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December 10, 2008

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

PROJECT NAME : Ducks Unlimited Culvert Replacement  
PROJECT MUNICIPALITY : Falmouth  
PROJECT WATERSHED : Buzzards Bay  
EOEA NUMBER : 14330  
PROJECT PROPONENTS : Ducks Unlimited, Inc.  
DATE NOTICED IN MONITOR : October 22, 2008

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

According to the Environmental Notification Form (ENF), the proposed project consists of the restoration of certain salt marshes in the Great Sippewissett Marsh in West Falmouth. The project site, located at 8 Wigwam Road, is a private, residentially developed parcel of land containing approximately 4.8 acres in area. According to the ENF, the salt marshes are showing stress from the existence and increased growth of Phragmites, an invasive reed. The proposed salt marsh restoration involves replacement of an existing under-sized culvert to increase tidal exchange so that more salt water will reach the upper portion of the marsh.

The project is subject to review pursuant to Section 11.03(3)(b)(1)(a), Section 11.03(3)(b)(1)(d) and Section 11.03(3)(b)(1)(f) of the MEPA regulations because it requires State permits and will involve alteration of a Coastal Bank, alteration of more than 5,000 square feet of bordering vegetated wetland, and alteration of more than a half acre of salt marsh. It will require a Chapter 91 Waterways License and a Section 401 Water Quality Certification (WQC) from the Department of Environmental Protection (MassDEP). The project will require a Programmatic General Permit from the U.S. Army Corps of Engineers for wetlands construction. The project will also require an Order of Conditions from the Falmouth Conservation

Commission and, on appeal only, a Superceding Order of Conditions from MassDEP. Federal Consistency review by the Massachusetts Coastal Zone Management (MCZM) Office may also be necessary.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to waterways, wetlands and stormwater.

The proponent intends to conduct the work during low tide to reduce impact to wetland resource areas, limit disruption to the local neighborhood, and decrease the potential amount of construction period dewatering. While specific construction equipment and methodology will be at the discretion of the construction contractor, the proponent stated at the on-site consultation that revised plans are being prepared for the Town of Falmouth to show installation of a temporary dewatering basin. The proponent also stated during the on-site consultation that all work would be conducted from the causeway under which the culvert passes and that there will be no equipment placed on the Salt Marsh. The construction period is anticipated to be short in duration, and areas of removed vegetation will be replaced in a timely fashion.

The MassDEP and the Department of Conservation and Recreation (DCR) comment letters summarize additional information that should be addressed by the project proponent during the Chapter 91 and 401 WQC permit processes and prior to construction. Generally, these items include information pertaining to evaluation of wetland impacts, flooding potential, long term monitoring, and construction methodologies. I request that the project proponent specifically address the concerns raised within the MassDEP comment letter during both the 401 WQC and Chapter 91 License permitting processes. I encourage the proponent to implement a thorough monitoring program to ensure the overall success of this restoration project.

Should the project be modified, the proponent may need to submit a revised Notice of Intent with the Falmouth Conservation Commission and/or file a Notice of Project Change with the MEPA Office. In addition, the Division of Fisheries and Wildlife's Natural Heritage Endangered Species Program (NHESP) has indicated that the project appears to be exempt from review under the Massachusetts Endangered Species Act (MESA). However, future modifications to the project may require a direct filing with NHESP pursuant to the MESA regulations.

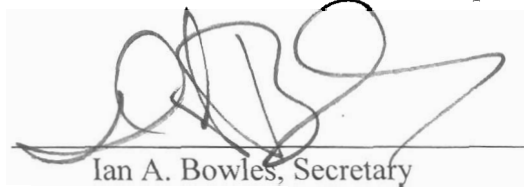
Prior to commencement of construction, I encourage the proponent and the selected contractor to consider possible ways to mitigate stormwater runoff within the project area through non-structured means. I recognize the limitations in this area, given the location of wetland resource areas; however some consideration should be given to reducing sheet flow velocities and pollutant loads that may directly discharge into wetland resources. Any drainage improvements should be made in accordance with appropriate applicable regulations and design guidelines.

The ENF contains sufficient information to disclose the potential impacts of the project, and associated mitigation. This project provides an opportunity to restore valuable wetland habitat areas within the salt marsh, and to mitigate a public safety issue associated with flooding.

I find that that the project, while requiring additional information during the MassDEP permit approval process, does not warrant the preparation of an EIR. The project has received support from State resource management agencies. I am confident that the proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required.

December 10, 2008

Date



Ian A. Bowles, Secretary

Comments Received:

11/03/08	Division of Fisheries and Wildlife's Natural Heritage Endangered Species Program
11/07/08	Cape Cod Commission
11/10/08	Division of Marine Fisheries
11/14/08	Department of Conservation and Recreation
12/01/08	Department of Environmental Protection, Southeast Regional Office

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