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September 21, 2007

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

PROJECT NAME : Proposed Maintenance & Improvement Dredging and  
Marine Park Improvements  
PROJECT MUNICIPALITY : 117 & 119 Edward Foster Road - Scituate  
PROJECT WATERSHED : South Coastal  
EEA NUMBER : 14092  
PROJECT PROPONENT : **Town of Scituate**  
DATE NOTICED IN MONITOR : August 22, 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 determine that the above project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form, the proposed project consists of three phases. Phase 1 would begin in January of 2008 and Phase 3 is anticipated to be completed in May of 2009. Phase 1, which is programmed from January to May of 2008, includes the following items:

- Repair and maintenance of 386 linear feet (lf) of seawall;
- Removal of existing 3,335 square foot(sf) Boatyard Building;
- Addition of 6,870 cubic yards (cy) of fill to an area of approximately 86,000 sf to 14.0 Mean Lower Low Water (MLLW) elevation from 10.5 MLLW in some areas;
- Construction of 335 lf of a railroad tie retaining wall;
- Reorient two historic sheds (approximately 939 sf) approximately 16.5 feet;
- Restore approximately 9,531 sf of coastal dune ( about 346 feet in length);
- Restore existing 42,766 sf parking area with gravel for 109 parking spaces and driveways and loading areas (totaling approximately 86,765 sf);
- Install a gravel pathway approximately 620 feet long by 5 or 6 feet wide; and
- Provide approximately 67 lf of drainage piping.

Phase 2, which is programmed from September to December of 2008, includes the following items:

- Dredging approximately 10,500 cy in an area of 132,050 sf of the marina (maintenance dredging is 18,045 sf and improvement dredging of 114,005 sf) to -6.0 MLLW;
- Reconfigure and increase the size of the existing 6,840 sf 64-slip float system to a 11,666 sf 100-slip float system;
- Install a 50-ton travel lift with a 748 lf steel sheet pile retaining wall system;
- Install a 1,500 sf boat wash area with a wastewater treatment recycling system;
- Install 125 lf of cantilevered sheet piles at the south end of the marina; and
- Construct a new 2,500 sf boatyard building.

The proponent is proposing to dispose of the dredged material at the Mass Bay Disposal Site with the option of going to an approved upland disposal site. The dredging will be via mechanical dredging via a crane-mounted floating barge with a clamshell bucket loaded onto scow barges. The proponent is proposing seasonal floats.

Phase 3, which is programmed from January to May of 2009 (depending on funding availability), includes the following items:

- Remove the existing 386 lf seawall and construct a new 8,700 cy stone revetment for 265 lf;
- Construct a 750 sf Park Master Building with a 927 sf deck;
- Install a 1,055 sf marina drop-off area;
- Install a 36 sf pump out facility;
- Construct a 1,650 sf kayak launching area;
- Install a 1,160 sf handicapped parking area;
- Remove approximately 8,408 sf of Phragmites and replant 11,300 sf of shore plantings;
- Install 210 lf of cantilevered sheet piles at the north end of the marina; and
- Construct a 905 sf viewing pier.

With the removal of the existing seawall and the construction of the stone revetment landward of the seawall, the proponent will reduce the boatyard's total footprint by approximately 11,730 sf, which will create additional marine habitat. The proponent is also proposing to restore approximately 9,531 sf of historical coastal dune at the eastern edge of the site along Edward Foster Road.

The marina is comprised of about 3.2 acres of land area. It contains 64 existing slips, haul-out services, repairs, and a boat storage area with an undetermined amount of parking. The proponent is proposing 100 slips with the project.

The project is subject to MEPA review pursuant to Sections 11.03(3)(b)(1)(a), 11.03(3)(b)(1)(f), 11.03(3)(b)(3), and 11.03(3)(b)(6) because the project alters coastal dune and bank; alters 0.5 or more acres of wetlands; dredges 10,000 or more cubic yards of material; and constructs, reconstructs, or expands a pile-supported or bottom-anchored structures of 2,000 or more sf of base area. It will require a Chapter 91 Waterways License for the dredging and the addition of new coastal structures for a water-dependent project from the Department of Environmental Protection (MassDEP). The project will also require a Water Quality Certificate from MassDEP. It may need to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. On June 26, 2007, an Order of Conditions was issued by the Scituate Conservation Commission. A Programmatic General Permits (PGP) may be needed from the U.S. Army Corps of Engineers. A Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) office may also be necessary. MEPA jurisdiction is limited to those aspects of the project whose environmental impacts are related to the subject matter of the state permits (dredging, wetlands, stormwater, and waterways).

According to the proponent, the project would affect approximately 136,969 sf of Land Under the Ocean (LOU) - 132,050 sf/3.03 acres from dredging, 4,826 sf of net increase from the pile-supported pier & float area, and 93 sf of net increase from the pile area; 748 linear feet of Coastal Bank – bulkhead work/seawall; 500 sf of Intertidal Area – viewing pier; 14 sf of Salt Marsh – viewing pier; 132,050 sf of Land Containing Shellfish - dredging; and 139,830 sf of Land Subject to Coastal Storm Flowage (LSCSF) – marina and parking area. The proponent will create 1,675 sf of LUO (removal of seawall), and it will restore 9,531 sf of Coastal Dune and 8,408 sf of Intertidal Area (proposed salt tolerant planting).

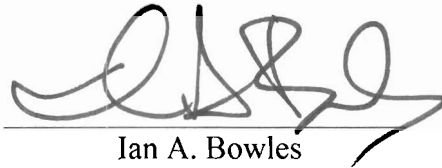
The proponent has removed approximately 40,946 sf of impervious areas. It should upgrade any portions of its stormwater management system to meet DEP's Best Management Practices and correct past system deficiencies. The proponent has committed to fit two proposed catch basins at the driveway with hoods for oil separation before discharging runoff into the municipal drainage system. Roof runoff will continue to be sheet flow to the existing stormwater collection system. The proposed boat wash water collection system has been designed as a wastewater treatment recycling system. The proponent has committed to provide an annual inspection and maintenance program of its stormwater collection system.

MassDEP has sufficient authority to deal with any outstanding issues during project permitting. The proponent should work with MassDEP and MCZM during the permitting process to resolve the remaining issues with this project. Dredging should be restricted to between January 15<sup>th</sup> and May 31<sup>st</sup> to avoid fisheries and shellfish impacts. The proponent should coordinate with Marine Fisheries to remove and relocate quahogs found within the project footprint and develop a mitigation plan for unavoidable impacts to shellfish habitat. It

should develop a marine management plan that is consistent with the CZM/EEA Massachusetts Clean Marina Guide. The proponent should provide further analysis of the impacts of the fill on future flooding during coastal storm events to MassDEP and MCZM. It should also consider nonstructural options for retaining walls and/or sheeting, such as vegetation, to avoid interference with overwash during storm events. The proponent should also demonstrate that it has investigated the potential for beneficial reuse of the dredged material.

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 the preparation of an EIR and can be properly addressed in the MassDEP and local permitting processes.

September 21, 2007  
Date



Ian A. Bowles

Comments received:

Scituate Selectmen's Office, 8/23/07  
MassWildlife, 8/27/07  
Scituate Board of Selectmen, 8/30/07  
CLE Engineering, 9/5/07  
MA Board of Underwater Archaeological Resources, 9/10/07  
MCZM, 9/11/07  
MassDEP/SERO, 9/11/07

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