
SECTION 2.0 - INTRODUCTION

2.0 INTRODUCTION

2.1 DEIR Organization

The organization of the New Bedford/Fairhaven Harbor DMMP DEIR follows the framework established in MEPA to fully explore alternatives, and is organized into the following sections (see Figure 2-1).

Section 1.0 - Executive Summary, summarizes the report contents, lists the principal environmental impacts of the alternatives and identifies mitigation measures to be implemented to mitigate unavoidable environmental impacts. This section also indicates the steps that will be taken prior to developing a FEIR.

Section 2.0 - Introduction, presents the reader with the background of the DMMP planning process, MEPA procedural history and a summary of “scoping” and coordination involved in developing this DEIR. This section also highlights the process of how issues of concern, identified by public input and agency review, through the DMMP process have been identified and incorporated.

Section 3.0 - Purpose and Need, details the project’s purpose, and discusses the need for the project, the relationship between the DMMP with the New Bedford/Fairhaven Harbor port planning process, and a discussion of sediment quality and quantity. This section identifies the planning volumes of UDM that will be used as the required capacity baseline for this DEIR.

Section 4.0 - Alternatives Analysis, outlines the application of the DMMP disposal site screening process and criteria. This section presents the evaluation of potential impacts and benefits associated with the candidate sites or alternative treatment methodologies. This section details the potential impacts on specific resources in the vicinity of the disposal sites and in the case of alternative technologies, potential side-stream impacts associated with the implementation of specific treatment options.

Section 5.0 - Affected Environment, is a detailed description of affected environments in the vicinity of the aquatic and upland candidate disposal sites. This section presents a discussion of environmental and cultural resources which will be affected by the alternatives for UDM disposal, providing a baseline against which the impacts of disposal alternatives described in Section 4.0 can be analyzed in Section 6.0.

Section 6.0 - Environmental Consequences, evaluates, in detail, the potential impacts associated with implementation of the preferred alternatives for upland and aquatic disposal. This section outlines the cultural and environmental impacts of proposed aquatic disposal CAD alternatives, Channel Inner and Popes Island North. Also contained in this Section is a discussion of secondary impacts from anticipated dredging projects for potential impacts to wetland resources.

Section 7.0 - Compliance with Regulatory Standards, is an overview of the current regulatory framework under which disposal of UDM occurs. This section describes the applicable regulations associated with implementing the Preferred Alternatives.

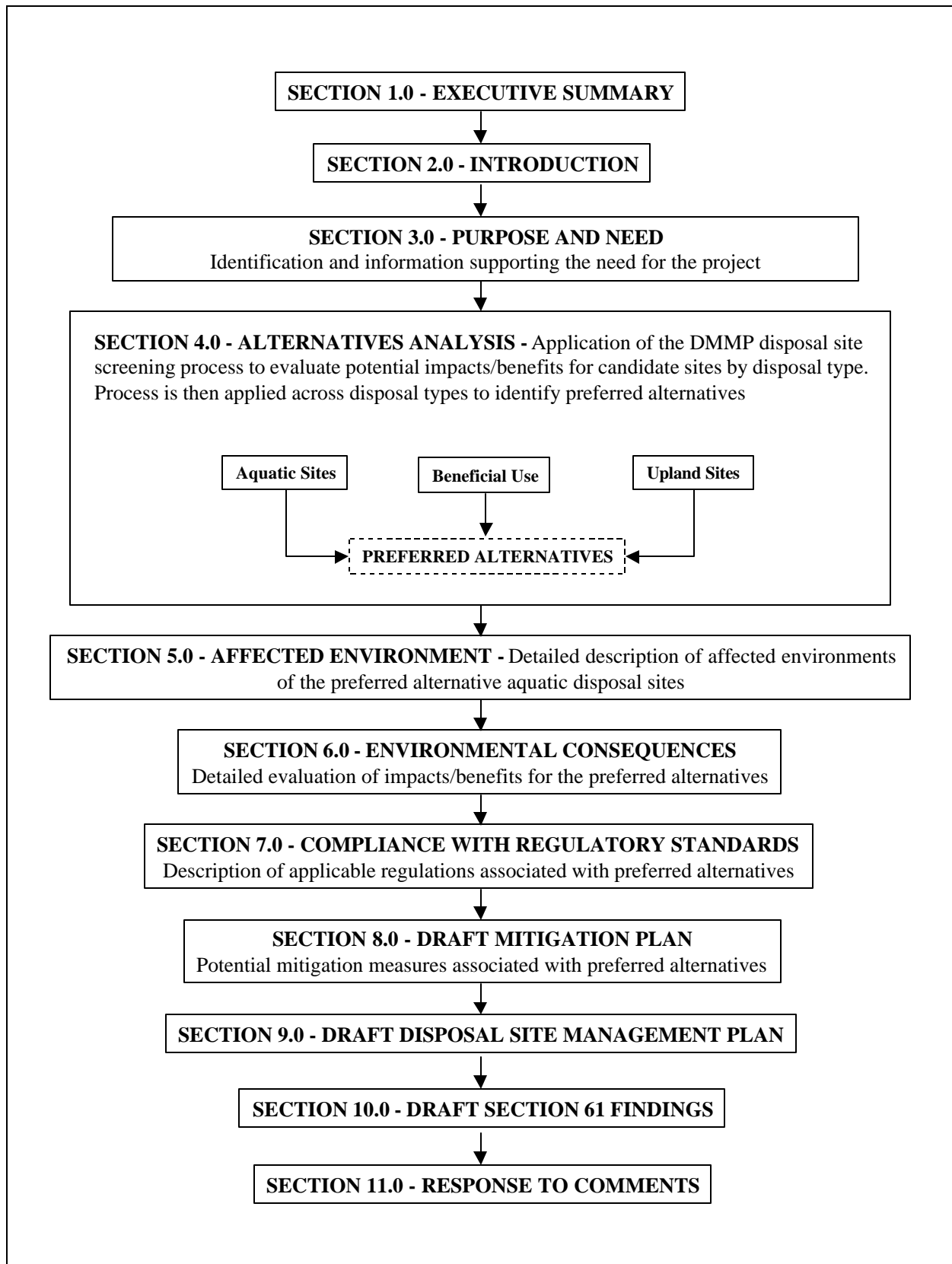


Figure 2-1: New Bedford/Fairhaven Harbor DMMP DEIR organizational chart

Section 8.0 - Draft Mitigation Measures, this section describes the basis for conceptual engineering, and includes a discussion of construction sequencing, and the associated measures to be taken to mitigate the negative impacts associated with implementation of the Preferred Alternatives. This section focuses on mitigating impacts to the upland, marine and human environments.

Section 9.0 - Draft Disposal Site Management Plan, discusses the issues of monitoring the Preferred Alternatives for long-term environmental impacts and the management of operations for each disposal site. Management options discussed include experiences in other jurisdictions, general liability issues, fees, financing and general operation.

Section 10.0 - Draft Section 61 Findings, are included as required by MEPA, to outline whether the implementation of the Preferred Alternatives are likely to cause either direct or indirect damage to the environment. This section makes findings describing potential environmental impacts confirming that all practicable measures have been taken to avoid or minimize potential damage to the environment.

Section 11.0 - Response to Comments, is a comment by comment response to correspondence received by the MEPA Office regarding the New Bedford/Fairhaven Harbor DMMP ENF. The DEIR contains a copy of each comment in a separate appendix. Comments within the MEPA scope are addressed and restated in this section, followed by a response. This section addresses all agency and public comments received.

The structure and content of the New Bedford/Fairhaven Harbor DMMP DEIR is directly controlled by three primary sets of regulations. At the state level, the MEPA Scope that identifies the information that must be evaluated as part of the site identification process. This outline will ensure that the requirements of the state's environmental policies are met. At the federal level, the DEIR is subject to the provisions of Section 404 of the Clean Water Act (Section 404), and to the National Environmental Policy Act (NEPA). The Section 404 and NEPA outlines will ensure meeting the requirements of federal environmental policies.

The first task, then, was to integrate the requirements of these three authorities. To do this, previous projects that have faced the same task were investigated. First, site selection processes used by the state to site the Cape Cod Disposal Site (MADEM Generic EIR, 1992), and by the USACE and Massport to site the disposal cells for the Boston Harbor Navigation Improvement Project (USACE & Massport Final EIR, 1996) were evaluated. Then, at the direction of the federal agencies, the process used more recently by the Corps of Engineers for the federal Providence River Navigation Project (USACE DEIR, 1998) was also examined. After extensive discussion with the state and federal agencies, the screening process chosen was modeled after the Providence River project, in large part because the federal agencies reviewing this DEIR have developed the Providence screening, and are therefore familiar with the logic of the document.

Thus, CZM is using the Providence River document (with some modification to format) as the template for the outline and the logic of the screening process, and is overlaying the MEPA Scope, creating the substance of the document.

2.2 New Bedford/Fairhaven Harbor

New Bedford/Fairhaven Harbor, is located on the west side of Buzzards Bay, at the mouth of the Acushnet River. The Harbor is located about 166 miles from New York via Long Island Sound and 83 miles from Boston via the Cape Cod Canal. A gated hurricane barrier across the lower harbor, completed in 1966, protects the New Bedford, Fairhaven and Acushnet area from tidal storms. The Harbor includes all the tidewater lying northerly of a line from Clarks Point at the southern extremity of New Bedford to Wilbur Point at the southern end of Fairhaven, and extends to the head of navigation on the Acushnet River at Acushnet. The outer harbor consists of the area south of the hurricane barrier at Palmer Island, and the inner harbor consists of the area north of the barrier to a short distance above the New Bedford/Fairhaven Bridge. (USACE 1996)

The federal navigation channel in New Bedford-Fairhaven Harbor consists of a main channel authorized extending from deep water in Buzzards Bay through the New Bedford-Fairhaven Bridge (U.S. Route 6); a channel extending from the lower maneuvering area along the upper waterfront to the vicinity of Fish Island and the swing bridge; a channel west of a line channelward of the Fairhaven Harbor lines from Pierce and Kilburn Wharf to the old causeway pier; and an anchorage area north of Palmer Island, off the Fairhaven main waterfront. (USACE 1996)

New Bedford/Fairhaven Harbor has a history of seafaring traditions that continue today with an active fishing fleet. New Bedford/Fairhaven Harbor hosts a wide variety of vessel traffic. The fishing fleet is the most important with more than two hundred (200) vessels operating out of the Harbor. The bulk of the vessels are steel hulled vessels fishing for groundfish and scallops supplying the nation with fish products. Maritime support industries in the Harbor include vessel maintenance and repair facilities, both dockside and/or at various facilities along the waterfront. Equipment and provisions purchased relative to the catching of these product such as food, ice, fuel, oils and many other products have a great impact upon the areas economy. (New Bedford HDC, 1999)

Harbor-related businesses in New Bedford and Fairhaven account for \$671 million in worldwide sales and 3,700 local jobs. The seafood industry as a whole, core and support services, accounts for 97% of harbor sales worldwide, or \$653 million. Additionally, other waterfront area businesses contribute and estimated \$18 million in sales and nearly 600 jobs. Growth of the seafood industry over the next five years could result in an additional \$59-155 million in sales and 140-410 new jobs. (New Bedford Harbor Plan, 2000)

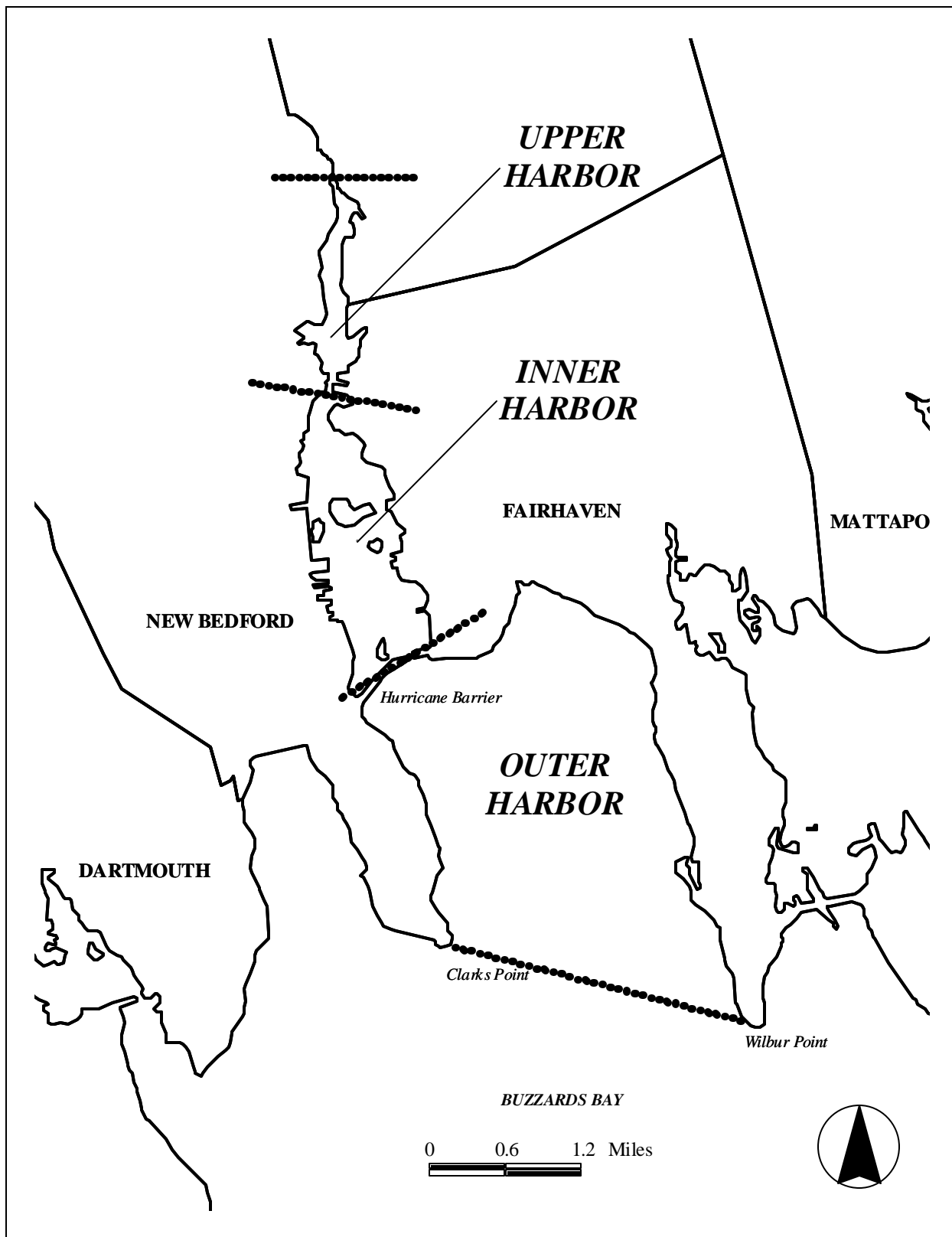


Figure 2-2: New Bedford/Fairhaven Harbor Upper, Inner and Outer Harbor Areas

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2.3 Background of the CZM DMMP

The Executive Office of Environmental Affairs (EOEA), through its office of Coastal Zone Management (CZM), is providing technical assistance to the City of New Bedford and Town of Fairhaven in support of the harbor planning objectives through the development of a DMMP for New Bedford/Fairhaven Harbor dredged sediments. The DMMP has a ten year planning horizon. The development of this New Bedford/Fairhaven Harbor DMMP DEIR involved two project phases to address the critical issue of finding environmentally sound and cost effective disposal sites or methodologies for dredged material unsuitable for unconfined ocean disposal.

To develop the DMMP, CZM needed to do the following:

- C Collect and analyze information on dredging needs, characteristics of the sediment, cultural and environmental resources and available alternatives for treatment, reuse, and disposal of dredged material from the New Bedford/Fairhaven Harbor area for use in support of on-going port planning initiatives;
- C Identify and characterize the range of reasonable alternatives for dredged material reuse/disposal and establish a framework for comparison of the alternatives as guidance for compliance with MEPA.

Phase I of the DMMP, conducted in 1996 and 1997, included several discrete tasks, the purpose of which was to provide a baseline assessment of existing conditions related to dredging and dredged material disposal for New Bedford/Fairhaven. DMMP Phase I tasks were documented in a report (Maguire Group Inc., 1997a and b.) and included:

- Summary Report - a synopsis of dredging volumes, sediment quality and potential disposal alternatives for Gloucester, Salem, New Bedford/Fairhaven and Fall River Harbors;
- Dredging Inventory - an update of the US Army Corps of Engineers inventory of dredging demand for Gloucester, Salem, New Bedford/Fairhaven and Fall River Harbors;
- Bathymetric Surveys - a review and compilation of existing bathymetric survey information in Gloucester, Salem, New Bedford/Fairhaven and Fall River Harbors;
- Alternative Technologies - an inventory and assessment of available treatment technologies for contaminated dredged material;
- Natural Resource Inventory - an inventory of all known fish, shellfish and wildlife resources within Salem Sound and Gloucester, New Bedford/Fairhaven and Fall River Harbors;
- Aquatic and Near-Shore Disposal Site Analysis - an identification and description of potential confined aquatic disposal (CAD), confined disposal facility (CDF) and tidal habitat restoration sites within Salem, Gloucester, New Bedford and Fall River Harbors;
- Upland Disposal Site Inventory - an examination of upland and reuse options for contaminated dredged sediments;
- Due Diligence - an inventory and data description of pollution sources and historic sediment quality information in Salem, Gloucester, New Bedford/Fairhaven and Fall River Harbors;
- Preliminary Geotechnical Investigations - an inventory and assessment of existing geotechnical information within Salem, Gloucester, New Bedford/Fairhaven and Fall River Harbors; and
- Sampling Plans - develop sediment sampling and testing plan for Harbor dredging projects.

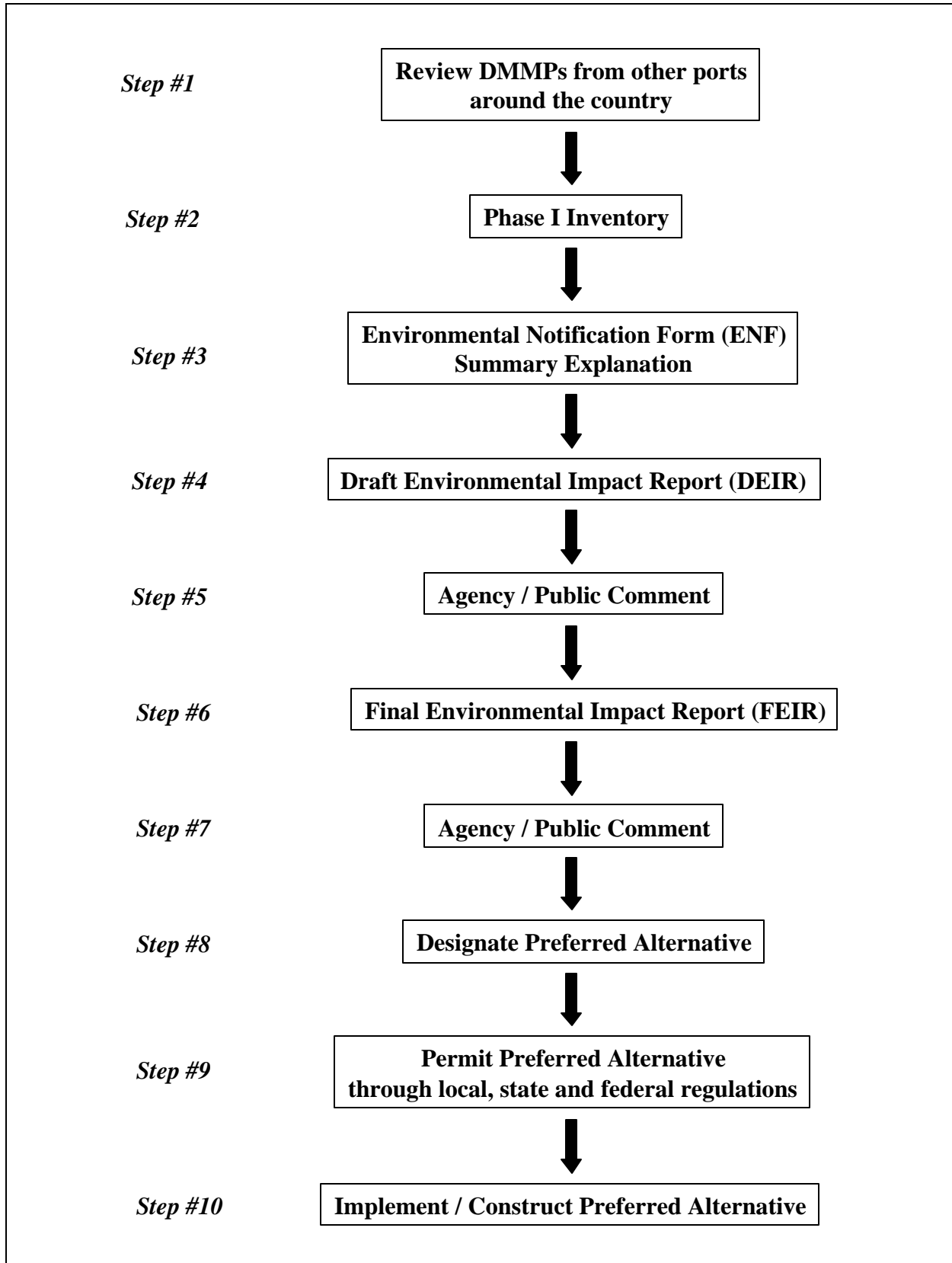


Figure 2-3: Overview of DMMP Planning Process

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The DMMP Phase I information was used to identify baseline conditions and data gaps, and served as the basis for the preparation of the MEPA ENF for the New Bedford/Fairhaven Harbor DMMP.

Phase II of the DMMP has focused on conducting the field work, research, and analysis necessary to undertake a detailed assessment of the potential environmental impacts associated with the dredged material disposal alternative(s) identified through the DMMP process.

The purpose of the DMMP for New Bedford/Fairhaven Harbor is to identify, evaluate and permit, within the Zone of Siting Feasibility (ZSF) for New Bedford/Fairhaven Harbor, a dredged material disposal site(s) or methodology with sufficient capacity over the next twenty years to accept dredged material unsuitable for unconfined ocean disposal from public and private dredging projects.

The lack of a practicable cost-effective method for the disposal of UDM in an environmentally sound manner has been a long standing obstacle to the successful completion of dredging projects in New Bedford/Fairhaven Harbor. The disposal alternative siting process has been closely coordinated with the City of New Bedford and Town of /Fairhaven, through the Dredged Material Management Committee (DMMC).

Members of the DMMC were appointed by the City of New Bedford and Town of Fairhaven to serve in an advisory capacity to represent the interests of each community throughout the development of the DMMP. The DMMC was responsible for reviewing project related materials, holding informational sessions and communicating with the DMMP consulting team and Harbor Master Planning Committee. Members of the DMMC included staff from the City of New Bedford's Department of Public Works, Harbor Development Commission, business and economic development interests, Town of Fairhaven's Executive Secretary, a member of the fishing industry and the New Bedford/Fairhaven Harbor Master Planning Committee.

Coordination with local port planning interests has also been an important component of the development of the New Bedford/Fairhaven Harbor DMMP DEIR. The simultaneous development of both the DMMP and the New Bedford/Fairhaven Harbor Master Plan has aided the identification of the future dredging needs for the maintenance and improvement in navigation within New Bedford/Fairhaven Harbor and with the identification of potential sites for the disposal of UDM.

This New Bedford/Fairhaven Harbor DMMP DEIR identifies disposal alternatives with sufficient cumulative capacity to accept dredged material unsuitable for unconfined ocean disposal from public and private dredging projects for the twenty year planning horizon. The configuration of the final alternative or combination of alternatives will determine final capacity figures. Continued refinement of dredging need, regulatory analysis of the preferred alternatives, and integration of New Bedford/Fairhaven Harbor development priorities will ultimately determine the relationship between need and capacity. For the DEIR-level planning assessment, need is assumed to be the total projected twenty-year volume of dredged material. Accordingly, the DEIR anticipates that subject to field verification, sufficient capacity can be created to accommodate, at a minimum, all of New Bedford and Fairhaven's dredging needs over a ten-year period.

2.4 Massachusetts Environmental Policy Act (MEPA) Procedural History

The submission of the ENF for the New Bedford/Fairhaven DMMP on June 10, 1998, started the official MEPA review process for the DMMP (a copy of the ENF is included in Appendix A). On July 10, 1998, pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and the MEPA Regulations (301 CMR 11.00), the Secretary of the Executive Office of Environmental Affairs (EOEA) made the determination that the New Bedford/Fairhaven Harbor DMMP requires the preparation of an Environmental Impact Report (EIR). Because the project involves the potential alteration of more than ten acres of Land Under the Ocean (a resource area regulated under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40) and involves the use of state agency funding through the Seaport Bond Bill (Chapter 28 of the Acts of 1996), the New Bedford/Fairhaven Harbor DMMPs exceeded the “categorical inclusion” threshold at Section 11.25(2) of the MEPA regulations in effect in June 1998, requiring by regulation the preparation of an EIR. (Under the current MEPA Regulations, promulgated in July 1998, the New Bedford/Fairhaven Harbor DMMP exceeds the 10-acre wetland resource area alteration “Mandatory EIR” threshold at 301 CMR 11.03(a)b. The Mandatory EIR thresholds contained in the July 1998 MEPA Regulations have replaced the Categorical Inclusion thresholds from previous versions of the MEPA regulations.)

2.5 Scoping and Coordination Summary

The MEPA public “scoping” meeting was held at City of New Bedford’s Main Library on July 2, 1998. The meeting was conducted by a representative of the MEPA Unit of the EOEA. At the meeting, the New Bedford/Fairhaven Harbor DMMP, as described in the ENF, was presented and public comments were received by the MEPA Unit.

The Secretary’s ENF Certificate of July 10, 1998 (included in the front matter of this DEIR), establishes the scope for this DEIR. In addition to the DEIR subject matter outline contained in Section 11.07 of the MEPA regulations, several major issues were emphasized as subjects to be addressed in this DEIR:

- Sediment quality and quantity analysis;
- Identification of disposal alternatives, including: alternative technologies and methodologies; upland reuse/disposal; and aquatic disposal;
- A complete description of the screening of disposal alternatives;
- Results of fisheries investigations and monitoring program;
- Effects on shore bird habitat;
- Results of cultural/historical/archaeological investigations;
- Characterization of proposed disposal sites;
- A description of the Preferred Alternative; and
- A proposed disposal site management plan.

2.5.1 Coordination with Harbor Planning Process

CZM, the City of New Bedford and Town of Fairhaven sponsored a series of local presentations with topics related to dredging and dredged material management. The purpose of the presentation series was to provide a mechanism for citizens with an interest in New Bedford/Fairhaven Harbor to provide input into the process of developing a preferred disposal alternative. CZM also attended a series of working meetings with the New Bedford/Fairhaven DMMC. The proposed disposal sites included in the ENF were a starting point, and the continuing input from the DMMC assisted CZM in identifying dredging projects and disposal sites that needed to be added, subtracted, or modified from the ENF listing of potential disposal sites.

The meetings also served the function of disseminating DMMP technical information as it became available, so that information could be reviewed as this DEIR was developed. Public presentations conducted included the following topics, as listed in Table 2-1 and described below.

Table 2-1: New Bedford/Fairhaven Harbor DMMP Presentations/Meetings

Presentation/Meeting	Date
Dredging and Disposal Technologies Video	November 1998
Siting Criteria and Process for Dredged Material Disposal	December 1, 1998
Sediment Characterization	February 25, 1998
Alternative Technologies/Upland/Dewatering Options	March 24, 1998
REMOTs / Sub-bottom	June 30, 1999
Local Fisheries Meeting	September 1, 1999
Screening Results Meeting #1	April 20, 2000
Screening Results Meeting #2	May 18, 2000
Harbor Forum	June 7, 2000

Dredging and Disposal Technologies - This video presentation, broadcast on local cable access channels, provided information on the basic elements of dredging, including potential dredging technologies that could be employed in New Bedford/Fairhaven projects, and dredged material disposal. Issues covered included: probable characteristics of dredged material; types of disposal options for dredged material; and management practices to minimize and mitigate environmental impacts. The goal of the video was to inform participants of the linkage between minimizing environmental impacts with the proper planning of dredged material disposal. (Shown on local cable public access channels first two weeks of November 1998)

Siting Criteria and Process for Dredged Material Disposal - In this presentation, the siting criteria were discussed, including avoidance of environmentally sensitive areas, compatibility with adjacent uses and minimizing exposure to important physical features. The linkage between developing comprehensive

siting criteria and understanding regulatory requirements with potential locations for siting dredged material disposal within the harbor was developed. This workshop also focused on the idea that selecting potential sites for dredged material disposal should follow a logical process of using important features of the natural and built environment as a means of screening and, finally, choosing the best location to create a dredged material disposal site. This workshop provided an opportunity for local input on screening criteria and the development of Harbor-specific site screening factors. (December 1, 1998)

Sediment Characterization - The results of marine sediment tests performed under Phase I were presented. Sediment quality data were compared with criteria mandated by the USACE and USEPA. Dredged material that the federal agencies deem suitable for unconfined aquatic disposal, and the probable location of disposal sites and cost of disposal were addressed. Probable dredged material contaminants and degrees of unsuitability of sediment in the harbor were presented. The linkage between the volume of UDM and disposal site alternatives was developed in this workshop. (February 25, 1998)

Alternative Technologies/Upland/Dewatering Options - For this meeting the subcommittee discussed the specifics of the screening criteria for potential upland, alternative treatment technologies disposal and dewatering options. This meeting also involved discussion of the screening process. A goal of this meeting was to identify any additional criteria needed to address concerns or interests specific to New Bedford/Fairhaven. The Subcommittee discussed factors that were important from a local perspective. Another A goal of this meeting was to gain insight into candidates disposal and dewatering sites from the City that may not have been apparent to CZM. (March 24, 1998)

REMOTs/Sub-bottom Presentation - The meeting involved a presentation of data collected for candidate aquatic disposal sites. Further information on the sites presented was incorporated into the screening database. The screening criteria were discussed and finalized at this meeting to include the DMMC's concerns. At this meeting the results of the initial screen for feasibility were presented to the Subcommittee for input. This meeting also involved discussion of the screening process and criteria. A goal of this meeting was to provide an opportunity for the Committee to comment on the results of the feasibility screen and the steps necessary to develop preferred alternatives(June 30,1999).

Local Fisheries Meeting - A meeting was held with the New Bedford/Fairhaven Harbormasters to gather further local input on their understanding of New Bedford /Fairhaven Harbor and the surrounding water's (Buzzards Bay) marine environment (September 1, 1999)

Screening Results Meetings #1 & #2 - The proposed preferred alternatives were presented to the DMMC for review. These meetings were hands-on sessions, working with maps of the harbor and its various built and natural features. The use of computer overlays, facilitated the discussion at the presentation, depicting fisheries habitat, water depths, wind/wave exposure, areas of navigation and other data collected and compared it with the siting criteria developed in the Siting Criteria meeting. The intent of the meetings were to present results of the screening process to find a disposal site(s) of sufficient size, with minimal environmental impacts, for UDM. The DMMC provided input on the proposed preferred alternative presented. A goal of these meetings was to incorporate final comments from the Subcommittee before presenting the results of the screening process to the federal agencies. Sites that were placed on the reserve list were discussed in detail. The resultant proposed alternative sites were also discussed. (April 20, 2000 & May 18, 2000).

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Harbor Forum Meeting - This presentation provided an overview of the DMMP screening process leading up to the identification of the proposed preferred alternatives. This meeting was attended by key harbor stakeholders to provide input into the DMMP planning process.

Local City Process - After the presentation of screening results to the DMMC, and incorporating comments, from the DMMC and the federal agencies, the DMMP information was presented by the Dredging Subcommittee Chairman in a series of informational sessions. The purpose of these informational meetings was to introduce the general public to the DMMP process, and to familiarize the public with the more technical information before this DEIR was published.

Additional coordination with the Harbor Planning process involved attendance at public milestone meetings and interaction with the project coordinator and consultants developing the New Bedford/Fairhaven Harbor Plan. Development of the New Bedford/Fairhaven Harbor DMMP DEIR also involved coordination with the ongoing Superfund project by attending several “linkage” and coordination meetings with key local, state and federal agencies and stakeholders. Documentation of the above public meetings can be found in Appendix B. The documentation includes meeting notes, presentation handouts and other items.

2.5.2 Coordination with Federal Agencies

The USACE has developed a method of coordinating the review and approval time-lines of the various federal resource agencies charged with reviewing major projects involving discharges of dredged or fill material in waters of the United States, regulated under Section 404 of the Clean Water Act or activities in tidal waters regulated under Section 10 of the Rivers and Harbors Act of 1899. Based upon the mapping overlay planning methodology developed by noted landscape architect Ian McHarg in the 1960s, the USACE’s “Highway Methodology” provides a valuable tool for decision making in a coordinated fashion. This methodology integrates the planning and design of a project with the requirements of the USACE permit regulations. The USACE serves as the coordinator of comments from the federal agencies, including the USEPA, the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS).

Participation by the USACE in the earliest stages of project planning is a key provision of the Highway Methodology. The evaluation of alternatives to the project is key to the successful completion of the methodology. Alternatives analysis are based upon the determination of the project “purpose and need” (developed under the National Environmental Policy Act (NEPA)) and the “overall/basic project purpose” required under the EPA 404(b)(1) guidelines and used by the Corps in project permitting.

The 404(b)(1) guidelines establish pass/fail environmental tests, to be completed before a determination is made on the balancing of overall project benefits versus detriments. An USEPA/USACE’s Memorandum of Agreement, signed in February 1990, mandates a three-step iterative process of avoidance, minimization and mitigation of adverse impacts to wetlands functions and values (USACE, New England Division, 1993).

Application of the Highway Methodology to the New Bedford/Fairhaven Harbor DMMP DEIR involved several key milestones including the USACE's concurrence with the DEIR Outline, Basic Project Purpose (BPP), and Aquatic and Upland Zones of Siting Feasibility (ZSFs). Documentation of the USACE's implementation of the Highway Methodology is presented in Appendix B which contains letters presenting the coordinated federal comments.

As part of the effort to coordinate closely with the federal agencies, a meeting to present draft screening results was held. This presentation was to representatives of all reviewing federal agencies, including representatives from USACE, USEPA, NMFS and USFWS, on August 23, 2000.

2.5.3 Coordination with State Agencies

Because of the array of permits required from the state to implement various disposal types and technologies proposed, DMMP planning has also required the close coordination with state regulatory agencies, particularly the Department of Environmental Protection (DEP), Division of Marine Fisheries (DMF) and Massachusetts Historical Commission (MHC). The broad reaching policy issues involved in the disposal of UDM have also been explored with these agencies, and will require continued coordination through the development of the FEIR. Close coordination with state agencies was essential to developing this DEIR. However, all statements and conclusions contain herein are the sole responsibility of CZM. State agencies will be reviewing and formally commenting to MEPA on the content and conclusion of the DEIR and FEIR pursuant to their regulatory oversight responsibilities.

2.5.3.1 Department of Environmental Protection

Since Massachusetts does not have comprehensive regulations for the disposal of dredged material, DEP Divisions with jurisdiction over UDM disposal including: Wetlands and Waterways, Water Pollution Control, Waste Site Cleanup and Solid Waste Management were approached at key DMMP milestones. DEP agencies reviewed and concurred with the site selection criteria developed to insure consistency with existing state regulations. Issues regarding upland and aquatic disposal and alternative technologies were discussed at numerous meetings, phone calls and e-mail correspondence. Representatives from DEP divisions also participated in the regulatory forum described above, to inform interested parties of requirements and expectations of the permitting process.

2.5.3.2 Division of Marine Fisheries

DMF participation in, and oversight of, investigations of marine resources conducted in support of the DMMP was invaluable to developing the detailed assessments provided in this DEIR. In its role “to maintain the diversity and abundance of marine habitats” (DMF mission statement), DMF has collected marine resource data for decades, and some of that data has been consulted in the New Bedford/Fairhaven DMMP analysis including *Massachusetts Designated Shellfish Growing Areas* (Produced February 10, 1999) and *Quahog Standing Crop Survey: New Bedford/Fairhaven Inner and Outer Harbors* (1999) were incorporated into the New Bedford/Fairhaven Harbor DMMP analysis.

The on-going coordination with DMF has played an integral role in data collection and identification of areas needing further study for the New Bedford/Fairhaven Harbor DMMP. This working relationship has involved participation of both CZM and DMF staff on data review and resource surveys and will continue through the development of the FEIR.

2.5.3.3 Massachusetts Board of Underwater Archaeological Resources

As the sole trustee of the Commonwealth's underwater heritage, the Massachusetts Board of Underwater Archaeological Resources (MBUAR) is committed to promoting and protecting the public's interests in these resources for recreational, economic, environmental, and historical purposes. Under Massachusetts General Law Chapter 6, sections 179-180, and Chapter 91, section 63, the Board is charged with the responsibility of encouraging the discovery and reporting, as well as the preservation and protection, of underwater archaeological resources. Because the Board's jurisdiction extends over the inland and coastal waters of the state, the siting of aquatic disposal alternatives has been sensitive to the MBUAR's charge. Ongoing communication and with the MBUAR will continue throughout the remainder of the New Bedford/Fairhaven Harbor DMMP planning process.