

Commonwealth of Massachusetts

Executive Office of Environmental Affairs ■ MEPA Office

ENF Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>14249</u>
MEPA Analyst:	<u>Deidre Buckley</u>
Phone:	617-626- <u>1044</u>

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: AGM Marine Fish Island, New Bedford Dredging		
Street: 7 Fish Island		
Municipality: New Bedford	Watershed: New Bedford Inner Harbor	
Universal Transverse Mercator Coordinates(m) Zone 19: 340180 E; 4611350 N	Latitude: 41° 38' 16.0" N Longitude: 70° 55' 11.0" W	
Estimated commencement date: 6/15/08	Estimated completion date: 12/1/08	
Approximate cost: \$ 420,000	Status of project design:	40 %complete
Proponent: AGM Marine Contractors, Inc.		
Street: 30 Echo Road		
Municipality: Mashpee	State: MA	Zip Code: 02649
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Kris van Naerssen		
Firm/Agency: Apex Companies, LLC	Street: 115 Broad Street, Suite 200	
Municipality: Boston	State: MA	Zip Code: 02110
Phone: 617-728-0070	Fax: 617-728-0080	E-mail: kvannaerssen@apexcos.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. _____) 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 301CMR 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): No direct financial assistance or land transfers have been received.

Are you requesting coordinated review with any other federal, state, regional, or local agency?

Yes (Specify _____) No



List Local or Federal Permits and Approvals:

- New Bedford Conservation Commission / MassDEP Order of Conditions
- MassDEP Chapter 91 License
- MassDEP 401 Water Quality Certificate
- MassDEP 401 Water Quality Certificate – Dredging
- CZM Consistency Determination
- US Army Corps of Engineers Permit
- New Bedford Harbor State Enhanced Remedy CAD Cell Dredge Disposal Approval

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 checked="" type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<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
Total site acreage	1.6 Ac Upland			
New acres of land altered		0.73 Ac of Land Under the Ocean		
Acres of impervious area	1.6 Acres	0 Acres	1.6 Acres	
Square feet of new bordering vegetated wetlands alteration		0 Acres		
Square feet of new other wetland alteration		32,120 SF		
Acres of new non-water dependent use of tidelands or waterways		0 Acres		<input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: New Bedford Harbor State Enhanced Remedy CAD cell Dredge Disposal Approval
STRUCTURES				
Gross square footage	3666 Square Feet	0	3666 Square Feet	
Number of housing units	0	0	0	
Maximum height (in feet)	N/A	N/A	N/A	
TRANSPORTATION				
Vehicle trips per day	N/A	N/A	N/A	
Parking spaces	N/A	N/A	N/A	

WASTEWATER			
Gallons/day (GPD) of water use	N/A	N/A	N/A
GPD water withdrawal	N/A	N/A	N/A
GPD wastewater generation/treatment	N/A	N/A	N/A
Length of water/sewer mains (in miles)	N/A	N/A	N/A

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 (Specify _____) No *Dredge sites are immediately adjacent to

NHESP MA Estimated Habitat of Rare Wildlife and NHESP MA Priority Habitats for State Protected Rare Species as identified on the MassGIS interactive viewer.

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 NBE 905: New Bedford / Fairhaven Bridge) No *Site is immediately adjacent to the

Western Span of NBE 905 (New Bedford – Fairhaven Bridge), listed on the State Register of Historic Places.

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 project site is located on Fish Island within New Bedford Harbor, New Bedford, MA, on Assessor's Map # 60, Parcel # 4. Two dredging footprints are proposed at the AGM Marine property area on the south side of New Bedford's Fish Island. Dredging work is required at the commercial marina/dock slips in order to allow for the safe berthing and passage of commercial vessels. Currently, commercial vessel traffic and berthing on the south side of Fish Island is limited due to the shallow operating depths, ranging from 3 to 12 feet below Mean Lower Low Water (MLLW). Maintenance dredging to -9' MLLW, is proposed onsite in order to allow vessels with deeper drafts berthing access to Fish Island. A dredging footprint of 0.59 acres is proposed on the southeastern side of the AGM property and a dredging footprint of 0.14 acres is proposed on the west side of the AGM property. The project proponent will mechanically dredge the area using a barge mounted crane, and the dredged material will be placed into scow barges. It is assumed that all resulting dredge spoils will be deposited into the existing New Bedford / Fairhaven Harbor Confined Aqueous Disposal (CAD) cell, which was constructed as part of the State Enhanced Remedy process. CAD cell technology was identified under the previously approved New Bedford Harbor Dredged Material

Management Plan (DMMP) and EIR process as the preferred alternative for disposal of PCB impacted materials within New Bedford / Fairhaven Harbor.

The existing CAD Cell #1 was developed under the DMMP, which was completed in the Harbor by CZM. The cell is operated and managed by the New Bedford Harbor Development Commission. It is anticipated that any disposal activities into the existing CAD cell will be overseen by the State Enhanced Remedy / Navigational Dredge Group and the CAD cell management committee headed by the New Bedford Harbor Development Commission and MassDEP. From a regulatory standpoint, the disposal into the CAD is conducted under the auspices of the State Enhanced Remedy Committee, and the Performance Standards developed by the committee for the use of the CAD Cell. Disposal activities into the CAD cell will meet all of the applicable performance standards associated with the disposal of dredged material. AGM Marine has purchased disposal capacity and reserved space in the existing CAD cell for disposal of the dredge material from the AGM Marine dredge project.

The on-site alternatives for this project are: proposed action, reduced action and no action. Under the proposed alternative, the proponent would dredge 0.73 acres to deepen the dockage area to the required depths of -9 Ft. MLLW. An alternative action would involve dredging only one of the proposed dredge areas, or limiting the dredge construction to a smaller footprint. This alternative action of dredging a reduced footprint would not accomplish the proponent's objective of ensuring that docking space at Fish Island allowed adequate clearance for vessels with deeper drafts. A no-action alternative would result in no change to the current bottom configuration. Similarly, this option would not adequately accomplish the proponent's objective. An off-site alternative involves the docking and storage of the proponent's vessels at other locations around the harbor. However, docking space is currently very limited within New Bedford Harbor, and this option is not feasible at this time.

The proponent will comply with the appropriate Performance Standards (as issued by MassDEP, the New Bedford Conservation Commission, the Army Corps of Engineers and as established by the State Enhanced Remedy / Navigational Dredge CAD Cell Committee) and implement the recommended mitigation measures to minimize impacts to water quality during dredging and dredged material disposal, in order to avoid deleterious impacts to New Bedford Harbor. Potential mitigation options include the use of silt curtains during dredging and the employment of water quality monitoring during dredge and disposal operations. No dredging work is planned during the March 15 – June 15 statutory no-dredge window and/or additional windows as recommended by MA Department of Marine Fisheries. If required, the use of an "environmental" bucket may be employed during dredging operations.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1)) ___ Yes
 X No; if yes, specify each threshold:

II. Impacts and Permits

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	<u>0.08 AC</u>	<u>0</u>	<u>0.08 AC</u>
Roadways, parking, and other paved areas	<u>1.52 AC</u>	<u>0</u>	<u>1.52 AC</u>
Other altered areas (Dredging)	<u> </u>	<u>0.73 AC</u>	<u>0.73 AC</u>
Undeveloped areas	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

B. Has any part of the project site been in active agricultural use in the last three years?
___ Yes X No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use?
___ Yes X No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance