

From: [Valiton, Brian E NAE](#)
To: [Sheeringer, Paul J NAE](#)
Subject: FW: Attached Image (UNCLASSIFIED)
Date: Tuesday, October 16, 2012 4:00:17 PM
Attachments: [0253_001.pdf](#)

Classification: UNCLASSIFIED
Caveats: NONE

This letter describes the project.
We did an in lieu fee for the open water area filled. Bottom was coat tar sediments.

Classification: UNCLASSIFIED
Caveats: NONE



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

April 14, 2011

Regulatory Division
CENAE-R-NAE-2005-1095

Ms. Bettina Washington
Wampanoag Tribal Historic Preservation Officer
20 Black Brook Road
Aquinnah, Massachusetts 02535

Dear Ms. Washington:

This is a follow-up to the electronic transmittal of the Marine Archaeological Sensitivity Assessment NSTAR Gas New Bedford Harbor Inner and Outer Boat Slips RAA2 Remediation Project (EOEA# 13067) done by Fathom Research, L.L.C., to investigate the likelihood that the harbor bottom area to be dredged as a part of the NSTAR coal tar remediation project in New Bedford Harbor contains historic or cultural resources. As presented in the e-mail message transmitting the report and findings, the consultant concluded that the research indicated that no historical or cultural resources were likely to exist in the project area and that the Corps concurred in that recommendation. The proposed Category II activity application that would allow this work to proceed under the Massachusetts General Permit is ready for issuance providing the Corps can confirm that the activities comply with Section 106 of the National Historic Preservation Act. This is to formally invite you into consultation on this project to assist us in ascertaining whether there is any reasonable likelihood that this project as proposed will adversely affect any historical or cultural properties. The previously transmitted report (via e-mail) was provided for your review in accordance with 36 C.F.R. Part 800, 33 C.F.R. Part 325, Appendix C, and Interim Guidance for Implementing Appendix C of 33 C.F.R. 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 C.F.R. Part 800.

To summarize the project, NSTAR is proposing to place fill in an existing boat slip in New Bedford Harbor that is contaminated with coal tar deposits, to dredge an area of New Bedford Harbor outside of the boat slip to remove contaminated bottom harbor sediments, and to then place clean fill on the outer harbor bottom area to be dredged. The clean fill placement in the outer harbor would be to replace the material that will be dredged so the harbor bottom is restored to its pre-construction bottom elevation. The applicant's consultant had previously notified your office of this proposed project on September 15, 2010. Both NMFS and the EPA have already indicated that they support permit issuance with the payment of an appropriate in lieu fee. The project has had a complex permitting history and the applicant, through its consultants, has been working diligently to do the work in compliance with all existing standards and criteria including the required mitigation for the unavoidable loss or diminishment of any aquatic resource areas.

During the State of Massachusetts review of this project the Massachusetts Board of Underwater Archaeological Resources reviewed existing borings in the outer harbor area and

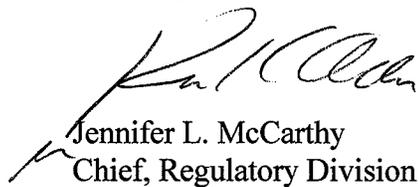
determined that an underwater archaeological survey be undertaken in a portion of the area to be dredged to confirm whether or not there may be potential underwater archaeological resources in the project area. A copy of the letter, dated February 15, 2011, from the BUAR to Fathom Research, LLC, requesting this survey was sent to your mailing address and to our office. The investigations have been undertaken and the report has been forwarded to you via e-mail.

We would appreciate you advising us, within 30 days from the date of this letter, if you concur with the results of the referenced Marine Archaeological Sensitivity Assessment indicating that no further investigation is warranted at this time. If not, can you advise us whether you know of any historic or cultural resources that are present in the portion of New Bedford Harbor to be affected by the proposed project or can you identify what additional work or studies are needed to satisfy us that none are reasonably expected to exist. The permit will be conditioned to require that if any heretofore unknown historic or cultural resources are discovered during construction certain procedures will be followed to protect any such resources.

We would appreciate a prompt response as we are trying to accommodate the applicant's schedule.

If you have any questions, please contact Mr. Brian Valiton or Ms. Kate Atwood of our staff. Brian can be reached at (978) 318-8166 and Kate can be reached at (978)-318-8537.

Sincerely,



Jennifer L. McCarthy
Chief, Regulatory Division

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