Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
■ **MEPA Office**

ENF Environmental Notification Form

For Office Use Only *Executive Office of Energy & Environmental Affairs*
EEA No.: 14729
MEPA Analyst: Anne Canaday
Phone: 617-626-1035

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: Town of Falmouth 10-Year Comprehensive Permit for Dredging and Beach Nourishment		
Street: Various Waterways and Beaches in the Town of Falmouth		
Municipality: Falmouth	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates:	Latitude:41.52° to 41.64° Longitude: -70.64°to -70.52°	
Estimated commencement date: Winter 2011	Estimated completion date: On-going	
Approximate cost: ~ $100,000/yr	Status of project design: 95 %complete	
Proponent: Town of Falmouth		
Street: 59 Town Hall Square		
Municipality: Falmouth	State: MA	Zip Code: 02540
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Leslie Fields		
Firm/Agency: Woods Hole Group, Inc.	Street: 81 Technology Park Dr.	
Municipality: East Falmouth	State: MA	Zip Code: 02536
Phone: 508-495-6225	Fax: 508-540-1001	E-mail: lfields@whgrp.com

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.14509, 14239, 14446, 10993) ☐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: **Falmouth Con Comm, DEP Ch 91 & 401 WQC, ACOE, CZM)** ☐No

List Local or Federal Permits and Approvals:

See list of historical and current permits in the Project Summary in Appendix B.

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

☐ Land	☒ Rare Species	☒ Wetlands, Waterways, & Tidelands
☐ Water	☐ Wastewater	☐ Transportation
☐ Energy	☐ Air	☐ Solid & Hazardous Waste
☐ ACEC	☐ Regulations	☐ Historical & Archaeological Resources

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				☒ Order of Conditions ☐ Superseding Order of Conditions ☒ Chapter 91 License ☒ 401 Water Quality Certification ☐ MHD or MDC Access Permit ☐ Water Management Act Permit ☐ New Source Approval ☐ DEP or MWRA Sewer Connection/ Extension Permit ☐ Other Permits (*including Legislative Approvals*) – Specify:
Total site acreage	20.3 acres dredge and beach nourishment			
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	N/A			
Number of housing units	N/A			
Maximum height (in feet)	N/A			
TRANSPORTATION				
Vehicle trips per day	N/A			
Parking spaces	N/A			
WATER/WASTEWATER				
Gallons/day (GPD) of water use	N/A			
GPD water withdrawal	N/A			
GPD wastewater generation/ treatment	N/A			
Length of water/sewer mains (in miles)	N/A			

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 **(Estimated and Priority Habitats at Sites 18, 19, 20, 21, 22, 23 & 24)** ☐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: **Site 23 is adjacent to the Waquoit Bay ACEC**) ☐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.*)

The Town of Falmouth is seeking Comprehensive Permits for a series of twenty-two (22) existing dredging and beach nourishment projects associated with maintenance of the Town's waterways, harbors, and salt ponds. The work is required to provide safe navigation, adequate tidal flow and water quality, and to maintain resource area values for coastal sites and marine species. Two additional sites are included with this application as future projects. Design and permitting for these two sites is currently underway, and the Town would ultimately like to incorporate them into the Comprehensive Permits. See Project Summary in Appendix B for further details on all sites.

Project Locations

Maintenance dredging is conducted at the following 12 sites: Wild Harbor Inner Harbor (1), Wild Harbor Outer Harbor (2), Trunk River (4), Salt Pond (5), Fresh River (6), Falmouth Harbor Entrance Channel (8), Robbins Road/Town Marina (10), Little Pond (12), Great Pond (14), Green Pond (15), Bourne's Pond Outer Channel (18), and Eel River Entrance Channel (21), These sites have been dredged previously and the required work is considered maintenance dredging.

Improvement dredging is planned at the following 3 sites: Bourne's Pond Inner Channel (19), Eel River Extension (22), and Robbins Road/Town Marina (10). Permits have been issued, or are pending, for work at sites 19 and 22 and the dredging work is planned within the next 1-2 years. A small expansion of the existing dredge footprint is being proposed for the Robbins Road/Town Marina (10) site to remove rocks that interfere with navigation. Permits for this expansion will be sought through the Comprehensive Permit process.

Beach nourishment in association with the dredging projects is conducted at the following 10 sites: New Silver Beach (3), Surf Drive Beach (7), Clinton Ave. Beach (9), Falmouth Heights Beach (11), Bristol Beach (13), Acapesket Improvement Association Beach from Great Pond (15), Acapesket Improvement Association Beach from Green Pond (17), and Menauhant Beach (20). These sites have been used previously as beneficial reuse sites for dredged materials from Falmouth waterways. Through this Comprehensive Permit process, the beach areas planned for nourishment at Surf Drive (7) and Falmouth Heights (11) have increased in accordance with recommendations from Falmouth Beach Management Plan.

Future projects to dredge at Waquoit Bay Entrance Channel (23) and nourish South Cape Beach (24) in Mashpee are currently in the design and permitting process by the Town of Falmouth. Once the permits have been issued for these projects, they will be added to the Comprehensive Permits.

Waiver Request

Maintenance dredging is proposed to remove a total of 27,320 cubic yards of material over 9.2 acres at various sites. Improvement dredging adds another 7,960 cubic yards over 3.5 acres at three sites (10, 19, and 22). The proposed beach nourishment will impact a maximum of 7.6 acres. The combined impact of the 22 dredging and beach nourishment projects exceeds the MEPA wetlands, waterways and tidelands threshold (3)(a)1b for a mandatory Environmental Impact Report (EIR); however, the Town of Falmouth is requesting a waiver of the mandatory EIR review threshold as allowed under 301 CMR 11.11. The requirement to prepare an EIR would result in an undue hardship for the Town of Falmouth and would not serve to avoid or minimize Damage to the Environment.

The costs and length of time associated with preparation of an EIR would present the Town with an undue hardship. The proposed work is required as part of the annual maintenance of the Town of Falmouth waterways, harbors, and salt pond outlets. Delays in the maintenance of these areas while an EIR is prepared and reviewed would present safety hazards for navigation that would adversely impact the Town. Additionally, costs associated with EIR preparation would burden the Town with additional expenses to document project information and impacts that have already been addressed as part of the past permitting work.

Preparation of an EIR for maintenance of the 22 projects will not serve to avoid or minimize Damage to the Environment. Reviews of the individual projects by local, state, and federal regulatory agencies have been conducted previously, and the work has been permitted and conditioned so as to avoid and/or minimize Damage to the Environment. Areas of impact have been minimized where possible, and time of year restrictions have been imposed to protect winter flounder, fish run areas, horseshoe crabs, shellfish, and state-listed rare shorebirds. Additionally, as part of the Comprehensive Permit process, applications for the 22 combined projects will be prepared and submitted for issuance of an Orders of Conditions, DEP Chapter 91 Permit and Water Quality Certification, and an Individual Permit from the Corps of Engineers. Any additional requirements needed to avoid or minimize Damage to the Environment will be imposed through this process.

The Town of Falmouth has ample and unconstrained infrastructure facilities and services to support the proposed projects. The Town will contract with the Barnstable County Dredge to support work on the navigation projects that can be maintained using hydraulic dredging equipment. Work at the salt pond outlets will be performed by Town Highway Department personnel using in-house equipment.

Based on the information discussed above, the Town of Falmouth is requesting a waiver of the mandatory EIR review threshold as allowed under 301 CMR 11.11.

Alternative Analysis

1. No Build: Under this alternative no dredging and beach renourishment would be conducted. Shoaling in the navigation channels would continue and increased risks to public safety would result from hazardous navigation conditions. Shoaling represents a threat to public safety by restricting vessels from using the established course, increasing the potential for vessel damage by avoiding and/or coming into contact with a hazard (such as a shoal or another vessel), and by jeopardizing safe turning. At the salt pond outlets the no build alternative would restrict and/or close the fish runs, reduce tidal flushing, and adversely impact water quality. At the beach sites, continued loss of sand without replenishment would reduce the ability of the beach and dune resource to provide a natural buffer from storms. Risks to more inland resources and infrastructure would increase.

2. Upland Placement of Dredged Sands: Under this alternative materials dredged from the waterways, harbors, and salt ponds would be dewatered near the dredge site and then trucked to an upland location for final placement. This alternative would have an adverse impact by removing sand from the littoral system. Risks to upland infrastructure from storm damages would be increased as beaches continue to erode. Additionally, public beach resources would diminish and habitat for coastal and marine species would be reduced.