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April 20, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Shining Sea Bikeway Phase III
PROJECT MUNICIPALITY : Falmouth
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 13049
PROJECT PROPONENT : **Town of Falmouth**
DATE NOTICED IN MONITOR : March 21, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** additional MEPA review in the form of an Environmental Impact Report (EIR).

As described in the Notice of Project Change (NPC), the project change consists of the extension of the Shining Sea Bikeway by 6.1 miles from Carlson Lane to County Road. The extension will be constructed within a railroad right-of-way (ROW) owned by the Executive Office of Transportation (EOT) and will consist of a 10-foot wide paved surface with one- to three-foot wide grassed shoulders on each side. The majority of the path will be constructed on the existing inactive railroad embankment. A small portion of the ROW, from approximately 1,500 feet south of County Road, includes an active railroad. Within this section, the path will be constructed on the southern side of the tracks separated by a chain link fence. The NPC indicates that the project will be constructed consistent with Massachusetts Highway Department (MHD) standards.

The project site includes Salt Marsh, Riverfront Area, Coastal Bank and Land Subject to Coastal Storm Flowage. Portions of the project will be located within habitat of the Eastern Box Turtle (*terrapene Carolina*), the New England Blazing Star (*Liatris scariosa var novae-angliae*) and Pinnate Water-milfoil (*Miriophyllum pinnatum*). All three species are listed as Species of Special Concern by the Department of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP).

The original project, as it was reviewed under MEPA, consisted of the construction of Phases II and IIB of the Shining Sea Bike Path within an existing railroad right-of-way (ROW). Phase I was constructed in the 1970's and created a bikeway from Railroad Avenue in Woods Hole to Woods Hole Road. Phase II, a 4,100 foot long path completed in 2001, extended the bikeway to Skating Lane. Phase IIB, now complete, extended the bikeway 7,500 feet from Skating Lane to Carlson Lane/Old Palmer Avenue. The project will reduce overall vehicle miles of travel (VMT) by 1,132,026 miles per year and reduce emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

The implementation of the project change requires a long-term lease from the Executive Office of Transportation (EOT), an Order of Conditions from the Falmouth Conservation Commission, and may require a Conservation and Management Permit from NHESP. The project may also require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA). The project is being funded through the State Transportation Improvement Program (TIP) and the Federal Transportation Highway Bond Bill 2004 – 2009 (TEA-LU).

Potential environmental impacts associated with the project change include 11.8 acres of land alteration, creation of 7.3 acres of new impervious area, and work within rare species habitat. Measures to avoid, minimize and mitigate impacts include locating the path within the existing altered railroad ROW, constructing retaining walls to minimize impacts to wetland resource areas, consideration of options for allowing passage of Eastern Box Turtles along segments of the bikeway path, and development of a monitoring and management plan for the Blazing Star.

MassDEP comments request that the Town provide additional details regarding the proposed drainage system to the Falmouth Conservation Commission to ensure the project will not contribute to increased flows to and potential erosion of wetland resources areas. In addition, MassDEP indicates that alternatives to hay bales should be used within Salt Marsh areas.

Based on a review of the information provided by the Town and after consultation with relevant public agencies, I find that the potential impacts of the project change do not warrant the preparation of an EIR. No further MEPA review is required.

April 20, 2007

Date



Ian A. Bowles

Comments received:

- 4/10/07 Department of Environmental Protection/Southeast Regional Office
(MassDEP/SERO)
- 4/10/07 Division of Marine Fisheries (DMF)
- 4/10/07 Department of Fisheries and Wildlife (DFW)/Natural Heritage Endangered
Species Program (NHESP)
- 3/22/07 Executive Office of Transportation (EOT)
- 4/06/07 Cape Cod Commission (CCC)

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