

Commonwealth of Massachusetts

Executive Office of Environmental Affairs ■ MEPA Office

ENF

Environmental Notification Form

<i>For Office Use Only</i>	
<i>Executive Office of Environmental Affairs</i>	
ESEA No.:	13217
MEPA Analyst:	Deirdre Buckley
Phone:	617-626-1044

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: OYSTER CREEK DREDGING PROJECT		
Street: Off Allen's Harbor Lane, Wequassett, Dunes & Nons Roads		
Municipality: Harwich	Watershed: Cape Cod	
Universal Tranverse Mercator Coordinates: Zone 12 416742.5E 4612510.5N	Latitude: 41.66	Longitude: -070.09
Estimated commencement date: Sept. 2004	Estimated completion date: Dec. 2004	
Approximate cost: \$500,000±	Status of project design: ±95% complete	
Proponent: Oyster Creek Preservation, Inc		
Street: 1 Rocky Ledge Terrace		
Municipality: Winchester	State: MA	Zip Code: 01890
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Arlene M. Wilson, PWS		
Firm/Agency: A. M. Wilson Associates, Inc.	Street: 20 Rascally Rabbit Rd, Unit 3	
Municipality: Marstons Mills	State: MA	Zip Code: 02648
Phone: 508-420-9792	Fax: 508-420-9795	E-mail:

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals:

- Order of Conditions – SE32-1659 (Under Appeal)
- Chapter 91 Permit

Corps of Engineering HO4 Permit
MDWPC Permit

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	±4 AC			
New acres of land altered		0		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	4,530±	200	4,730±	
Number of housing units	N/A	N/A	N/A	
Maximum height (in feet)	±6' MLW	0	No Change	
TRANSPORTATION				
Vehicle trips per day	0	0	0	
Parking spaces	0	0	0	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	0	0	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	0	0	0	
Length of water/sewer mains (in miles)	0	0	0	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

Oyster Creek is a small inlet (± 4 AC) located westerly off the Allen's Harbor entrance channel in the Town of Harwich. The inlet was created by dredging allowed under License #658 (Exhibit C). That License allowed a total dredge and fill footprint of ± 6.6 AC. A total of 11 private piers have been constructed within the inlet. The easterly portion of the inlet and the margins around the piers exhibit significant sedimentation. The inlet is available for public navigation. The inlet is not presently accessible for surrounding property owners' boats and others at all tide stages.

The project proposes to dredge a channel within the limits originally dredged under License #658, and to dredge around existing piers where necessary to re-establish a depth of $-4'$ MLW (Exhibit B). An ancillary portion of the project included utilization of clean dredge spoil to construct new salt marsh plots adjacent to the dredged channel. These plots were to be constructed within existing intertidal and slightly supra-tidal beaches. Toe walls with top elevations of varying between 1' to 3' MLW were proposed to stabilize the spoil. This section of the project, especially with regards to the two plots on the south side of the channel is now viewed as optional. Should marsh plots not be constructed, clean material will be offered to the Town for beach nourishment. Spoil from around the piers has a level of arsenic above the Category I limit. It will likely be disposed of at the Bourne landfill or _____ material needing to be moved out of the inlet will be dewatered in the paved parking lot for the neighborhood association beach (Exhibit E).

The inlet is not restricted under the MDEM Coastal Wetlands Restriction Program; MGL Ch. 130 sec. 105. It is not mapped by MNHP as habitat for rare wetland related/dependent species. It is included within a FEMA mapped 100 yr. flood zone with a projected water elevation of 10' NGVD.

Impacts and Alternatives

A small section of the former and proposed dredge channel at the first southerly bend is the site of sandy sediment deposition eroding from the adjacent bank due to surface drainage flows and made-made changes to the inlet. It is used by the Town for its shellfish put and take program. The size of this area has increased in the last few years due to significant erosion of the adjacent coastal bank. Re-establishment of the navigation channel will eliminate some area used for the program. Several years of shellfish inventories show no reliable native set or population in the area (Exhibit I). The rapid sedimentation may be smothering seed. (Note that the Shellfish Warden stated both marked and unmarked shellfish are used for his planting program.) The two marsh plots proposed for the south side of the channel could be adjusted downward marginally in elevation and left unvegetated for shellfish habitat purposes. There is no public access to the inlet from any abutting upland location.

Other impacts are beneficial to benign: reestablishing channel depth will increase flushing of the southwest portion of the basin where anecdotal information shows water quality to be deteriorating.

The second alternative which proposes dredging without marsh construction salvages water quality benefits from flushing but not from vegetative uptake. It also would likely require more frequent maintenance dredging to ensure navigation benefits.

Non-build Alternative impacts are predominantly adverse. Should navigational access to the inlet be lost due to continued sedimentation, the Town will suffer loss of tax revenue as abutting properties become less valuable. The shellfish put and take program will suffer as interior sections of the inlet become non-tidal and the area now most intensely utilized becomes supra-tidal.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1) X Yes ___ No; if yes, specify each threshold: 301CMR 11.26(7)(a)(3)(c) – issuance of a Superceding Order of Conditions permitting dredging and marsh construction of more than ½ ac.

II. Impacts and Permits

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings – existing piers/toe walls	<u>0.1</u>	<u>0</u>	<u>0.1</u>
Roadways, parking, and other paved areas	<u>NA</u>	<u>NA</u>	<u>NA</u>
Other altered areas (describe) – dredging & fill	<u>±6.6</u>	<u>1.5</u>	<u>6.6</u>
Undeveloped areas	<u>NA</u>	<u>NA</u>	<u>NA</u>

B. Has any part of the project site been in active agricultural use in the last three years? ___ Yes X No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use? ___ Yes X No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes X No; if yes, describe:

E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? ___ Yes X No; if yes, does the project involve the release or modification of such restriction? ___ Yes ___ No; if yes, describe:

F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? ___ Yes X No; if yes, describe:

G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes ___ No X; if yes, describe:

H. Describe the project's stormwater impacts and, if applicable, measures that the project will take to comply with the standards found in DEP's Stormwater Management Policy: **N/A – no new impervious areas or discharges proposed and work requires Chapter 91 permitting.**

I. Is the project site currently being regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes ___ No X; if yes, what is the Release Tracking Number (RTN)?