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January 21, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

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|-------------------------|---|
| PROJECT NAME | : Dredged Material Management Plan |
| PROJECT MUNICIPALITY | : New Bedford and Fairhaven |
| PROJECT WATERSHED | : Buzzards Bay |
| EOEA NUMBER | : 11669 |
| PROJECT PROPONENT | : New Bedford Harbor Development Commission |
| DATE NOTICED IN MONITOR | : December 22, 2004 |

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it does not require the preparation of an Environmental Impact Report (EIR).

The project completed the EIR process on December 1, 2003 when a Final EIR Certificate was issued, which found that the proposed project adequately and properly complied with MEPA. As background, this project is part of a state-wide Dredged Material Management Plan (DMMP) to address the issue of finding environmentally sound disposal sites for the dredged material from the Commonwealth's eight Designated Port Areas (DPA) that are unsuitable for unconfined ocean disposal. The project involves the development of disposal options for dredged materials and not dredging specifically. Dredging needs for each DPA will be determined by the local harbor plans that are currently being developed by the participating municipalities. This Final EIR was filed specifically for the DPA of New Bedford/Fairhaven Harbor. The Final EIR evaluated preferred alternatives for confined aquatic disposal (CAD) sites in the New Bedford/Fairhaven Harbor for containment of dredged material. The Final EIR discussed two alternative CAD cell sites, Channel Inner and Popes Island North. The preferred



alternative site at Pope's Island North is designed to hold approximately 2,250,000 cubic yards of dredged material.

The Final EIR recommended a Monitoring and Management Plan that uses a tiered monitoring strategy. Under this strategy, if lower level monitoring uncovers adverse effects, a higher level of monitoring would be implemented and, if necessary, management actions such as restricting or curtailing disposal operations might be implemented. The Final EIR identified a number of Best Management Practices for the CADs that have been used in other disposal operations with considerable success. The Final EIR also recommended that a Technical Advisory Committee be established that will include representatives of local, state and federal agencies. This group will be responsible for oversight of CAD management, and would establish what specific actions will be taken in response to monitored problems and determine who is responsible for taking any necessary actions.

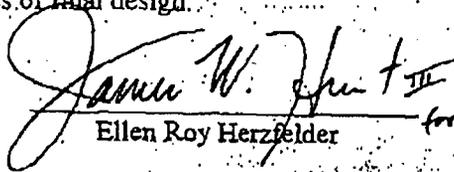
The current project change involves a minor change to the conceptual footprint identified in the Final EIR for the Dredged Material Management Plan (DMMP), which is necessary in order to create two transitional confined aqueous disposal (CAD) cells to perform maintenance dredging and begin the construction of the CAD cells as shown in the FEIR. Portions of the new cells fall within the outer boundary of the DMMP.

The proposal change allows for the use of an existing borrow pit area for the deposition of dredge materials as a source for contaminated material and fines from the proposed CAD 1, harbor and channel dredging. I note that the change is an added benefit to the over all project and makes sense from a logistic and management point and is supported by Department of Environmental Protection's (DEP) Waterways Program. Any upland reuse of material shall require prior review and approval by the DEP's Division of Solid Waste.

The NPC contain sufficient information to demonstrate that the environmental impacts of the project change do not warrant further MEPA review. The proponent can resolve any remaining issues during the process of final design.

January 21, 2005

Date


Ellen Roy Herzfelder

Comments received:

01/14/05 Department of Environmental Protection, Southeast Regional Office

ERH/ACC/acc

POOR ORIGINAL

Notice of Project Change to Final Environmental Impact Report for the Dredge Materials Maintenance Plan

- Filed on December 17, 2004.
- The Notice of Project Change was available for public comment after public notice was issued. A minimum of 30 days of public comment is available after the public notice is given.

Notice of Project Change to Final Environmental Impact Report for the Dredge Materials Maintenance Plan

- Filed on February 29, 2008.
- The Notice of Project Change was available for public comment after public notice was issued. A minimum of 30 days of public comment is available after the public notice is given.

2010 Harbor Plan

- Public meeting at the kickoff of the Harbor Planning Process in 2008. (public meeting)
- Harbor Planning Committee met monthly from February 2008 to Spring of 2009 (public meetings).
- Four public workshops held (all public meetings held in 2008). Themes: commercial fishing industry, dredging, recreational boating, and tourism/public access/environmental issues.
- One public meeting held near the end of the planning process (public meeting in 2009).
- All public meetings were posted in the newspaper, flyers were posted, and notices were placed on the NB HDC website.
- 45 individual interviews of key waterfront stakeholders.
- Coordination with State Agencies (Mass Office of Coastal Zone Management), Mass Department of Environmental Protection, Department of Conservation and Recreation, Seaport Advisory Council
- Draft of the Plan was published on the City of New Bedford and Town of Fairhaven websites, after which an additional public meeting was held to discuss the Plan and seek further comment. Comments were then addressed in the final document, which was sent to the Executive Office of Energy and Environmental Affairs for final approval. (public meeting)