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December 12, 2007

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

PROJECT NAME : Somerset Skating Marsh Restoration Project  
PROJECT MUNICIPALITY : Somerset  
PROJECT WATERSHED : Taunton  
EEA NUMBER : 14132  
PROJECT PROPONENT : Town of Somerset  
DATE NOTICED IN MONITOR : November 12, 2007

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) the project consists of a culvert replacement to restore approximately seven (7) acres of salt marsh, and improve approximately 11 acres of coastal and freshwater wetland, by enhancing tidal flushing/mixing between the Taunton River, Labor in Vain Brook, and the Somerset Skating Marsh. This culvert has been evaluated by the Massachusetts Wetlands Restoration Program (MWRP) as part of the Mount Hope Bay Tidal Restriction Atlas, published in 2003. The MWRP has indicated that the restricted tidal flow at the project location has altered the hydrologic characteristics of the salt marsh upstream of the culvert by reducing the tidal range and limiting saltwater inputs to the marsh. Furthermore, the wetland resource areas upstream of the culvert have been historically flooded with freshwater in the winter months for use as a public skating area by the Town of Somerset. The Town of Somerset has indicated that use of the salt marsh for public skating

purposes will be phased out over the next two years, and a suitable alternative location (likely on a parcel of land owned by the Somerset Water Company) will be used for future public skating.

The project will include the replacement of the existing 113-foot long, 24-inch corrugated metal pipe (CMP) culvert in the gravel parking lot with a 26-foot long, four-foot wide, four-foot high (3-foot effective height), pre-cast concrete box culvert, concrete headwalls, and pre-cast concrete flared end section, to be installed in approximately the same location as the existing undersized culvert. The project will involve the removal of approximately 135 cubic yards (c.y.) of fill, which had been placed in the tidelands for the parking lot, to facilitate the creation of an open, low-flow channel. Furthermore, to reduce the likelihood of flooding during seasonal high tide events, the project will include an earthen berm (approximately 2.5-feet in height and 500-feet in length) to protect three adjacent low-lying residences. Given the nature of the project, impact to existing wetland resource areas (Salt Marsh, Land Under Waterways, Bank, Riverfront Area, and Coastal Floodzone), as well as adjacent buffer zone, some alteration of wetland resource areas is unavoidable. Some of these impacts will be temporary in nature, some permanent, and in some cases, additional wetland resource areas will be created through the improved tidal flushing.

The project is undergoing MEPA review pursuant to Sections 11.03(3)(b)(1)(a) and 11.03(3)(b)(1)(c) because it requires a State permit and will involve the alteration of a Coastal Bank and alteration of more than 1,000 square feet (sf) of Salt Marsh. The project requires a Chapter 91 Waterways License and Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project requires a United States Army Corps of Engineers (U.S. ACOE) Category II Programmatic General Permit for the proposed work and a consistency statement from the Office of Coastal Zone Management. The project will also require an Order of Conditions from the Somerset Conservation Commission.

The project will receive financial assistance from the Massachusetts Office of Coastal Zone Management and the Massachusetts Riverways Program. 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.

#### Wetlands/Stormwater

The ENF indicates that the project will alter 34 linear feet of Coastal Bank, which will be replaced by 140 linear feet of Coastal Bank upon project completion. The project will temporarily alter 1,246 sf of Salt Marsh and but will result in the restoration of a total of 7 acres of Salt Marsh. Approximately 12,191 sf of Land Subject to Coastal Storm Flowage (LSCSF) will be altered, of which 6,973 sf will be temporary alteration during the construction period, 1,028 sf will be permanent alteration for the berm, and 4,190 sf of which will be restored. Finally, the project will impact approximately 10,945 sf of Riverfront Area, including temporary alteration of 5,727 sf during construction, 1,028 sf in association with the placement of the berm, and 4,190 sf of which will be restored.

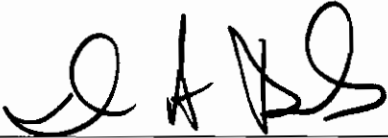
The MassDEP comment letter summarizes additional information that should be addressed by the project proponent during the Chapter 91 and 401 WQC permit processes and prior to construction. Generally, these items include information pertaining to dewatering techniques, abandonment of the existing culvert, 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 Ch. 91 License permitting processes.

The proponent should prepare an erosion and sedimentation control plan to manage stormwater runoff during the construction period. Based upon information shared at the MEPA site visit, the new box culvert will be able to be installed adjacent to the existing CMP culvert, limiting reducing the need for dewatering or temporary flow alterations of the stream. The proponent should employ Best Management Practices (BMPs) with regard to equipment staging areas and storage, given their likely proximity to wetland resource areas. I encourage the proponent to work with the MWRP to establish a robust monitoring program and vegetation management program to ensure the overall viability of the project.

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 proponent reviewed several design alternatives to increase tidal flushing in the general project vicinity. Design alternatives included the Preferred Alternative, a No-Build Alternative, and various combinations of larger or smaller box culverts, bridge spans, and multiple culvert replacements. Additional improvements may be pursued in the future to further enhance tidal flushing along the Taunton River and Labor in Vain Brook downstream of the project site.

This project provides an opportunity to restore valuable wetland habitat areas within salt marsh. The project, while requiring additional information during the MassDEP permit approval process, has received support from State resource management agencies. The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required.

December 12, 2007  
Date

  
Ian A. Bowles

Comments received:

- 11/16/2007 Barbara Maggiacomo
- 11/26/2007 Massachusetts Division of Marine Fisheries
- 11/30/2007 Town of Somerset Conservation Commission
- 12/03/2007 Massachusetts Department of Environmental Protection – SERO
- 12/03/2007 Mass Audubon and the Taunton River Watershed Alliance, Inc.
- 12/03/2007 Town of Somerset Recreation and Playground Department
- 12/03/2007 Petition signed by 15 individuals

IAB/HSJ/hsj