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November 17, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Sengekontacket Pond Dredging, Beach Nourishment, &
Dune Restoration
PROJECT MUNICIPALITY : Edgartown
PROJECT WATERSHED : Islands
EOEA NUMBER : 14138
PROJECT PROPONENT : Town of Edgartown
DATE NOTICED IN MONITOR : October 22, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). The proponent has also requested a Phase 1 Waiver in order to allow a portion of the project to proceed prior to submitting its Draft EIR. The Certificate on this NPC is contingent upon the granting of a Phase 1 Waiver in the Final Record of Decision (FROD). If the Phase 1 Waiver is not granted in the FROD, then I will reissue this Certificate on the NPC with a denial until the Draft EIR has been submitted. The Draft EIR will incorporate impacts from Phase 1 and the rest of the project into its review of the cumulative environmental impacts of the project.

Previous MEPA Review

The original project consists of the dredging of approximately 85,000 to 100,000 cubic yards (cy) from 13.9 acres of Land under a Salt Pond (LUSP) within the existing Navigational

channels within Sengekontacket Pond. The project includes both maintenance (2.2 acres) and improvement dredging (11.7 acres). The proponent is proposing to utilize the dredged material as beach nourishment on 13.6 acres of adjacent coastal and barrier beaches. The dredged material will be utilized on Bend in the Road and Cow Bay Beaches. The channel to be dredged is 6,060 linear feet long, 100 feet wide, and approximately 6-feet deep. The dredging area would be excavated to -6 feet at Mean Low Water (MLW). It will be hydraulically dredged and the sand will be pumped to the disposal site through submerged and floating lines. The project will provide navigation improvements for boating, storm damage protection, flood control, and improved water quality within the ponds, which may improve shellfish habitat. The proposed project area is approximately 27.5 acres. On December 26, 2007, in a Certificate on the Environmental Notification Form, I determined that the project required a mandatory EIR.

A previous NPC with a request for a Phase 1 Waiver was filed in March, 2008. It requested that renourishment of the eroded Bend in the Road Beach be allowed to proceed prior to the submission of the Draft EIR. It proposed to renourish these areas by pumping material from a 150,000 sf area within Borrow Area #1 in Sengekontacket Pond. The NPC indicated that Borrow Area #1 had been dredged previously and that the Town had valid permits from MassDEP and the U.S. Army Corps of Engineers (ACOE) for maintenance dredging. A Final Record of Decision (FROD) granting the Phase 1 Waiver was issued on May 23, 2008.

NPC Project Change Description

The project change consists of reconstruction of the eroded frontal dune along Cow Bay Beach as part of Phase 1 of the Sengekontacket Dredging Project. The proponent identifies several reasons for allowing this element of the project to proceed as part of Phase 1. Review of the sediment cores from the lower half of the Sengekontacket channel indicates that the sediments are not compatible for nourishment of the Cow Bay beach and dune. Second, the material from Borrow Area #1 is compatible with Cow Bay Beach and the Town can secure significant cost savings and efficiencies by extending the Bend in the Road project, which is nearing completion, to Cow Bay Beach. In addition, the NPC indicates that the Cow Bay dunes provide little to no storm damage protection or flood control for the surrounding wetlands or upland properties and that there continues to be a threat of overwash into Trapps Pond.

Sediment will be pumped by the Town owned hydraulic dredge from Borrow Area #1 through a pipe to the nourishment site on Bend in the Road Beach where it will be dewatered in a dewatering pit/trench. The dredge pipe will run under the Big Bridge and along Sylvia State Beach to Bend in the Road Beach to avoid impacts on salt marsh or other resource areas. Dewatered material will be transported via rubber-tired dump trucks to Cow Bay. The dune will be constructed entirely above MHW.

The NPC indicates that the project will impact approximately 4.02 acres of land. An email from the project consultant dated November 6, 2008 clarifies the impacts associated with

this phase of the project and indicates that this project will impact 1 acre of barrier beach and 2.2 acres of coastal dune for a total of 3.2 acres. Approximately 27,000 cubic yards (cy) of material will be dredged from Borrow Area #1 for use at Cow Bay.

Dredging associated with Phase 1 will require an amended Chapter 91 License and amended Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). Restoration of the dune will require an Order of Conditions from the Edgartown Conservation Commission. The project may be subject to Federal Consistency review from the Massachusetts Coastal Zone Management (MCZM) Office.

To The proponent has committed to the following mitigation measures to reduce potential environmental impacts associated with the project: the dredge pipe will be routed to avoid resource areas and the proponent will observe time-of-year restrictions (TOY) between April 1st and August 31st for rare species and January 15th through May 31st for winter flounder.

Comments from state agencies, including MassDEP and CZM, indicate support for the project and the Phase 1 Waiver. Comments from the Natural Heritage and Endangered Species Program (NHESP) indicate that the project will be conditioned through the permitting process to minimize impacts to rare species including a reduction in dimensions of the proposed dune restoration, establishment of TOY restrictions and development of a rare species monitoring plan.

Based on a review of the information provided by the proponents in the NPC and consultation with state agencies, I find that no additional MEPA review is required for Phase 1 at this time and I will propose to grant the Phase 1 Waiver in a separate Draft Record of Decision (DROD). The impacts of Phase 1 of the project will be incorporated into the assessment of overall impacts for the project in the Draft EIR.

November 17, 2008

Date



Ian A. Bowles

Comments received:

MassWildlife, 11/10/08
MassDEP/SERO, 11/7/08
MCZM, 11/6/08

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