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May 11, 2007

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**CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM**

PROJECT NAME : South Cape Beach Culvert Replacement & Salt Marsh Restoration
PROJECT LOCATION : Great Oak Road – Mashpee
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 14001
PROJECT PROPONENT : Department of Conservation & Recreation
DATE NOTICED IN MONITOR : April 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (MEPA), G.L. c.30, ss.61-62H, and the MEPA regulations (301 CMR 11.00), I have reviewed the Environmental Notification Form (ENF) submitted on this project and hereby determine that it **does not require an Environmental Impact Report.**

According to the Environmental Notification Form, the proposed project consists of the removal of an approximately 30-foot wide section of the road/berm that leads to the Great Neck Beach and replacing the 5-foot diameter culvert beneath the road with a light duty pedestrian bridge. Another 5-foot diameter culvert beneath the road to South Cape Beach would also be replaced with an open bottom 5-foot high by 8-foot wide box culvert. The existing channel dimensions and depths are to be retained. However the culvert and bridge are being designed to allow for channel dredging in the future if it is determined necessary to achieve full tidal restoration. The project would create 730 square feet (sf) of salt marsh, 486 sf of Land under Water (LUW), and 124 linear feet (lf) of Bank. The purpose of the project is to achieve full tidal and salt marsh restoration by increasing the flow of salt water into Flat Pond. The project would also improve wildlife habitat and fisheries resources. The restriction of tidal flow has resulted in a loss of salt marsh area and the encroachment of woody vegetation and invasive species. The project site is approximately 15 acres, which is located within the Waquoit Bay Area of Critical Environmental Concern (ACEC).

The project is subject to review pursuant to Section 11.03(3)(b)(1)(a) for the alteration of a barrier beach by the construction of a bridge and culverts and impacts to Coastal Bank. It will

require a Chapter 91 Waterways License and a Section 401 Water Quality Certification from the Department of Environmental Protection's (MassDEP). The proponent will review the project with the Natural Heritage Endangered Species Program (NHESP) to determine if there are any impacts to species habitat under the Massachusetts Endangered Species Act (MESA). The project will require a Programmatic General Permit from the U.S. Army Corps of Engineers. According to the proponent, the project qualifies as a "limited" project under the Wetlands Protection Act. An Order of Conditions from the Mashpee Conservation Commission will also be required for the project. Federal Consistency review may also be necessary by the Massachusetts Coastal Zone Management (MCZM) Office. Because the project is being funded by the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts (wetlands, waterways, and stormwater).

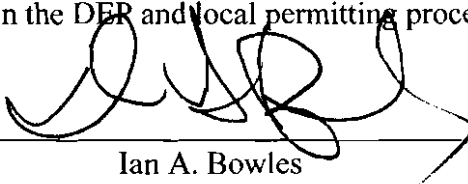
According to the proponent, the project would directly affect the following wetland resource areas: approximately 55 linear feet (lf) (permanent)/110 lf (temporary) of Coastal Bank; 15 square feet (sf) (permanent)/40 sf (temporary)/730 sf (created) of Salt Marsh; 8,848 sf (temporary) of LSCSF; 40 lf (temporary)/124 lf (created) of Bank; 380 sf (temporary)/486 sf (created) of LUW; and 7,468 sf (temporary) of Riverfront Area. The proponent has designed the bridge decking with 0.75-inch spacing in the decking to allow light to reach the areas below the bridge. It will also utilize non-chromated copper arsenate (CCA) treated timbers in the bridge decking.

MassDEP has requested that the proponent provide information during the permitting process concerning restoration of the panne should it be potentially impacted by the project. The proponent has been closely coordinating the project with the local, state, and federal permitting agencies. According to the Natural Heritage & Endangered Species Program (NHESP), the project site is near or within the actual habitat of Mattamuskeet Panic-Grass. This species is state-listed as "Endangered." Therefore, NHESP requires a rare plant survey of Mattamuskeet Panic-Grass by a qualified botanist. This survey will be used by NHESP to determine if there will be a "take." The proponent should comply with this request from NHESP, and it should avoid such a "take" if possible.

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 do not warrant preparation of an EIR and can be properly addressed in the DEP and local permitting processes.

May 11, 2007

Date



Ian A. Bowles

EOEEA #14001

ENF Certificate

May 11, 2007

Comments received:

CLE Engineering, 4/13/07

MassWildlife, 4/19/07

MassDEP/SERO, 5/1/07

MCZM, 5/10/07

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