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March 8, 2007

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

PROJECT NAME: Blossom Street Waterfront Facility
PROJECT MUNICIPALITY: Lynn
PROJECT WATERSHED: North Coastal
EOEA NUMBER: 13965
PROJECT PROPONENT: The Economic Development and Industrial Corporation of
Lynn
DATE NOTICED IN MONITOR: February 6, 2007

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

As described in the Environmental Notification Form (ENF), the project consists of improvement and expansion of an existing public boat ramp and commercial docking facility to accommodate improved recreational/commercial vessel access to Lynn Harbor. The 2.7 acre project site is located at the terminus of Blossom Street, adjacent to Lynn Harbor, and contains a small abandoned building, commercial boat ramp and bulkhead wharf structure. The Preferred Alternative for the waterfront docking facility would:

- Reconstruct the boat ramp within its existing footprint;
- Expand the existing bulkhead toward the south along the toe of the placed rip rap between the existing bulkhead and the boat ramp;
- Provide an ADA berthing facility than can accommodate the mooring of two vessels 70 to 80 feet in length along the north side of the property;
- Install a fixed wave attenuation fence to the south of the docking facility;

- Improve the existing upland parking area, including upgraded stormwater management structures;
- Construct a portion of the Harborwalk proposed for connection to Lynn Heritage State Park; and
- Create additional intertidal habitat along the north side of the property.

The project's anticipated impacts are listed within the ENF as alteration of:

- 6,170 square feet (sf) of Land Under the Ocean;
- 6,200 sf of Coastal Beach;
- 370 linear feet (lf) of Coastal Bank;
- 12,000 sf of Land Containing Shellfish; and
- 370 lf of Land Subject to Coastal Storm Flowage.

Additionally, the project will require the removal of approximately 3,850 cubic yards of material from the project area. This dredge material will be removed and dewatered within the upland area of the site and disposed of at a licensed landfill, unless designated for a beneficial reuse project. The project has several existing Chapter 91 Licenses (DPW Lic. #5815, DPW Lic. #6140, DPW Lic. #6211, DEP Lic. #128, and DEP Lic. #4812) for the numerous structures located within the project site within filled or flowed tidelands. The project site is also located within a Designated Port Area (DPA).

This project is subject to review pursuant to Section 11.03(3)(b)(1)(a) of the MEPA regulations, because the project will require a State permit and involves the alteration of coastal bank. The project will require a new or amended Chapter 91 License and a Section 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection (MassDEP), a Category II Programmatic General Permit (PGP) from the United States Army Corps of Engineers (U.S. ACOE), a Federal Consistency Statement from the Office of Coastal Zone Management (CZM), and an Order of Conditions from the Lynn Conservation Commission.

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. The Chapter 91 License confers broad subject matter jurisdiction under MEPA.

Project History

The project site has been subject to several past design plans for a dockage facility for ownership and operation by the City of Lynn. A different project alternative was previously reviewed under MEPA as EOEA No. 6361 in 1987. An Environmental Impact Report (EIR) was required for this project, but was not filed. A second version of the project was submitted for State and Federal permitting review in 1995; however this version of the project did not receive all permitting approvals due to potential environmental impacts. Review of the MEPA records does not indicate a MEPA review for this development scenario. The project presently under review is a scaled back version of the 1995 plan, with a reduction in direct impacts to intertidal habitat, dredging, and dockage capacity. The project appears to be consistent with DPA regulations, the local Municipal Harbor Plan, and planning documents for the City of Lynn.

Wetlands and Waterways

The project will directly impact several coastal wetland resource areas and designated filled or flowed tidelands. Areas of dredging and fill will either result in a loss of certain types of wetland resource areas, and/or facilitate the creation of other types of wetland resource areas. A major alteration will include the replacement of sloped rip-rap areas with vertical steel sheet pile bulkheads, as well as dredging and creation of intertidal mudflats.

Plans submitted for subsequent environmental permitting review should be of suitable scale to facilitate review and clearly indicate location and extent of all wetland resource areas and areas of proposed dredging. This information should demonstrate that the project's impacts to wetland resource areas have been minimized to the maximum extent possible. Also, subsequent permitting documents should provide cross-sectional comparisons of existing and proposed resource areas, areas to be dredged, and proposed structures, including the wave attenuation fence. Additional information on the wave attenuation fence should be provided including location, elevation, composition, impact to wetland resource areas and intertidal habitat, and construction methodologies. Finally, the proponent must demonstrate compliance with applicable wetland performance standards in accordance with the Wetlands Protection Act as part of the Notice of Intent filing with the Lynn Conservation Commission.

I anticipate that as the project proceeds through the State permitting process that the proponent will present information to MassDEP that directly addresses alternative designs and requests for additional information as outlined in the comment letters from CZM, MassDEP, and the Division of Marine Fisheries (DMF). In particular, the proponent should demonstrate that impact to water circulation and water quality, particularly turbidity, are minimized, and impacts from reflected wave energy do not have an adverse impact on the fronting Land Under Ocean.

Marine Resources

According to information provided by the DMF, the project site is located within a designated shellfish growing area (N26.0). Intertidal and shallow subtidal habitats in N26.0 support a variety of shellfish including soft shell clams (*Mya arenaria*) and blue mussels (*Mytilus edulis*). While these areas are closed to commercial harvest, they provide forage for other marine fisheries resources and are a source of seed for nearby commercial shellfish beds. Additionally, shallow subtidal areas provide valuable habitat for winter flounder (*Pseudopleuronectes americanus*) spawning and juvenile development. Most importantly, these habitats have been identified by the U.S. EPA as "special aquatic sites" under section 404(b)(1) of the Federal Clean Water Act, due to their important role within the marine ecosystem.

The proposed project will involve approximately 3,019 sf of intertidal fill and 17,420 sf of intertidal dredging, which will directly impact these "special aquatic sites". While the preferred alternative presents a reduction in intertidal fill from past (1995) proposals, significant alteration of sensitive marine habitats will still occur. The proponent must continue to work with DMF as the project proceeds to State and Federal permitting to further investigate methods by which to reduce direct alteration of intertidal habitats. Furthermore, while the proponent has

proposed the creation of intertidal mudflats as mitigation for the dredging of existing intertidal habitat, DMF has indicated that this endeavor is unlikely to achieve success as intertidal habitat replication. The proponent must work with DMF and other state agencies to evaluate the need for additional mitigation to offset project impacts under the preferred alternative.

Stormwater

The ENF stated that the project will be designed to comply with the standards found in MassDEP's Stormwater Management Policy (SMP). However, the ENF did not contain sufficient information to ascertain how the standards will be met (particularly related to discharges to "critical areas" and total suspended solids removal); what types of Best Management Practices (BMPs) will be incorporated into site design; ongoing operations and maintenance; and the relationship of the proposed improvements to the existing 36-inch drainage pipe adjacent to the boat ramp. Given the proximity of paved parking areas to wetland resource areas, the proponent should prepare a snow disposal plan as part of its compliance with the SMP in accordance with MassDEP Snow Disposal Guidelines. Parking lot sweeping should be scheduled to occur a minimum of twice per year in about October and March for removal of leaves and sand. These supplemental stormwater management materials must be provided to the satisfaction of the Lynn Conservation Commission during the Notice of Intent process and other applicable permitting processes.

Hazardous Materials

MassDEP has indicated that upon review of its records, a reportable release (Release Tracking Number (RTN #3-2578), dated April 14, 2006) occurred on a Blossom Street lot owned by the City of Lynn. The City is advised that removing contaminated soil, pumping contaminated groundwater, or working in contaminated media must be done under the provisions of MGL c.21E/21C and Occupational Safety and Health Administration (OSHA). The appropriate soil and groundwater tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide the contractor the technical guidance required to facilitate any necessary permits.

Underwater Archaeological Resources

The Board of Underwater Archaeological Resources (BUAR) stated in its comment letter that subsequent to a preliminary review, no record of any underwater archaeological resources was found within the project area. The proponent should note that if unknown submerged cultural resources are encountered during the course of the project, the proponent will take steps to limit adverse effects and notify the BUAR, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources* (updated 9/28/2006).

Construction Period

The proponent should consider recycling of construction debris as a sustainable measure for the project. Demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to MGL c.40, Section 54. The proponent should propose measures to alleviate dust, noise and odor nuisance conditions which may occur during demolition and construction.

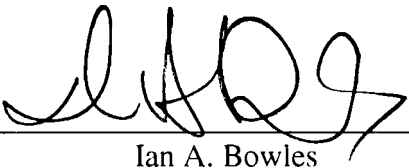
Prior to construction, the proponent should evaluate the need for a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA). As necessary, the proponent should implement erosion and sedimentation controls to limit runoff to wetland resource areas throughout the construction period. Additionally, I encourage the proponent to coordinate with DMF and MassDEP to establish appropriate time periods for construction that will limit impact to sensitive marine habitat.

Conclusion

Based on a review of the information provided by the proponent and comments received from relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. Outstanding issues will be evaluated within applicable State Agency and Federal permitting processes.

March 8, 2007

Date



Ian A. Bowles

Comments Received:

02/22/2007	Office of Coastal Zone Management
02/23/2007	Massachusetts Department of Environmental Protection – Waterways Regulation Program
02/26/2007	Massachusetts Department of Environmental Protection – NERO
02/26/2007	Board of Underwater Archaeological Resources
02/26/2007	Division of Marine Fisheries

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