



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF CONSERVATION & RECREATION
OFFICE OF WATERWAYS
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February 9, 2004

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Susan Snow-Cotter, Assistant Director
Massachusetts Executive Office of Environmental Affairs
Coastal Zone Management
251 Causeway Street, Suite 800
Boston MA 02114

RE: **Massachusetts Ocean Management Task Force** - Draft Principals and Preliminary Recommendations

Dear Ms. Snow-Cotter;

We are pleased to comment on the draft principals and preliminary recommendations of the Massachusetts Ocean Management Task Force (OMTF). The Office of Waterways is the lead state agency for the design and construction, rehabilitation and repair of public marine structure and for dredging. We coordinate with the U.S. Army Corps of Engineers for similar project with federal jurisdiction and municipalities for local projects.

The creation of an Ocean Resource Management Agency under Recommendation #1 can be achieve under the existing agency framework if associated with the Department of Environmental Protection (DEP) as a component to Chapter 91 in a manner that Water Quality certifications are currently or as modified in a streamlined process.

We are in support of the efforts of the OMTF to identify missing pieces of the overall regulatory processes and to identify areas of duplication. We strongly support Recommendation #2 for the streamlining the permitting process, even if a new Ocean Resource Management Act (ORMA) is not enacted. Recommendation #7 can be worked into this process at an early stage to effectively generate applicants' requirements. There is an existing quasi-framework within the Executive Office of Environmental Affairs (EOEA) that could be used to achieve this goal with minimal change. We recommend the following:

- ❖ We as most permit application forms require similar information; standardize the forms to include all requested information from all agencies, thus reducing the amount of applications.
- ❖ The application review process would initially commence with a short form application with a general overview of the proposed project with available information.
- ❖ Use the Massachusetts Environmental Protection Act Unit (MEPA) as the first stop for all applications.
- ❖ The short form application would be reviewed by MEPA to determine:

- If the project should have a Pre-Application meeting (meetings may also be requested by the applicant),
 - What permitting requirements would be needed (Chapter 91, Water Quality, ORMA, CZM Federal Consistency, etc.),
 - What level of information is needed,
 - If monitoring would be required and
 - What level of information gathering, surveying and monitoring would be required.
- ❖ The long form application would be developed after the short form process is completed. This form could start with the Environmental Notification Form (ENF) and would integrate all state environmental permit application requirements, thus, eliminating duplication. This form would be reviewed by all agencies and determine if sufficient information has been met and determines:
- If the application meets the requirements established in the short form determination,
 - If an Environmental Impact Report (EIR) is required,
 - If an EIR is not required, the Secretary will issue a certificate allowing the process to continue with the permitting,
 - DEP Chapter 91 would be the key to the permit process, all agencies would submit special conditions to be placed on the proposed project including water quality issues, marine fisheries issues, ocean resource issues and all other issues from all state regulatory and advisory agencies;
 - All review periods would run concurrent, then
 - The chapter 91 license/permit is issued with all state agency requirements.
- ❖ Under policy issues with Recommendation#2, different uses are identified. Dredging, sand mining and disposal of dredged materials should be included.

Recommendation #8 can be integrated into the system above. Under DEP Chapter 91, the applicant is required to send a letter to all abutters informing them of the proposed project. If MEPA determines a Pre-Application meeting is needed, this notification should used, which would bring the public into the project at its onset.

Recommendation #5 suggests the reevaluation of existing fees as required under DEP Chapter 91. It is recommended that all fees and adjusted fees be placed into a revolving account to assist in the funding of research and monitoring of the ocean and coastal resources. Fees should also be assessed for disposal in offshore Massachusetts' disposal sites, such as the Cape Cod Disposal Site (CCDS).

Data trends and needs discuss the need for standardization of information and greater access of available information. We are in support of standardization and access; the Office of Waterways has developed a reference manual entitles *Guidelines For Consultants*, which identifies the procedures for developing, reporting and recording information, surveys and plans, in an effort to standardize the requirement for all state and local Waterways' related projects. We look forward to expanding this manual to encompass any reporting requirements this process develops.

If you have any questions regarding these issues, please contact Mr. Kevin P. Mooney at (781) 740-1600 x 103, cell phone at (617) 719-2186 or email kevin.p.mooney@state.ma.us.

Very truly your,

Nancy A. Thornton
Director of Waterways

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