



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-846-2700

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Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

November 2, 2016

Louis M. Badwey, Esq.  
15 Hamilton Street  
New Bedford, MA 02740-6326

RE: NEW BEDFORD—DWW  
Unlicensed dock off Washburn Street;  
“Joe Jack Fishing Club” dock

Re: Unlicensed/Unpermitted Dock off Washburn Street, New Bedford

Dear Attorney Badwey:

Reference is made to my letter to you dated August 30, 2016 and your reply letter to me dated September 7, 2016 regarding the above described matter.

On November 1, 2016, MassDOT Senior Counsel Eileen M. Fenton sent you a letter regarding the unlicensed and unpermitted dock located within the State Highway Layout between Route I-195 and Washburn Street along the Acushnet River in New Bedford, confirming your clients' voluntary agreement to remove said dock no later than November 30, 2016 as noted in your September 7<sup>th</sup> letter.

In the event your clients anticipate constructing a dock or other structure in the future in another location, it is important that they are aware of the permitting and licensing requirements associated with such activity under Massachusetts law, including but not necessarily limited to the Massachusetts Public Waterfront Act, M.G.L. c. 91, and the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40.

Pursuant to M.G.L. c. 91 and 310 CMR 9.03(1) promulgated pursuant thereto, written authorization in the form of a license, permit, or amendment thereto must be obtained from the Department of Environmental Protection before the commencement of one or more activities specified in 310 CMR 9.03(2) and (3) or 310 CMR 9.05 and located in one or more geographic areas specified in 310 CMR 9.04, unless the legislature has specifically exempted any such activity from Department jurisdiction under M.G.L. c. 91.

In addition, projects that are constructed within Chapter 91 geographic jurisdiction often are subject to review and permitting under the Massachusetts Wetlands Protection Act. Pursuant to 310 CMR 10.02(2)(a), any activity proposed or undertaken within an area specified in 310

This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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CMR 10.02(1) which will remove, fill, dredge or alter that area is subject to regulation under M.G.L. c. 131, §40 and requires the filing of a Notice of Intent with the local Conservation Commission; no person shall remove, fill, dredge or alter any jurisdictional wetland resource area without receiving and complying with a final Order of Conditions.

Thank you for your assistance in this matter. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaun P. Walsh", written in a cursive style.

Shaun P. Walsh  
Senior Regional Counsel

SPW/

cc: MassDEP:

David Hill, Environmental Engineer, SERO Waterways Program  
David Johnston, Deputy Regional Director, SERO Bureau of Water Resources  
Ben Lynch, Program Chief, Waterways Program  
Lealdon Langley, Director, Wetlands & Waterways Program  
Paul Craffey, Section Chief, Federal Superfund Sites Program

MassDOT:

Eileen M. Fenton, Esq., Senior Counsel  
Mary Joe Perry, Highway Director, MassDOT District 5

Mr. Edgar Tripanier, Joe Jack Fishing Club