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October 26, 2006

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

PROJECT NAME : Replacement Parking at UMASS Boston
PROJECT MUNICIPALITY : Boston (Dorchester)
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 13880
PROJECT PROPONENT : UMASS Boston
DATE NOTICED IN MONITOR : September 26, 2006

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). In a separate Decision issued on October 25, 2006, I have proposed to grant a Waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR) for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the creation of approximately 850 replacement parking spaces on 7.48 acres in four locations within the UMASS Boston (the University) campus. Each parking area, referred to as Areas B, C, D, and E, will be paved with binder coarse, and lighting, stormwater management structures and pedestrian access routes will be constructed. This project is being proposed under the Emergency Action provisions of the MEPA Regulations (301 CMR 11.13) subsequent to the closure of the existing structured parking facility due to public safety concerns. The proposed project seeks to provide temporary paved surface parking facilities to alleviate shortages due to the garage closure while the University embarks on its recently initiated Institutional Master

Planning (IMP) process. As indicated at the site consultation meeting, the proponent intends to construct Area D in Fall 2006, and complete paving and upgrades to Areas B,C, and E during UMASS Boston's winter break.

The project site is located within the northern portion of the UMASS Boston campus, near the terminus of Mount Vernon Street and the privately maintained one-way road within the UMASS Boston campus. In accordance with the Emergency Action provisions of the MEPA Regulations, parking Areas B,C, and a portion of Area E are presently in use by students and staff. Areas B and C were constructed of gravel and temporary lighting was in place at the commencement of the Fall 2006 semester. A portion of Area E is presently used for parking within an existing paved lot; temporary lighting was installed to facilitate use of the area for student and staff parking. The remainder of Area E is used by the Boston Water and Sewer Commission (BWSC) for a storage facility located adjacent to the Calf Pasture Pumping Station. It is anticipated that in the future the BWSC will no longer use this facility; UMASS Boston has secured the rights to use this property for parking or other campus-related purposes once the BWSC vacates. Area D is presently a large open field maintained by the University, located adjacent to Dorchester Bay and the Harborwalk. The Harborwalk will not be altered and existing vegetation proximate to the coastline will be maintained in association with this project.

The project site is located within areas identified as filled tidelands, and contains substantial areas identified under the Wetlands Protection Act (WPA) as "Area Subject to Coastal Storm Flow" and other wetland resource areas protected under the WPA. The project site has also been identified within the most recent Atlas published by the Natural Heritage and Endangered Species Program (NHESP) as containing Priority Habitat for the Vesper Sparrow (*Pooecetes gramineus*) and is therefore subject to review under the Massachusetts Endangered Species Act (MESA).

Jurisdiction

This project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(1)(5) because the project will require a Chapter 91 License, and consists of a new non-water dependent use that will occupy one or more acres of waterways or tidelands. The project will also result in the creation of five or more acres of impervious area (Section 11.03(1)(b)(2)), and the creation of construction of 300 or more New parking spaces at a single location (Section 11.03(6)(b)(15)), both of which are ENF thresholds under the MEPA regulations. The project requires a Chapter 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP). It is my understanding that the project proponent intends to file for a Chapter 91 Waterways License under the Emergency Action provisions of the Waterways Regulations (310 CMR 9.20). Based upon information shared at the site consultation meeting, the project proponent has concluded the public hearing process with the Boston Conservation Commission for an Order of Conditions under the Wetlands Protection Act, and has received approval under the Category 2 Programmatic General Permit from the U.S. Army Corps of Engineers. By way of the comment letter received on the ENF from the Division of Fisheries and Wildlife – NHESP, the project has been authorized to proceed pursuant to the MESA emergency provisions (321 CMR 10.15). This comment letter also

outlined specific actions and mitigation that must be undertaken by the proponent, in consultation with NHESP, in association with the project.

The project will be financed by the Massachusetts Board of Higher Education and the Division of Capital Asset Management. Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Land Alteration / Drainage

The project will result in the creation of 5.48 new acres of impervious area and 6.60 acres of new land alteration. A large portion of the property is located on filled tidelands, and historically the area was used for landfill purposes. Limited grading will be required to establish the parking areas, further necessitated by a desire to not disturb existing soils in the area.

According to the ENF and the site consultation session, the project is designed to meet MassDEP's Stormwater Management Policy through the use of deep sump catch basins, Vortech™ stormwater management structures, grease traps, and infiltration trenches. Under current conditions, drainage from this portion of the campus connects to a pipe that discharges directly into Dorchester Bay. The proponent has indicated that post-development runoff rates will be less than pre-development conditions and that the introduction of water quality structures should serve to maintain water quality discharges. The proponent should confirm with MassDEP and the Division of Marine Fisheries that the project is consistent with the MassDEP Stormwater Management Policy.

The proponent should incorporate snow plowing and storage provisions into its stormwater pollution and prevention plans as part of the NPDES permitting process. It is imperative that given the limited parking availability, that snow removal be managed in accordance with MassDEP Snow Disposal Guidelines. The NPDES stormwater pollution and prevention plan should also outline operations and maintenance procedures for the proposed stormwater management structures in post-construction conditions.

Wetlands, Waterways and Tidelands

The project will alter approximately 14,650 square feet of Land Subject to Coastal Storm Flow. Additionally, the project will consist of 6.60 acres of new non-water dependent use of tidelands or waterways. Based upon information shared at the site consultation meeting, existing drainage from Parking Area D connects to a drainage outfall pipe that ultimately discharges to Dorchester Bay. While studies have not confirmed drainage patterns in Areas B,C, and E, it is possible that some portion of existing drainage also connects to this same drainage pipe. The proponent has designed a stormwater management system consistent with the MassDEP Stormwater Management Policy in an attempt to mitigate the potential impact of stormwater runoff on adjacent wetlands and tidelands.

Parking Areas C,D, and E are located within historically filled tidelands regulated by M.G.L. Ch. 91 and the Waterways Regulations at 310 CMR 9.00. Area B is located on tidelands

that are considered “landlocked” and thus is exempt from the aforementioned regulations. The Waterways Regulation Program, via its ENF comment letter, has recommended that the temporary parking facilities be allowed to proceed through permitting given that the IMP process has commenced. Parking Area D is likely to have the greatest potential visual impact to public access along the nearby Harborwalk. The temporary parking facilities do not appear to directly impact the Harborwalk through alteration, and the proponent has agreed through the Notice of Intent process with the Boston Conservation Commission to plant a landscape buffer to delineate and shield, to the extent practicable, portions of the parking areas. Temporary parking facilities should provide not only safe pedestrian access to the UMASS Boston Campus, but should also maintain access to the Harborwalk and public recreation opportunities. We encourage the proponent to explore the possibility of upgrading the Harborwalk in the project vicinity to meet Harborwalk design standards during the Chapter 91 permitting review process.

The UMASS Boston campus is located near designated shellfish growing areas and supporting marine resources. According to the Division of Marine Fisheries (DMF), intertidal areas near the project site are presently closed to shellfishing, however improvements in water quality have been seen in the region. The proponent states that it has designed a stormwater management system in accordance with the MassDEP Stormwater Management Policy that will reduce total suspended solids (TSS) and reduce stormwater runoff rates in comparison to existing conditions.

Traffic / Parking

The project will result in the creation of more than 300 parking spaces in a single location. The primary impetus for this project is to create temporary parking areas to offset lost parking spaces in the closed parking structure. The objective of the new parking spaces is to create temporary, safe, parking areas to accommodate commuting students (UMASS Boston has no on-campus accommodations), while the University undertakes its IMP process. It is clear from discussions with University representatives that a primary focus of the IMP will be to find areas to accommodate parking for faculty and staff in an integrated fashion to the overall campus environment. It is possible that the temporary parking areas proposed within this ENF will become permanent parking areas or structures under the IMP. As a condition of a Draft Record of Decision (DROD) issued on October 25, 2006, I have required UMASS Boston to submit an NPC, no later than November 8, 2008, that specifically addresses the long-term use of these temporary parking areas. I strongly encourage the University to thoroughly evaluate a comprehensive parking plan during the IMP process that specifically addresses conversion of these temporary parking areas back to open space. If these temporary parking areas will eventually become permanently altered, the IMP should consider the requirements for environmental mitigation in the larger campus plan to meet future permitting requirements.

The project will not create added parking capacity nor generate additional vehicle trips beyond those that existed prior to the closure of the on-site parking garage. Overflow parking during times of peak demand has been accommodated by sharing a parking area at the Bayside Exposition Center; although no formal agreement is in place between the operator of the Bayside Exposition Center and UMASS Boston. Since UMASS Boston is a commuter school, the University is actively involved in promoting use of public transportation and provides shuttle

buses from the nearby JFK/UMASS station on the Red Line and Commuter Rail. In response to the closure of the parking garage, shuttle service has been intensified and expanded. Additionally, the University also provides preferred parking rates for motorcycles, provides resources for carpools, and is subject to MassDEP's Rideshare Regulations. In accordance with the Rideshare Regulations, the University conducts regular surveys to understand commuting patterns, demand and assist with implementing mitigation measures to reduce vehicle trips. I expect that the University will continue to use these data to better understand the effectiveness of the proposed temporary parking facilities and to assist in the IMP process.

Rare Species

A portion of the project site is mapped as Priority Habitat of Rare Species (PH 974) within the *Massachusetts Natural Heritage Atlas, 12th Edition* (effective October 1, 2006). The site is mapped habitat for the Vesper Sparrow (*Pooecetes gramineus*), a species that is listed as "Threatened" pursuant to MESA. The project has been granted permission to proceed under the emergency provisions of the MESA Regulations (321 CMR 10.15) and the proponent must consult with NHESP to review actions requested within the NHESP ENF comment letter prior to commencement of any additional construction efforts.

I agree with NHESP's request to consider alternatives to restore habitat within Area D during the IMP and long-term parking planning process. Furthermore, I remind the proponent that they should evaluate the impact to habitat and outline appropriate mitigation measures if alternatives cannot be implemented to return Area D to open space once the action items from the IMP are initiated. A future Conservation and Management Permit may be required from MESA in the future should parking become permanent or other development be proposed within Priority Habitat Areas.

Hazardous Waste

The MassDEP has identified that a portion of the project site is regulated under the Massachusetts Contingency Plan, Release Tracking Number 3-0004071. Additionally, the proponent indicated at the site consultation meeting that the property was historically used as a landfill, and therefore groundwater monitoring has been ongoing for a period of time. The proponent is reminded that any proposed work must be performed in compliance with applicable regulations under Massachusetts General Laws c.21E/21C and the Occupational Safety and Health Administration (OSHA).



Conclusion

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, and given the temporary nature of the parking areas, I find that the potential impacts of this specific project (temporary emergency parking facilities) do not currently warrant further MEPA review. Outstanding issues may be addressed during the permitting process.

October 26, 2006

Date


Robert W. Golledge, Jr.

Comments received:

10/04/2006 Paul Nutting (2 letters)
10/16/2006 Massachusetts Department of Environmental Protection – NERO
10/16/2006 Massachusetts Department of Environmental Protection – Waterways Regulation Program
10/16/2006 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
10/16/2006 Division of Marine Fisheries

RWG/HSJ/hsj