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April 25, 2008

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

PROJECT NAME : Sengekontacket Pond Dredging, Beach Nourishment, &
Dune Restoration
PROJECT MUNICIPALITY : Edgartown
PROJECT WATERSHED : Islands
EOEA NUMBER : 14138
PROJECT PROPONENT : Town of Edgartown
DATE NOTICED IN MONITOR : March 26, 2008

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) and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). The proponent requested a Phase 1 Waiver in order to allow a portion of the project to proceed prior to submitting its Draft EIR. The Certificate on this NPC is contingent upon the granting of a Phase 1 Waiver in the Final Record of Decision (FROD). If the Phase 1 Waiver is not granted in the FROD, then the Secretary will reissue the Certificate on the NPC with a denial until the EIR has been submitted. The DEIR will incorporate Phase 1 and the rest of the project into the scope of work. The proponent anticipates that the DEIR will be submitted by April of 2009.

Previous MEPA Review

The project consisted of the dredging of approximately 85,000 to 100,000 cubic yards (cy) from 13.9 acres of Land under a Salt Pond (LUSP) within the existing Navigational channels within Sengekontacket Pond. The project included both maintenance (2.2 acres) and improvement dredging (11.7 acres). The proponent is proposing to utilize the dredged material as beach nourishment on 13.6 acres of adjacent coastal and barrier beaches. The dredged material will be utilized on Bend in the Road and Cow Bay Beaches. The channel to be dredged is 6,060 linear feet long, 100 feet wide, and approximately 6-feet deep. The dredging area would be excavated to -6 feet at Mean Low Water (MLW). It will be hydraulically dredged and the

sand will be pumped to the disposal site through submerged and floating lines. The project will provide navigation improvements for boating, storm damage protection, flood control, and improved water quality within the ponds, which may improve shellfish habitat. The proposed project area is approximately 27.5 acres. On December 26, 2007, the Secretary determined that the project required a mandatory EIR.

NPC Project Change Description

This NPC was submitted for MEPA review on March 13, 2008. The proponent is requesting that it be allowed to renourish the eroded Town-owned Bend-in-the-Road Beach before the EIR is submitted. The proposed Phase 1 will renourish about 1.7 acres of this beach with approximately 9,800 cy of compatible material. The dredged material will be pumped from a 150,000 sf area within Borrow Area #1 in Sengekontacket Pond. Borrow Area #1 is approximately 16.9 acres and has been dredged in the past. The proponent considers the dredging of Borrow Area #1 as maintenance dredging. The 150,000 sf area is outside the limits of the original ENF. The dredge pipe will run under the Big Bridge and along Sylvia State Beach to Bend-in-the-Road Beach. It will discharge sand onto the beach and dune areas. The dune area, which will be impacted by Phase 1, is approximately 23,957 sf in area. It will receive about 2,000 cy of dredged material. Phase 1 is anticipated to begin in October of 2008 and end by April of 2009.

The Phase 1 Dredging project will require a Chapter 91 License and a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The proponent should submit a filing in compliance with the Massachusetts Endangered Species Act (MESA) and continue to consult with the Natural Heritage & Endangered Species Program (NHESP). The project may need to obtain a Federal Consistency review from the Massachusetts Coastal Zone Management (MCZM) Office. It may need a Section 404 Individual Permit from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the Edgartown Conservation Commission for work within resource areas.

The proponent has committed to provide the following mitigation measures to reduce potential impacts from the project:

- Improve the Bend-in-the-Road Beach by widening it by about 30 to 35 feet to the MLW line.
- Restore dunes to a height of about 5-feet and connect dunes to existing dunes on either side of the Bend-in-the-Road Beach.
- Provide beach grass replanting on top of the dunes.
- Place the dredge pipe under the Big Bridge and along the Sylvia State Beach to Bend-in-the-Road Beach to avoid any impacts on marsh or other resource areas.
- Time of Year Restrictions (TOYR) will occur between April 1st and August 31st and during winter flounder season (January 15th through May 31st).

As indicated in the NPC, the proponent will submit the DEIR by April of 2009. The proponent is proposing that all work for Phase 1 would be completed by April of 2009.

Based on a review of the information provided by the proponents in this NPC and prior to submitting the DEIR, I am allowing the proponent to proceed with the Phase 1 Renourishment of Bend-in-the-Road Beach as described in the NPC under MassDEP's supervision.

April 25, 2008
Date



Ian A. Bowles

Comments received:

- MassWildlife, 4/9/08
- MA Division of Marine Fisheries, 4/14/08
- MassDEP/SERO, 4/15/08
- MassDEP/SERO, 4/16/08
- MCZM, 4/16/08

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