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August 24, 2007

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

PROJECT NAME : Hyannis Terminal Slip Reconstruction  
PROJECT MUNICIPALITY : Hyannis  
PROJECT WATERSHED : Nantucket Sound  
EEA NUMBER : 14052  
PROJECT PROPONENT : Steamship Authority  
DATE NOTICED IN MONITOR : July 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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).

The proposed project consists of the reconstruction and realignment of the existing slips at the Hyannis ferry terminal, the creation of a third slip and floating pier adjacent to the existing riprap coastal bank, the construction of an elevated deck over the coastal riprap to create a ticket kiosk, secure passenger waiting area, and passenger gangways, and a baggage pick-up and drop-off area. In addition, the parking area along the western side of the property will be reconfigured to allow space for vehicles to pick-up and drop-off passengers. Existing parking spaces will be reduced by 25 spaces. The ENF also describe the construction of a public sidewalk adjacent to Pleasant Street.

The project is subject to environmental review pursuant to 301 CMR 11.03 (3)(b)(6) because the proposed work requires a Chapter 91 Waterways License from the Department of Environmental Protection (MassDEP) and involves construction, reconstruction or expansion of

an existing solid fill structure of 1000 or more square feet (sf) base area or of a pile supported or bottom anchored structure of 20000 or more sf base area. The project may also subject to a Federal Consistency Review from the Massachusetts Office of Coastal Zone Management (CZM), and a Section 10/404 Permit from the Army Corps of Engineers. In addition, the project construction activities may disturb one or more acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause significant Damage to the Environment. In this case, MEPA jurisdiction extends over wetlands/waterways/tidelands impacts.

The project will allow for improvements in vessel operations as well as public safety improvements resulting from the reconfigured parking area and new passenger pick-up and drop-off area. The Barnstable Conservation Commission has required as a condition of this project the construction of a vessel pump-out facility. CZM has committed in their comment letter to assisting the proponent and the Town of Barnstable in the implementation of an effective vessel pump out facility for all Steamship vessels operating from the terminal to support the Federal No-Discharge Area designation for town and state waterways. I also note that at the site visit concerns were raised from the public that by creating a dedicated slip for the Fast Ferry, room may be made within the Steamship Authority to expand ferry operations. The Steamship Authority representatives stated at the site visit that this project is not intended to expand operations.

The ENF indicates that 2380 sf of Bordering Vegetated Wetland (BVW) and 2000 sf of other wetlands will be newly altered, the 2000 sf is more specifically identified as Land Under Ocean in the Wetlands, Waterways and Tidelands Section. The Wetlands section indicates that 400 feet of Rocky Intertidal Shores will be altered but does not indicate any BVW impacts. However, during the site visit no Rocky Intertidal Shore was observed during. There is an existing rip-rap coastal engineering structure that fronts a Coastal Bank. The area indicated as the affected BVW during the site visit is essentially a fringe of vegetation along the top of the revetment that does not appear to approach 2380 s.f. and which may not meet the definition of BVW. The proponent should consult with MassDEP to discuss exactly what areas will be affected by installation of piles to support a deck.

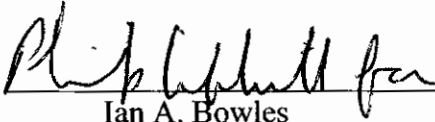
The construction of the proposed dolphins, walkways, ramps, deck and floats over flowed or filled tidelands will require the submittal of a Chapter 91 License Application. According to MassDEP's comment letter the project will be classified as a waterborne passenger transportation and shipping facility, a water-dependent use project in accordance with 310 CMR 9.12. I remind the proponent that plans submitted with the Chapter 91 License Application must include a delineation of the existing and historic mean high water and mean low water marks pursuant to 310 CMR 9.02.

The project will not require land alteration or result in increased impervious surface area. To mitigate the stormwater impacts of the project during construction, the proponent has committed to employing erosion and sedimentation control measures and disturbed areas along the coastal bank will be promptly stabilized.

During construction, the proponent must employ all feasible measures to reduce fugitive air emissions from the site. The proponent should consider participating in MassDEP's Clean Air Construction Initiative, which involves retrofitting diesel engines with particulate filters and using low sulfur diesel fuel. Low emission construction equipment should be utilized wherever possible to further minimize construction-related air quality impacts.

I ask that MassDEP consider comments received from Division of Marine Fisheries, CZM, and the Board of Underwater Archaeological Resources prior to and during its permitting process. Based on a review of the information provided in the ENF, and after consultation with state and town agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. Outstanding issues may be resolved during the state and federal permitting processes. Therefore, no further MEPA review is required.

August 24, 2007  
Date

  
Ian A. Bowles

Comments received:

- 07/30/07 Victor Skende
- 07/26/07 Cape Cod Commission
- 07/26/07 Board of Underwater Archaeological Resources
- 07/23/07 Office of Coastal Zone Management
- 08/02/07 Division of Marine Fisheries
- 08/07/07 Department of Environmental Protection, SERO

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