



The Commonwealth of Massachusetts

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April 21, 2006

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

PROJECT NAME : Cape Ann Marina Maintenance Dredging & Wharf Rehabilitation

PROJECT MUNICIPALITY : Gloucester

PROJECT WATERSHED : North Coastal (Annisquam River)

EOEA NUMBER : 13340

PROJECT PROPONENT : Cape Ann Marina Corp.

DATE NOTICED IN MONITOR : February 22, 2006

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 have reviewed the Notice of Project Change (NPC) submitted for this project and determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

The project originally consisted of two phases. Phase 1 included the maintenance dredging of 106,256 square feet (sf) of Land under the Ocean (LOU) of approximately 8,600 cubic yards (cy) of sand. The proponent proposed to dredge to a depth of -6.0 Mean Low Water (MLW) with a one-foot overdredge. It also proposed an unconfined offshore disposal at the Massachusetts Bay Disposal Site (MBDS). The dredging would have been via a crane-mounted floating barge with a clamshell bucket to be loaded onto scow barges. Phase 2 of the project would rehabilitate a timber pile-supported wharf/bulkhead along the western side of the marina (300 feet by 20 feet). It would remove and replace the timber piles in-kind. On the eastern side of the marina, Phase 2 would replace a deteriorated timber pile bulkhead with a steel sheet pile bulkhead (approximately 180 linear feet). The proponent would also remove miscellaneous debris in this area. The marina is comprised of about 4 acres of land area. It contains over 300 boat slips, haul-out services, repairs, sales, storage, lodging, dining, and special events accommodations.

According to the NPC, Phase 1 remains the same as above. However, the proponent is proposing the addition of a 7,360 sf area of improvement dredging in an area of partially filled tidelands that was previously occupied by a motel. This area of improvement dredging will

generate approximately 1,725 cy of material for removal. The improvement dredging would involve the removal of sediment to elevation -6.0 MLW with a one-foot overdredge to elevation -7.0. Approximately 106 cy (1,960 sf) of material would be removed above the mean high water (MHW) level, 678 cy (2,400 sf) of material in the intertidal zone, and 942 cy (3,040 sf) below MLW. If the proponent can obtain the necessary permits, the improvement dredging would be combined with the maintenance dredging portion of the project in the 2006/2007 dredging season.

Phase 2 will also include additional improvements to the existing wharf and timber bulkhead, timber pile revetment and public access on the western side of the marina. The revised work includes removal of the existing timber bulkhead and wharf structure and replacing it with a 10-foot by 28-foot timber wharf and a 20-foot by 85-foot timber wharf structure along with resetting the existing stone revetment. The proponent will stabilize the adjacent slope along the improvement dredging area by means of a stone revetment along with a 20-foot extension of the existing steel sheet pile wall along the northern limit. The new steel sheet pile bulkhead will be constructed along the southwest portion of the site near the boat lifts for 60 linear feet with a 23-foot return. The proponent will provide improved access to floats, a new six-foot wide concrete sidewalk for public access, and stormwater improvements to the parking lot. The proposed stone revetment and steel sheet pile bulkhead will be placed seaward of the existing timber pile/concrete deck and timber bulkhead structures.

The change along the eastern portion of the marina includes the removal of the existing failed timber pile revetment and construction of a stone revetment to stabilize the existing salt marsh and prevent further erosion that could jeopardize the structural foundation of the adjacent building. The top of the proposed revetment would be constructed to elevation +6.0 MLW. The proponent will restore and stabilize the existing salt marsh allowing groundwater flow through the stone revetment and provide for tidal water flow over the revetment to the salt marsh twice daily. Public access will be improved by removing the existing path over the marsh and providing a 4-foot wide gangway from the existing pier onto proposed timber floats (three 8-foot by 20-foot floats and two 8-foot by 14-foot floats). The proponent proposes to remove miscellaneous fill.

The project will require a Chapter 91 Waterways Permit and License, and a 401 Water Quality Certificate from DEP and an Order of Conditions from the Gloucester Conservation Commission (GCC). A Programmatic General Permit will be required from the U.S. Army Corps of Engineers. The project may also need Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.

According to the NPC, the maintenance dredging portion of the project would affect

approximately 106,256-sf/2.44 acres of Land under the Ocean (LUO) and 720 linear feet of a fish run. The proponent estimates that the improvement dredging and the other proposed work will affect approximately 3,954 sf of LUO (constructing steel sheet pile, removal/reconstruction of the filled wharf, and improvement dredging) and 3,830 sf of Coastal Beach (improvement dredging and revetment repair/salt marsh restoration). The proponent is also proposing to restore 520 sf of eroded salt marsh.

The proponent has agreed to upgrade portions of its stormwater management system to meet DEP's Best Management Practices. The proponent has committed to connect portions of the parking area catch basins to treatment chambers with oil/water separators before discharging runoff from drains into the Annisquam River. Roof runoff will continue to be sheet flow to the existing stormwater collection system. The proponent has committed to provide an annual inspection and maintenance program of its stormwater collection system and a bi-annual sweeping program for driveways, sidewalks, and parking areas.

During the permitting process, the proponent should demonstrate that the project has been designed to meet all performance standards and propose mitigation for the loss of intertidal habitat. The proponent should consider a biodegradable material rather than the stone armoring of the salt marsh area, as recommended by DEP and MCZM, or provide a comparative alternative analysis. MCZM recommends that the proposed dredging at the southeast portion of the property be pulled back as far as possible from the bank, in order to protect the adjacent salt marsh from impacts due to erosion from the dredging work. Dredging should be restricted to between September 15 and February 1 to avoid fisheries and shellfish impacts.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project change notice do not warrant the preparation of an EIR and can be properly addressed in the federal, state and local permitting processes.

April 21, 2006
Date


Stephen R. Pritchard

cc: Nancy Baker, DEP/NERO

Comments received:

Vine Associates, 3/3/06
Vine Associates, 3/6/06

EOEA #13340

NPC Certificate

April 21, 2006

Vine Associates, 3/6/06

DEP/Waterways, 3/8/06

Vine Associates, 4/4/06

Vine Associates, 4/5/06

MCZM, 4/6/06

GCC, 4/10/06

DEP/NERO, 4/11/06

Vine Associates, 4/19/06

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SRP/WTG/wg