



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

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

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

November 9, 2006

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

PROJECT NAME : 325 East Chop Drive, Beach/Dune Nourishment
PROJECT MUNICIPALITY : Oak Bluffs
PROJECT WATERSHED : Martha's Vineyard Watershed
EOEA NUMBER : 13890
PROJECT PROPONENT : Robert Bennett
DATE NOTICED IN MONITOR : October 10, 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).

As described in the Environmental Notification Form (ENF), this project involves dune and beach nourishment located immediately seaward of an existing single family home located at 325 East Chop Drive in Oak Bluffs. Beach nourishment plans include the placement of approximately 1,750 cubic yards of compatible fill material (mix of sand, pebbles and cobbles) in a 250 foot by 70 foot area on-site. The fill areas, as well as some restorative and vegetation enhancement areas, will extend onto adjacent parcels. The area of fill is located in an intertidal region between two stone groins, constructed by the Commonwealth (perhaps in the 1950s). No coastal engineering structures or other such improvements are proposed as part of this project, as they are inconsistent with many coastal resource performance standards. Furthermore, alternatives to reduce wave impact, overwash and erosion are limited, as structured means are generally not permissible. The Division of Marine Fisheries has indicated that a portion of the project site lies within mapped shellfish habitat.

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)(1)(a) because it requires a State permit and will involve the alteration of a barrier beach. The project requires a Chapter 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP). It is our understanding that an Order of Conditions (DEP No. SE53-0490) was issued for this project by the Oak Bluffs Conservation Commission in August 2006. The project also requires a United States Army Corps of Engineers (U.S. ACOE) Category 2 Programmatic General Permit for the proposed work and a consistency statement from the Office of Coastal Zone Management.

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 Tidelands.

The proponent has indicated that the project will impact approximately: 500 square feet (sf) of Land Under Ocean, 17,500 sf of Coastal Beach, 300 sf of Coastal Dunes, 17,800 sf of Barrier Beach, and 17,800 sf of Land Subject to Coastal Storm Flowage. The proponent has indicated that fill materials will be obtained that mimic existing grain sizes (sand, cobble, etc.). The Office of Coastal Zone Management has stated that in relation to this specific project, "it does not appear that placement of the material will adversely affect the natural function of the dune or near shore resources, or cause adverse changed in wave reflection or refraction."

In order to enhance retention of sandy materials and reduce wave energy during some storm events, the project includes a zig-zag row of buried sand drift fence (± 150 linear feet). The exact construction methodology has not been determined at this time; however the intent is to limit direct impact to resource areas, reduce the likelihood of cofferdams or dewatering, and conduct activities at such tides or times to avoid impacts to the extent practicable. Given this uncertainty, I encourage the proponent and future contractors to work with the Oak Bluffs Conservation Commission (as a condition of the Order of Conditions), Office of Coastal Zone Management and the Division of Marine Fisheries, to ensure that the proposed construction methodology is consistent with beach nourishment guidelines and marine habitat performance standards.

As part of the approved Order of Conditions, the Oak Bluffs Conservation Commission has required the proponent to regularly monitor the project site and submit two annual monitoring reports, one in spring and one in fall, for each of the three original years of the project. Additionally, as part of this monitoring program, a site visit will be held each spring and fall in coordination with the monitoring reports. I request that the Office of Coastal Zone Management, Division of Marine Fisheries and Martha's Vineyard Commission receive copies of these reports and be invited to participate during the proposed site visits.

The proponent has acknowledged that the proposed beach nourishment project is not a “solution” to beach erosion or the impacts of coastal flooding events. Therefore, the proponent has requested that the project consist not only of the original deposition of fill materials, but also ongoing maintenance to maintain improved conditions along the shoreline. However, should the project result in a significant increase in environmental impact, as evidenced by the ongoing monitoring component established in the Order of Conditions, a Notice of Project Change must be filed with the MEPA office.

The ENF contains sufficient information to understand the potential impacts of the project, and to demonstrate that the impacts of the project do not warrant the preparation of an EIR. The project will serve to restore the beach/dune along this stretch of East Chop Drive and monitoring programs will assist in the data gathering process for any future remediation/restoration efforts along this area of the roadway and beach. The project consists of an alternative generally consistent with applicable performance standards and will maintain rights to shoreline access. The proposed types of fill materials appear to be consistent with those present on site and strive to replicate existing conditions while enhancing the overall viability of the beach.

The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required at this time.

November 9, 2006
Date


Robert W. Golledge, Jr.

Comments received:

- 10/23/2006 Office of Coastal Zone Management
- 10/30/2006 Massachusetts Department of Environmental Protection – SERO
- 10/30/2006 Division of Marine Fisheries
- 10/30/2006 Martha’s Vineyard Commission

RWG/HSJ/hsj