

**ENF**

**Environmental  
Notification Form**

*For Office Use Only*  
*Executive Office of Environmental Affairs*  
EOEA No.: 14055  
MEPA Analyst: B. H. GAGE  
Phone: 617-626-1025

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Fairhaven Shipyard		
Street: 50 Fort Street		
Municipality: Fairhaven	Watershed: Fairhaven Harbor / Acushnet River	
Universal Transverse Mercator Coordinates: 13273260.402N, 500973.42E (NAD27)	Latitude: 41d37'47"N	Longitude: 70d54'11"W
Estimated commencement date: Winter '08	Estimated completion date: 2010	
Approximate cost: To Be Determined	Status of project design: 75 %complete	
Proponent: Rodman Candle Works Realty, LLC		
Street: 50 Fort Street		
Municipality: Fairhaven	State: Ma	Zip Code: 02719
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Susan Nilson, P.E.		
Firm/Agency: CLE Engineering, Inc.	Street: 15 Creek Road	
Municipality: Marion	State: MA	Zip Code: 02738
Phone: 508-748-0937	Fax: 508-748-1363	E-mail: snilson@cleengineering.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No
- Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. 5497)  No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8))  Yes  No
  - a Special Review Procedure? (see 301 CMR 11.09)  Yes  No
  - a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No
  - a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres):

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

**List Local or Federal Permits and Approvals**

- > ConCom/DEP Order of Conditions - pending
- > DEP Chpt91 License Transmittal # W140587 pending
- > DEP 401 Water Quality Certification - pending
- > CZM Consistency Statement - pending
- > MESA Natural Heritage Endangered Species Program - review - no permit anticipated

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |  |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                              |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste                     |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources       |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input type="checkbox"/> Other Permits <i>(Including Legislative Approvals) – Specify:</i>
Total site acreage	3.5 +/-			
New acres of land altered		0		
Acres of impervious area		0		
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		89,340 sf dredging		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>STRUCTURES</b>				
Gross square footage				
Number of housing units				
Maximum height (in feet)				
<b>TRANSPORTATION</b>				
Vehicle trips per day				
Parking spaces				
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use				
GPD water withdrawal				
GPD wastewater generation/treatment				
Length of water/sewer mains (in miles)				

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Shown on Map 2006 – submitted to NHESP with Notice of Intent)  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify \_\_\_\_\_)  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The applicant, Rodman Candle Works Realty, LLC. is proposing shipyard improvements as well as dredging at the shipyard and marina, located at 50 Fort Street, Assessor's Map 5 Lot 16 in Fairhaven, MA. The site is located on Fairhaven Harbor, Acushnet River. Since 1879, Fairhaven Shipyard has provided repair and maintenance of yachts and commercial vessels, from New Bedford's whaling ships to sophisticated high tech mega-yachts. Currently, with their 330+ ton marine travel lift, the Shipyard offers haul-outs and quick turn around for servicing yachts, fishing vessels, tugs and commercial vessels up to 150' LOA.

The proposed improvements include a sheetpile bulkhead, the construction of travel lift piers to support a 400 tonne travel lift, replacement of the 35 ton travel lift piers, float reconfiguration and expansion including the relocation of the fuel dock and expansion of the existing timber piers. The maintenance dredging will improve access to navigable waters for the Shipyard including the area of the proposed travel lift.

As part of the travel lift, the existing bulkhead will be replaced to provide improved utilization of the site and to allow for maintenance dredging at the face of the bulkhead. The proposed dredge area is approximately 89,340 square feet with proposed dredging to a depth of sixteen (16) feet below mean lower low water. Based on existing survey data, it is estimated that there is approximately 14,000 cy of material within the dredge template including a one foot allowable overdepth. The dredge area encompasses the area of the proposed travel lift including access to navigable waters. This will provide adequate clearance for the vessels utilizing the facility to avoid any effects on the bottom substrate. Pending results from sediment analysis and approvals from state and federal agencies, the dredged materials will be disposed at the confined aquatic disposal site (CAD Cell) in New Bedford Harbor.

In addition, improvements include expansion of the existing timber piers, repairs to the existing piers, reconfiguration and expansion of existing floating docks including relocation of the fuel dock. A pressure washing facility including a concrete pad and collection system (for recycling and/or off-site treatment) will be constructed on site for the collection of wash water from power washing of vessel hulls after they are pulled from the water.

The purpose of the project is to improve shipyard facilities including a new travel lift, replacement of the existing bulkhead, a floating wave attenuator, dredging with proposed disposal in the New Bedford Harbor CAD cell, reconfiguration and expansion of existing floats and timber piers, and a pressure wash water collection facility. The proposed project is water dependent and will improve this public recreational boating facility's (310 CMR 9.02) ability to provide access to navigable waters, as well as enhance the ability of the Shipyard to provide vital services to fishermen and other maritime users.

#### **Existing Conditions**

The site is located on New Bedford Harbor (Acushnet River) at 50 Fort Street. On July 28-31, 2003, Apex Environmental, Inc. conducted a site survey to depict existing hydrographic conditions relative to mean lower low water at the marina site.

CLE Engineering, Inc. performed confirmation field surveys including an existing structure survey in conjunction with pile probe testing to verify subsurface conditions. Soil borings were also performed on-site to obtain core sediment samples for the design of the travel lift and bulkhead. CLE is awaiting approval by the Army Corps of Engineers (ACOE) and Department of Environmental Protection (DEP) of a submitted sampling plan to proceed with sediment sampling to confirm suitability of dredge materials for disposal in the New Bedford CAD cell.

#### **Resource Areas**

Project components are located within Land Under Ocean, Land Containing Shellfish, Coastal Bank and Land Subject to Coastal Storm Flowage.

#### **Performance Standards and Mitigation Measures**

*Land Under Ocean:*

Pursuant to 310 CMR 10.25, Land Under Ocean is likely to be significant to storm damage prevention, flood control, protection of marine fisheries and wildlife habitat and where there are shellfish, protection of land containing shellfish. The project includes dredging and the expansion/reconfiguration of floating docks, the expansion of the timber piers, the construction of the new travel lift piers, and bulkhead. Consistent with 310 CMR 10.25 (6), this water dependent project has been designed using best available measures to minimize adverse effects caused by:

- a. alterations in water circulation
- b. destruction of eel grass (*Zostera marina*) or widgeon grass (*Ruppia maritima*)
- c. alterations in sediment grain size,
- d. changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants
- e. alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae

The dredge materials will be mechanically dredged and loaded into a scow to be transported to the disposal site (pending sediment suitability determination). In order to minimize impacts to marine fisheries, it is anticipated that work will be performed in accordance with recommendations of the Division of Marine Fisheries with respect to time of year restrictions. Once the dredging is completed, the effects of vessels traversing the area on bottom topography will be minimal. It is anticipated that upon completion of the dredging, long term impacts to land under ocean will be reduced from the vessel traffic and continued use of the area as a shipyard/marina.

The proposed floating docks will be pile supported, therefore minimizing the impact on bottom topography and eliminating the impact of a bottom anchor systems on the land under ocean. The pile supported configuration provides greater than 2.5 feet of clearance below the floats at all tides. The proposed piles will be driven using a barge-mounted crane and hammer and the proposed floating docks will be deployed either from a land based crane, the new travel lift or from water based equipment floated into the site. The timber piers expansions will be pile supported construction, thereby minimizing the disturbance to the bottom substrate.

#### *Land Containing Shellfish:*

The project has however been designed to minimize impacts to this potential resource as described above.

#### *Coastal Bank:*

Pursuant to 310 CMR 10.30, Coastal Banks are likely to be significant to storm damage prevention and flood control. The coastal banks at the subject site are manmade structures (bulkheads, solid filled wharves) and do not supply sediment to coastal beaches, coastal dunes or barrier beaches. The coastal banks on site, which because of their height, provide a buffer to upland areas from storm waters are significant to storm damage prevention and flood control. As such, the proposed project is designed to have no adverse effects on the stability of the coastal bank.

#### *Land Subject to Flooding or Inundation by Coastal Flowage (LSCSF):*

LSCSF is land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater. The subject site is shown on the FIRM map as within the A-Zone elevation 6' NGVD. The existing site is a paved boatyard and parking area without vegetation. The addition of the pressure wash water collection system (for recycling and/or off-site treatment) will be an improvement in this area.

#### Alternatives Analysis

The proposed marina improvements have no off-site alternatives. On-site alternatives include:

- No-build alternative: The no-build alternative will result in the continued limited services and access to navigable waters from the site. The no-build alternative does not meet the project goals and is not considered further.
- The proposed shipyard improvements are the preferred alternative presented in this filing. The dredging will provide improved access to navigable waters to recreational and commercial vessels. The site improvements will allow the applicant to fully utilize the existing shipyard business at the property, support fishermen and other maritime users.