-round, multi-purpose facility located in Savin Hill Cove. The basin is weather protected and offers an 80-foot main float with two 60-foot finger

floats for smaller vessels. Docking is available for vessels with up to a 5-foot draft. The area of the basin and access to the Dorchester Bay Channel have seen a buildup of sediments since the mid 1970s. A comparison of hydrographic survey data from 1985 and 2005 surveys indicates accretion in the basin and portions of the channel to be two to three feet over the 20 year period.

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(f) and 11.03(3)(b)(3) of the MEPA regulations because the project involves alteration of one-half or more acres of wetlands (in this case, Land Under the Ocean and Land Containing Shellfish) and more than 10,000 cy of dredging. The project will require a Chapter 91 Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (DEP); a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE); and an Order of Conditions from the Boston Conservation Commission.

The proponent is not seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction is limited to issues of wetlands, waterways and tidelands.

DEP's comments on the project states that the information provided in the ENF was insufficient to determine whether the project is permittable. Upon receipt of DEP's comment letter, the proponent requested a two-week extension of the MEPA review period in order to consult with DEP and respond to the Department's comments, which it has since done in a letter distributed to the ENF distribution list. While there are still outstanding issues related to impacts to marine habitat and mitigation, I am satisfied that the project can proceed to permitting at this point. The proponent must continue to coordinate with the appropriate resource management agencies to ensure that the project avoids, minimizes and mitigates Damage to the Environment.

DEP also states in its comments that the proponent failed to provide a description of alternatives considered. The proponent responded that the alternative presented in the ENF was developed in coordination with regulatory agencies including DEP, USACE, the U.S. Environmental Protection Agency (EPA) and MA Division of Marine Fisheries (DMF) in advance of filing the ENF. The proponent originally considered four options for the dredging. All options were based on the assumption that a 600 by 180 foot basin is to be dredged in the area of the existing docks and cooling plant intake and that dredging would target an elevation of -10 MLW and connect the basin with the deeper water available in the Dorchester Bay Channel.

As a result of discussion at the pre-filing meeting, the dredge depth elevation was reduced from elevation -10 to elevation -8 MLW with a one foot over dredge. The recommended option avoids impacts to shallow intertidal areas to the greatest extent. The recommended option has a channel extending southwesterly from the basin for approximately 1,000 feet, before turning southeasterly for 1,000 feet to connect with the Dorchester Bay Channel. In response to comments from DMF, the proponent should attempt to further reduce the dredging footprint, particularly in the shallow subtidal areas, to minimize habitat loss.

The basin in the area of the cooling water intake plant will be dredged to elevation -11 MLW, with a one foot over dredge. The depth of the intake basin is one foot lower than the

intake pipe, which is -10' below MLW.

In addition to considering alternative dredging options, the proponent considered alternative disposal options including upland and offshore disposal. The ENF states that given the silty physical composition of the material, it is unsuitable for beach nourishment or other beneficial reuse. Upland disposal within a landfill was determined to be cost prohibitive. Pending the results of additional testing to be conducted by the proponent, the dredge material will be disposed of at the Mass Bay Disposal Area. Based on preliminary testing conducted in the project area for pesticides, metals, polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), and sieve analysis (particle size), it is anticipated that the dredge material will be suitable for offshore disposal.

DEP states in its comments that the proponent must provide an analysis of the values and functions of the existing marine habitat in the project area. In response, the proponent has stated that it will provide an Essential Fish Habitat and Shellfish Study as part of the USACE and DEP permitting process to evaluate the habitat of both pelagic and benthic species that utilize the area. The proponent must share the scope of the habitat study with the appropriate resource management agencies. In addition, proposals for mitigation as required by permitting agencies must be developed based on the results of the analysis of habitat functions and values.

DMF has stated that the project will require a winter flounder time-of-year restriction, from February 15th through June 15th of any given year. Although not specifically stated in the ENF, it was noted at the site visit that the proponent intends to seek a waiver from DMF from time-of-use restrictions so that the area around the seawater intake can be dredged in anticipation of high use periods. If a waiver is secured during permitting, the proponent must adhere to any recommended mitigation and restoration recommended by DMF. In addition, the proponent must adhere to the special conditions of the Order of Conditions (DEP #006-1064), as noted by the City of Boston in their comment letter. All efforts should be made to employ containment technologies to reduce the spread of suspended sediments from the dredging operation.

In its comments, the Boston Water and Sewer Commission (BWSC) notes that its outfall BOS 089 is located near the end of the boat ramp at the Savin Hill Yacht Club. The proponent should add the location of this pipe to the site plans showing dredging limits. In addition, in 2007 the BWSC will begin construction to improve a storm drain discharging into Savin Hill Cove near Morrissey Boulevard. The proponent should provide the BWSC with semi-annual updates on the status of the dredging project.

The Massachusetts Board of Underwater Archaeological Resources (BUAR) states in its comments on the ENF that while there is no record of any underwater archaeological resources in the vicinity of the project, it cannot conclude that there are no historic submerged cultural resources in the proposed project area. BUAR has requested that the proponent provide a detailed description of the previously collected vibratory core samples and any other geophysical survey data that has been collected at the site. This information will help determine the potential for the existence of submerged prehistoric archaeological sites within the proposed project area.

Conclusion

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponents may resolve any remaining issues during the state and local permitting processes.

April 7, 2006
Date

Stephen R. Pritchard

Comments received:

3/12/2006	Commonwealth of Massachusetts Board of Underwater Archaeological Resources
3/13/2006	Department of Environmental Protection, Northeast Regional Office
3/14/2006	Boston Water and Sewer Commission
3/14/2006	Massachusetts Marine Trades Association
3/15/2006	City of Boston, Environment Department
4/4/2006	Joseph W. Hanlon, Bourne Consulting Engineering, on behalf of the Proponent
4/6/2006	MA Division of Marine Fisheries

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