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July 10, 2009

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

PROJECT NAME : Marina Bay Travel Lift
PROJECT MUNICIPALITY : Quincy
PROJECT WATERSHED : Dorchester Bay
EEA NUMBER : 14428
PROJECT PROPONENT : Flagship Marina Bay, LLC
DATE NOTICED IN MONITOR : June 10, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 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 involves landside and waterside components. On the waterside, project activities include removal of an existing dilapidated pile-supported pier, the construction of a 100-ton Travel Lift pier, and dredging. The Travel Lift pier is proposed on the most western portion of the site to replace the existing Travel Lift in the middle of the property. On the landside, a new wash down and staging area in the form of a concrete pad will be built adjacent to the new pier.

The pier will be located as close to the shore as possible by dredging approximately 1,500 cubic yards (CY) of material to a depth of -8 feet mean low water (MLW) and using steel piling to retain the soils. A 41-foot wide by 33-foot long pile supported concrete cap and deck structure will be constructed to support additional access vehicles such as a fork truck. The proposed

dredge material, tested during previous dredge studies, may be suitable for ocean disposal at the Massachusetts Bay Disposal Site (MBDS). A 50-foot by 80-foot concrete wash down pad will be constructed landward of the pier. This will allow the Travel Lift or other trailer to deliver the vessel from the dry storage areas and provide sufficient area to load and unload the vessel. To minimize impacts to the environment, the wash down pad will be constructed with an appropriate spray and collection system according to MassDEP and EPA requirements.

According to the documentation provided in the ENF, the anticipated wetland resource area impacts are estimated to include 8,934 square feet (sf) of Land Under Ocean (LOU), 1,989 sf of Coastal Beaches, 721 Coastal Banks, 8,934 linear feet of Fish Runs and 2,365 Land Subject to Coastal Storm Flowage (LSCSF).

Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)(1)(a) and Section 11.03(3)(b)(1)(b) because the project requires a State agency action and will result in both the alteration of a Coastal Bank and the alteration of 500 or more linear feet of bank along a fish run. The project will require a Chapter 91 (c.91) License and Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project may be subject to Coastal Zone Management (CZM) federal consistency review. The project will also require an Order of Conditions from the Quincy Conservation Commission (and, on appeal only, a Superceding Order of Conditions from MassDEP).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over wetlands, waterways, and tidelands.

Review of the ENF

There are several factors that determined the need for the proposed project:

1. There are conflicts with pedestrians passing along the Harborwalk near the existing Travel Lift pier and wash down pad.
2. The existing Travel Lift is old and needs to be replaced. The existing Travel Lift piers were originally constructed in the 1950s and are in poor condition.
3. The existing 35-ton Travel Lift is under capacity to serve the demand for larger vessels. It can only handle 40-foot to 50-foot long vessels. Since there is an increasing demand and use of larger boats with wider beams and deeper drafts, there is also a need for a 100-ton Travel Lift to support these vessels.
4. A larger work area, better wash down location, and a more direct access to the boat storage area will substantially improve the Travel Lift operations at the Marina.

Wetlands, Waterways and Tidelands

Wetland resources on the project site include LOU, Coastal Beach, Coastal Bank, and LSCSF. No inland wetland resource areas are present at the project site. The ENF included a project narrative and plans detailing the existing and proposed conditions and potential impacts to wetland resource areas. The project related impacts to wetland resource areas are associated with the old pier and timber pile removal, construction the Travel Lift pier, installation of the steel sheet piling, dredging, and minor fill on the existing revetment. The project has been designed to avoid impacts to resource areas to the greatest extent possible and minimize impacts in areas where they are unavoidable. While the project will result in wetland impacts, I note that these impacts are balanced by the need to provide safe access for users of the facility and thereby reduce pedestrian conflicts with vessels passing along the Harborwalk in the Marina Bay facility.

Approximately 25 sf of timber piles and the dilapidated pier will be removed from Coastal Bank and Coastal Beach resource areas. The piles will be cut at the mud line to minimize disturbance of the sediment. This work be conducted using a barge-mounted crane to the extent possible. While temporary impacts to water quality may result from such activities, no permanent significant adverse impacts on resource areas are expected.

Dredging to support the Travel Lift operations will occur in the Coastal Beach and LUO resource areas. Approximately 1,500 cy of dredge material, which is expected to be suitable for open ocean disposal, will be mechanically dredged and properly disposed according to U.S. EPA requirements.

A new structurally sound pier on concrete-filled steel pilings will be constructed to support the use of a Travel Lift which will impact Coastal Bank, Coastal Beach, and LUO resource areas. The pile area of the proposed will impact project 47 sf wetland resources. The pier coverage area will impact 1,600 sf of sub-tidal and inter-tidal areas. The pier surfaces will be located above Coastal Beach and LUO resource areas, and will have no direct impact to these resource areas. One potential indirect impact would be due to increased shade from the pier. However, the project site does not contain any eelgrass and is not known to be significant to shellfish.

The shoreline associated with the project site currently consists of coastal engineering structures and filled material. The proposed Project will include approximately 225 linear feet of steel sheet piling within in the Coastal Beach and LUO resource areas to retain the sediment from slumping into the proposed dredged basin. It will be cut at approximately the level of the existing sediment surface to ensure water flow is not restricted.

A small amount of fill (stone) of approximately 18 cy will be placed between the high tide line and the proposed bulkhead within the Coastal Bank resource area. This stone will help stabilize and match the existing grade of the shoreline. The structure will provide hard substrate and habitat for intertidal organisms.

Approximately 2,365 of the LSCSF will be impacted by the construct of a wash down pad and a portion of the pier. This upland portion of the site was previously developed with a variety of structures and fill.

Construction Period Impacts

During construction, erosion control/sedimentation measures, such as the placement of straw bales and a silt curtain, will be undertaken to minimize temporary impacts to water quality. In-water work will be carried out during the time of year that will not interfere with winter flounder spawning, as designated by the Division of Marine Fisheries. This is also typically a time of low biological activity and will further minimize the potential impacts of turbidity from in-water activities on biological resources.

Public Benefit

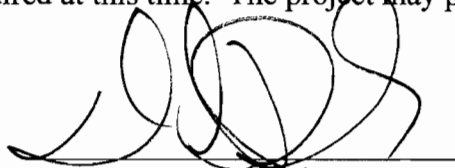
Pursuant to 301 CMR 13.02, I am declining to require an additional Public Benefit Review for the project. Furthermore, as a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance with 301 CMR 13.04. I am satisfied that the project's impacts to tideland resources can be adequately addressed during the permitting process.

Conclusion

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 to State permitting.

July 10, 2009

Date



Ian A. Bowles

Comments received:

No comments.

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