



The Commonwealth of Massachusetts

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April 7, 2006

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

PROJECT NAME : Acushnet Marine
PROJECT MUNICIPALITY : Hull
PROJECT WATERSHED : Hull Bay
EOEA NUMBER : 13744
PROJECT PROPONENT : Acushnet Marine, Inc.
DATE NOTICED IN MONITOR : March 8, 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 proposed project involves the construction of an 8 by 200 foot timber pile and deck access pier supported by 30 pilings, a 4 by 45 foot gangway, and an 18 by 80 foot pile supported steel float. The footprint of the proposed project closely conforms to a previously existing supply pier. Several remnant pilings from that structure will be utilized in the construction of this project. The proposed timber pile access pier will connect to the shore at an existing granite block earth filled pier. The purpose of the project is to provide berthing for two commercial tugboats operated by the proponent.

The project is undergoing review pursuant to Section 11.03 (3)(b)(5) of the MEPA regulations, because the project will require a Chapter 91 License from the Department of Environmental Protection (DEP) for the non-water dependent use of tidelands and possibly Federal Consistency Review by the Office of Coastal Zone Management (CZM). The project will

also require an Order of Conditions from the Hull Conservation Commission (and hence a Superseding Order from DEP if the local Order is appealed). Although not indicated in the ENF, the project may also require an individual 401 Water Quality Certification application from DEP for impacts from the proposed project associated with Land Under the Ocean.

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

The impacts of the project do not warrant the preparation of an EIR. Nonetheless, several issues remain for the proponent to resolve during permitting. I advise the proponent that the project must meet all the requirements for the permitting process. Additional analysis and information related to required permits will be needed. The Division of Marine Fisheries (DMF), CZM and the Massachusetts Board of Underwater Archaeological Resources have made a number of construction period and project design recommendations that must be addressed during permitting. The proponent should develop and include:

- the total amount of wetland alteration, in square feet, from this permanent structure;
- a quantification of the permanent impacts to land containing shellfish in square feet from supporting piles for the pier;
- project plans with engineering details, resource area delineation, and bathymetry;
- a list of construction materials, particularly for the proposed piles;
- a complete project description that includes construction schedules & methods, project components (i.e. possible pier, gangway, floats), and proposed use;
- information that ensures that there is sufficient depth of water in the location of the proposed steel float to limit or eliminate the need for future dredging;
- information that the proponent consulted with the U.S. Coast Guard Point Allerton Station, which is in close proximity, to ensure that that the proposed project will not interfere with station operations;
- other options for alternative berthing of the large barge, landing craft and several large floats presently moored to the granite pier because they are resting on the intertidal area during low tide.

The proponent must consult with DMF, CZM and the Massachusetts Board of Underwater Archaeological Resources to address both the construction period and project design recommendations raised in their comment letters. In addition, the Hull Conservation Commission review can also serve to develop any conditions necessary to avoid impacts to this designated shellfish growing area.

I conclude that no further MEPA review is required. While additional mitigation for project impacts appears feasible, the proponent can resolve the outstanding issues during the

permitting process. If the project design undergoes a material change as a result of requirements imposed by the state permitting agency (or for any other reason), the proponent should file a timely Notice of Project Change that addresses impacts and mitigation.

April 7, 2006

Date



Stephen R. Pritchard

Comments received:

03/27/06	MA Board of Underwater Archaeological Resources
03/28/06	MA Division of Marine Fisheries
03/28/06	Office of Coastal Zone Management
03/28/06	Sandra and Ernest Minelli
03/31/06	Peggy Hunt

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