



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

June 8, 2007

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

PROJECT NAME : Maintenance Dredging Danversport Yacht Club Marina
PROJECT MUNICIPALITY : Danvers
PROJECT WATERSHED : North Coastal
EOEEA NUMBER : 14019
PROJECT PROPONENT : Danversport Yacht Club Marina, LLC
DATE NOTICED IN MONITOR : May 9, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of maintenance dredging at the Danversport Yacht Club Marina in Danvers, Massachusetts. Approximately 18,000 cubic yards (cy) of material over a total area of approximately 234,821 square feet (sf), within the Porter River and Millet Creek, will be removed.

The project site is located at 107R and 161 Elliot Street and is situated on the north shore of the Porter River and its confluence with Millet Creek. The marina provides anchorage and marine services for approximately 302 recreational vessels. The ENF states that the project will impact all Land Under Ocean, which includes approximately 1,600 linear feet of Fish Run. The Order of Conditions for the project, issued by the Danvers Conservation Commission on March 16, 2007, finds that 21,000 sf of the site are significant to the protection of land containing shellfish.

The project has been designed to be “piggybacked” onto the proposed dredging of the Porter River, a project proposed by the Town of Danvers, to reduce river and habitat impacts during the construction period. The Town dredging project has completed MEPA review (EOEA No. 10233) and is currently undergoing State and local review processes. Dredging operations will be conducted by mechanical methods, using a crane or excavator-mounted barge with a clamshell bucket. Once excavated, dredge sediments will be loaded directly into a scow and transported to the Massachusetts Bay Disposal Site (MBDS) for unconfined offshore disposal. Dredge sediments from the project site still need to be deemed suitable for unconfined disposal at the MBDS by the U.S. Army Corps of Engineers (U.S. ACOE) and the U.S. Environmental Protection Agency (U.S. EPA). If sediments do not meet the criteria for disposal at MBDS, it is likely that the project will be required to file a Notice of Project Change (NPC) with the MEPA office to allow for evaluation of alternative disposal sites for dredge spoils.

The project is undergoing review pursuant to Section 11.03 (3)(b)(f) because the project requires a State Agency action and will result in the alteration of ½ or more acres of wetland resource areas. The project will require an Order of Conditions from the Danvers Conservation Commission, a Section 401 Water Quality Certificate (WQC) and a Chapter 91 Permit from the Massachusetts Department of Environmental Protection (MassDEP), and a Programmatic General Permit from the U.S. ACOE. The project may also be subject to Office of Coastal Zone Management (CZM) federal consistency review.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over wetlands, waterways, and stormwater.

Wetlands and Waterways

The entire project consists of routine maintenance dredging within previously authorized limits and depths with no improvement dredging proposed. The proposed project area will be dredged to a depth of 5.0 feet below mean low water (MLW) with a 1.0 foot allowable over-dredge. Wetland resource areas identified in the ENF within the project area include Land Under Ocean, Fish Run and Land Containing Shellfish (according to the Order of Conditions). Dredging activities should be conducted in accordance with the applicable performance standards under the Wetlands Protection Act for each wetland resource area on site.

Dredge sediments from the project site still need to be deemed suitable for unconfined disposal at the MBDS by the U.S. Army Corps of Engineers (U.S. ACOE) and the U.S. Environmental Protection Agency (U.S. EPA). In accordance with CZM’s recommendation, I encourage the proponent to coordinate with MassDEP to ensure the acceptability of these sediment data for use in developing the WQC for the project. I also encourage the proponent to work with the Town of Danvers to investigate methods (multiple contractors, equipment capacity) by which the duration of construction can be limited to avoid unnecessary prolonged disruption of wetland resource areas and habitat.

Portions of the dredge footprint for the site are proposed to be very close to the toe of an adjacent revetment. The proponent should take steps to ensure that the stability of the structure will not be compromised by the removal (and resulting slumping) of sediment in this location.

Habitat

The Porter River in the vicinity of the project site has been designated by the Division of Marine Fisheries (DMF) as mapped shellfish habitat for soft shell clams (*Mya arenaria*) and provides essential habitat for the passage and continued juvenile development of rainbow smelt (*Osmerus mordax*), alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), and the spawning and juvenile development of winter flounder (*Pseudopleuronectes americanus*). The proponent has indicated that no direct removal of intertidal habitat will occur in association with this project. However, DMF has stated that dredging may result in turbidity and changes in water quality that are detrimental to the critical life stages of the species listed above. Furthermore, the proposed dredging may also cause indirect impacts, including increased vessel use, resulting in additional pollutant load, scour and erosion from vessel wake, and propeller dredging.

To minimize impacts to sensitive marine fisheries resources the proponent should place time of year restrictions on the construction period, with no silt producing in-water work conducted from February 1 through October 1 of any year. Additionally, turbidity barriers should be placed around the work area and strictly monitored and maintained to limit migration of sediment into adjacent resource areas.

Archaeology

The Massachusetts Board of Underwater Archaeological Resources (BUAR) has stated that upon preliminary review of its files and secondary literature sources, no record of any underwater archaeological resources was found within the project area. Therefore, following review of the project characteristics, the BUAR has concluded that the project is unlikely to negatively impact submerged cultural resources. However, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the BUAR expects that the project proponent will take steps to limit adverse affects and notify the BUAR, as well as other appropriate agencies in accordance with the BUAR's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources* (updated 9/28/06).

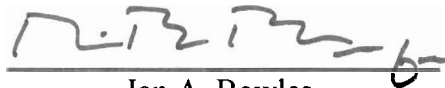
Stormwater

As recommended by CZM, the I encourage the proponent to work with the Town of Danvers to proactively address the sedimentation issued associated with the Porter River and its tributaries, particularly with regard to the possibility that stormwater runoff entering the river via outfalls may be carrying significant loads of sediment. This sediment may be contributing to the rapid rate of accretion in the area and may limit the effectiveness and sustainability of the dredging project.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed with obtaining required State permits.

June 8, 2007

Date



Ian A. Bowles

Comments received:

- 05/29/2007 Office of Coastal Zone Management
- 05/29/2007 Board of Underwater Archaeological Resources
- 05/29/2007 Division of Marine Fisheries

IAB/ACC/acc