



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
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August 6, 2020

Mr. Edward Anthes-Washburn
New Bedford Port Authority
52 Fisherman's Wharf
New Bedford, MA 02740

Mr. Paul Foley
Fairhaven Planning Department
Town Hall
40 Center Street,
Fairhaven, MA 02719

Dear Mr. Anthes-Washburn and Mr. Foley:

The Executive Office of Energy and Environmental Affairs has received the New Bedford Port Authority's and Fairhaven Planning Department's joint request for clarification regarding areas designated for potential dredge activity and shoreline enhancement as originally approved in the 2010 Secretary's Decision on the New Bedford/Fairhaven Municipal Harbor Plan/Designated Port Area Master Plan (MHP). Specifically, the clarification requests additions of new Potential Navigational Dredge Areas (PNDA), which were identified by the municipalities in 2014 and in 2020, addition of two potential Waterfront Development Shoreline Facility (WDSF) sites, and removal of two previously-identified WDSF sites.

The request for clarification was noticed in the *Environmental Monitor* on May 6, 2020 for a public comment period that ended on May 22, 2020. No comments were received during the public comment period.

The Secretary's Decision on the 2010 MHP approved PNDA and potential WDSF sites as shown on Figure 6.2 (page 6-37) of the original MHP. Inclusion in the approved MHP allowed these areas to be eligible for navigational dredging and potential filling of shoreline facilities with clean material through a Superfund-related permitting process known as the State Enhanced Remedy (SER). The SER incorporates state priorities into plans for cleanup of

contaminated sediment in New Bedford Harbor. The SER process is managed and overseen by the Massachusetts Department of Environmental Protection (MassDEP), with close coordination with the United States Environmental Protection Agency (EPA), the New Bedford Port Authority, Massachusetts Division of Marine Fisheries, Massachusetts Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, and the United States Army Corps of Engineers.

As indicated in your request, the original MHP identified PNDA and potential WDSF sites based on the best available information and planned activities at the time. Clarifying the PNDA and potential WDSF sites as proposed with this request will ensure the MHP includes current information on implemented projects and continues to facilitate navigational dredging and shoreline development that align with New Bedford's and Fairhaven's planning vision for the harbor.

After my review of the New Bedford Port Authority's and Fairhaven Planning Department's joint request for clarification, the original MHP, and the Decision, I concur that the proposed modifications to the PNDA and the potential WDSF sites are consistent with the intent and language of the MHP and will result in an improvement in the overall effectiveness of the MHP.

Please note this clarification only authorizes the changes described above and reflected on the updated *Potential Waterfront Development Shoreline Facilities (WDSFs) and Dredge Areas* map (attached) that replaces the original Figure 6.2 of the 2010 MHP. All other elements of the 2010 MHP will remain in effect. I look forward to working with the New Bedford Port Authority, the City of New Bedford, and the Town of Fairhaven in the future on an updated MHP that will comprehensively plan and reflect the municipalities' most up to date vision for New Bedford Harbor and its surrounding land-side uses and facilities.

This clarification will be noticed in the next *Environmental Monitor*. If you have any questions please contact David Janik, South Coastal Regional Coordinator at my Office of Coastal Zone Management, via email at David.Janik@mass.gov.

Sincerely,

A handwritten signature in purple ink that reads "K. Theoharides".

Kathleen A. Theoharides
Secretary

cc: Daniel Sieger, Undersecretary, EEA
Lisa Berry Engler, Director, CZM
Tyler Soleau, Assistant Director, CZM
David Janik, South Coastal Regional Coordinator, CZM
Daniel Padien, Chief, Waterways Program, MassDEP
Christine Hopps, Assistant Director, Waterways Program, MassDEP

Attachment A

