

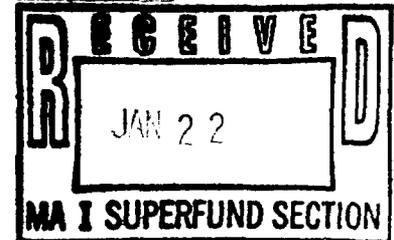
54055

New Bedford Harbor
4.9

Stephen Healey
63 South Main Street,
Acushnet, MA 02743
(508) 996-6551

January 14, 1997

David Dickerson
Project Manager
New Bedford Harbor Superfund Site
JFK Building
HBO, Boston, 02203



RE: PHASE II DREDGING THREATENS ARCHAEOLOGICAL SITE
ON THE ACUSHNET RIVER

Dear Mr. Dickerson,

This letter is being sent to you as part of the invitation for public comment extended by the U.S. Environmental Protection Agency, concerning the planned dredging of 170 acres of contaminated silt from within the Acushnet River. This letter is to also bring to your attention, once again, the fact that a very sensitive Archaeological Site is located within the area of this planned dredging. This planned second phase of dredging poses a serious threat to the integrity of this valuable and irreplaceable site.

As you may recall, a meeting took place to inform both the EPA and Army Corps of this site on Feb. 24, 1995. At that meeting, I along with other concerned citizens, including : Kathy Pepin- Secretary of the Acushnet Historical Society, Roland Pepin and Caudia Kirk- both members of the New Bedford Forum, presented archaeological artifacts that I had found while surface hunting within this area.

Since that time I have discovered even further and more significant evidence. This new evidence, which I reported to Dr. Curtis Hoffman, the President of the Massachusetts Archaeological Society (Nov. 95), raised concern from Dr. Hoffman that this area may be a burial site. Upon his urging, I made written notice to Brona Simon, the Massachusetts State Archaeologist of the Massachusetts Historical Commission in Dec., 95. This report was made in addition to my first contact with her in March, 95. At that time Dr. Hoffman and I filed a copy of the State Form D, which describes the artifacts found, the location of the site and any possible threats, such as the planned second phase of Dredging.

I have also been very concerned regarding the lack of action during the past two years since this notification was made to the EPA and Army Corps. I would like to know why a complete archaeological survey of this area has not been conducted thus far, especially since these agencies have planned this dredging

for a number of years. I do encourage these federal agencies to act in regard to this issue as soon as possible, so as to not have it delay the overall cleanup effort.

During this time I have researched some of the federal laws which I understand were written to help protect archaeological sites, such as the one along the Acushnet River. I would like to share some of the more interesting, which I am sure you may already be aware of:

According to the National Historic Preservation Act -" the head of any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking in any state, and the head of any federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such federal agency shall afford the Advisory Council on Historic Preservation... a reasonable opportunity to comment with regard to such undertaking."

Also according to Executive Order 11593 (1971): " With this order, the President directs agencies to take a leadership role in preserving, restoring, and maintaining the historic environment of the nation. Federal agencies must locate, inventory, and nominate all historic resources under their jurisdiction or control to the National Register. Until these processes are completed, agency heads must exercise caution to assure that potentially qualified federal property is not inadvertently transferred, sold, demolished, or substantially altered..."

It is also worth mentioning the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1, P.L. 93-291, 88 STAT. 174) which calls for the preservation of historic and archaeological data that would otherwise be lost as a result of federal construction or other federally licensed or assisted activities. It authorizes the Secretary of the Interior, or the agency itself, to undertake recovery, protection, and preservation of such data. When federal agencies find that their undertakings may cause irreparable damage to archaeological resources, the agencies shall notify the Secretary of the Interior, in writing, of the situation. The agencies involved may undertake recovery and preservation with their own project funds, or they may request the Secretary of the Interior to undertake preservation measures.

I will personally be contacting the Secretary of the Interior regarding this site and its archaeological features , along with a detailed photographic record of the artifacts discovered and the time and location of these finds. I will also provide all copies of relate articles and letters of notification regarding this site. I plan to address the direct threat that is posed by the EPA's planned second phase of dredging within the Acushnet River, as part of its Super Fund Site cleanup efforts. I will also be sending a complete information package concerning this site to the Mass. Historical Commission and to the State Office of Historic Preservation.

At this time I would like to applaud the efforts of the members of the New Bedford Forum, of which you were a part, specifically concerning the efforts in addressing this sensitive issue. I am sure that this process has tried the patience

of all involved from time to time and hope that all that has been said that will be done, will in fact be done in good faith. I would also like to extend an invitation to you, Mr. Dickerson, and to the Army Corps Maurice Beaudoin and their archaeologist, to open a direct channel of communication between your agencies and the Wampanoag Tribe of Gay Head. This matter is of special interest to the tribe and I am sure that they would like to be kept abreast of the situation. Since my making these archaeological finds a matter of public record, I personally feel I have a responsibility to do all that I can, to see that this site is afforded all preservation efforts as guaranteed by law. I am also concerned regarding its exact location, and that the reported possible burial feature be subject to confidentiality and withheld from public disclosure as this site may be of religious and cultural importance to the Wampanoags. I also invite you and the Army Corps to contact me further as to why so little has been done to protect this site thus far. I also would like to extend an invitation to the Army Corps archaeologist, Kate Atwood, to provide her a guided tour, to show her these significant features within this area.

To reiterate what has been expressed in the past by myself, the Wampanoag Tribe of Gay Head, The Acushnet Historical Society and Commission, and many other concerned citizens: " This letter in no way opposes the proposed cleanup of contaminated materials by these federal agencies within the Acushnet River. It does however serve notice that we are aware of this highly sensitive situation and can not support the cleanup efforts without a total archaeological reconnaissance being performed prior to the cleanup, especially the planned second phase of dredging."

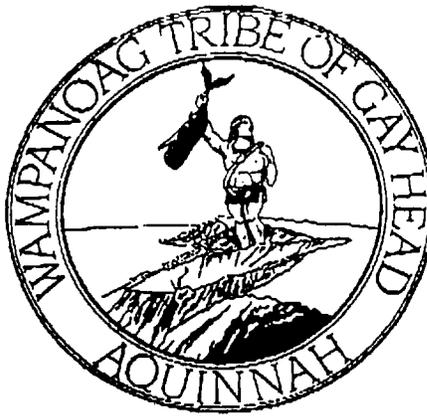
Feel free to contact myself and the following concerned at the numbers provided. Thank You for your attention concerning this matter.



Stephen Healey

Stephen Healey	508 996-6551	Acushnet Historical Society
Kathy Pepin	508 995-8415	Acushnet Historical Society
Roland Pepin	508 995-9228	Town of Acushnet
Claudia Kirk	508 997-7727	Concerned Parents of Fairhaven
Matthew Vanderhoop	Natural Resource Director	Wampanoag Tribe
	508 645-9265	
Dena Dincauze	Dept. of Anthropology	UMASS, Amherst
	413 253-5739	
Dr. Curtis Hoffman	President Mass. Archaeological Society	
	508 881-1124	
Brona Simon	State Archaeologist	Mass. Historical Commission
	617 727-8470	

20 BLACK BROOK ROAD
GAY HEAD, MA 02535



OFFICE (508) 645-9265
FAX (508) 645-3790

February 17, 1995

Representative Barney Frank
550 Pleasant Street
New Bedford, MA 02740

Dear Representative Frank,

Information has been presented to representatives of the Wampanoag Tribe of Gay Head (Aquinnah) regarding an archaeological site along the Acushnet River. Mr. Roland Pepin and a group of concerned citizens that live in the Acushnet area presented evidence that this historic site is significant. The site referred to as the "Lawson site" has recently been surveyed by a Dr. Hoffman of the Massachusetts Archaeological Society for acknowledgement by the Massachusetts Historical Commission as an area that warrants protection.

It was also brought to the Tribe's attention that an area of the Acushnet River directly adjacent to this culturally rich area is slated for cleanup by the US Environmental Protection Agency in the near future. The concern being that the integrity of the Lawson site will be in jeopardy due to the dredging that is proposed.

This letter in no way opposes the proposed cleanup of contaminated materials by the US Environmental Protection Agency in the Acushnet River. It does, however, serve notice that the Wampanoag Tribe of Gay Head (Aquinnah) is aware of this highly sensitive situation and can not support the cleanup efforts without a total archaeological reconnaissance being performed prior to the cleanup.

The Tribal Council of the Wampanoag Tribe of Gay Head (Aquinnah) voted unanimously, at a regular meeting on Wednesday February 15, 1995, to support the efforts of Mr. Pepin and the citizens group to protect this culturally rich area, until such time as the area can be properly surveyed and if necessary a total recovery of the cultural material is completed.

Stephen Healey
63 South Main St.
Acushnet, MA 02743
(508) 996-6551

Brona Simon
State Archaeologist
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, MA 02125

RE: PROPOSED RIVER DREDGING A THREAT TO LAWSON SITE

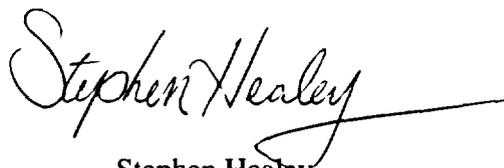
Dear Brona;

I am writing to inform you of additional archaeological evidence, that has been discovered along the eastern shores of the Acushnet river. This evidence was found between September 1994 and October 1995. I am reporting these finds, as part of the same site that I reported to your office on two past occasions. Both contacts included a copy of the Form D, that was filled out by Dr. Hoffman of the Massachusetts Archaeological Society on September 6, 1994.

Since my last contact with your office in March, 1995, I have brought evidence to the Bronson Museum that a stone lined charcoal pit was partially exposed along the river. A sample of the charcoal, with intermixed spots of red ochre was shown to Dr. Hoffman, along with a large Atlantic utility blade and a small Brewerton eared notched point, that were both discovered in very close proximity to this feature. Concern that this feature may be a burial site, was expressed by Dr. Hoffman.

My concern, is that the integrity of this site, (Lawson Site, as it is referred to on the Form D) is soon to be in jeopardy, as plans for Phase II dredging by the E.P.A. and Army Corps continue, and will be formally proposed in January, 1996. This Second Phase of Dredging will directly impact the area described by the Form D, as it is located within the river, having been discovered during low tide. This area has been slated to be Dredged as a clean up effort by these federal agencies.

I would like to thank you, for your attention to this matter, on behalf of the many concerned within the town of Acushnet and Fairhaven, also especially, the Tribal Council of the Wampanoag Tribe of Gay Head. If in the future I may be of assistance, concerning the artifacts found and the location of their discovery, please don't hesitate in contacting me. Since my disclosing the information regarding this site I have felt a great responsibility as to it's proper care and safeguarding.



Stephen Healey
Acushnet Historic Society



TOWN OF ACUSHNET
Historical Commission
ACUSHNET, MASSACHUSETTS 02743

February 27, 1995

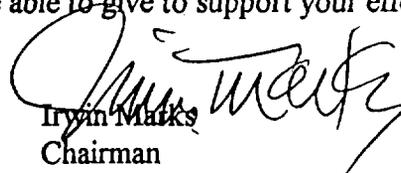
Memo to: Roland Pepin
Steve Healey ✓
Kathy Pepin

Re: Lawson Avenue archaeological Site

This is to confirm my conversation of this date with Ms. Brona Simon, State Archaeologist, at the Massachusetts Historical Commission. She informed me as follows:

1. No dredging may take place in the Commonwealth of Massachusetts without an OK by the State Archaeologist.
2. Her department has approved the dredging of the Acushnet River in New Bedford (the hot spots), but has no record of any intention to dredge the lesser polluted areas (Phase 2) off Acushnet. She would expect an application from the Army Corps of Engineers prior to any attempt to dredge in said area, but would like us to inform her if we have any knowledge of a proposed date to start dredging the river off Acushnet.
3. She knows Dr. Hoffman, but was unaware of the Form D on the Lawson site.
4. Her department does not provide signs, nor does it recommend texts for such signs. Her experience is that if any mention is made of "archaeological sites" on a sign, this would be, just as we expected, an open invitation to amateur looters.
5. She therefore suggests that we arrange for the owners (presumably Commonwealth Electric, and not New England Electric as mentioned in Dr. Hoffman's Form D) to erect "No Trespassing" signs.

Please be assured that the Historical Commission and the undersigned are fully supportive of any measure to prevent the despoiling of an important archaeological site, such as the Lawson site is alleged to be, and is prepared to lend any help we may be able to give to support your efforts in this respect.


Irvyn Marks
Chairman

FORM D - ARCHAEOLOGICAL SURVEY
PREHISTORIC ARCHAEOLOGICAL SITES

Massachusetts Historical Commission
Office of the Secretary
State House, Boston

FOR MIC
OFFICE
USE ONLY

Town MHC NO.
UTM 19 B 407101 146145701
ZONE EASTING NORTHING
QUAD New Bedford NORTH
NR ACT ELIG. NO DISTRICT YES NO

IDENTIFICATION

1. SITE NAME(S) LAWSON SITE MAS NO. _____ OTHER NO. _____

2. TOWN/CITY ACUSHNET, FAIRHAVEN COUNTY BRISTOL

3. STREET & NUMBER (IF NOT AVAILABLE, GIVE DETAILED DESCRIPTION OF HOW TO REACH SITE)
ON EAST BANK, ACUSHNET RIVER, OFF LAWSON AVENUE.

4. OWNER(S) AND ADDRESS(ES)
N. ENGLAND ELECTRIC Public Private

5. SITE LOCATED BY
 CRM Survey Avocational Collector Field School Other (Specify) _____
Describe Sampling Strategy used to Locate Site:

DESCRIPTION

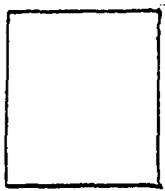
6a. PERIOD(S) (Check all applicable boxes)
 Paleo Early Woodland Contact Single Component Multi-Component
 Early Archaic Middle Woodland Unknown Specify All Components
 Middle Archaic Late Woodland Other (Specify)
 Late Archaic

6b. Estimated Occupation Range
NEVILLE LAURENTIAN SMALL STEM ATLANTIC

7. DATING METHODS C-14 Intuition Other (Specify) _____
Comparative Materials

8. DESCRIBE SITE TYPE/FUNCTION
HUNTING, TOOL MAKING, FOOD PROCESSING

9. DESCRIBE SIZE AND HORIZONTAL & VERTICAL BOUNDARIES
RECOURSES EXTEND ABOUT 800-1000m ALONG EAST BANK OF RIVER, ON THE CUT BANK.

10. GENERALIZED SITE PROFILE
Type of Soil(s) Cultural Material

Indicate Depth of Levels

ENVIRONMENT

11. SOIL USDA Soil Series _____ Contour Elevation 10 % Slope of Ground 0-5 5-15 15-25 over

Acidity 1 _____ 7 _____ 14 (Acid) (Base)

12. TOPOGRAPHY Flat Gentle undulation Rolling Hills Mountains

13. WATER NEAREST WATER SOURCE ACUSHNET RIVER SIZE AND SPEED _____ DISTANCE FROM SITE ADJACENT SEASONAL AVAILABILITY ALL

14. VEGETATION PRESENT SWAMP GRASS, PINES PAST _____

CONDITION

15. SITE INTEGRITY Undisturbed Good Fair Destroyed IF DISTURBED, DESCRIBE DISTURBANCE _____

16. SURROUNDING ENVIRONMENT Open Land Woodland Eroded Soils Residential Scattered Buildings Visible from Site
 Commercial Industrial Rural
 Coastal Isolated

17. ANY THREATS TO SITE DESCRIBE POTENTIAL THREATS: DESCRIBE
 Yes No RIVER DREDGING, POWER STATION

18. ACCESSIBILITY TO PUBLIC Free Access Need Owner Permission Restricted No Access 12/82

RESEARCH STATUS

19. PREVIOUS WORK <input checked="" type="checkbox"/> Surface Collected	BY WHOM/AFFILIATION STEPHEN HEALEY	DATE 1970 TO 9/6/94
<input type="checkbox"/> "Pot hunted"	BY WHOM/AFFILIATION	DATE
<input type="checkbox"/> Tested	BY WHOM/AFFILIATION	DATE
<input type="checkbox"/> Excavation	BY WHOM/AFFILIATION	DATE

20. PRESENT LOCATION OF MATERIALS (INCLUDE ADDRESSES)
STEPHEN HEALEY - 63 S. MAIN ST., ACUSHNET, MA 02743

21. REFERENCES/REPORTS

SIGNIFICANCE

22. RECOVERED DATA (identify in DETAIL, including features, pits, burials, faunal material, etc.)

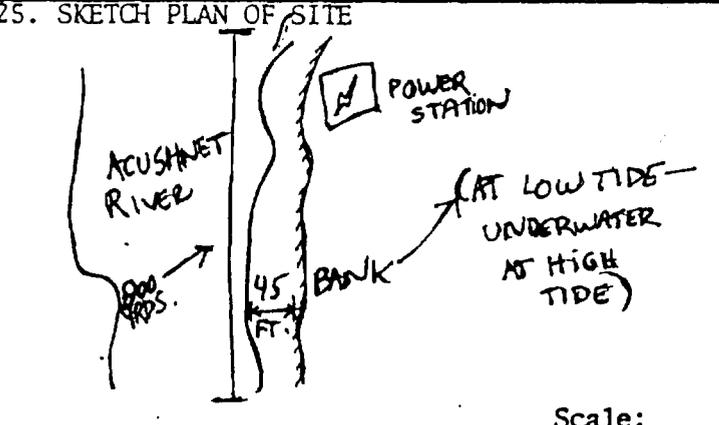
1 FELSITE POINT-TIP	3 BREWERTON NOTCHED (1 FELSITE, 2 ARGILLITE)	1 ARGILLITE T-BAS
1 FELSITE NEVILLE VARIANT	1 SYLVAN SIDENOTCHED - ARGILLITE	4 KNIVES (2 QUARTZ, 2 FEL)
2 ARGILLITE STAPNS	1 QUARTZ SQUIB BUCKET TRIANGLE	1 QUARTZITE POUNDER
1 FELSITE OTTER CREEK	1 QUARTZ SMALL STEM	1 QUARTZITE NUTTING STON
2 FELSITE MERRIMACKS	1 ARGILLITE ATLANTIC	1 SANDSTONE ABRADER
7 VOSBURGS (2 FELSITE, 2 ARGILLITE, 2 HORNFELS, 1 QUARTZITE)		1 BASALT CORE 1 QUARTZ

23. ARCHAEOLOGICAL OR HISTORICAL SIGNIFICANCE

A NICELY BOUNDED COMPONENT OR SET OF COMPONENTS, IN A PRIME LOCATION FOR HABITATION + FOOD PROCUREMENT.

SITE PLAN

24. ATTACH PORTION OF USGS QUAD WITH SITE AREA MARKED TO THIS FORM



26. PHOTOS: Attach if available
Label each with: Date of photo, photographer, view shown, name of site.

REPORTED BY:	NAME C. HOFFMAN	ADDRESS 58 HILLDALE RD., ASHLAND MA 01721
	ORGANIZATION MAS	DATE 9/6/94

FOR OFFICE USE ONLY

FIELD EVALUATION

COMMENTS
Sept 6, 1994

2/24/95 NBH Indian Artifacts
Notification Mtg.

1. David Dickerson EPA 617/573-5735
2. Paul L'Heureux USACE 508-990-2550
3. MAURICE BEAUDOIN USACE 508-990-2550
4. Kenneth Hardy Acushnet Selectman 508-998-1921
5. John R. Rodrigues Fairhaven Selectman 508-996-8202
6. Claudia Kirk Concerned Parents of Fairhaven 508-997-7727
7. Molly Fontaine City of New Bedford (508) 979-1527
8. Roland A. Pepin Town of Acushnet (508) 995-9228
9. Magdaline Desjardins " " (508) 995-3180
10. Stephen Hall Acushnet
11. Kathy Mason Pepin Acushnet Hist. Soc. 99-58415
12. Patrick J. Muller FHUN Selectman 9794023
13. STEPHEN SYLVIA Rep. Straus (617) 722-2240
14. Elsie R. Souza Cong. Barney Frank 508 9996450
15. John T. Haaland FHUN Selectman 508-999-2528

STEPHEN HEALEY
63 SOUTH MAIN ST.
ACUSHNET, MA 02743


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Fold at line over top of envelope to
the right of the return address

CERTIFIED

P 088 327 505

MAIL

**RETURN RECEIPT
REQUESTED**

DAVID DICKERSON - Project Manager
NEW BEDFORD HARBOR SUPERFUND SITE
U.S. ENVIRONMENTAL PROTECTION AGENCY
JFK Building
HBO, BOSTON, MA
02203

HBO

