



Superfund Records Center
SITE: New Bedford
BREAK: 4-9
OTHER: 523826

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

July 6, 2010

Lois K. Adams
Chief, Grants, Tribal and Municipal Assistance Branch
Office of Ecosystem Protection
US Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RE: New Bedford Harbor State Enhanced Remedy in New Bedford South Terminal, a/k/a Confined Disposal Facility a/k/a South Terminal Marine Industrial Park Development, New Bedford, MA.
MHC #RC.48892.

Dear Ms. Adams:

Staff of the Massachusetts Historical Commission, office of the State Historic Preservation Officer, have reviewed the information submitted by APEX Companies LLC for the project referenced above, received by MHC on June 23, 2010.

The information includes the report prepared by John Milner Associates, Inc. (JMA), *Cultural Resources Background Study and Archaeological Sensitivity Assessment, South Terminal Marine Infrastructure Park (Upland Portion), City of New Bedford, Bristol County, Massachusetts*. MHC concurs with the findings and recommendations of JMA Inc.'s report that no further identification effort for historic properties is recommended for the upland portion of the project.

The summary memorandum prepared by Dolan Research Inc. (DRI) does not contain sufficient information to evaluate the identification effort for significant historic properties in the underwater portion of the area of potential effect.

MHC did not have the opportunity to review the research design and methodology for the underwater archaeological survey conducted by DRI, that the MHC requested on June 4, 2010. Prior consultation was also one condition of the provisional special use permit issued by the Massachusetts Board of Underwater Archaeological Resources (BUAR) to DRI.

MHC again requests the opportunity to review and comment on an archaeological research design and methodology (RDM) prior to undertaking any further underwater cultural resource survey (36 CFR 800.4). The RDM should be provided to EPA, MHC, BUAR, and other consulting parties such as the THPOs, for concurrent review and comment prior to undertaking further identification or evaluation effort.

The summary memorandum prepared does not assess the area of potential effect to contain ancient and historical period Native American sites. A qualified researcher, with previous relevant experience in Southern New England ancient and historical period Native American archaeology and history, should prepare an archaeological RDM that includes: review and evaluation of previous relevant research of the geology, environment, archaeology, and history; research and evaluation of any documented impacts that may have occurred to assess the likelihood of preserved ancient or historical period Native American sites

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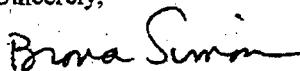
to be present in the area of potential effect; and, review and application of any relevant and reliable geotechnical survey data already collected. If the area of potential effect is archaeologically sensitive, the researcher should propose a suitable methodology to locate and identify ancient and historical period deposits and features, such as by systematic marine core sampling and evaluation of the results. The researcher should propose to report the results in a technical report that meets the Secretary of the Interior's Standards for Archeology and Historic Preservation (48 Fed. Reg. 190) and 312 CMR 2.

One likely abandoned or wrecked vessel was found, and DRI recommends further cultural resource assessment of that potentially significant feature. The location of this feature is not indicated on a plan in relation to the area of potential effect. If the vessel is located in the area of potential effect, and cannot be avoided and protected adequately with an avoidance and protection plan, then a more detailed archaeological RDM to provide sufficient information to apply the National Register Criteria for Evaluation (36 CFR Part 60) should be prepared for review by the EPA and the consulting parties, prior to implementing the proposed archaeological evaluation effort.

Twenty-nine other magnetic and sonar contacts were made during the survey, and the memorandum indicates that analysis of the results is not yet completed. DRI offered the opinion that the 29 other objects could be "shoreline-related and other debris, natural rock outcroppings, or utility crossings." The details of these 29 other discoveries should be reported with sufficient information to understand their identification and any recommendations for further evaluation.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800) and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Fed. Reg. 190(1983)). Please contact Edward L. Bell of my staff if you have any questions.

Sincerely,



Brona Simon
State Historic Preservation Officer
Executive Director
State Archaeologist
Massachusetts Historical Commission

xc:

New Bedford Harbor Development Commission
Victor T. Mastone, Massachusetts Board of Underwater Archaeological Resources
George Green, Jr., Mashpee Wampanoag Tribe
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
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