Nordic Fisheries Pier Replacement

New Bedford, MA

Notice of Intent

Submitted to:

New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, MA 02740

Prepared for:

Nordic Fisheries, Inc.
14 Hervey Tichon Avenue
New Bedford, MA 02740

Prepared by:

Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754

February 17, 2022

Epsilon
ASSOCIATES INC.

Projects:\6191 Nordic Fisheries - New Bedford\NOI\SUBMITTAL

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February 17, 2022

Mr. Chancery Perks, Conservation Agent
New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, MA 02740

Subject: Notice of Intent for Nordic Fisheries Pier Replacement - New Bedford, MA
Nordic Fisheries, Inc. – Applicant

Dear Commission Members:

On behalf of Nordic Fisheries, Inc. ("Nordic" or the "Applicant"), Epsilon Associates, Inc. ("Epsilon") submits this Notice of Intent ("NOI") to the New Bedford Conservation Commission – Department of Environmental Stewardship (the "Commission") for the above referenced project ("Project"). This NOI was prepared in accordance with the Massachusetts Wetlands Protection Act (M.G.L. c.131, s.40) (the "Act") and implementing Regulations (310 CMR 10.00); and the City of New Bedford Wetlands Ordinance (New Bedford, MA Code of Ordinances, Article VII – Wetlands Protection).

We have included two copies of the complete NOI application, along with two full-sized copies of the Project Plans. An electronic version of this NOI application has also been submitted electronically as requested in the NOI Applicant Checklist.

As explained in the enclosed NOI, Nordic Fisheries has operated at the Project site for over 40 years. An inspection of the property was conducted and found that the existing pile-supported pier was in significant in need of structural repairs. The original owner of the property, the New Bedford Harbor Development Commission, could not afford the repair costs and suggested Nordic consider purchasing the property. Nordic purchased the property on September 14, 2018. Since that time, Nordic has spent more than $1 million in repairs and related engineering and consultant costs.

Nordic needs to replace the existing infrastructure to support ship refueling and provisioning, offloading, fish icing, and transport to the Nordic's processing site.

This NOI is submitted for the Commission's review at the March 1, 2022, Public Hearing. We look forward to working with you on this important project. If you have any questions, please do not hesitate to contact me at (978) 897-7100 or via email at sscannell@epsilonassociates.com.

Sincerely,
EPSILON ASSOCIATES, INC.

Sean Scannell
Project Scientist

Encl. Notice of Intent

Cc: MassDEP Southeast Region
MA Division of Marine Fisheries
M. Livingstone, Nordic Fisheries, Inc.
D. R. Dunk, Epsilon Associates, Inc.
C. Sams, Waterfront Structural Consulting, LLC

Notice of Intent

Nordic Fisheries, Inc. Pier Replacement
14 Hervey Tichon Avenue, New Bedford, MA

Prepared by:
Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754

February 17, 2022

Table of Contents

TABLE OF CONTENTS

FORM 3 NOTICE OF INTENT

TABLE OF CONTENTS (CONTINUED)

Form 3 Notice of Intent

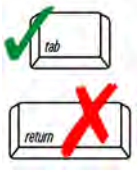
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
New Bedford
City/Town

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

14 Hervey Tichon Avenue — a. Street Address
New Bedford — b. City/Town
02740 — c. Zip Code

Latitude and Longitude:
41°38'39.4"N — d. Latitude
70°55'18.2"W — e. Longitude

66 — f. Assessors Map/Plat Number
137, 147, 170, 171 — g. Parcel /Lot Number

2. Applicant:

a. First Name
b. Last Name
Nordic Fisheries, Inc. — c. Organization
14 Hervey Tichon Avenue — d. Street Address
New Bedford — e. City/Town
MA — f. State
02740 — g. Zip Code
(508) 993-5300 x263 — i. Fax Number
j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name
b. Last Name
R.C.P. Realty LLC — c. Organization
14 Hervey Tichon Avenue — d. Street Address
New Bedford — e. City/Town
MA — f. State
02740 — g. Zip Code
(508) 993-6730 — h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Sean — a. First Name
Scannell — b. Last Name
Epsilon Associates, Inc. — c. Company
3 Mill & Main Place, Suite 250 — d. Street Address
Maynard — e. City/Town
MA — f. State
01754 — g. Zip Code
978-461-6299 — h. Phone Number
i. Fax Number
sscannell@epsilonassociates.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$2,700.00 — a. Total Fee Paid
$1337.50 — b. State Fee Paid
$1,362.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

A. General Information (continued)

6. General Project Description:

The Proponent proposes to replace the existing and deteriorated pile-supported pier with a solid-fill pier. The new bulkhead will be placed 38 feet east of the existing bulkhead and extending from north to south by 450 feet for a total of 17,100 SF. This replacement is approximately the size of the existing pile supported pier. Please see Project Narrative for more details.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

1. ☐ Single Family Home
2. ☐ Residential Subdivision
3. ☒ Commercial/Industrial
4. ☒ Dock/Pier
5. ☐ Utilities
6. ☒ Coastal engineering Structure
7. ☐ Agriculture (e.g., cranberries, forestry)
8. ☐ Transportation
9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County	b. Certificate # (if registered land)
Bristol	
c. Book	**d. Page Number**
12567	335

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☒ Riverfront Area	Acushnet River 1. Name of Waterway (if available) - **specify coastal or inland**	

2. Width of Riverfront Area (check one):

☒ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 11,250 square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
11,250 temporary		

5. Has an alternatives analysis been done and is it attached to this NOI? ☒ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☒ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f**. above.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☒ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☒ Land Under the Ocean	17,100 (1. square feet)	
	(2. cubic yards dredged)	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	(1. square feet)	(2. cubic yards beach nourishment)
e. ☐ Coastal Dunes	(1. square feet)	(2. cubic yards dune nourishment)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☒ Coastal Banks	450 (1. linear feet)	
g. ☐ Rocky Intertidal Shores	(1. square feet)	
h. ☐ Salt Marshes	(1. square feet)	(2. sq ft restoration, rehab., creation)
i. ☐ Land Under Salt Ponds	(1. square feet)	
	(2. cubic yards dredged)	
j. ☒ Land Containing Shellfish	17,100 (1. square feet)	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	(1. cubic yards dredged)	
l. ☒ Land Subject to Coastal Storm Flowage	11,250 (1. square feet)	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
New Bedford
City/Town

C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

   a. ☐ Yes ☒ No

   If yes, include proof of mailing or hand delivery of NOI to:

   Natural Heritage and Endangered Species Program
   Division of Fisheries and Wildlife
   1 Rabbit Hill Road
   Westborough, MA 01581

   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area — percentage/acreage

         (b) outside Resource Area — percentage/acreage

      2. ☐ Assessor's Map or right-of-way plan of site

2. ☒ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☒ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☒ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review).
Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review).
Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

*Projects altering **10 or more acres** of land, also submit:*

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only b. ☒ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. ☐ Is this an aquaculture project? d. ☐ Yes ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☒ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☐ No. Check why the project is exempt:

      1. ☐ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford
City/Town

D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Bulkhead Nordic Fisheries, Inc. New Bedford, MA
a. Plan Title

Waterfront Structural Consulting, LLC
b. Prepared By

Craig Sams
c. Signed and Stamped by

2/15/2022
d. Final Revision Date

1" = 30'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☒ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

7575
2. Municipal Check Number

2/8/2022
3. Check date

7574
4. State Check Number

2/8/2022
5. Check date

Nordic Fisheries, Inc.
6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
New Bedford
City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	2. Date: 2-9-22
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date: 2/15/2021

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Attachment A

Project Narrative

ATTACHMENT A – PROJECT NARRATIVE

1.0 Introduction

Epsilon Associates, inc. ("Epsilon") submits this Notice of Intent ("NOI") to the City of New Bedford Conservation Commission – Department of Environmental Stewardship (the "Commission") on behalf of Nordic Fisheries, Inc., ("Nordic" or "Applicant") to replace an existing pile-supported pier with a new bulkhead and solid-fill pier at their property in New Bedford, Massachusetts (the "Project"). This NOI was prepared in accordance with the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) ("WPA" or the "Act") and implementing Regulations (310 CMR 10.00), and the City of New Bedford Wetland Ordinance (New Bedford, MA Code of Ordinances, Article VII – Wetlands Protection) ("Ordinance").

The Applicant seeks an Order of Conditions ("OOC") from the Commission to perform the pier replacement activities. This work will involve work in Land Under the Ocean, Land Containing Shellfish, Coastal Bank[1], Designated Port Area, Land Subject to Coastal Storm Flowage, and Riverfront Area. It will also require work to land within 100 feet of Coastal Bank.

This NOI provides a brief project purpose, a description of the site and the wetland resource areas present thereon, a discussion of the anticipated impacts to these resource areas, and how the proposed work complies with the performance standards for the resource areas present at the site.

The Project was reviewed by the Massachusetts Executive Office of Energy and Environmental Affairs ("EEA") through the Massachusetts Environmental Policy Act ("MEPA") review process (EEA Number 16485). The Secretary of EEA issued a Certificate on the Environmental Notification Form ("ENF") stating the project does not require an Environmental Impact Report ("EIR"). Refer to Attachment C – Agency Correspondence for a copy of the Secretary's Certificate issued on December 22, 2021.

1.1 Project Purpose

Nordic Fisheries, Inc., and its affiliated companies, is a family-owned and operated water dependent industrial ("WDI") business now in its 4th generation. The company headquarters is located at 14 Hervey Tichon Avenue, New Bedford along the western shore of the Acushnet River, within the New Bedford-Fairhaven Designated Port Area ("DPA"), and north (inside) of the hurricane barrier. From this location, the enterprise oversees fishing, provisioning, and repair of 27 scallop boats with 500 employees – boat captains, crew, support staff, that buy and process 30 million pounds of seafood each year.

[1] The bulkhead is identified as a man-made Coastal Bank. We understand that regulating bulkheads as Coastal Bank is presently being adjudicated by the MassDEP.

Nordic Fisheries has operated at the Project site for over 40 years, and until recently, under a 99-year lease with the former New Bedford Harbor Development Commission ("HDC"), now the New Bedford Port Authority ("NBPA"). According to the lease, repairs to the bulkhead and pier are the responsibility of the lessor. In 2016 the HDC commissioned CLE Engineering to inspect the property and found that the pier could not safely withstand more than 100 pounds per square foot in weight, a 300 lb. reduction from its original design capacity of 400 lbs. per square foot (see Attachment D – CLE Engineering Report). On January 4, 2017, the HDC informed Nordic of the inspection results and that it could not afford the repair costs, suggesting that Nordic consider purchasing the property. Following an RFP process and at market value, Nordic purchased the property on September 14, 2019. Since that time, the Applicant has spent more than $1 million on repairs and related engineering and consultant costs.

Nordic needs to replace the existing infrastructure to support ship refueling and provisioning, offloading, fish icing, and transport to the Nordic processing site. These activities involve weights exceeding the 100 pounds per square foot capacity in the CLE Engineering report.

2.0 Existing Site Conditions

The Project site is located at Nordic's property at 14 Hervey Tichon Avenue in New Bedford, along the west shore of the Acushnet River in New Bedford Harbor (refer to Attachment B, Figure 1 - USGS Locus Map, and Figure 2 – Aerial Locus Map). The Nordic Fisheries Pier (the "Pier") is an active industrial fishing pier located along the active waterfront, north of the New Bedford/Fairhaven (Route 6) Bridge.

The Project site lies east of Herman Melville Boulevard, the western boundary of the DPA, which is further separated from residential areas of the City by Route 18. The Project site abuts the Acushnet River to the east, Seawatch International to the south, New Bedford Ice and Cold Storage (an affiliated company) to the west, and EPA's Dewatering plant to the north - now shuttered and previously used for the dredging New Bedford Harbor to remediate polychlorinated biphenyls ("PCBs") contaminated sediments.

As mentioned above, the existing pier is a pile-supported pier that through structural inspections, was determined to be significantly deteriorated diminishing the structural load capacity of the pier. The Pier therefore poses a safety hazard and threat to the commercial fishing operations (water-dependent operations).

The 18,000-acre New Bedford Harbor Superfund Site extends from the shallow northern reaches of the Acushnet River estuary, south through the commercial harbor of the City of New Bedford and the Town of Fairhaven, and into 17,000 adjacent acres of Buzzards Bay. The substrate beneath the existing pier is assumed to include sediment contaminated with PCBs, as was the case with much of the harbor bottom, which lead to the U.S. Environmental Protection Agency ("EPA") Superfund designation and cleanup operations. No EPA cleanup was conducted beneath the pier. Therefore, the benthic habitat beneath the existing pier has diminished ecological integrity given the significantly developed and contaminated nature of the harbor.

The existing bulkhead was constructed in the late 1960's and was authorized by the Department of Public Works pursuant to Chapter 91 Waterways Licenses: #5129, #5130, and #5309; and by the Department of Environmental Protection Licenses: #4783, #5391, #8329, #8870, and #13584. A copy of license #5309, which authorized the bulkhead, and the most recent Chapter 91 Waterways License #13584 are included as Attachment E.

2.1 Wetland Resource Areas

The wetland resource areas present at and proximate to the Site include Land Under the Ocean, Land Containing Shellfish, Coastal Bank, Riverfront Area, Designated Port Area, and Land Subject to Coastal Storm Flowage. Refer to Attachment B, Figure 3 – Environmental Constraints which depicts these wetland resource areas. A summary of these is provided below.

2.1.1 Land Under the Ocean

Land Under the Ocean is defined in 310 CMR 10.25(2) as "…land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries."

Land Under the Ocean ("LUO") is present beneath the existing pile-supported pier and is comprised of the lands of New Bedford Harbor. The substrate beneath the existing pier is assumed to be contaminated with PCBs, as was much of the harbor. No EPA cleanup was conducted beneath the pier. Therefore, the benthic habitat beneath the existing pier has diminished ecological integrity given the water dependent industrial uses and the presumed contaminated harbor bottom.

2.1.2 Land Containing Shellfish

Land Containing Shellfish is defined at 310 CMR 10.34(2) as "Land Containing Shellfish means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish."

The Massachusetts Division of Marine Fisheries has identified LUO of New Bedford Harbor as being suitable for quahog (*Mercenaria mercenaria*). However, Water quality in the Inner New Bedford is classified as SB with shell fishing restrictions due to CSO discharges, which diminishes the quality of this resource area.

2.1.3 Coastal Bank

Coastal Bank is defined in 310 CMR 10.30(2) as "… the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland."

The approximately 450 linear feet of bulkhead in-board of the pile-supported pier is regulated as a man-made Coastal Bank. The bulkhead was constructed c. 1967 in accordance with Chapter 91 License No. 5309. See Attachment E for copies of both License No. 5309 signed on February 6, 1968, and the most recent Chapter 91 Waterways license No. 13584 signed on October 2, 2013. There is a 100-foot buffer zone to Coastal Bank.

2.1.4 Riverfront Area

Riverfront Area is defined in 310 CMR 10.58(2) as "…the area of land between a river's mean annual high water line and a parallel line measured horizontally. The riverfront area may include or overlap other resource areas or their buffer zones. The riverfront area does not have a buffer zone."

The Riverfront Area ("RFA") in New Bedford associated with the Acushnet River extends 25-feet landward from the mean high water line, which is coincident with the location of the bulkhead present at the Site. However, per the Wetlands Protection Act at 310 CMR 10.58(6)I, which reads:

> *"Structures and activities subject to a M.G.L. c. 91 waterways license or permit … are exempt, provided the structure or activity is subject to jurisdiction and obtains a license, permit, or authorization under 310 CMR 9.00: Waterways."*

Whereas the Project will require a Chapter 91 License, this Project is therefore exempt from the requirements for the Riverfront Area.

2.1.5 Designated Port Area

Designated Port Area is defined at 301 CMR 25.02 as "…an area of contiguous lands and waters in the coastal zone that has been so designated in accordance with 301 CMR 25.00."

A portion of New Bedford Harbor has been designated as the New Bedford/Fairhaven Designated Port Area, including the Nordic Fisheries facility at 14 Hervey Tichon Avenue.

2.1.6 Land Subject to Coastal Storm Flowage

Land Subject to Coastal Storm Flowage ("LSCSF") is defined at 310 CMR 10.04 as "…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 Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map ("FIRM") (see Attachment B, Figure 5) defines the 100-year floodplain, and these are used to delineate LSCSF. In the vicinity of 14 Hervey Tichon Avenue, the water sheet is mapped as Zone AE (el. 6 feet North American Vertical Datum of 1988 "NAVD 88"), and the land is mapped as Zone X – Area with Reduced Flood Risk due to Levee, the New Bedford Hurricane Barrier. Therefore, technically there is no LSCSF landward of the edge of the pier, with flooding seaward of the Pier associated with the AE Zone.

2.2 Rare Species Habitat

The Project site is located outside the limits of mapped habitat, as depicted on Attachment B, Figure 4. Correspondence with NHESP indicated the water sheet of New Bedford Harbor is identified as feeding habitat for Common Tern and Roseate Tern. Please see NHESP Correspondence in Attachment C – Agency Correspondence.

3.0 Alternatives Analysis

The goals of the Applicant are to continue to operate a water-dependent industrial use in the New Bedford DPA and to continue to provide a safe and economically sustainable fishing, provisioning, and repair operation at the water's edge. Therefore, the Applicant considered six different options for the project as part of an alternatives analysis. This analysis concluded that the proposed project is the preferred alternative. Refer to Attachment H – Alternative Analysis for a detailed analysis and discussion of the alternatives considered.

4.0 Project Description

The Applicant proposes to replace the existing and deteriorated pier with a new bulkhead 38 feet east of the existing bulkhead and extending from north to south by 450 feet for a total of 17,100 square feet ("sf"). This replacement is approximately the size of the existing pile supported pier. Construction of the bulkhead will begin on the north side of the existing pier where it meets a concrete cap at the parcel's north property line. The bulkhead will be driven to an average of 52 feet below grade and secured by rock anchors alleviating the need to disturb/relocate onsite utilities. Refer to Attachment K, Fig-05 Proposed Bulkhead Plan and Cross Section.

Bituminous paving, precast concrete deck planks, and creosote treated timber fender system will then be removed leaving the pier substructure. A lightweight aggregate will be used to fill the space between the new bulkhead and land encasing the substructure of the existing pier. Installation of the sheet pile will be in three segments to enable Nordic fishing operations to continue during construction. The area between the new bulkhead and landside will remain tidal until the final sheet pile is in place on the south end of the property line. Water level differential inside the encapsulated fill and the harbor will be equalized through filtered weep holes in the sheet pile. Refer to Attachment K, Fig-06 Proposed Deck Plan.

Infrastructure & Utilities

There are no additional infrastructure impacts resulting from the Project. Nordic operations will continue post construction much the same as they do today but without the current dockside restrictions. Water, wastewater, gas, and electric use will remain the same. For the location of utility easements please see Attachment K, Fig-04 Existing Utilities Plan.

Using rock anchors instead of "dead men" to secure the new bulkhead will avoid encroaching on existing landside utility easements. However, there is an existing 60-inch outfall pipe under Hervey Tichon Avenue and extends east onto the Project site to the existing pier. With the

conceptual approval of the New Bedford Public Works Department, an extension from the end of the outfall pipe through the filled pier is planned as depicted on Attachment K, Fig-07 Sheet Pile Layout Plan at Outfall, and Fig-08 Sheet Pile at Outfall Details.

4.1 Construction Methodology and Materials

Construction activities include removal of the existing bituminous paving, precast concrete deck planks, and creosote treated timber fender system. All materials will be removed and transported to a licensed recycling facility (estimate 40 truckloads.)

The construction contractor has not been selected, therefore detailed construction planning has not yet begun. However, the new sheet pile delivery is expected to be by barge, and the bulkhead installed in three separate segments, driving the sheet pile an average of 52 feet below grade, and securing the sheet pile bulkhead by rock anchors followed by filling with light weight aggregate.

Assuming trucks with a capacity of 40 cubic yards per load the Project estimates approximately 400 total truck loads of light weight aggregate over a period of the 12 to 24-month construction period (including potential Time of Year ("TOY") restrictions). Potential contractors are looking at some combination of barges for delivery of aggregate as well. Using trucks allows for more precise control of material stockpiles on-site. The final decision will be determined by the construction manager with cost and construction activities interrupting on-going fishing operations a vital consideration. See Attachment K, Fig-09 Site Preparation Plan.

4.2 Stormwater Management

The site is currently 100% impervious surface, and the proposed Project will remain 100% impervious. This Project is categorized as a "re-development project" in accordance with the stormwater management regulations; therefore, the stormwater management system was designed to comply with the Stormwater Management Regulations as to the extent practicable pursuant to Standard 7, in 310 CMR 10.05(6)(k). Refer to Attachment G – Stormwater Checklist.

5.0 Anticipated Impacts to Resource Areas

The proposed pier replacement will require both temporary and permanent alteration to benthic habitat. The demolition of the existing pile-supported pier will entail the removal of the existing bituminous paving, precast concrete deck planks and creosote treated timber fender system, which may result in some temporary and localized water quality impacts (turbidity).

These same temporary water quality impacts will occur during new steel sheet pile bulkhead installation by vibratory hammer as well as backfill for the new solid-fill pier. Noise from sheet pile installation and backfill may also temporarily impact fisheries habitat. Construction activities

will avoid TOY restrictions. Temporary alterations landward of the pier within the 25-foot RFA (RFA standards are exempted because the Project will require Ch. 91 License and in Land Subject to Coastal Storm Flowage are anticipated to include the construction laydown and support area.

The proposed solid fill pier will require the permanent filling seaward of the existing bulkhead, regulated under the Act as LUO and Land Containing Shellfish. The substrate beneath the existing pier is assumed to be contaminated with PCBs as was much of New Bedford Harbor. No EPA cleanup was conducted beneath the pier. Therefore, the substrate beneath the existing pier likely contains PCBs. The ecological integrity of the benthic habitat beneath the existing fixed pier is significantly diminished by the:

(1) presumed presence of PCBs in the sediment,

(2) shading caused by the fixed pier and vessels moored at the pier which decreases epiphytic vegetation, and

(3) vessel operations at this commercial facility.

Water quality in the Inner New Bedford Harbor is classified as SB with shell fishing restrictions due to CSO discharges. Installing a new bulkhead and filling it solid will encapsulate the presumed contaminated sediments while providing a structurally sound pier for the continued water-dependent-industrial uses at the Site. Replacing the pile supported pier with a solid fill also better enhances resiliency and adaptation to sea level rise because the pier can be elevated in the future by placing fil to raise the grade as needed.

The approximate areas of impact associated with each of the impacted resource areas is tabulated below.

Table 1 Anticipated Impacts to Resource Areas

Area to be Altered	Impact Area
Coastal Bank	~450 linear feet
Subtidal Resources (Land Under the Ocean, Land Containing Shellfish, and Designated Port Area)	17,100 square feet
LSCSF	11,250 square feet
Riverfront Area	11,250 square feet
Buffer Zone to Coastal Bank	11,250 square feet

6.0 Mitigation Measures

As described above, the Project will require unavoidable temporary and permanent impacts to coastal wetland resource areas, and mitigation measures are proposed to minimize potential adverse effects to the environmental and compensate for unavoidable alterations of coastal wetland resource areas.

The solid-fill pier will fill approximately 17,100 square feet of subtidal area (LUO and Land Containing Shellfish). As described above, the substrate beneath the pier is assumed to be contaminated with PCBs, because there was no clean up conducted beneath the pier. Once the new bulkhead is installed, clean light weight aggregate will be used to fill the area between land and the new bulkhead. This will encapsulate the sediment in the sheet pile wall and cover the existing sediments, which will prevent the disturbance of PCB contaminated sediments and reduce the risk of resuspending PCBs in the water column.

Whereas the Project proposes to encapsulate the contaminated sediments within the new solid-fill pier, the loss of benthic habitat will be compensated by a commitment of a $2,000 donation to the New Bedford Fish Warden's office for the Shellfish Relay Program in Mount Hope Bay to support the relay efforts of moving contaminated shellfish to clean waters for natural purification and propagation.

6.1 Material Handling and Disposal

During construction, a silt curtain fitted with a surface boom will be installed and maintained around the active work zone. The floating boom will trap and contain floating debris to prevent the release of construction related debris into the waters of New Bedford Harbor. The submerged silt curtain will limit the transport of suspended sediments from the work zone.

Covered receptacles to hold and store all construction related debris, and any other waste, generated from the construction will be maintained on site. These receptacles will remain covered at all times except when being loaded or unloaded.

6.2 Spill Prevention and Response

A spill containment kit will be kept on-site. Personnel will be available to respond quickly in the case of a leak or spill. Equipment will be kept in a condition that prevents leaks or discharge of pollutants. Fuel, oil, hydraulic fluids, petroleum products and/or other chemicals will be stored in water-tight containers. In the event there is an accidental release of petroleum during repairs, the contractor will notify the New Bedford Fire Department, New Bedford Harbor Master, New Bedford Conservation Commission, MassDEP and the U.S. Coast Guard after the appropriate emergency response agencies.

6.3 Construction Air Emissions and Dust

A construction laydown area will be established in the parking lot and during construction, construction vehicles and equipment will generate vehicle emissions and can generate airborne dust (suspended particulate matter). Measures that will be used to mitigate air emissions include:

- Construction will follow Massachusetts General Laws (M.G.L. Chapter 90, Section 16A) and the Massachusetts Department of Environmental Protection ("MassDEP") idling reduction regulation (310 CMR 7.11(1)(b)). Motor vehicle engines will be prohibited from idling more than five minutes, unless the engine is being used to operate a lift or refrigeration unit.

- Construction equipment will use ultra-low sulfur fuel per U.S. EPA tier 4 emissions standards and Massachusetts Low Sulfur Fuel Standards, 310 CMR 7.05.

- The Applicant will maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for MassDEP review.

- Contractors will cover trucks hauling dust generating materials to and from the site and cover stockpiled materials and excavated materials during truck transport.

- Dust control shall be accomplished by use of water sprinkling, dust barriers, or stone. Because the proposed fill is light weight aggregate, there will be little dust generated from the material, control shall be applied on an as-needed basis.

6.4 Time of Year Restriction

With the proposed work activities being located within LUO, it is anticipated that TOY restrictions will be applied to the Project to minimize impacts. As such, a copy of this Notice of Intent has been submitted to the Department of Marine Fisheries ("DMF") for review. DMF's response to the MEPA ENF is provided in Attachment C – Agency Correspondence and includes a TOY restriction, suggesting that in-water construction activities be avoided between January 15 and May 31.

6.5 Construction-period Stormwater Management

The Applicant is proposing several construction-period measures to manage stormwater on site, and includes, but is not limited to, the following:

- Installing siltation control wattles to surround catch basins;

- Installing a temporary fence and siltation control berm around the contractor laydown area;

- Scuppers along edge of the pier shall have siltation control wattles installed.

These measures will be implemented, and maintained, for the duration of the demolition and construction period. Refer to Attachment G – Stormwater Checklist.

7.0 Compliance with State Wetland Performance Standards

While there is a local wetlands ordinance, the City has not promulgated local regulations, thus compliance with the WPA Regulations only is reviewed below for LUO, Land Containing Shellfish, Coastal Bank, and DPA. The performance standards are presented in italics typeface and the response if presented in normal typeface.

7.1 WPA Performance Standards

7.1.1 Land Under the Ocean

In accordance with 310 CMR 10.25(3) through (7), activities conducted within land under the ocean will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.25(3): *"Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects in such interests caused by changes in:*

a) Bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;

b) Sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;

c) Water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or

d) Marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat."

RESPONSE: N/A. No dredging is proposed.

310 CMR 10.25(4): *"Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat."*

RESPONSE: N/A. No dredging is proposed.

310 CMR 10.25(5): *"Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes."*

RESPONSE: The proposed project will not cause any adverse effects by altering bottom topography that would increase storm damage or erosion of adjacent areas, because the adjacent area is supported by a steel bulkhead (man-made coastal bank) and does not support any coastal beaches, natural coastal banks, coastal dunes, or salt marshes. The proposed work will not affect the stability of the adjacent man-made coastal bank.

310 CMR 10.25(6): *"Projects not included 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*

a) *Alteration in water circulation;*

b) *Destruction of eelgrass (Zostera marina) or widgeon grass (Rupia maritina) beds;*

c) *Alterations in the distribution of 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; or*

e) *Alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae."*

RESPONSE: The proposed project is water-dependent. The structure is in significant need of structural repair, which will be conducted using the best available measures to minimize adverse effects on marine fisheries habitat. This work will not occur within eel grass habitat, and the proposed work will not: 1) result in changes to water circulation, 2) occur in eelgrass meadows, 3) alter distribution of grain size, 4) degrade water quality, or 5) alter lands known to support high densities of polychaetes, mollusks or macrophytic algae. The project includes a commitment of a $2,000 donation to the New Bedford Fish Warden's office for the Shellfish Relay Program in Mount Hope Bay to support the efforts of the Fish Warden's office moving contaminated shellfish to clean waters for natural purification and propagation.

310 CMR 10.25(7): *"Notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species as identified by procedures under 310 CMR 10.37."*

RESPONSE: The Project site is not located within NHESP mapped Priority or Estimated Habitat. However, through correspondence with NHESP, the water sheet of New Bedford Harbor is mapped as seabird foraging habitat. The project will not have any adverse effects on the foraging habitat.

7.1.2 Land Containing Shellfish

In accordance with 310 CMR 10.34(4) through 10.34(8), activities proposed within land containing shellfish will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.34(4): *"Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:*

a) alterations of water circulation;
b) alterations in relief elevation;
c) the compacting of sediment by vehicular traffic;
d) alterations in the distribution of sediment grain size;
e) alterations in natural drainage from adjacent land; or
f) changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

RESPONSE: The proposed project will require the permanent filling of the area currently beneath the existing bulkhead, regulated as Land Containing Shellfish. The substate beneath the existing pier is assumed to be contaminated with PCBs, as there was no EPA cleanup conducted beneath the existing pier. DMF has identified LUO of New Bedford Harbor as being suitable for quahog (*Mercenaria mercenaria*). However, water quality in the Inner New Bedford is classified as SB with shell fishing restrictions due to CSO discharges.

While the substrate beneath the existing pier contains shellfish habitat, the ecological integrity of this habitat is likely diminished. The Project will not have an adverse effect on any shellfish habitat beyond the Project limits. To compensate for the loss of shellfish habitat under the pier, Nordic is committed to a $2,000 donation to the New Bedford Fish Warden's office for the Shellfish Relay Program in Mount Hope Bay to support the efforts of the Fish Warden's office to move contaminated shellfish to clean waters for natural purification and propagation.

310 CMR 10.34(5): *"Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than on year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension."*

RESPONSE: The Project will require the permanent filling of the area beneath the existing pier, regulated as Land Containing Shellfish. However, the project will have no permanent impacts on shellfish habitat located outside of the project area. To compensate for permanent alteration of shellfish habitat in an area where the substrate is likely contaminated, Nordic Fisheries is committed to a $2,000 donation to the New Bedford Fish Warden's office for the Shellfish Relay Program in Mount Hope Bay to support the efforts of the Fish Warden's office to move contaminated shellfish to clean waters for natural purification and propagation.

310 CMR 10.34(6): *"In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b)(i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environment Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced."*

RESPONSE: Given the substrate beneath the pier is likely contaminated with PCBs, relocation of any shellfish was not considered given the human health and safety detriment for attempting to relocate the shellfish. Given the proposed pier is in major need of structural repairs, it would be a safety hazard for divers due to both the overlying pier and the contaminated sediments. Therefore, Nordic is committed to a $2,000 donation to the New Bedford Fish Warden's office for the Shellfish Relay Program in Mount Hope Bay to support the efforts of the Fish Warden's office to move contaminated shellfish to clean waters for natural purification and propagation.

310 CMR 10.34(7): *"Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted."*

RESPONSE: The proposed Project is not designed to increase the productivity of land containing shellfish. However, the Applicant is committed to a donation to the New Bedford Fish Warden's office to support the efforts of the Shellfish Rely Program to move contaminated shellfish to clean waters for natural purification and propagation.

310 CMR 10.34(8): *"Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37."*

RESPONSE: The Project site is not located in NHESP mapped habitat for rare species and thus it will not have an adverse effect on specified habitat of rare vertebrate or invertebrate species.

7.1.3 Coastal Bank

The approximately 450 linear feet of bulkhead in-board of the pile-supported pier is regulated as a man-made Coastal Bank[2]. The coastal bank at the Project site is stable and non-eroding and is therefore considered significant to storm damage prevention and flood control because it provides a vertical buffer to storm waters. In accordance with 310 CMR 10.30(6) through 10.30(8), activities conducted within a non-eroding coastal bank will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.30(6) *"Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank."*

RESPONSE: The Project involves the installation of a new bulkhead 38 feet east (further seaward) of the existing bulkhead. This new bulkhead will maintain, and improve, the structural stability of the bulkhead and the industrial waterfront activities thereon. The proposed work on and within 100 feet of the Coastal Bank is needed to improve the stability of the bulkhead (Coastal Bank) and support the solid-fill pier construction, and therefore, the Project meets this standard.

310 CMR 10.30(7) *"Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches."*

RESPONSE: The Coastal Bank at the Project site is located behind a steel bulkhead and will remain behind a steel bulkhead, and therefore does not provide sediment to coastal beaches, coastal dunes, or barrier beaches. Therefore, this standard does not apply.

310 CMR 10.30(8) *"Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37."*

RESPONSE: The Project site is not located in NHESP mapped habitat for rare species and thus it will not have an adverse effect on specified habitat of rare vertebrate or invertebrate species.

[2] The bulkhead is identified as a man-made Coastal Bank. We understand that regulating bulkheads as Coastal Bank is presently being adjudicated by the MassDEP.

7.1.4 Riverfront Area Performance Standards

Riverfront Area is defined in 310 CMR 10.58(2) as "…the area of land between a river's mean annual high water line and a parallel line measured horizontally. The riverfront area may include or overlap other resource areas or their buffer zones. The riverfront area does not have a buffer zone."

The Riverfront Area ("RFA") in New Bedford associated with the Acushnet River extends 25-feet landward from the mean high water line, which is coincident with the location of the bulkhead present at the Site. However, per the Wetlands Protection Act at 310 CMR 10.58(6)i. "Structures and activities subject to a M.G.L. c. 91 waterways license or permit…are exempt, provided the structure or activity is subject to jurisdiction and obtains a license, permit, or authorization under 310 CMR 9.00: Waterways." The Project will require a Chapter 91 Waterways License, and therefore, the RFA standards do not apply.

7.1.5 Designated Port Area

This project involves filling and altering land under the ocean in a designated port area ("DPA"), therefore it is presumed that the area is significant to marine fisheries, storm damage prevention and flood control. In accordance with 310 CMR 10.26(3) and 10.26(4), activities conducted within a DPA will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.26(3) *Projects shall be designed and constructed, using best practical measures, so as to minimize adverse effects on marine fisheries caused by changes in:*

(a) water circulation;
(b) 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.

RESPONSE: The proposed project was designed and will be constructed in a manner to minimize adverse effects to marine fisheries. The proposed work will not result in significant changes to water circulation, nor will it significantly degrade water quality. Based on the comment letter provided by DMF on the ENF (Attachment C), the project anticipates the implementation of a TOY restriction by DMF, as well as the use of silt curtains to minimize sediment dispersal to adjacent waters. A copy of the NOI has been submitted to DMF for review. In this manner, the project complies with this standard.

310 CMR 10.26(4) *Projects shall be designed and constructed, using the best practical measures, so as to minimize, adverse effects on storm damage prevention or flood control caused by changes in such land's ability to provide support for adjacent coastal banks or adjacent coastal engineering structures.*

RESPONSE: This project will not change the ability of the land under the ocean to provide support for the adjacent man-made coastal bank. The project will be constructed to avoid adverse effects on storm damage prevention or flood control. Rather, the project will construct a new bulkhead (man-made Coastal Bank) thereby improving the stability of said bulkhead, which will improve the important function of storm damage prevention and flood control for the area.

7.1.6 Land Subject to Coastal Storm Flowage

There are currently no performance standards for Land Subject to Coastal Storm Flowage, however, structural repairs to the existing Pier will not affect the horizontal or vertical extent of flooding.

8.0 Conclusions

The existing Nordic Fisheries pier was constructed in the 1960s, and after more than 50 years in place the Company must replace the existing pier to support ship refueling and provisioning, offloading, fish icing, and transport product to Nordic's processing site. The information contained in this NOI, the project plans and other supporting documentation describes the work, anticipated alterations to resource areas, proposed mitigation measures and compliance with applicable wetland regulations. The Applicant therefore respectfully requests that the Commission issue an Order of Conditions approving the Project with appropriate and pragmatic conditions to protect those interests identified in M.G.L. c. 131 §40 and the City of New Bedford Wetland Ordinance.

Attachment B

Figures

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services

Nordic Fisheries Pier New Bedford, Massachusetts

Epsilon Associates Inc.

Figure 1

USGS Locus Map

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services

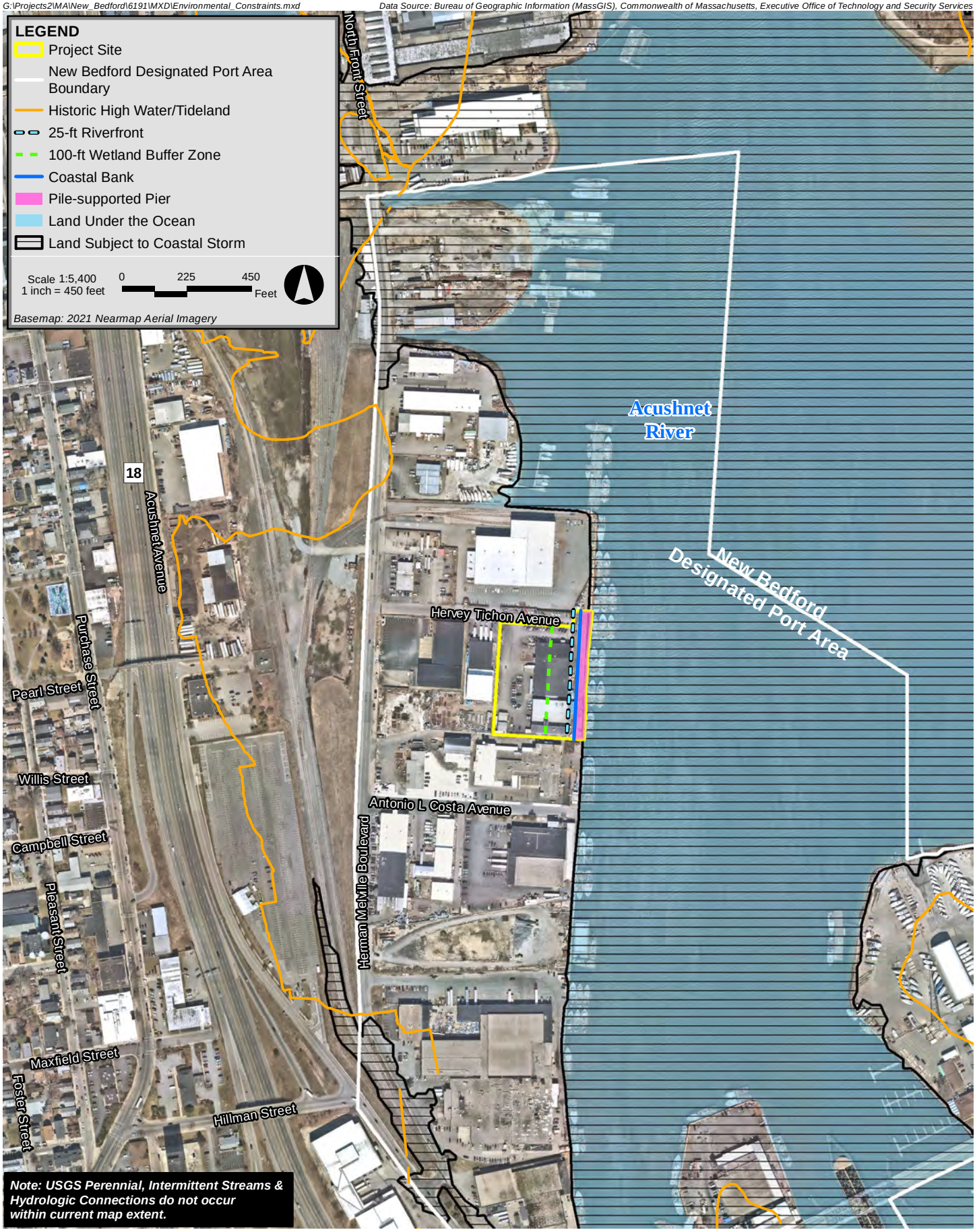
Nordic Fisheries Pier **New Bedford, Massachusetts**

Epsilon Associates Inc.

Figure 2

Aerial Locus Map

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



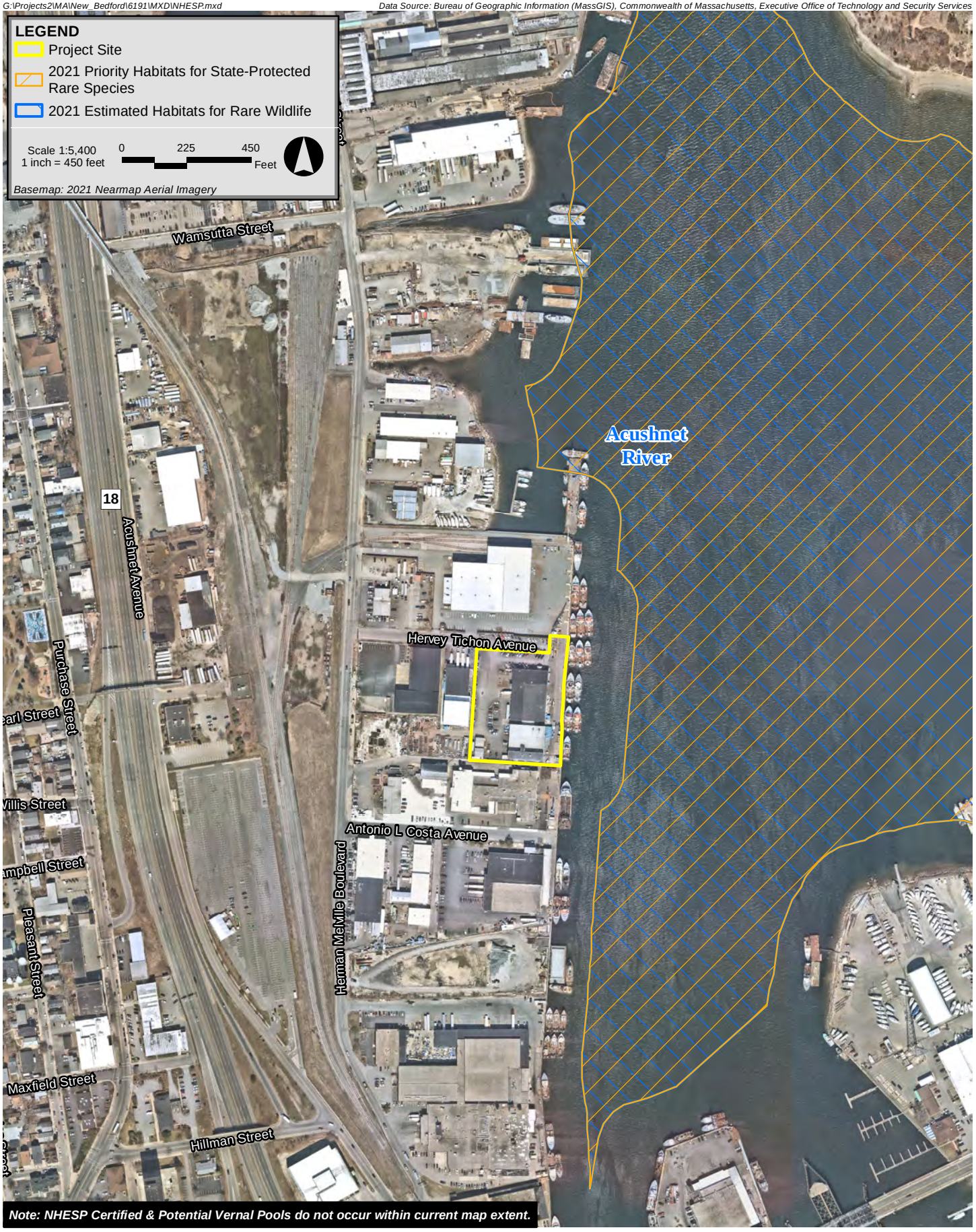
Nordic Fisheries Pier **New Bedford, Massachusetts**

Epsilon Associates Inc.

Figure 3

Environmental Constraints Map

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



Nordic Fisheries Pier **New Bedford, Massachusetts**

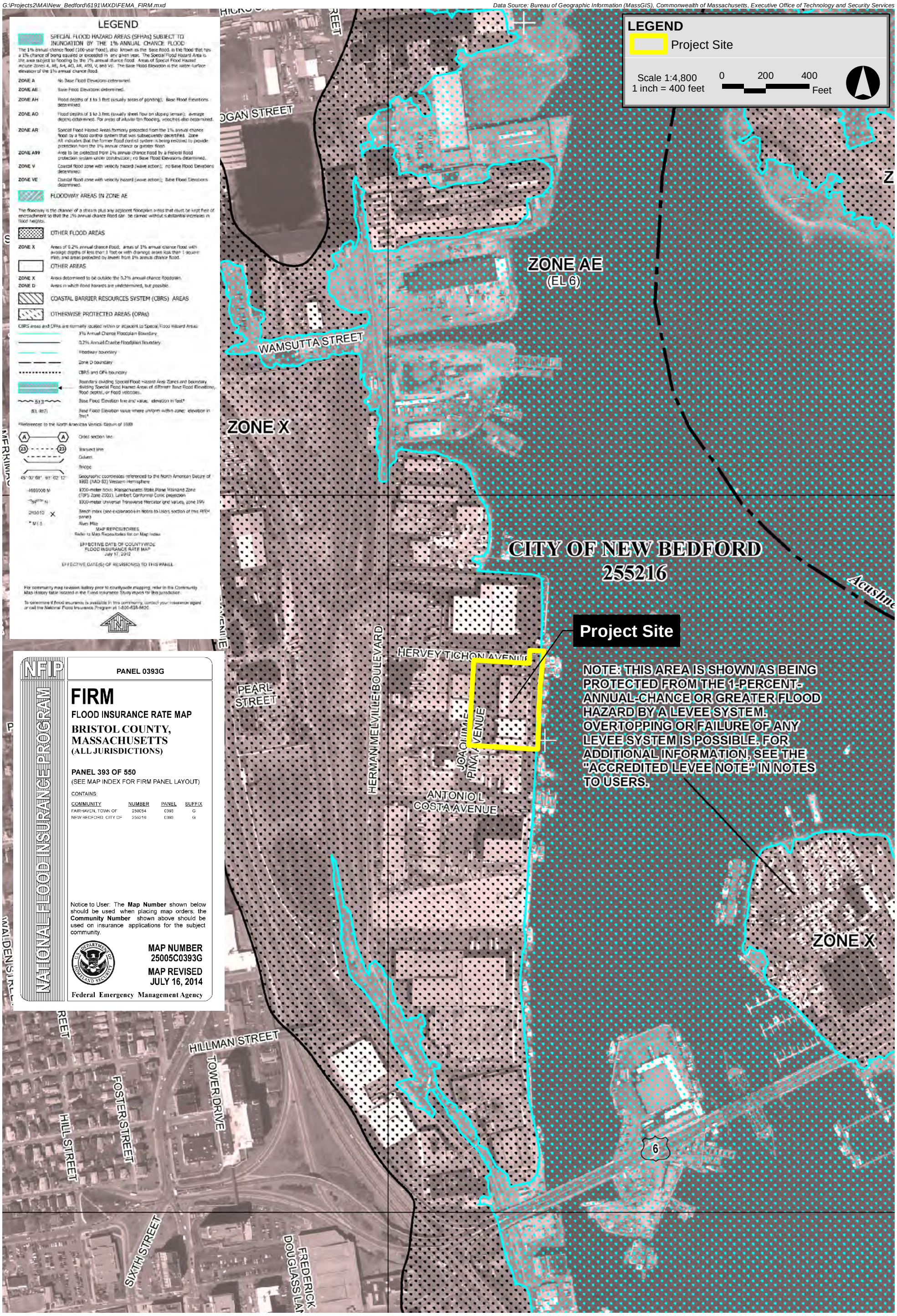
Epsilon Associates Inc.

Figure 4

National Heritage & Endangered Species Program

G:\Projects2\MA\New_Bedford\6191\MXD\FEMA_FIRM.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



Nordic Fisheries Pier **New Bedford, Massachusetts**

Epsilon Associates Inc.

Figure 5

FEMA FIRM Map (Panel 25005C0393G)

Attachment C

Agency Correspondence

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
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Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

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December 22, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: Nordic Fisheries Pier Replacement
PROJECT MUNICIPALITY	: New Bedford
PROJECT WATERSHED	: Buzzards Bay
EEA NUMBER	: 16485
PROJECT PROPONENT	: Nordic Fisheries, Inc.
DATE NOTICED IN MONITOR	: November 22, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the replacement of a 17,100 square feet (sf) pile-supported pier with a solid fill wharf of approximately the same size. A sheet pile bulkhead will be driven to a depth of 52 ft along the 450-foot (ft) long seaward (eastern) edge of the pier and along the 38-ft long northern and southern edges where the existing pier meets piers on adjacent properties. To provide structural support for the bulkhead, cables attached to the top of the bulkhead will extend landward (westward) through the fill behind the bulkhead, and anchored to bedrock. The existing pier deck will then be removed but the pilings left in place, and the area within the bulkheads and dry land filled with a lightweight aggregate. An existing 60-inch diameter outfall owned by the City of New Bedford (City) that discharges below the existing pier will be extended through the wharf.

Project Site

The 3.2-acre project site is bordered to the east by the Acushnet River and to the north, south and west by industrial uses, including maritime uses such as seafood processing. The property abutting the project site to the north was formerly used by the Environmental Protection Agency (EPA) as a dewatering facility in connection with the dredging of contaminated sediment in New Bedford Harbor. The site is covered entirely by impervious surfaces, including three buildings and paved parking areas and vehicular access drives.

The Proponent also owns a nearby property at 22 Antonio Costa Boulevard that was used for seafood processing and sales. According to the Proponent, fish processing operations have been moved from the 22 Antonio Costa Boulevard to elsewhere in New Bedford and the site is no longer in use due to a deteriorated pier that has structurally damaged the building. The Proponent has indicated that necessary repairs to the pier at 22 Antonio Costa Boulevard will not occur within the next five years.

The entire site is located on filled tidelands subject to jurisdiction by the Massachusetts Department of Environmental Protection (MassDEP) Waterways Regulation Program (WRP) pursuant to Chapter 91 (c.91) and the Waterways Regulations (310 CMR 9.00). The site is also located in the New Bedford-Fairhaven Designated Port Area (DPA), one of ten areas established by the Commonwealth where water-dependent industrial activity is promoted through state funding, planning, policy, and regulation. The site is protected from coastal storms and flooding by the New Bedford Hurricane Barrier at the mouth of the Acushnet River. As shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) (number 25005C0393G, effective date July16, 2014), the 100-year floodplain (Zone AE) with a Base Flood Elevation (BFE) of 6.0 ft NAVD 88 is confined to the river and the pier and landside portion of the site are located outside of the 100-year floodplain. According to the Division of Marine Fisheries (DMF), the project site includes mapped quahog (*Mercenaria mercenaria*) habitat. In addition, the New Bedford Harbor and Acushnet River system provides spawning habitat for winter flounder (*Pseudopleuronectes americanus*). The Atlantic States Marine Fisheries Commission hasdesignated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC).

The site is located within an Environmental Justice (EJ) population designated as Minority and Income and within one mile of EJ populations designated as Minority; Income; Minority and Income; and Minority, Income and English Isolation. As described below, the ENF included a review of potential impacts to the EJ population and described a public outreach plan.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include alteration of 17,100 sf of Land Under Ocean (LUO), Designated Port Areas, and Land Containing Shellfish (LCS); 11,250 sf of Land Subject to Coastal Storm Flowage (LSCSF) and Riverfront Area; and 488 linear feet (lf) of Coastal Bank.

Measures to avoid, minimize and mitigate impacts include minimizing the need for dredging by using a sheetpile bulkhead, leaving the existing pilings in place rather than removing them and using silt curtain around the work area to minimize water quality impacts.

Jurisdiction and Permitting

The project is undergoing MEPA review and requires preparation of an ENF pursuant to 301 CMR 11.03(3)(b)(1)(a) and 301 CMR 11.03(3)(b)(6) because it requires Agency Actions and involves alteration of Coastal Bank and construction, reconstruction, or expansion of an existing solid fill structure of 1,000 or more sf base area or of a pile-supported or bottom-anchored structure of 2,000 or more sf base area, except a seasonal, pile-held, or bottom-anchored float, provided the structure occupies flowed tidelands or other waterways. The project requires a c. 91 License and 401 Water Quality Certification (WQC) from MassDEP.

The project will require an Order of Conditions from the New Bedford Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions (SOC) from MassDEP). It will require a Pre-Construction Notification (PCN) from the United States Army Corps of Engineers (ACOE) and a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA).

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction for any future review would extend to those aspects of the project that are within the subject matter of required or potentially required Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations.

Review of the ENF

The ENF included a project description and plans of existing and proposed conditions, identified environmental resources and potential impacts and mitigation measures, and provided an alternatives analysis. It included a copy of a report on the structural condition of the pier. Consistent with the MEPA Interim Protocol on Climate Change Adaptation and Resiliency, the ENF contained an output report from the Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the "RMAT Tool"),[1] together with information on climate resilience strategies to be undertaken by the project.

Alternatives Analysis

Until 2018, the Proponent leased the site from the New Bedford Harbor Development Commission (HDC), which is now known as the New Bedford Port Authority (NBPA). In 2016, the HDC conducted a structural analysis of the pier which found structural deficiencies that reduced the load bearing capacity of the pier. The HDC recommended that the Proponent purchase the site and conduct the repairs. The Proponent purchased the site in September 2018 in response to a Request for Proposals (RFP) issued by the HDC. The purpose of the project is to make necessary repairs to the pier to maintain the Proponent's fishing, provisioning and boat repair operations, which are water-dependent industrial uses consistent with the preferred use of the DPA.

The Proponent evaluated No Build and Relocation Alternatives and three design alternatives to the Preferred Alternative, including Floating Pier, Replace Pier In-kind and Repair Piles and Bulkhead Alternatives. According to the ENF, the Proponent has considered relocating to waterfront sites in Rhode Island and Connecticut, but moving to one of those sites would require trucking fish back to the

[1] https://resilientma.org/rmat_home/designstandards/

Proponent's fish processing facility in New Bedford. In addition, the Relocation Alternative would not take advantage the investments in the site the Proponent has already made to help maintain its operations. The No Build Alternative is not feasible because the reduced loading capacity of the pier will not allow the Proponent's maritime operations to safely continue.

The Floating Pier Alternative would involve the removal of the existing pile-supported pier, including pilings treated with creosote (a wood preservative that may impact water quality), and its replacement with a floating dock of similar dimensions. Installation of a floating dock could potentially impact water quality due to turbidity associated with the removal of the existing piles, but it would minimize permanent impacts on LUO, LCS and flood storage compared to other alternatives because it would be attached to the shore and anchored to the bottom rather than supported by many piles or solid fill. This alternative would be easily adaptable to rising sea levels. However, a floating pier would be in motion from wave and tidal action and would not provide a stable surface on which the Proponent's loading activities could occur. The Repair Pier In-kind Alternative would involve the demolition of the existing pier and construction of a new pile-supported pier in its place. This alternative would have significant construction impacts due to removal and installation of pilings, but it would minimize permanent impacts to LUO, LCS and flood storage compared to the Preferred Alternative because it would not place fill in LUW. A pile-supported pier such as that which would be constructed in the Replace In-kind Alternative would have an estimated service life of 80 years, but the design is less adaptable to rising sea levels and would require significant structural alterations or replacement of the entire structure to raise the deck. The Repair In-kind Alternative is also the most expensive option because it would require the Proponent to relocate its operations during the construction period. The Repair Piles and Bulkhead Alternative would leave the deck in place but repair the existing pilings and bulkhead. Deteriorated pilings would be repaired by placing concrete jackets around the piling to add structural support, and the existing sheetpile bulkhead would be removed, repaired on land, then replaced. This alternative would minimize turbidity associated with removal and replacement of pilings and would minimize permanent impacts to LUO, LCS and flood storage compared to the Preferred Alternative. However, the Proponent's maritime operations would be affected during the construction period because the pier would not be usable while divers are making underwater repairs to the pilings. This alternative would not fully restore the loading capacity of the pier and would have an estimated service life of only 20-30 years because it would reuse components of the existing structure. As noted above, a pile supported structure would not be easily adaptable to rising sea levels.

The Preferred Alternative will have the most significant impacts to LUO, LCS and flood storage capacity of all of the alternatives due to the placement of fill to support the deck. However, it will minimize the release of pollutants from the sediment and creosote-treated pilings by encapsulating these areas under the deck within the filled bulkhead. It is less costly to construct than either of the pile-supported pier alternatives. The Preferred Alternative has an estimated service life of 80 years and the deck has the potential to adapt to future climate conditions because it can be elevated by two to four feet by adding additional solid fill onto the top of the deck.

Environmental Justice

As indicated in the ENF, the project site is located within an Environmental Justice (EJ) population designated as Minority and is within one mile of EJ populations characterized as Minority; Income; Minority and Income; and Minority, Income and English Isolation. According to the Proponent, the project is intended to ensure safe operations at the site and therefore will not generate significant new vehicle trips or impact air quality, and direct impacts of the project will be limited to the project

site. The Proponent distributed notice of the December 3, 2021 MEPA site visit to three EJ organizations in the New Bedford area and provided a video recording of the meeting to one of the organizations. The Proponent should continue outreach to these organizations in connection with future public meetings and hearings about the project.

Wetlands and Waterways

As noted above, the placement of fill material will permanently impact LUO, LCS, Designated Port Areas and LSCSF. The ENF described the advantages of the Preferred Alternative to the Proponent's operations and the benefits of encapsulating the contaminated sediments and pilings on benthic habitat and water quality. However, comments from MassDEP, DMF and the Office of Coastal Zone Management (CZM) note that as required by the Waterways Regulations (310 CMR 9.00), the Proponent must demonstrate that pile-supported or floating structures are not reasonable alternatives to the proposed solid fill wharf. During the permitting process, the Proponent will be required to support the selection of a solid fill wharf as the Preferred Alternative rather than a pile-supported pier.

The Proponent will also be required to demonstrate that the project meets the Wetlands Regulations performance standards for LUO in a DPA. For LUO in a DPA determined to be significant to marine fisheries, a project must be designed to protect water circulation and water quality, which are critical to protecting marine fisheries. In addition, for LUO in a DPA found to be important to storm damage prevention and flood control, the project must preserve the ability of LUO to provide protection to adjacent coastal or human-made structures from storm or flood damage. According to the ENF, the benthic habitat provided by LUO at the site is diminished by the presence of PCBs in the sediment, shading by the existing pier and indirect impacts from vessel operations; in addition, while the area is mapped as shellfish habitat, the water quality in New Bedford Harbor is impacted by combined sewer overflows (CSO). The Proponent also believes that the project will not negatively affect storm damage prevention or flood protection functions of wetland resource areas at the site because the hurricane barrier protects the harbor from storms. The project will mitigate impacts to wetland resource areas and marine resources by using a sediment curtain to minimize turbidity in surrounding waters, using sediment and erosion controls on land, and by adhering to time-of-year (TOY) restrictions imposed by permitting agencies to protect winter flounder. The Proponent has also proposed to provide a $2,000 contribution to the New Bedford Fish Warden to help fund the Shellfish Relay Program in Mount Hope Bay. According to CZM and DMF, the Proponent may be required by the ACOE to provide funding to offset the loss of marine habitat.

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The urgent need to address climate change was again recognized by Governor Baker and the Massachusetts Legislature with the recent passage of St. 2021, c. 8, An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy, which sets a goal of Net Zero emissions by 2050. I note that the MEPA statute directs all Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

Additionally, the City of New Bedford is a participant in the Commonwealth's Municipal Vulnerability Preparedness (MVP) program. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources, and vulnerable populations, and develop, prioritize and implement specific actions the City can take to reduce risk and build resilience. Through the MVP program, the City received funding to conduct a planning process for climate change resiliency and implementing priority projects. The City's June 2018 "Community Resilience Building Workshop - Summary of Findings Report" (the "Report") identified sea level rise, intense storms, extreme temperatures and increased precipitation and associated flooding as the most significant climate hazards facing the City. According to maps included in the Report, the hurricane barrier protects the project site from hurricanes of less intensity that a Category 4 hurricane.

The ENF included an evaluation of the design of the project with respect to its climate change resiliency using the RMAT Tool. Based on the output of the RMAT Tool provided in the ENF, the building component of the project is rated high risk for riverine flooding and extreme heat and moderate risk for sea level rise/storm surge and urban flooding due to extreme precipitation. According to the Proponent, the useful life of the project is 80 years. Based on an 80-year useful life, the RMAT Tool recommends a planning horizon of 2070 and a return period associated with a 100-year (one percent chance) storm event.

According to the ENF, the project has taken measures to address future climate conditions. The deck of the wharf will be at elevation 9.0 ft NAVD 88, which is seven feet above the existing high tide elevation of approximately 2.0 ft NAVD 88 and three feet above the existing 100-year flood elevation. According to the City's Report, by the end of the century, sea levels in New Bedford will be approximately four to 10 feet higher than under existing conditions. As noted above, the deck of the proposed wharf can be elevated by up to four feet, which will allow the wharf to continue to be used under future sea level and climate conditions.

Construction Period

The Proponent should consult MassDEP's comment letter for guidance on relevant construction-period period regulatory standards and disposal of contaminated sediment. All construction and demolition (C&D) activities should be managed in accordance with applicable MassDEP's regulations regarding removal of asbestos-containing material (ACM) and disposal of asbestos-containing waste materials (ACWM), including the Air Pollution Control regulations at 310 CMR 7.09 and 310 CMR 7.15 and the Solid Waste Management regulations at 310 CMR 19.061 and waste ban provision at 310 CMR 19.017. I encourage the Proponent to reuse or recycle C&D debris to the maximum extent. The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the MCP (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

December 22, 2021
Date

Kathleen A. Theoharides

Comments received:

12/09/2021 Division of Marine Fisheries (DMF)
12/10/2021 Massachusetts Department of Environmental Protection (MassDEP)/ Southeast Regional Office (SERO)
12/13/2021 Massachusetts Office of Coastal Zone Management (CZM)

KAT/AJS/ajs

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CHARLES D. BAKER, Governor
KARYN E. POLITO, Lt. Governor
KATHLEEN A. THEOHARIDES, Secretary
RONALD S. AMIDON, Commissioner
DANIEL J. MCKIERNAN, Director

December 9, 2021

Secretary Kathleen Theoharides
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alex Strysky, EEA No. 16485
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Theoharides:

The Division of Marine Fisheries (MA DMF) has reviewed the Environmental Notification Form (ENF) by Nordic Fisheries, Inc. for the Nordic Fisheries Pier Replacement Project at 11 Hervey Tichon Avenue on New Bedford Harbor and the Acushnet River in the City of New Bedford. MA DMF also attended the remote MEPA consultation for this project held on December 3, 2021. Proposed work includes replacement of an existing pile-supported pier with a new solid fill bulkhead that would extend 38 feet east of an existing bulkhead and 450 feet north to south to cover approximately the same footprint as the existing pile-supported pier. The proposed replacement of a pile-supported structure with solid-fill would result in a total of 17,100 square feet of impact to Land Under Ocean and Land Containing Shellfish. Existing marine fisheries resources and habitat and potential project impacts to those resources are outlined in the following paragraphs.

The project includes mapped quahog (*Mercenaria mercenaria*) habitat. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

The New Bedford Harbor and Acushnet River system provides spawning habitat for winter flounder (*Pseudopleuronectes americanus*). Winter flounder enter the area and spawn from January through May, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC).

MA DMF offers the following comments for your consideration:

- Construction-related impacts to winter flounder spawning, demersal eggs, larval settlement and juvenile development can best be minimized through avoidance of in-water, silt-producing activities from **January 15 to May 31** [1]. If the project cannot be completed outside of this time-of-year (TOY) restriction period, impacts of silt-producing activities could be reduced through the use of silt containment devices to restrict the area

of impact and restrict winter flounder from the work area. Any such structures should be installed outside of the TOY restriction period.

- MA DMF generally recommends a pile-supported design like the structure that is currently in place rather than the proposed solid-fill design for access to waterways as solid-fill piers result in complete habitat alteration [2]. The ENF provides a reasonable justification for the preferred alternative in maintaining the overall integrity and function of the associated facility. Justification of the proposed conversion of a pile-supported structure to solid-fill should be further developed in the state and federal permitting process given the increased habitat impacts associated with this design conversion. The preferred alternative will result in direct loss of Land Under Ocean, which includes quahog and winter flounder spawning habitat. If approved, appropriate mitigation for this habitat loss should also be developed in the state and federal levels of the permitting process.

Questions regarding this review may be directed to John Logan in our New Bedford office at john.logan@mass.gov.

Sincerely,

Daniel J. McKiernan

Director

cc: New Bedford Conservation Commission
Chuck Anastas, Durand & Anastas Environmental Strategies, Inc.
Kaitlyn Shaw, NMFS
Sam Haines, Robert Boeri, CZM
Rachel Croy, Ed Reiner, EPA
Dan Gilmore, David Wong, DEP
Tori LaBate, DFG
Simi Harrison, Emma Gallagher, Keri Goncalves, Holly Williams, Tom Shields, DMF

References

1. Evans NT, Ford KH, Chase BC, Sheppard J. Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47. https://www.mass.gov/doc/time-of-year-recommendations-tr-47/download. Accessed September 29, 2021. 2011.
2. Logan JM, Boeri A, Carr J, Evans T, Feeney EM, Frew K, et al. A review of habitat impacts from residential docks and recommended Best Management Practices with an emphasis on the northeastern United States. https://www.mass.gov/doc/dock-bmp-recommendations/download. Accessed December 1, 2021. Estuaries Coasts. OnlineFirst.

Commonwealth of Massachusetts
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Charles D. Baker
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Karyn E. Polito
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Kathleen A. Theoharides
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Martin Suuberg
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December 10, 2021

Kathleen A. Theoharides
Secretary of Environment and Energy
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
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RE: ENF Review. EOEEA 16485
NEW BEDFORD. Nordic Fisheries Pier
Replacement at 14 Hervey Tichon Ave.

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the Proposed Nordic Fisheries Pier Replacement at 14 Hervey Tichon Ave., New Bedford, Massachusetts (EOEEA #16485). The Project Proponent provides the following information for the Project:

The Proponent proposes to replace the existing and deteriorated pier with a new bulkhead 38 east of the existing bulkhead and extending from north to south by 450 for a total of 17,100 SF). This replacement is approximately the size of the existing pile supported pier.

The goals of the Proponent are to continue to operate a water-dependent industrial use in the New Bedford DPA) and to continue to provide a safe and economically sustainable fishing, provisioning, and repair operation at the water's edge. The Preferred Alternative selected by the Proponent improves the DPA infrastructure, commercial operations, blue-collar jobs, and provides a safe and sustainable option that causes minimal disruption to ongoing operations with a cost-effective, durable, and long-lasting solution that avoids, minimizes, and mitigates environmental impacts.

Bureau of Water Resources (BRW) Comments

Wetlands. In addressing Stormwater Management on page 8 of the ENF, the Proponent states: This Project is categorized as a "re-development Project" in accordance with the stormwater management regulations; therefore, the stormwater management system will need to be designed to comply with the Stormwater Management Regulations as to the extent practicable pursuant to Standard 7, in 310 CMR 10.05(6)(k)."

When preparing the Notice of Intent (NOI) and the 401 Water Quality Certification application, the Project Proponent should clearly indicate which Stormwater Standards are applicable to the

site, which standards are being met, and which standards are only being met to the maximum extent practicable.

On page 62 of the ENF, it states that RFA (Riverfront Area) standards are limited within a DPA (Designated Port Area). The statement is confusing in that it does not clearly indicate why the Proponent believes the Riverfront Area standards within the Designated Port Area are limited. Does the Project Proponent mean that the activity is occurring within a previously developed degraded Riverfront Area and therefore is subject to the performance standards found at 310 CMR 10.58(5) as opposed to the performance standards at 310 CMR 10.58(4)? Or is the Project Proponent relying on the Designated Port Area regulations at 310 CMR 10.26 to demonstrate that the Riverfront Area is not significant to the interests of the Act? This issue should be clarified in any NOI submitted for the proposed work.

On page 63 of the ENF, the potential for the sediment and soil at the site to be contaminated with polychlorinated biphenyls (PCBs) is described. Prior to filing a NOI, the presence or absence of contamination should be confirmed by onsite testing. The test results should be included with the NOI.

On pages 63 & 64 of the Project Narrative, the Project Proponent describes the wetland resource areas and the potential Project impacts on those resource areas. The Wetlands Protection Act Regulations at 310 CMR 10.26(1), state that land under the ocean in designated port areas is likely to be significant to marine fisheries, storm damage prevention and flood control. In DPAs, salt marshes, coastal dunes, land under salt ponds, coastal beaches, tidal flats, barrier beaches, rocky intertidal shores and land containing shellfish are not likely to be significant to marine fisheries, storm damage prevention or flood control. When a proposed Project in a designated port area is on land under the ocean which is determined to be significant to marine fisheries, the following factors are critical to the protection of such interests: (a) water circulation; and (b) water quality. When a proposed Project in a Designated Port Area is on land under the ocean which is determined to be significant to storm damage prevention or flood control, the ability of such land to provide support for adjacent coastal or human-made structures is critical to the protection of such interests.

Any NOI submitted for the proposed pier replacement and reconstruction should address the performance standards for DPAs.

Waterways. As stated in the ENF the site has multiple authorizations for existing buildings, bulkheads and fill, rip rap and a pile supported platform, including but not limited to DPW License Nos. 5129, 5130 and 5309 and DEP License Nos. 4783, 5391, 8329, 8870, and 13584. Some of these authorizations contain conditions which provide public access and amenities, which will remain active for the term of said Licenses. Based on the information contained in the ENF, the proposed Project is unlikely to affect these public benefits.

The Department has determined that the proposed Project is a Water-Dependent Industrial Use (WDIU) as listed at 310 CMR 9.12 (2)(b)4. The site is located within a Designated Port Area, as defined in 310 CMR 9.02 and as designated by Massachusetts Coastal Zone Management in accordance with 301 CMR 25.00.

The Waterways Regulations encourage open pile supported piers which promote the purposes and uses of Chapter 91. Based on the proponent's preferred alternative to replace the existing failing pile supported pier with a corrugated sheet pile bulkhead and fill, the Waterways Regulations (310 CMR 9.32 (1)(b)1. a. Categorical Restrictions on Fill and Structures, within Tidelands in DPAs) require that the Proponent demonstrate that neither a pile supported nor floating structure or combination are reasonable alternatives to meet the proposed WDIU. Additional details are needed regarding the abutting structures adjacent to the proposed bulkhead and potential impacts from the proposed project.

Bureau of Waste Site Cleanup (BWSC) Comments

Based upon the information provided, the Bureau of Waste Site Cleanup searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous Based upon the information provided, the BWSC searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under Massachusetts General Law Chapter 21E (M.G.L. c. 21E), and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There is one listed MCP disposal site at or in the vicinity of the proposed Project. Release Tracking Number (RTN) 4-0000112 was assigned to the New Bedford Harbor Superfund Site which is at or near the Pier Replacement Project. This site is the result of past discharges of PCBs to the harbor. The PCBs have significantly impacted sediment in the harbor and soil along the banks of the harbor. The Proponent is advised to review the files for this site prior to conducting the Project.

The Project Proponent is advised that excavating, removing and/or disposing of contaminated soil or contaminated media (which includes contaminated sediment) must be conducted under the provisions of M.G.L. c. 21E (and, potentially, c.21C) and all other applicable federal (including the Toxic Substances Control Act - TSCA), state, and local laws, regulations, and bylaws. Contaminated media cannot be managed without prior submittal of appropriate plan to MassDEP (such as a Release Abatement Measure (RAM) Plan), which describes the proposed handling and disposal approach for any contaminated media encountered and health and safety precautions for those conducting the work. If contamination at the site is known or suspected, the appropriate tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits. If contaminated media is encountered a Licensed Site Professional (LSP) must be employed or engaged to manage, supervise, or perform the necessary response actions at the site.

There are no other listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (MassMapper) at: https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html Under "Available Data Layers" select Regulated Areas", and then "DEP Tier Classified 21E Sites". MCP reports

and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: https://eeaonline.eea.state.ma.us/portal#!/search/wastesite.

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the MCP must be made to MassDEP, if necessary. A LSP should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup

Bureau of Air and Waste (BAW) Comments

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor, or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

The Proponent has stated that dust suppression methods will be employed. "Dust control shall be accomplished by use of water sprinkling, dust barriers, or stone. Because the proposed fill is light weight aggregate, there will be little dust generated from the material, control shall be applied on an as-needed basis."

Construction-Related Measures

The Proponent reports: "Construction equipment will use ultra-low sulfur fuel per U.S. EPA tier 4 emissions standards and Massachusetts Low Sulfur Fuel Standards, 310 CMR 7.05. Contractors will cover onsite stockpiled materials and excavated materials during truck transport. The Proponent will maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for MassDEP review.

Massachusetts Idling Regulation

The Proponent reports: "Construction will follow Massachusetts General Laws (M.G.L. Chapter 90, Section 16A) and the Massachusetts Department of Environmental Protection (DEP) idling reduction regulation (310 CMR 7.11(1)(b))."

MassDEP reminds the Proponent that unnecessary idling (*i.e.*, in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (Section 7.11 of 310 CMR 7.00). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Spill Prevention. A spill contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

Solid Waste Management. The Proponent reports the "Project does not involve demolishing any buildings. Demolition of bituminous paving, precast concrete deck planks, and creosote treated timber fender system from the pier do not contain asbestos."

The Proponent is reminded of the following requirements concerning disposal and reuse of waste material.

1. *Reuse of waste material* may require submittal of MassDEP's BWP SW41 – Beneficial Use Determination – Restricted Applications. The permit is intended to protect public health, safety, and the environment by comprehensively regulating the reuse of waste materials as effective substitutes for a commercial product or commodity. Information pertaining to this requirement is available at https://www.mass.gov/doc/instructions-sw-39-40-41-42-beneficial-use-determinations/download.

2. *Compliance with Waste Ban Regulations*: Waste materials discovered during construction that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including *310 CMR 19.017: Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: https://www.mass.gov/guides/massdep-waste-disposal-bans.

3. *Asphalt, brick, and concrete (ABC)* rubble, such as the rubble generated by the replacement of the supporting pier structure must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled " Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017 ", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the ENF" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report (EIR). Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and

summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Other Comments/Guidance

MassDEP understands that the Proponent has reached out to, and will continue to reach out to, the Environmental Justice population relative to this Project.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this ENF. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,

Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
John Handrahan, Acting Deputy Regional Director, BWSC
Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Daniel Gilmore, Chief, Wetlands and Waterways, BWR
Carlos Fragata, Waterways, BWR
Brendan Mullaney, Waterways, BWR
Mark Dakers, Solid Waste, BAW
Elza Bystom, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA
ATTN: Eva Murray, MEPA Office
FROM: Lisa Berry Engler, Director, CZM
DATE: December 13, 2021
RE: EEA-16485, Nordic Fisheries Pier Replacement, Environmental Notification Form; New Bedford, Massachusetts

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated November 22, 2021, and participated in the virtual MEPA consultation on December 3, 2021.

The proposed project exceeds the review threshold for wetlands, waterway, and tidelands provided in 301 CMR 11.03 requiring the filing of an Environmental Impact Report for the construction, reconstruction, or expansion of an existing solid fill structure of 1,000 or more square feet (sf) base area or of a pile-supported or bottom-anchored structure of 2,000 or more sf base area, except a seasonal, pile-held, or bottom-anchored float, provided the structure occupies flowed tidelands or other waterways. CZM has the following comments on the proposed project.

Project Description

Nordic Fisheries Inc. is proposing to replace the existing pile supported pier with a new solid fill bulkhead 38 feet east of the existing bulkhead and extending from north to south by 450 feet for a total of 17,100 sf. This replacement is approximately the size of the existing pile supported pier.

According to the ENF, the proposed project is in response to a 2016 engineering inspection conducted by CLE Engineering. That inspection found that the pier could not safely withstand more than 100 pounds per square foot in weight, a 300-pound reduction from its original capacity of 400 pounds. Nordic Fisheries Inc. is proposing to replace the existing infrastructure to support ship fueling and provisioning, offloading, and fish icing and transport to the company's processing site.

The proposed project includes permanent impacts to the following coastal resources: Land under the Ocean (310 CMR 10.25), Land Subject to Coastal Storm Flowage (310 CMR 10.04), and Coastal Bank (310 CMR 10.30). The project also proposes work within a Designated Port Area and waterways or tidelands that are subject to the Waterways Act, M.G.L.c.91.

Municipal Harbor Plan Clarification

On May 1, 2020, the New Bedford Port Authority and Fairhaven Planning Department jointly requested clarification regarding areas designated for potential navigational dredge activity and shoreline enhancement as originally approved in the 2010 Secretary's Decision on the New Bedford/Fairhaven Municipal Harbor Plan/Designated Port Area Master Plan (MHP). Specifically, the clarification requested modifications to the Potential Navigational Dredge Areas (PNDAs), which were identified by the municipalities in 2014 and 2020, addition of two potential Waterfront Development Shoreline Facility (WDSF) sites, and removal of two previously identified WDSF sites.

The properties owned by RCP Realty/Eastern Fisheries/Nordic Fisheries at 14 Hervey Tichon Avenue and 22 Antonio Costa Boulevard ("the Eastern properties") were one of the new proposed locations designated as a WDSF.

On August 6, 2020, the Secretary issued a letter concurring with the Request for Clarification and stating that the proposed modifications to the PNDAs and the potential two additional WDSF sites are consistent with the intent and language of the MHP.

The Clarification enabled the Eastern Fisheries WDSF to be eligible for potential shoreline enhancement through the Superfund-related permitting process known as the State Enhanced Remedy (SER). The SER is overseen by the Massachusetts Department of Environmental Protection (DEP) and incorporates state priorities into plans for the cleanup of contaminated sediment in the New Bedford Harbor EPA Superfund site. However, after review by DEP and USEPA, the project as proposed did not qualify for the SER program and therefore must now meet all applicable state and federal regulations.

Project Comments

CZM supports water-dependent industrial uses in the DPA and recognizes that this project seeks to enhance the site to accommodate water-dependent industrial use. When reviewing this project CZM acknowledges that within a DPA certain accommodations may be required to allow these water dependent use facilities to remain viable.

This project proposes replacing the existing pile supported pier with a new solid fill bulkhead. To be eligible for fill under the Massachusetts Waterways Regulations Section 310 CMR 9.32(1)(b), the project must show that pile-supported or floating structures are not reasonable alternatives. The proponent should provide additional information on the feasibility of repairing or replacing the pile-supported pier. The ENF alternatives analysis shows that the installation of a solid fill bulkhead will be the preferred option from a cost basis, however, the facility has operated successfully on a pile-supported pier for 38 years. Additional analysis on why a new pile supported structure is not a reasonable alternative should be provided.

The ENF states that the project is categorized as a "re-development project" in accordance with the stormwater management regulations; and therefore, the stormwater management system will be designed to comply with the stormwater management regulations to the extent practicable pursuant to Standard 7, in 310 CMR 10.05(6)(k). While stormwater management may be limited on this site, there are opportunities to improve stormwater treatment on the property. The project proponent should provide additional information on the proposed stormwater improvements for compliance under the stormwater management regulations.

Sea level rise and other climate impacts may reduce the effectiveness of the New Bedford hurricane barrier to protect the site from future storm related flooding. The ENF states that the proposed design "allows for the pier deck to be raised an additional 2 to 4 feet out of flood risk zone" to allow for future coastal resilience. Additional information should be provided on the proposed process of elevating this portion of the bulkhead in the future and how that action may impact surrounding structures and the operations of the facility.

The solid fill bulkhead may be beneficial for the purposes of storm damage prevention and coastal resiliency, however, the project will adversely impact other functions and values recognized under state and federal permitting. Of particular concern is the loss of approximately 17,000 sf of fishery and benthic habitat. The proponent should provide more analysis of the impacts associated

with the loss of these habitats and consult with the Division of Marine Fisheries to ensure that the adverse effects to the aquatic environment are no more than minimal. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.

Further CZM Review

This project is subject to CZM federal consistency review, which requires that the project be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Bob Boeri, Project Review Coordinator, at robert.boeri@mass.gov or visit the CZM web site at https://www.mass.gov/federal-consistency-review-program.

LBE/soh

cc: New Bedford Mayor's Office
New Bedford Conservation Commission
Justin Poulsen, New Bedford Port Authority
Dan Gilmore, DEP SERO
Mike Livingstone, Nordic Fisheries Inc.
Chuck Anastas, Durand & Anastas Environmental Strategies, Inc.

MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

June 23, 2021

Sean Scannell
Epsilon Associates, Inc.
3 Mill & Main
Suite 250
Maynard MA 01754

RE: Project Location: 14 Hervey Tichon Avenue
Town: NEW BEDFORD
NHESP Tracking No.: 21-40242

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **near or within** *Priority Habitat 252* (PH 252) and *Estimated Habitat 269* (EH 269) as indicated in the *Massachusetts Natural Heritage Atlas* (14th Edition) for the following state-listed rare species:

Scientific name	Common Name	Taxonomic Group	State Status
Sterna hirundo	Common Tern	Bird	Special Concern
Sterna dougallii	Roseate Tern	Bird	Endangered

The species listed above are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. If the purpose of your inquiry is to generate a species list to fulfill the federal Endangered Species Act (16 U.S.C. 1531 et seq.) information requirements for a permit, proposal, or authorization of any kind from a federal agency, we recommend that you contact the National Marine Fisheries Service at (978)281-9328 and use the U.S. Fish and Wildlife Service's Information for Planning and Conservation website (https://ecos.fws.gov/ipac). If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

Everose Schlüter

Everose Schlüter, Ph.D.
Assistant Director

Attachment D

CLE Engineering Report

cleengineering

Structural Inspection
North Terminal, New Bedford, MA
Report of Findings

Prepared for:

New Bedford Harbor Development Commission
52 Fisherman's Wharf, New Bedford, MA

DRAFT COPY

Prepared by:

cleengineering

15 Creek Road, Marion, MA 02738
PH: 508-748-0937 FAX: 508-748-1363
www.cleengineering.com

cleengineering

Table of Contents

List of Attachments

Engineer/Firm Assigned

CLE Engineering, Inc. (CLE) was contracted by the New Bedford Harbor Development Commission (HDC) to perform an underwater and topside structural inspection of the marine infrastructure of North Terminal. CLE teamed with Fathom Diving (Fathom) to perform the underwater portion of the inspection. The scope of work included the piers and bulkheads of five leased parcels (including the terminus of Antonio Costa Ave). The piers at North Terminal were constructed using three different designs and are of varying ages. This report reflects the conditions of the property which were present and visible at the time of the inspection. Questions regarding this report, its scope and/or content should be addressed to Susan Nilson, P.E. at (508) 748-0937.

1. Introduction

The structures which were within the scope of this inspection are those along parcels 1, 2, 5, 7, and 10 as labeled on the figure below. Three separate designs exist at the North Terminal site;

Parcel 1 - Concrete encased timber piles supporting a concrete deck
Parcel 2 - Steel sheet pile cells supporting a concrete deck
Parcels 5, 7, and 10 - Steel H-Piles supporting concrete deck

Historic aerial photographs indicate that all of North Terminal's waterfront infrastructure was constructed before 1971 with the exception of Parcel 2. Given the design and condition of the bulkhead along Parcel 2 it is likely that the structure was constructed before 1985. No construction plans were located of the pier and bulkheads along any of the parcels within North Terminal. These sites do not have previous inspection reports to serve as a comparison or to determine rate of corrosion/deterioration.

All of the subject parcels are heavily used for both vessel berthing and maintenance in addition to serving as loading and unloading areas for the parcel tenants. In the years following construction, some of the buildings on site have encroached over the pier deck.

Figure 1: North Terminal Layout

Figure 2: Aerial photograph dated 1961

Figure 3: Aerial photograph dated 1971

2. Summary of Findings

2.1 Maritime International Terminal (Parcel 1)

2.1.1 Description of Structure

The Maritime International Terminal (Pier) is approximately 478 linear feet and is used for access to fishing vessel berths, for support of the buildings on site, and general storage. No record plans or plans indicating date of construction where located (aerials indicated pre-1971 construction date). The structure consists of a large concrete deck supported by concrete encased timber piles. The piles are driven along a grid line only along the seaward face, piles behind the face are located in an almost random arrangement. Due to the non linear arrangement of the piles and the very close spacing (only 18 to 24 inches clear space is typical), inspection of this site was not possible. The few piles inspected exhibited signs of reduced section area due to marine borer damage.

Photograph 1: Typical pile layout along fender line

Photograph 2: Typical close spacing of piles

2.1.2 Structural Assessment /Recommendations

The pier along Parcel 1 likely contains hundreds of piles supporting both the concrete cap and the terminal buildings above. These piles comprised of concrete encased timber are susceptible at or near the mudline to marine borer attack. Assuming this condition has existed for nearly 50-years an inspection focused just on this Parcel should be completed immediately.

An inspection of this site should begin with the preparation of a pile plan indicating the location (approximate) of each pile and assigning a pile designation. This designation could then be used by the dive team to reference pile condition in a format which is directly transferable to its location on the concrete deck.

Given that the concrete jackets at this site extend almost the full length of the piles it may be possible to extend the service life of the structure significantly by extending the jackets into the mudline. The efficacy of this repair cannot be determined until an inspection is completed.

Parcel 1: Short Term Recommendations 0-2 Years

- Underwater and topside structural inspection

Parcel 1: 3-5 Year Recommendations

- TBD following inspection report

2.2 Cape Cod Aggregates (Parcel 2)

2.2.1 Description of Structure

Parcel 2 is a 250 linear foot steel cellular bulkhead with a reinforced concrete cap. The bulkhead provides support for vessel berthing and for the offloading and bulk storage of sand and aggregates. The fender system consists of timber piles and a continuous timber wale which are supplemented by large diameter tires hung from the back side of the concrete cap. Photograph 3 below provides a view of the critical components.

Photograph 3: Typical bulkhead/fender construction

2.2.2 Observed Conditions

The steel sheet pile cells are of varying diameters and extend from the mud line directly into the concrete cap. The flat steel sheets which comprise the cells exhibit signs of heavy corrosion with pitting of the steel and no evidence of a previous coating. However, relatively few holes were located during the underwater inspection (two - 24 in^2 at Cell 3, and one 300 in^2 at Cell 8). Conduit located at various locations along the steel cells may indicate that an impressed current system was once installed at the site but no such system is currently in operation.

The timber fender system is in fair condition with the piles still showing evidence of their preservative treatment. The bolting hardware retains a crisp profile with minor deterioration and the bolting holes have not been expanded beyond their original size (through friction or marine borers). The tire fenders are typical for an industrial site of this type and although not an engineered solution, they appear to perform adequately as contact of the timber system with a vessel appears to be infrequent. A galvanized channel protects the concrete cap from friction damage from the tire anchor cables.

2.2.3 Structural Assessment/Recommendations

Overall the bulkhead is in *Fair* condition with no load restrictions but significant deterioration. The presence of heavy deterioration and holes in the sheet pile cells indicate that the bulkhead is approaching the end of its service life. However in the near term (beyond the next inspection interval) should the parcel's use remain as it is today, patching of the three located holes is the only structural repair which is recommended at this time. It may be possible to extend the life of the system with the installation of a cathodic protection system. An analysis of the current condition and connectivity of the structure should be performed to assess the cost/benefit.

Parcel 2: Short Term Recommendations 0-2 Years

- Cathodic protection analysis
- Design of bulkhead patching repairs

Parcel 2: 3-5 Year Recommendations

- Perform bulkhead patching repairs
- Routine inspection in 2021

2.3 North Terminal Pier (Parcels 5, 7, and 10)

2.3.1 Description of Structure

The North Terminal Pier along Parcels 5, 7, and 10 extends 1,000 linear feet from the northern end of Parcel 2. This structure is 55 feet in width and is comprised of concrete encased steel H-piles supporting cast in place concrete pile caps and precast concrete deck panels. A steel sheet pile AZ-sheet bulkhead extends along the entire length supported by steel H-pile batter piles. A timber fender system extends along the entire length.

The pier serves as an offloading area for product, vessel maintenance area, as well as to provide access for deliveries to the parcel tenants. Vehicular traffic has access to the entire site via Antonio Costa Ave and Hervey Tichon Ave. Navigational charts of the area indicate depths of 24-30 ft (MLLW) immediately along the fender line.

Figure 4: Navigational Chart

Photograph 4: Replaced timber fender along Seawatch parcel

Photograph 5: Typical below deck view of pier construction/condition

2.3.2 Observed Conditions

Inspection of the piles found that the concrete jackets do not extend far below Mean Low Water (MLW) leaving the H-piles exposed for 20-30ft. CLE inspected approximately 45% of the steel piles to a Level II condition by removing the growth on at least a portion of the steel faces. The flanges were found to be extremely thin as shown in Photograph 6. UTM measurements indicate that the original flanges would have been near 0.5 inches thick. Current readings found many piles under 0.2 inches in thickness; observations of the flanges appear consistent these readings throughout the site. Several piles were found to be completely failed with total loss of the flanges.

The concrete deck and pile caps have localized areas of spalling and corrosion of the steel reinforcement consistent with the age of the structure. Spalling or loss of concrete was not extensive enough to determine reinforcement diameter or spacing.

The steel bulkhead was found to be deteriorated especially at the northern end of the project site (see Photograph 11). Large holes (6 ft x 2 ft and 6 ft x 4 ft) were observed at the northern end of Parcel 10. Evidence of a tie back anchor system were found intermittently along the entire length (see Photograph 12). It is not clear if these anchor systems are original or were retrofitted at a later date.

Photograph 6: Pile 18.3.2 (typical)

Photograph 7: Bent 16 Pile C2 - Bottom of concrete jacket visible

Photograph 8: Bent 15 Pile C2 - complete loss of flanges

Photograph 9: Bent 16 Pile 16.3 2 - flange edge

Photograph 10: Typical batter pile construction against bulkhead

Photograph 11: Typical Sheet Pile Condition

Photograph 12: Tieback bolts through bulkhead

Table 1.1 – Underwater Readings

Pile Location	Elevation	UT *East Flange*	UT *Web*	UT *West Flange*
1-A	Mud	0.425	0.425	0.420
	Mid	0.330	0.460	0.355
	MLW	0.305	0.395	0.335
10-A	Mud	0.370	0.435	0.135
	Mid	0.320	0.200	0.355
	MLW	0.410	0.435	0.380
13-A	Mud			
	Mid			
	MLW	0.435	0.435	0.435
13-C	Mud			
	Mid			
	MLW	0.25	0.230	0.130
36.4	Mud	0.245	0.325	0.120
	Mid	0.215	0.180	0.135
	MLW	0.140	0.280	0.210
Bent 4	Mud	0.295	0.255	0.290
	Mid	0.300	0.295	0.280
	MLW	0.300	0.215	0.245
Bent 27	Mud	0.280	0.285	0.275
	Mid	0.270	0.275	0.290
	MLW	0.325	0.265	0.245

Figure 5: Ultrasonic Thickness Measurements

2.3.3 Structural Assessment/Recommendations

CLE performed structural calculations using estimates of original pile thicknesses and lengths to determine the approximate capacity of the structure at the time of construction. As shown in Attachment B it is estimated that the pier began its service life with an approximately 400 psf deck load capacity. Given that some piles were observed to be completely deteriorated and most were found to have only 50% or less of their original section remaining, the structure is considered to be in *Poor* condition. In its current condition the allowable loading must be significantly reduced from the original 400 psf. Based on a structural analysis of the piles, all piles which are below 0.217 inches in web/flange thickness have an allowable capacity less than 100 psf. Piles with thickness less than 0.153 may fail due to overstressing and have no remaining live load capacity. The pile condition plan provided in Attachment A indicates that the vast majority of the piles in which the marine growth was removed were found to be in severe condition with significant section loss. Those piles not assigned a color were not cleaned of marine growth, and can be assumed to be of similar condition to those which were cleaned. Until further inspections can be conducted, the capacity of the pier must be limited to 100 psf.

It is recommended that an inspection of 100% of the plumb piles be performed as soon as possible to determine if areas of pier may have additional or less capacity than 100 psf.

The large holes in the bulkhead at the northern end of the project site are permitting loss of fill through the bulkhead possibly undermining the area immediately landward of the pier. Continued loss of fill presents the possibility of a collapse due to loading by vehicles, product, etc.

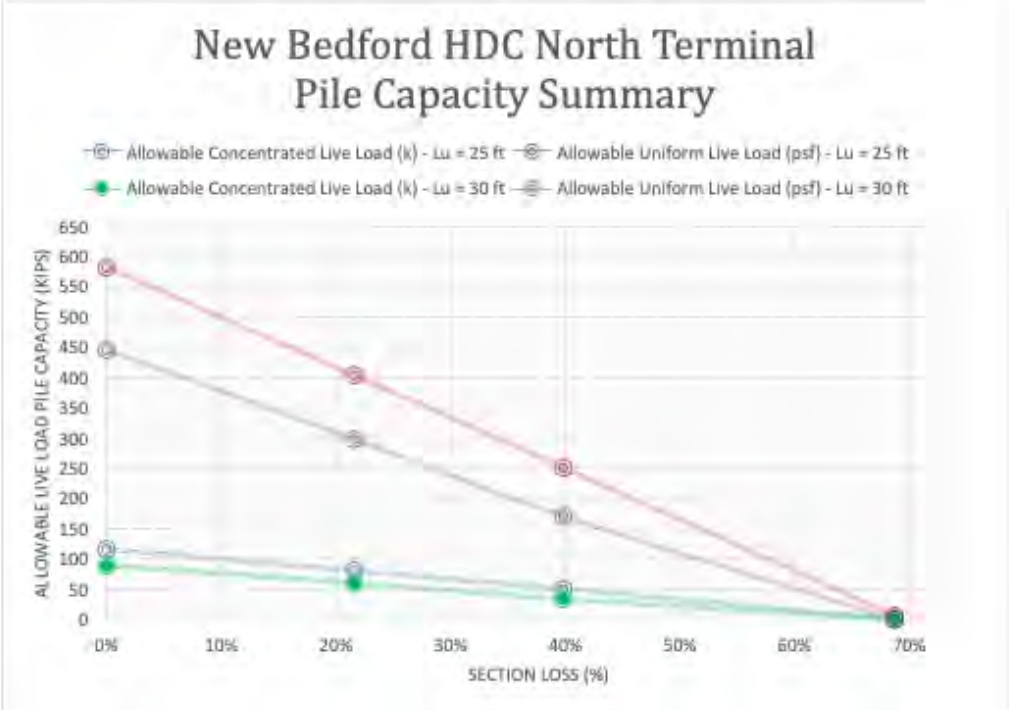


Figure 6: Section loss vs. Allowable Live Load

Parcel 5, 7, and 10: Short Term Recommendations 0-2 Years

- (Immediately) Limit pier capacity to 100 psf
- Perform underwater inspection cleaning 100% of the piles to determine section loss
- Prepare allowable deck loading diagram
- Design pile repairs/repair completely failed piles

Parcel 5, 7, and 10: 3-5 Year Recommendations

- TBD following 100% pile inspection

3. Cost Estimates

Table 1 below provides a cost summary of the short term recommendations which are known at this time. Following the additional inspections of Parcels 1, 5, 7, and 10 actual repair costs will be to be added to these.

Table 1 - Short Term Recommendation Cost Estimates

Short Term Recommendations 0-2 Years	Estimated Cost
Parcel 1	
Full Inspection UW/Topside	$60,000
Parcel 2	
Cathodic Protection Analysis	$10,000
Design of Patching Repairs	$5,000
Parcels 5, 7, and 10	
100% Underwater Inspection (axial piles)	$50,000
Structural Analysis of Deck Loading	$8,000
Design Pile Repairs	$10,000
Subtotal	$143,000

Attachment E

Chapter 91 License

Chapter 91 License #5309

BOOK 1560 PAGE 534 2/6/68

Form WD 84

321

The Commonwealth of Massachusetts

No. 5309.

Whereas, the City of New Bedford, by its Harbor Development Commission----------

of----------, in the County of Bristol----------and Commonwealth aforesaid, has applied to the Department of Public Works for license to construct a steel sheet bulkhead, concrete unloading platform, storm drainage systems, to place solid fill and to dredge in the Acushnet River, at its property in the city of New Bedford,----------

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Mayor and City Council of the city---------of New Bedford---------;

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor and Council~~, authorizes and licenses the said City of New Bedford, by its Harbor Development Commission----------, subject to the provisions of the sixty-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to construct and maintain a steel sheet piling bulkhead and concrete pier platform, extend and maintain storm drains, to dredge and to fill solid and place riprap in the Acushnet River, at its property in the city of New Bedford, in conformity with the accompanying plan No. 5309 (four sheets).

A steel sheet piling bulkhead may be built extending northerly a distance of 265.5 feet in line with and in extension of the bulkhead authorized by license No. 5129 of the Department of Public Works, in the location shown on said plans numbered 5309 being 39 feet, more or less, shoreward of and parallel to the

State Harbor Line, and in accordance with the details there indicated; and broken stone sloping at 1-3/4 to 1 may be placed along the face of said bulkhead, as shown on said plans.

The area shoreward of said bulkhead to the fill authorized by license No. 5130 of the Department of Public Works and adjoining the fill to southward authorized by said license No. 5129, may be filled solid with a riprap faced 2 to 1 slope along its northerly side, in the location shown on said plans and in accordance with the details there indicated.

A concrete and pile and timber pier platform may be constructed along the outboard face of said sheet steel bulkhead extending a further distance channelward of 39 feet, more or less, in the location shown on said plans and in accordance with the details there indicated.

An 18 inch and a 60 inch storm drain authorized by said license No. 5129 may be installed as follows:

The 18 inch storm drain extending through the fill and bulkhead authorized by said license No. 5129, in a location 645 feet southerly of the northerly top of slope authorized by this license; the 60 inch storm drain extending through the fill authorized by said license No. 5130 and through the fill and bulkhead authorized by this license, in a location 25 feet southerly of said northerly top of slope authorized by this license; in the locations shown on said plans and in accordance with the details there indicated.

An area extending off said pier platform and running northeasterly and easterly may be dredged to a depth of 32 feet below mean low water, in the location shown on said plans adjoining dredging authorized by said license No. 5129, and in accordance with the details there indicated.

The dredged material may be placed as fill in the area authorized hereby to be filled and otherwise shall be dumped at sea in such location as may be assigned by the United States Corps of Engineers, and such transportation and dumping shall be subject to the provisions of Sections 52 through 56 of Chapter 91 of the General Laws.

Underlying unsuitable material may be removed from the area authorized to be filled, prior to the filling, then stockpiled and subsequently returned to the area as filling if deemed suitable.

This license is granted upon the express condition that the Department of Public Works may require placement of temporary bulkheads or other retaining structures during the progress of the filling authorized hereby, in such manner and to such extent as may be prescribed, if deemed necessary.

The fill material to be used under this license shall consist of earth and rock free of wood or organic materials and the Department of Public Works may at any time it deems the fill material being used to be unsatisfactory, require that the filling be suspended until satisfactory material is secured.

The dredging and all work authorized hereby shall be performed without obstruction to the free passage of vessels, to the satisfaction of the Department of Public Works.

Nothing in this license shall be construed as authorizing construction beyond the State Harbor Line at the locus.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensee except with the consent of the owner or owners thereof.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the further express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments; and upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.----------

The plan of said work, numbered---------5 3 0 9,---------- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said~~

~~heirs, successors~~

~~and assigns, by paying into the treasury of the Commonwealth~~

~~cents for each cubic yard so displaced,~~ being the amount hereby assessed by ~~said Department.~~

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry------ of Deeds for the Southern District of the County of Bristol.

In Witness Whereof, said Department of Public Works have hereunto set their hands this --------twenty-seventh--- day of----------December,------- in the year nineteen hundred and sixty-seven.

Edward J. Ribbs

Charles A. Bisbee } Department of Public Works

Peter E. Donahue

J.H. Robert S. Foster

~~THE COMMONWEALTH OF MASSACHUSETTS~~

~~This license is approved in consideration of the payment into the treasury of the Com-~~
monwealth by the said
of the further sum of

the amount ~~determined~~ by the Governor and council as a just and equitable charge for ~~rights and privileges hereby granted in land of the Commonwealth.~~

~~Approved by the Governor and Council.~~ ~~Boston,~~ ____________

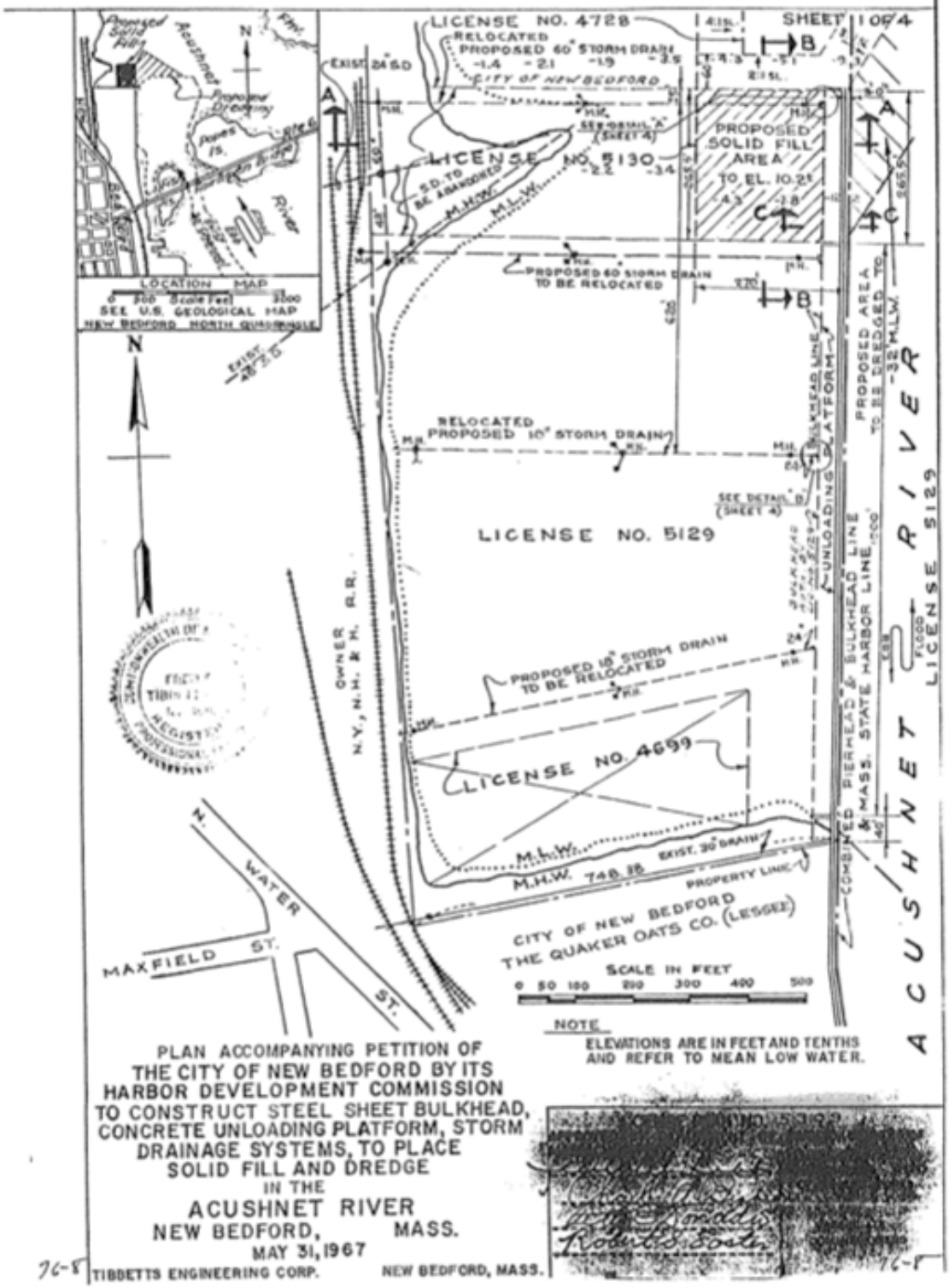
____
~~Executive Secretary.~~

Received & recorded February 6, 1968 at 2 hrs. 10 min. P.M.

76-8

Rec'd & Recorded
Feb. 6 '68 2:10 P.M.
Registry of Deeds
Bris. Co. So. District

76-8



NOTE
ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MEAN LOW WATER.

PLAN ACCOMPANYING PETITION OF THE CITY OF NEW BEDFORD BY ITS HARBOR DEVELOPMENT COMMISSION TO CONSTRUCT STEEL SHEET BULKHEAD, CONCRETE UNLOADING PLATFORM, STORM DRAINAGE SYSTEMS, TO PLACE SOLID FILL AND DREDGE IN THE

ACUSHNET RIVER

NEW BEDFORD, MASS.

MAY 31, 1967

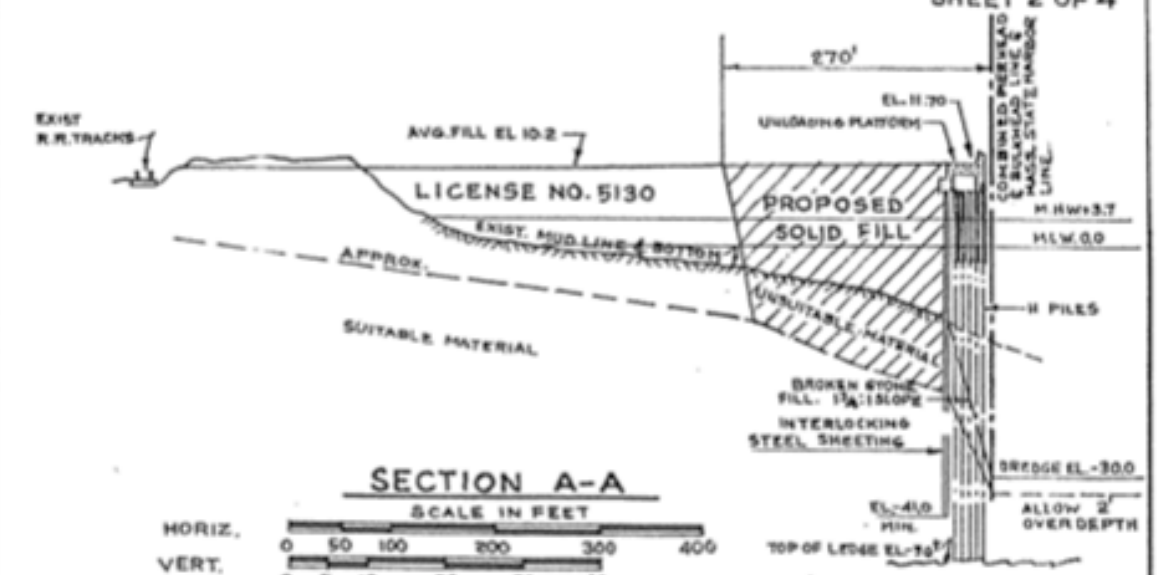
TIBBETTS ENGINEERING CORP. NEW BEDFORD, MASS.

76-8

76-8

Book 5309

Page 534



SECTION A-A

SCALE IN FEET

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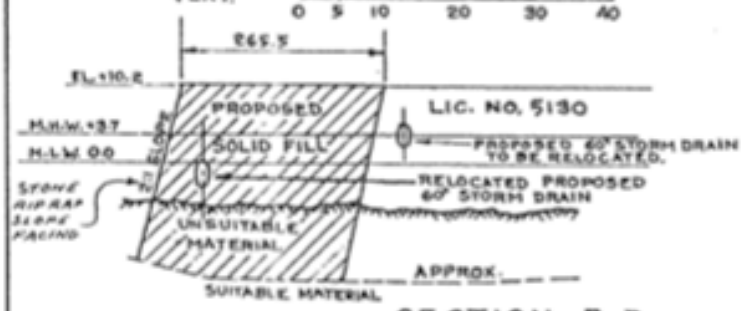
VERT. 0 5 10 20 30 40



SECTION B-B

SCALE IN FEET

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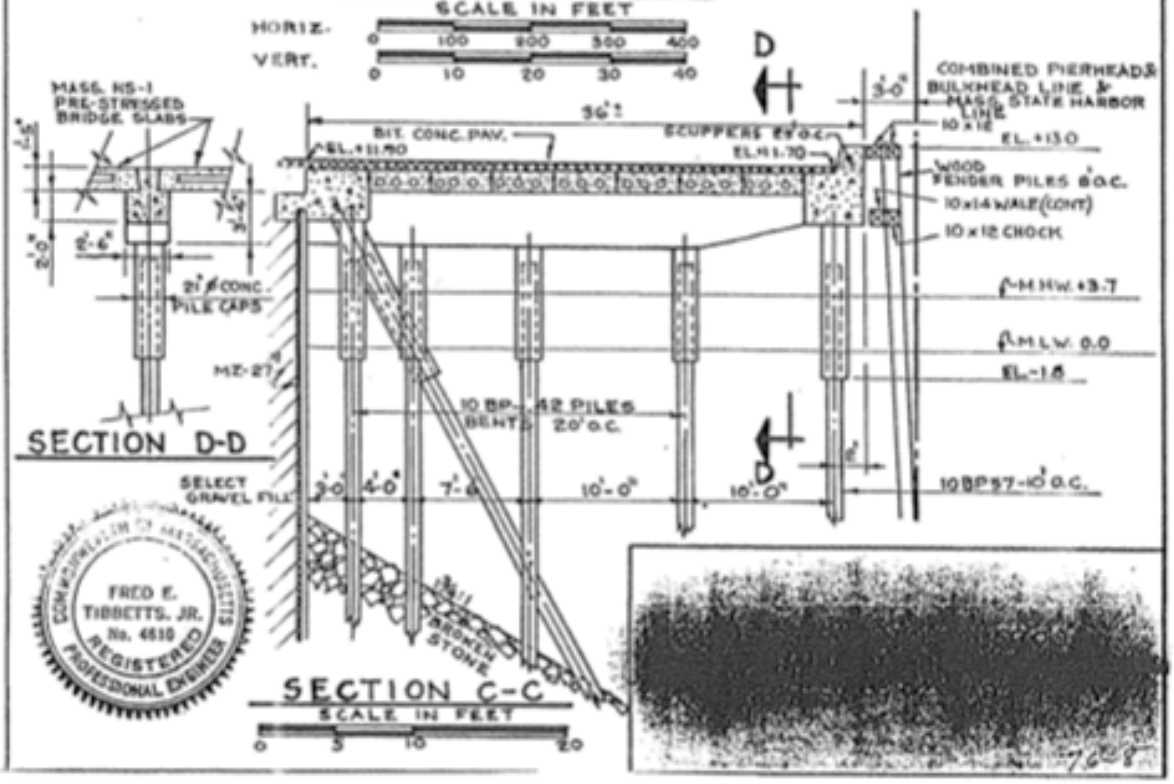
VERT. 0 10 20 30 40



SECTION D-D

SECTION C-C

SCALE IN FEET

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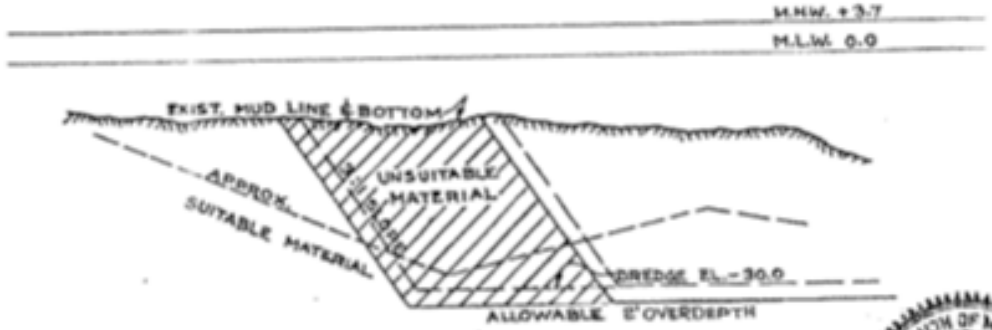


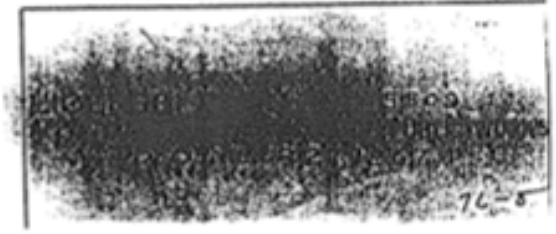
SECTION F-F

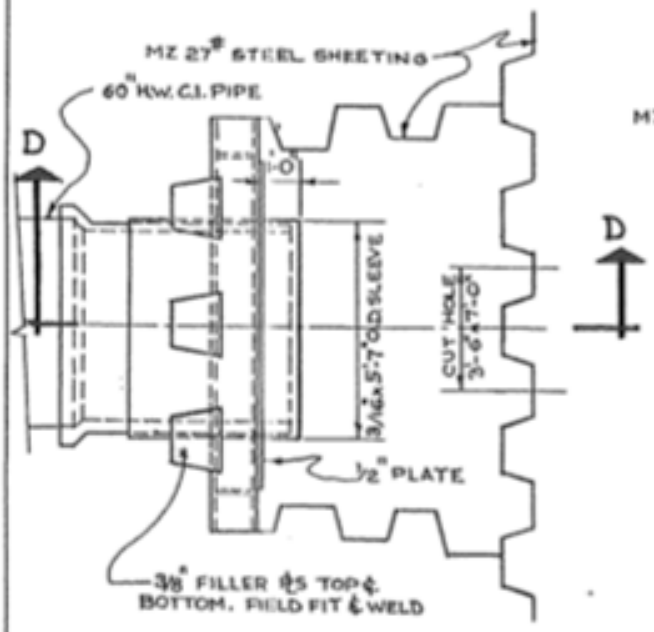
SCALE IN FEET

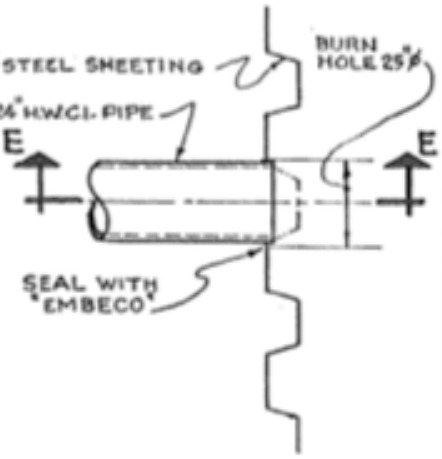
VERT. 0 10 20 30

HORIZ. 0 100 200

FRED E. TIBBETTS, JR. No. 4610 REGISTERED PROFESSIONAL ENGINEER COMMONWEALTH OF MASSACHUSETTS





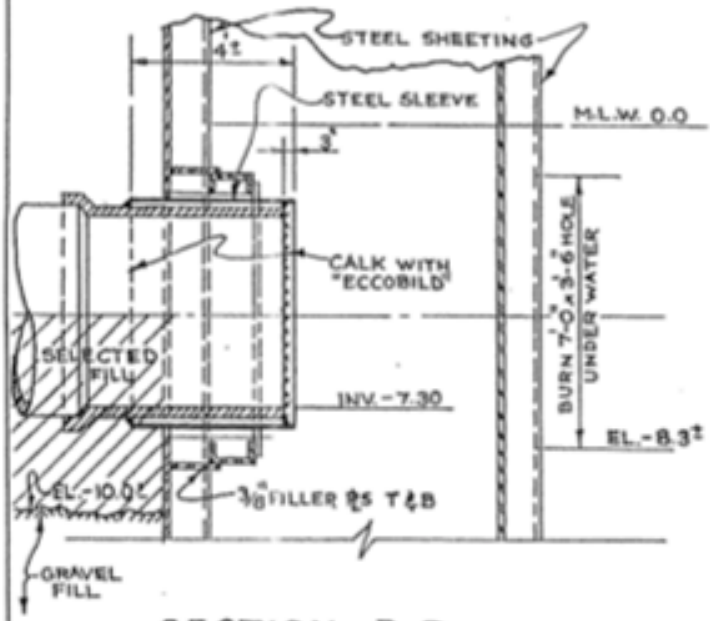


DETAIL "B"

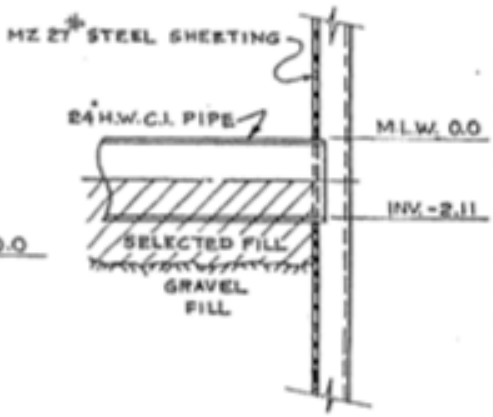
DETAIL "A"

SCALE IN FEET

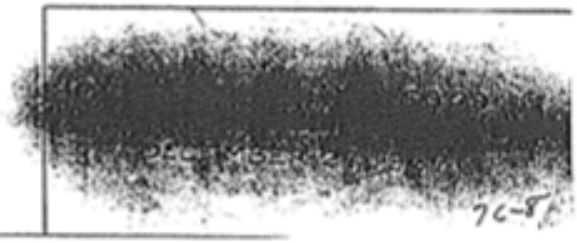
0 1 2 3 4 8

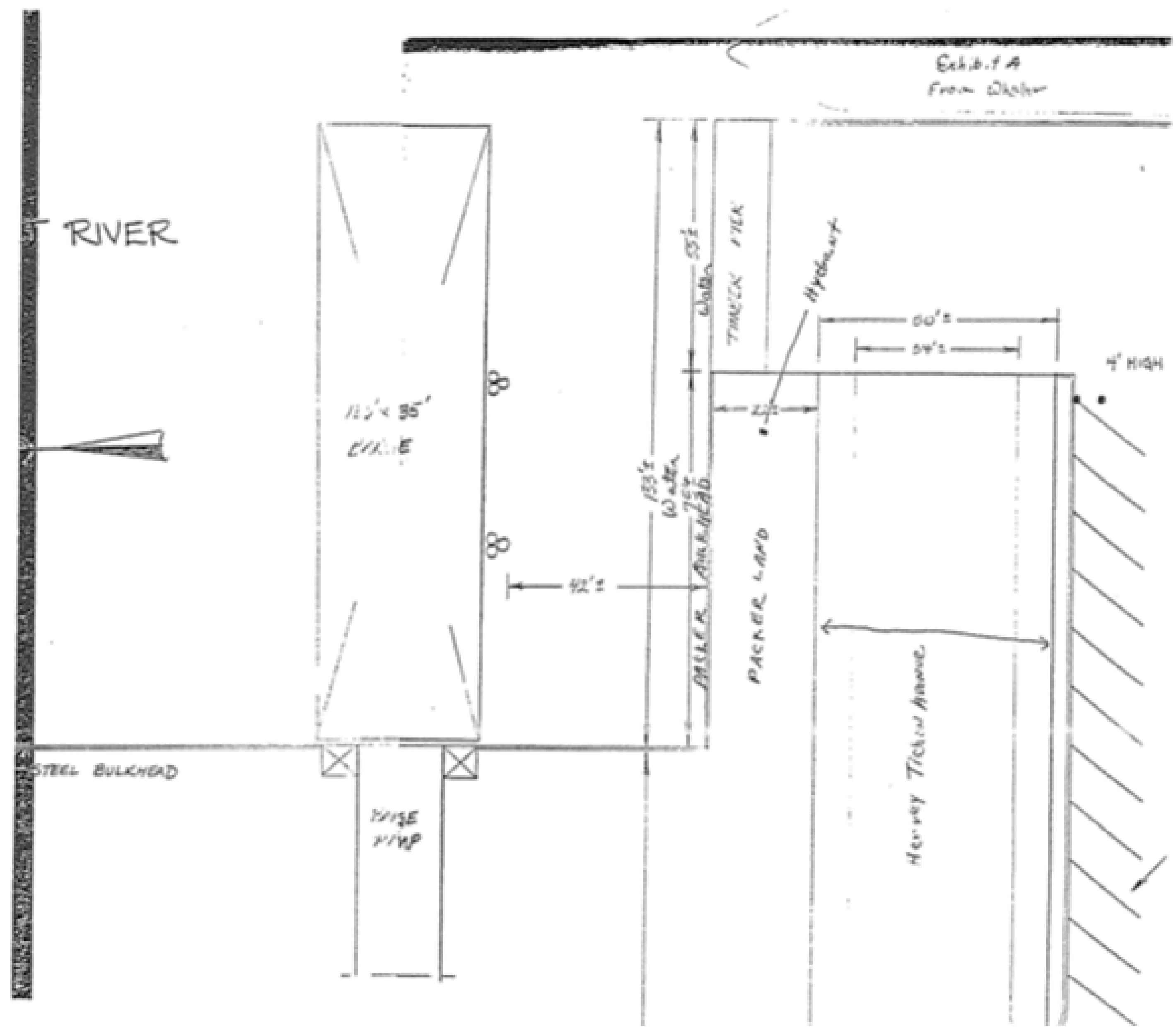


SECTION D-D



SECTION E-E




RIVER
STEEL BULKHEAD
Water
133'±
Water
55'±
42'±
PACKER LAND
Hydrant
60'±
54'±
4' HIGH

Chapter 91 License #13584

BK 10931 PG 253
10/23/13 10:02 DOC. 25977
Bristol Co. S.D.

P.B. 171
P. 6

The Commonwealth of Massachusetts

No. 13584

Whereas, **City of New Bedford Harbor Development Commission, Lessor**
Nordic Fisheries, Inc., Lessee

of – New Bedford – in the County of -- Bristol -- and Commonwealth aforesaid, have applied to the Department of Environmental Protection for license to – construct and maintain an addition to existing licensed buildings --

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Mayor and City Council – of the – City of New Bedford. --

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

– City of New Bedford Harbor Development Commission, Lessor, Nordic Fisheries, Inc., Lessee –, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain an addition to existing licensed buildings --

on filled tidelands of the -- Acushnet River -- at -- 14 Hervey Tichon Avenue – in the -- City of New Bedford -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13584 (2 sheets).

The structures hereby authorized shall be limited to the following use(s): a facility to provide for commercial fishing and seafood processing

This license will expire thirty (30) years from the date of license issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

Existing licenses previously authorized under Department of Public Works License No.'s 5129, 5130 & 5309 and Department of Environmental Protection License No.'s 4783, 5391, 8329 & 8870 shall be maintained in accordance with the terms and conditions of said licenses and plans.

Special Waterways Conditions:

1. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

2. Within sixty (60) days of completion of the licensed project, the Licensee shall request, in writing, that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

Please see page 3 for additional conditions to this license.

Duplicate of said plan, number 13584 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.

9. This License authorizes structure(s) and/or fill on:

__ Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

_X_ Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

__ a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

__ Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- City of New Bedford Harbor Development Commission, Lessor, Nordic Fisheries, Inc., Lessee -- by paying into the Treasury of the Commonwealth -- zero dollars and zero cents ($ 0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Bristol.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 2nd day of October in the year two thousand thirteen.

for Program Chief David E. Hill

Department of Environmental Protection

Commissioner

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- City of New Bedford Harbor Development Commission, Lessor, Nordic Fisheries, Inc., Lessee --

of the further sum of -- zero dollars and zero cents ($ 0.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

Governor

0' 100' 200' 300'

PLAN ACCOMPANYING PETITION OF
CITY OF NEW BEDFORD HARBOR
DEVELOPMENT COMMISSION, LESSOR
NORDIC FISHERIES, INC. LESSEE
TO CONSTRUCT AND MAINTAIN AN
ADDITION TO EXISTING LICENSED BUILDINGS
ON LICENSED FILLED TIDELAND IN
NEW BEDFORD NORTH TERMINAL
CITY OF NEW BEDFORD
BRISTOL COUNTY, MA
2-12-13 SCALE: 1"=100'
ALAN EWING ENGINEERING, INC.
261 NEW BOSTON ROAD
FAIRHAVEN, MA 02719-5301
508-997-9311

NO.	REVISION DATE	DESCRIPTION

SHEET 1 OF 2 SHEETS

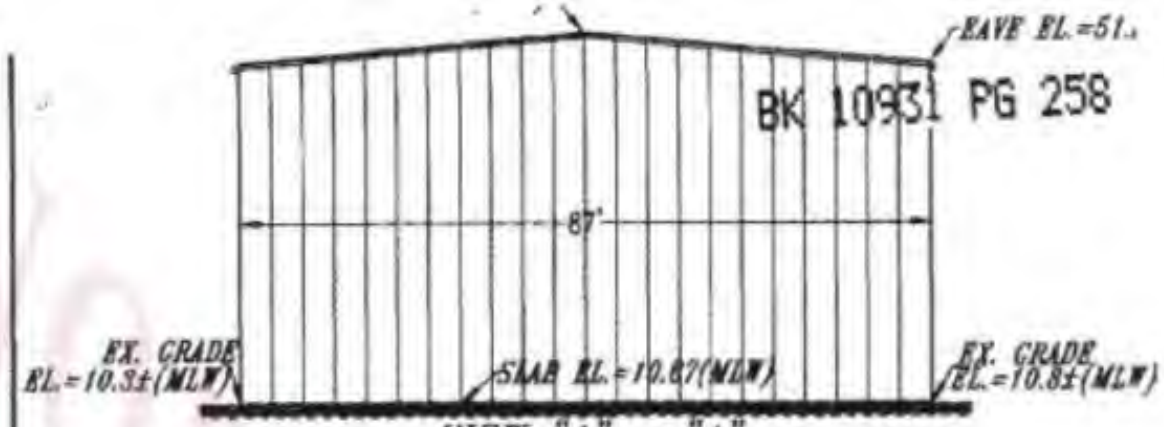
LICENSE PLAN NO. 13584

Approved by Department of Environmental Protection of Massachusetts

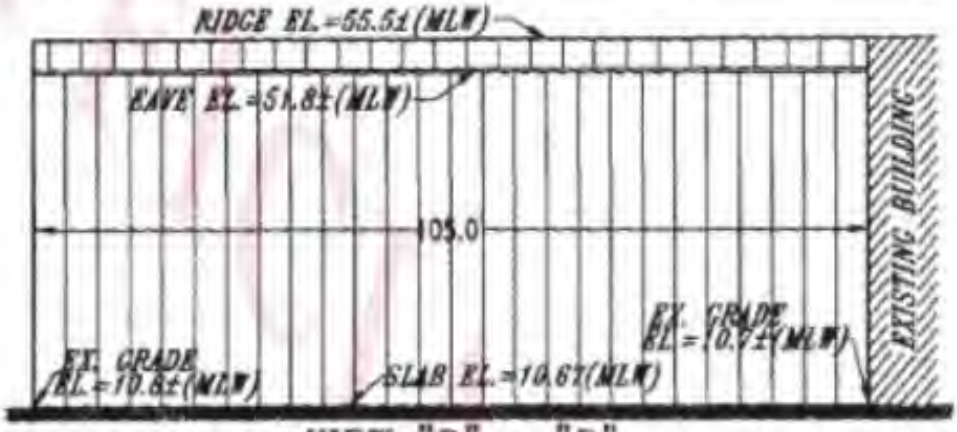
FOST X 2

David E. Hill

[signature]



VIEW "A" - "A"
PROPOSED ADDITION TO BE LICENSED
SCALE: 1" = 20'



VIEW "B" - "B"
PROPOSED ADDITION TO BE LICENSED
SCALE: 1" = 20'

COMMONWEALTH OF MASSACHUSETTS
ALAN EWING
CIVIL
No. 38567
PROFESSIONAL ENGINEER

0' 20' 40' 60'

PLAN ACCOMPANYING PETITION OF
CITY OF NEW BEDFORD HARBOR DEVELOPMENT COMMISSION, LESSOR
NORDIC FISHERIES, INC. LESSEE
TO CONSTRUCT AND MAINTAIN AN ADDITION TO EXISTING LICENSED BUILDINGS ON LICENSED FILLED TIDELAND IN
NEW BEDFORD NORTH TERMINAL
CITY OF NEW BEDFORD
BRISTOL COUNTY, MA
2-12-13 SCALE: 1"=20'

ALAN EWING ENGINEERING, INC.
261 NEW BOSTON ROAD
FAIRHAVEN, MA 02719-5301
508-997-9311

NO.	REVISION DATE	DESCRIPTION

SHEET 2 OF 2 SHEETS

LICENSE PLAN NO. 13584
Approved by Department of Environmental Protection
Date: OCT X 2 2013

Attachment F

Property Deed

6

Locus:
14 Hervey Tichon Avenue
New Bedford, MA 02740

2018 00021245
Bk: 12567 Pg: 335 Pg: 1 of 6 BS
Doc: DEED 09/14/2018 01:40 PM

MASSACHUSETTS QUITCLAIM DEED

The CITY OF NEW BEDFORD, MASSACHUSETTS, a municipal corporation duly existing under the laws of the Commonwealth of Massachusetts, acting by and through its Mayor pursuant to and as authorized by the provisions of Massachusetts General Laws Chapter 30B, section 10-3 of the New Bedford Code of Ordinances, and the vote of the New Bedford City Council, recorded herewith, and having its usual place of business at 133 William Street, New Bedford, Bristol County, Massachusetts (hereinafter "Grantor"),

for consideration paid, and in full consideration of ONE MILLION ONE HUNDRED THOUSAND ONE HUNDRED and 00/100 ($1,100,100.00) DOLLARS,

hereby grants to R.C.P. REALTY, LLC, a Massachusetts limited liability company, having an address of 14 Hervey Tichon Avenue, New Bedford, Massachusetts 02740 (hereinafter "Grantee"),

with **Quitclaim Covenants**,

the land and buildings thereon, together with any improvements now or hereafter thereon erected, located at 14 Hervey Tichon Avenue, New Bedford, Bristol County, Massachusetts 02740, and shown as Lots 135, 137, 145, 147 and 148 on New Bedford Assessor's Map 66 (hereinafter referred to collectively as "the Property"), described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
AND
INCORPORATED HEREIN BY REFERENCE

BEING a portion of the premises conveyed to the City of New Bedford by deed dated March 11, 1958 and recorded on March 17, 1959 in the Bristol County (S.D.) Registry of Deeds in Book 1276, Page 313.

HALLORAN, LUKOFF, SMITH & TIERNEY, P.C.
432 COUNTY STREET
NEW BEDFORD, MA 02740-5018

Grantee agrees to use the property in accordance with the terms and conditions of the Grantor's Request for Proposals entitled "Request for Proposals # **HDC-FY18-001**, Purchase of North Terminal Bulkhead Area, 14 Hervey Tichon Avenue, New Bedford, Massachusetts 02740" issued January 31, 2018 (the "RFP") and the terms and conditions of the Grantee's Application in response to the RFP dated March 8, 2018 (the "Application"). The Grantee's Application and the RFP are hereby incorporated into this Agreement as if they were fully set forth herein. The grantee acknowledges that the terms and conditions contained in the RFP and the Application are an integral part of the within instrument and constitute part of the consideration given to the Grantor by the grantee under this Deed.

Statements have been received by the Grantor from the Grantee and there has been full compliance with Massachusetts General Laws Chapter 7C, Section 38.

THIS CONVEYANCE is made under and subject to any and all easements, encumbrances or rights of way and restrictions of record to the extent that the same are now in force and applicable.

See City Council Vote recorded herewith.

SEE NEXT PAGE FOR SIGNATURES

IN WITNESS WHEREOF, the said City of New Bedford, Massachusetts, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged, and delivered in its name and behalf by Jonathan F. Mitchell, its Mayor, hereto duly authorized, this 13th day of September in the year two thousand eighteen.

Signed and sealed in the presence of:

Witness

City of New Bedford, Massachusetts

By: _____
Jonathan F. Mitchell, Mayor

Approved as to form:

Mikaela A. McDermott, City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. September 13, 2018

Before me, the undersigned notary public, personally appeared Jonathan F. Mitchell, Mayor of City of New Bedford, Massachusetts, proved to me through satisfactory evidence of identification which was a Massachusetts Drivers License, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

Printed Name: Lisa A. Presby
Notary Public

My Commission Expires: March 21, 2025

LISA A. PRESBY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES
March 21, 2025

EXHIBIT "A"

RE: 14 Hervey Tichon Avenue
New Bedford, Massachusetts 02740

PARCEL ONE: (Assessors Map 66, Lot 147)

BEING shown as **PARCEL "F"** containing 48,909 SQ. FT. OR 1.12 ACRES as shown on a plan of land entitled: "The City of New Bedford North Terminal Bulkhead Disposition Parcels "C", "C-1", "D", "F", "F-1", "F-2", "G", "G-1", "H" and "J" ", Scale: 1" = 60', date March, 1982, Prepared by New Bedford Harbor Development Commission, New Bedford, Mass., and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 107, Page 75.

PARCEL TWO: (Assessors Map 66, Lot 148)

BEING shown as **PARCEL "F-1"** (Apron Area) containing 6,080 SQ. FT. as shown on a plan of land entitled: "The City of New Bedford North Terminal Bulkhead Disposition Parcels "C", "C-1", "D", "F", "F-1", "F-2", "G", "G-1", "H" and "J" ", Scale: 1" = 60', date March, 1982, Prepared by New Bedford Harbor Development Commission, New Bedford, Mass., and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 107, Page 75.

PARCEL THREE: (Assessors Map 66, Lot 145)

BEING shown as **PARCEL "F-2"** containing 1,960 SQ. FT. as shown on a plan of land entitled: "The City of New Bedford North Terminal Bulkhead Disposition Parcels "C", "C-1", "D", "F", "F-1", "F-2", "G", "G-1", "H" and "J" ", Scale: 1" = 60', date March, 1982, Prepared by New Bedford Harbor Development Commission, New Bedford, Mass., and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 107, Page 75.

PARCEL FOUR: (Assessors Map 66, Lot 137)

BEING shown as **PARCEL "G"** containing 61,700 SQ. FT. OR 1.416 ACRES as shown on a plan of land entitled: "The City of New Bedford North Terminal Bulkhead Disposition Parcels "B", "B-1", "D-1", "G", "G-1", "K" and "L" ", Scale: 1" = 50', Date: 1/30/84, Prepared by New Bedford Harbor Development Commission, New Bedford, Mass., and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 109, Page 156.

PARCEL FIVE: (Assessors Map 66, Lot 135)

BEING shown as **PARCEL "G-1"** (Apron Area) containing 6,400 SQ. FT. as shown on a plan of land entitled: "The City of New Bedford North Terminal Bulkhead Disposition Parcels "B", "B-1", "D-1", "G", "G-1", "K" and "L" ", Scale: 1" = 50', Date: 1/30/84, Prepared by New Bedford Harbor Development Commission, New Bedford, Mass., and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 109, Page 156.

Attachment G

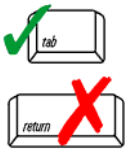
Stormwater Checklist

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Checklist for Stormwater Report

A. Introduction

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the Massachusetts Stormwater Handbook. The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.[1] This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8[2]
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

[1] The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

[2] For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

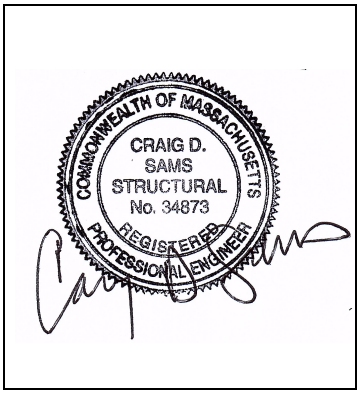
Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



2/15/22

Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

☐ New development

☒ Redevelopment

☐ Mix of New Development and Redevelopment

Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- ☐ No disturbance to any Wetland Resource Areas
- ☐ Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- ☐ Reduced Impervious Area (Redevelopment Only)
- ☐ Minimizing disturbance to existing trees and shrubs
- ☐ LID Site Design Credit Requested:
  - ☐ Credit 1
  - ☐ Credit 2
  - ☐ Credit 3
- ☐ Use of "country drainage" versus curb and gutter conveyance and pipe
- ☐ Bioretention Cells (includes Rain Gardens)
- ☐ Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- ☐ Treebox Filter
- ☐ Water Quality Swale
- ☐ Grass Channel
- ☐ Green Roof
- ☐ Other (describe): _____

Standard 1: No New Untreated Discharges

N.A. - No new drainage discharges are included as part of this project.

- ☒ No new untreated discharges
- ☐ Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- ☐ Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.

Checklist for Stormwater Report

Checklist (continued)

N.A. - No Increase in Impervious Cover / Site is in the Coastal Zone

Standard 2: Peak Rate Attenuation

☐ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.

☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.

☐ Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge *N.A.- The Project does not increase impervious cover on the site*

☐ Soil Analysis provided.

☐ Required Recharge Volume calculation provided.

☐ Required Recharge volume reduced through use of the LID site Design Credits.

☐ Sizing the infiltration, BMPs is based on the following method: Check the method used.

☐ Static ☐ Simple Dynamic ☐ Dynamic Field[1]

☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.

☐ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.

☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.

☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:

- ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
- ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
- ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
- ☐ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.

☐ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.

☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

[1] 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.

Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.

☐ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

N.A. - No Change to Site Drainage

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
- Provisions for storing materials and waste products inside or under cover;
- Vehicle washing controls;
- Requirements for routine inspections and maintenance of stormwater BMPs;
- Spill prevention and response plans;
- Provisions for maintenance of lawns, gardens, and other landscaped areas;
- Requirements for storage and use of fertilizers, herbicides, and pesticides;
- Pet waste management provisions;
- Provisions for operation and management of septic systems;
- Provisions for solid waste management;
- Snow disposal and plowing plans relative to Wetland Resource Areas;
- Winter Road Salt and/or Sand Use and Storage restrictions;
- Street sweeping schedules;
- Provisions for prevention of illicit discharges to the stormwater management system;
- Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
- Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
- List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.

☐ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.

☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:

- ☐ is within the Zone II or Interim Wellhead Protection Area
- ☐ is near or to other critical areas
- ☐ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
- ☐ involves runoff from land uses with higher potential pollutant loads.

☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.

☐ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.

Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

☐ The BMP is sized (and calculations provided) based on:

- ☐ The ½" or 1" Water Quality Volume or
- ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.

☐ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.

☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

N.A.- Not a site with LUHPPL

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.

☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted ***prior to*** the discharge of stormwater to the post-construction stormwater BMPs.

☐ The NPDES Multi-Sector General Permit does ***not*** cover the land use.

☐ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.

☐ All exposure has been eliminated.

☐ All exposure has ***not*** been eliminated and all BMPs selected are on MassDEP LUHPPL list.

☐ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

N.A.- No Critical Areas

Standard 6: Critical Areas

☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.

☐ Critical areas and BMPs are identified in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

☒ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:

- ☐ Limited Project
- ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
- ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
- ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
- ☐ Bike Path and/or Foot Path
- ☒ Redevelopment Project
- ☐ Redevelopment portion of mix of new and redevelopment.

☐ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.

☐ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

See Attached

- Narrative;
- Construction Period Operation and Maintenance Plan;
- Names of Persons or Entity Responsible for Plan Compliance;
- Construction Period Pollution Prevention Measures;
- Erosion and Sedimentation Control Plan Drawings;
- Detail drawings and specifications for erosion control BMPs, including sizing calculations;
- Vegetation Planning;
- Site Development Plan;
- Construction Sequencing Plan;
- Sequencing of Erosion and Sedimentation Controls;
- Operation and Maintenance of Erosion and Sedimentation Controls;
- Inspection Schedule;
- Maintenance Schedule;
- Inspection and Maintenance Log Form.

☒ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

☐ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has ***not*** been included in the Stormwater Report but will be submitted ***before*** land disturbance begins.

☐ The project is ***not*** covered by a NPDES Construction General Permit.

☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.

☐ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan *N.A.- No New Drainage System*

☐ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:

- ☐ Name of the stormwater management system owners;
- ☐ Party responsible for operation and maintenance;
- ☐ Schedule for implementation of routine and non-routine maintenance tasks;
- ☐ Plan showing the location of all stormwater BMPs maintenance access areas;
- ☐ Description and delineation of public safety features;
- ☐ Estimated operation and maintenance budget; and
- ☐ Operation and Maintenance Log Form.

☐ The responsible party is ***not*** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:

- ☐ A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
- ☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges *See Attached*

☐ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;

☒ An Illicit Discharge Compliance Statement is attached;

☐ NO Illicit Discharge Compliance Statement is attached but will be submitted ***prior to*** the discharge of any stormwater to post-construction BMPs.

make on epage, with Illicit Complianc eDischagre Statement. Ten put in the statement. See Attached.

Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan

The purpose of this document is to provide a framework for measures to be implemented into the Construction period Pollution Prevention and Erosion and Sedimentation Control Plan for the proposed Nordic Fisheries, Inc. Pier Replacement Project (the "Project") at their property located at 14 Hervey Tichon Avenue in New Bedford, Massachusetts.

A final plan to control construction-related impacts, including erosion, sedimentation, and other pollutant sources during construction activities will be developed and implemented by the Contractor following the award of the bid.

Project Description and Background

Nordic Fisheries, Inc. ("Nordic") is proposing to replace an existing pile-supported pier with a new bulkhead and solid-fill pier at their property in New Bedford. Nordic and its affiliated companies is a family-owned and operated water dependent industrial ("WDI") business now in its 4th generation. The company headquarters is located at 14 Hervey Tichon Avenue, New Bedford along the western shore of the Acushnet River, within the New Bedford-Fairhaven Designated Port Area ("DPA"), and north (inside) of the hurricane barrier. From this location, the enterprise oversees fishing, provision, and repair of 27 scallop boats with 500 employees – boat captains, crew, support staff, that buy and process 30 million pounds of seafood each year.

Nordic Fisheries has operated at the Project site for over 40 years, and until recently, under a 99-year lease with the former New Bedford Harbor Development Commission ("HDC"), now the New Bedford Port Authority ("NBPA"). According to the lease, repairs to the bulkhead and pier are the responsibility of the lessor. In 2016 the HDC commissioned CLE Engineering to inspect the property and found that the pier could not safely withstand more than 100 pounds per square foot in weight, a 300 lb. reduction from its original design capacity of 400 lbs. per square foot (see Attachment D – CLE Engineering Report). On January 4, 2017, the HDC informed Nordic of the inspection results and that it could not afford the repair costs, suggesting that Nordic consider purchasing the property. Following an RFP process and at market value, Nordic purchased the property on September 14, 2019. Since that time, the Applicant has spent more than $1 million on repairs and related engineering and consultant costs.

Nordic needs to replace the existing infrastructure to support ship refueling and provisioning, offloading, fish icing, and transport to the Nordic's processing site. These activities involve weights exceeding the 100 pounds per square foot capacity.

Nordic proposes to replace the existing and deteriorated pier with a new bulkhead 38 feet east of the existing bulkhead and extending from north to south by 450 feet for a total of 17,100 square feet ("sf"). This replacement s approximately the size of the existing pile-supported pier. Construction of the bulkhead will begin on the north side of the existing pier where it meets a concrete cap at the parcel's

north property line. The bulkhead will be driven to an average of 52 feet below grade and secured by rock anchors alleviating the need to disturb/relocate onsite utilities.

The site is currently 100% impervious surface, and the proposed Project will remain 100% impervious. This Project is categorized as a "re-development project" in accordance with the Stormwater Management Regulations; therefore, the stormwater management system was designed to comply with the Stormwater Management Regulations as to the extent practicable pursuant to Standard 7 in 310 CMR 10.05(6)(k).

Construction Period Operation and Maintenance Plan

The Construction Period Operation and Maintenance Plan to be developed by the Contractor shall include the proper procedures for the following:

- Good housekeeping
- Storing materials and waste products inside or under cover
- Routine inspections of vehicles and equipment
- Routine inspections of stormwater best management practices
- Spill prevention and response

Names of Persons or Entity Responsible for Plan Compliance

The construction vendor has not been selected yet. Therefore, this information will be updated following final selection prior to construction start. Nordic Fisheries, Inc. as the property owner and applicant will be responsible for ensuring that the construction vendor adheres to the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan.

Nordic Fisheries, Inc.	Contractor:
Mike Livingstone	To be selected
(508) 991-1332	
Peter Anthony	
(508) 993-6730	

Construction Period Pollution Prevention Measures

The Proponent is proposing several mitigation measures to minimize potential adverse effects to the environment and these are briefly described below. Refer to Attachment K, Fig-09 Site Preparation Plan, which depicts some of the construction period measures.

Material Handling and Disposal

Covered receptacles to hold and store all construction related debris, and any other water, generated from the construction will be maintained on site. These receptacles will remain covered at all times except when being loaded or unloaded.

Fuel, oil, hydraulic fluids, petroleum products and/or other chemicals used during construction will be stored in water-tight containers, and under cover to protect them from precipitation.

Spill Prevention and Response

Hydraulic lines, fuel lines, coolant lines and radiators of construction vehicles and equipment will be inspected at the end of each workday. Leaks or frayed lines will be repaired prior to use the next day.

A spill containment kit will be kept on-site. Personnel will be available to respond quickly in the case of a leak or spill. Equipment will be kept in a condition that prevents leaks or discharge of pollutants. In the event there is an accidental release of petroleum during repairs, the contractor will notify the New Bedford Fire Department, New Bedford Harbor Master, New Bedford Conservation Commission, MassDEP and the U.S. Coast Guard after the appropriate emergency response agencies.

Construction-Period Stormwater Management

During construction, a silt curtain fitted with a surface boom will be installed and maintained around the active work zone. The floating boom will trap and contain floating debris to prevent the release of construction elated debris into the waters of New Bedford Harbor. The submerged silt curtain will limit the transport of suspended sediments from the work zone.

The Applicant is proposing several construction-period measures to manage stormwater onsite, and includes, but is not limited to, the following:

- Installing siltation control wattles to surround catch basins;
- Installing temporary fence and siltation control berm around the contractor laydown area;
- Scuppers along edge of the pier shall have siltation control wattles installed.

These measures will be implemented, and maintained, for the duration of the demolition and construction period.

Erosion and Sedimentation Control Drawings

Refer to the Notice of Intent Application, Attachment K, Fig-09 Site Preparation Plan.

Site Development Plan

Refer to the Notice of Intent Application, Attachment K, Fig-09 Site Preparation Plan.

Construction Sequencing

A construction contractor has not been selected, therefore detailed construction planning has not yet begun. However, the new sheet pile delivery is expected to be by barge, and the bulkhead installed in three separate segments, driving the sheet pile an average of 52 feet below grade, and securing the sheet pile bulkhead by rock anchors following by filling with light weight aggregate.

Assuming trucks with a capacity of 40 cubic yards per load the Project estimates approximately 400 total truck loads of light weight aggregate over a period of the 12 to 24-month construction period (including potential Time of Year ("TOY") restrictions). Potential contractors are looking at some combination of barges for delivery of aggregate as well. Using trucks allows for more precise control of material stockpiles on-site. The final decision will be determined by the construction manager with cost and construction activities interrupting on-going fishing operations a vital consideration.

Sequencing of Erosion and Sedimentation Controls

A construction contractor has not been selected, therefore detailed erosion and sedimentation control planning has not yet begun. As described above, the Applicant is proposing several construction period measures to manage stormwater onsite. These will be finalized with input from the selected contractor.

Operation and Maintenance of Erosion and Sedimentation Controls

The selected contractor will be the responsible party for the operation and maintenance of the erosion and sedimentation controls implemented for the duration of the construction period.

Inspection Schedule

Scheduled inspections will be conducted on a weekly basis throughout the duration of the construction period. Additionally, inspections will be conducted after storm events of ½-inch or more of rain.

Maintenance Schedule

Maintenance will be conducted on an as-needed basis based on the results of the weekly and post-storm inspections. During maintenance, erosion and sedimentation controls will be replaced and maintained as needed.

Inspection and Maintenance Log Form

Refer to Attachment 1 to this Stormwater Checklist.

Illicit Discharge Statement

To the best of my knowledge, no known illicit discharges exist on the Nordic Fisheries site at 14 Hervey Tichon Avenue in New Bedford, MA. The project plans, drawn to scale, identify the on-site utilities, and show no interconnection between stormwater and wastewater lines. Should any interconnections meeting the definition of an illicit connection be observed during pier replacement, the interconnection(s) will be removed to prevent illicit discharges via the storm drain system.

Nordic Fisheries Pier Replacement – Inspection / Maintenance Form

14 Hervey Tichon Avenue, New Bedford, MA

Inspected By: _____
Date: _____

Component	Status/Inspection	Action Taken
Siltation Control Wattles (catch basins)		
Temporary Fence / Siltation Control at Laydown Area		
Siltation Control Wattles (pier scuppers)		
Silt Curtain and Surface Boom		
Spill Containment Kit		

Notes:

Attachment H

Alternatives Analysis

Alternatives Analysis

There are a total of six conceptual alternatives considered including a No-Build option and are listed below and illustrated on the Alternatives Comparison Matrix, please see below, Table 1-1 Alternatives Matrix. The options are as follows:

- Relocation of operations
- No-Build
- Floating Pier
- Replacing Pier In-kind
- Repair Piles and Bulkhead
- Encapsulate with Sheet Pile and Backfill (Preferred Alternative)

The goals of the Proponent are to continue to operate a water-dependent industrial use in the New Bedford DPA and to continue to provide a safe and economically sustainable fishing, provisioning, and repair, operation at the water's edge. The Preferred Alternative selected by the Proponent improves the DPA infrastructure, commercial operations, blue-collar jobs, and provides a safe and sustainable option that causes minimal disruption to ongoing operations with a cost effective, durable, and long-lasting solution that avoids, minimizes, and mitigates environmental impacts.

REV 10/3/2021

OPTION COMPARISON MATRIX

	Removed from consideration - as not feasible			Evaluated as potentially feasible options		
				OPTION 1	OPTION 2	OPTION 3
	Relocate Facility (out of New Bedford)	No Build	Floating Pier	REPLACE WHARF IN-KIND	REPAIR PILES & BULKHEAD	ENCAPSULATE WITH SHEET PILE
CONCEPT VERIFIED	Yes	Yes	Conceptual consideration only	YES	NO- ADDITIONAL INSPECTION NEEDED TO VERIFY VALIDITY OF CONCEPT	YES
CAPITAL COST	?	Relocation costs	Not verified	WHARF = 17,100 SF X $800 = $13,680,00 BULKHEAD= $3,082,000 TOTAL ESTIMATED COST = $15.7 MILLION	WHARF =$6,234,000 BULKHEAD = $3,082,000 TOTAL ESTIMATED COST =$9.3 MILLION	BULKHEAD = $7,737,770 TOTAL ESTIMATED COST =$7.7 MILLION
ESTIMATED SERVICE LIFE	NA	Cease industrial activity	Not verified	80 YEARS WITH REGULAR MAINTENANCE	20 - 30 YEARS ADDITIONAL DECK REPAIRS WILL BE REQUIRED TO MAINTAIN THE EXISTING DECK	80 YEARS WITH REGULAR MAINTENANCE
ENVIRONMENTAL	NA					
HARBOR BOTTOM (LUO) ALTERATION			Not verified	Temporary	Temporary	17,000 SF
PILE DRIVING			Not verified	YES - IMPACT HAMMER	NO	YES - VIBRATORY HAMMER
DEMOLITION - VOLUME OF MATERIALS			YES - SIGNIFICANT; REMOVAL OF PILES, CAPS, DECK, AND FENDER SYSTEM INCREASES MATERIAL FLOW TO LANDFILL	YES - SIGNIFICANT; REMOVAL OF PILES, CAPS, DECK, AND FENDER SYSTEM INCREASES MATERIAL FLOW TO LANDFILL	NO - MINIMAL DEMOLITION	YES -MODERATE REMOVAL OF DECK PLANKS LOWER VOLUME OF MATERIALS TO LANDFILL
DEMOLITION - SEDIMENT DISPERSAL			YES - SIGNIFICANT; REMOVAL OF PILES AND RECOVERING LOST DEMOLITION MATERIAL WILL DISTURB THE SEDIMENT	YES - SIGNIFICANT; REMOVAL OF PILES AND RECOVERING LOST DEMOLITION MATERIAL WILL DISTURB THE SEDIMENT	NO - MINIMAL DEMOLITION	NO PILE REMOVAL & UNLIKELY TO LOOSE DECK PLANKS UNDER CONTROLLED DEMOLITION.
MARINE MAMMALS			YES - IMPACT HAMMER	YES - IMPACT HAMMER	NO	NO
MARINE FISHERIES			DETRIMENTAL TO SPAWNING FISH, ANADROMOUS FISH (PILE DRIVING)- MODERATE IMPACT TO WATER QUALITY (DEMOLITION)	DETRIMENTAL TO SPAWNING FISH, ANADROMOUS FISH (PILE DRIVING)- MODERATE IMPACT TO WATER QUALITY (DEMOLITION)	MODERATE IMPACT TO WATER QUALITY (CONCRETE PLACEMENT UNDERWATER)	MODERATE IMPACT DUE TO RESOURCE DISPLACEMENT
CONTAMINATED SEDIMENT DISPLACEMENT			YES - REMOVAL OF SEDIMENT AT BASE OF PILES	YES - PILE REMOVAL	YES - REMOVAL OF SEDIMENT AT BASE OF PILES	NO
CONTAMINATED SEDIMENT STABILIZATION			No	NO	NO	YES - SHEET PILE WILL CONTAIN THE CONTAMINATED SEDIMENT AND PREVENT DISPERSAL
FLOOD VOLUME DISPLACEMENT			Minimal	NO	YES - MINIMAL	YES - MINIMAL
RESOURCE/ HABITAT DISPLACEMENT			No	NO	NO	YES
RESILIENCY		No improvement	YES - DECK HEIGHT ADJUSTABLE FOR SEA LEVEL RISE	NO	NO	YES - DECK HEIGHT ADJUSTABLE FOR SEA LEVEL RISE
HAZARDOUS MATERIALS REMOVAL - FENDER SYSTEM			YES - EXISTING CREOSOTE TIMBER WILL BE REMOVED	YES - EXISTING CREOSOTE TIMBER WILL BE REMOVED	NO - EXISTING CREOSOTE TIMBER WILL REMAIN	YES - EXISTING CREOSOTE TIMBER WILL BE REMOVED
IMPACT TO OPERATIONS	Dislocates fishing operations from processing operations	Significant negative due to structural deficiencies of the pier	Not feasible as this option prevents equipment / vehicles from access to the pier to load & unload vessels	YES - SIGNIFICANT	YES - MODERATE	YES - MODERATE
OPERATIONAL CAPABILITY	Increased transportation costs		Not feasible	YES - INCREASED DECK LIVE LOAD	NO - CONTINUED REDUCED LOADING	YES - INCREASED DECK LIVE LOAD
WORKER SAFETY	Improved	Yes - significant	MODERATE RISK- PILE DRIVING VIBRATORY & IMPACT HAMMER	MODERATE RISK- PILE DRIVING VIBRATORY & IMPACT HAMMER	HIGH RISK - DIVING WORK IS INHERENTLY RISKY & DIVER EXPOSURE TO CONTAMINATED SEDIMENT	MODERATE RISK -PILE DRIVING VIBRATORY HAMMER
SITE SAFETY (fire, accidents, etc.)	Not verified	Yes - significant due to structural deficiencies	Yes, Increases worker safety	Fire safety still a concern	Fire safety still a concern	Eliminated fire safety concerns
SITE SECURITY (terrorism, vandalism, etc.)	Not verified	No change	No change	No change	No change	Eliminated
ECONOMIC IMPACT	Negative to New Bedford and region	High - continued operations not feasible	High - continued operations not feasible	Significant operational disruption during construction	Significant operational disruption during construction	Minimal operational disruption during construction
PROJECT DURATION				14 MONTHS	16 MONTHS - WINTER SHUTDOWN REQUIRED	12 MONTHS

MOST FAVORABLE - 3 POINTS	22	16	36
FAVORABLE - 2 POINTS	4	8	12
NOT FAVORABLE - 1 POINT	8	8	0
TOTAL	34	32	48

Alternative 1 - Relocation of Operations

Despite the 40-year history of the Nordic Fisheries location in New Bedford's DPA, the company has had to consider moving to another location. Unfortunately, the company's existing fish processing plant on a separate parcel within the DPA is already moving to an industrial park away from New Bedford's waterfront. The pier and bulkhead at the processing plant are undermining the existing building and operations there have been deemed unsafe and will cease in the fall of 2021.

Nordic has looked at sites in Connecticut and Rhode Island where its operations could be in a similar environment. However, the move would place undue hardship on its blue-collar employees and the company could potentially lose a trained and experienced workforce. The move would also increase transportation costs and the associated environmental impacts of increased trucking. And it would, no doubt, be a loss to the city and region, which has made keeping its fishing industry a priority.

Nordic has made a commitment to the New Bedford DPA by purchasing from the city parcels that can sustain the working industrial port. Despite costly setbacks running $1.0 million to date, it wants to continue operating at its existing facility if it is deemed economically feasible and sustainable.

Alternative 2 – No Build

The No-Build option is no option at all for Nordic or New Bedford's DPA. The existing pier is deteriorated and unable to support the infrastructure needs of Nordic or any other heavy industrial operation. As previously stated, CLE Engineering's report performed for the city of New Bedford decreased the carrying capacity of the pier from 400 lbs per square foot to 100 lbs per square foot, making much of the offloading and provisioning of the fishing fleet unsafe and unsustainable. Like its fish processing plant, a No-Build option would force the company to move its operations to another location and would run counter to New Bedford's 2020 Master plan that supports traditional harbor industries, including fishing and seafood processing. Additionally, as stated in the Southeastern Massachusetts Metropolitan Planning Organization 2018 report, Growing the Economy of Southeastern Massachusetts, Comprehensive Economic Development Strategy, New Bedford is a leader in dollar value and landings in the nation, which makes supporting the port of New Bedford crucial to the economic viability of the region.

Alternative 3 – Floating Pier

There are a few positive aspects of the floating pier alternative: it is a sustainable climate change option in that it will rise with higher tidal waters, is a viable option within a DPA, and it will, like other options, remove the existing creosote treated timber fender system.

Despite the positive aspects of this alternative, the option has significant drawbacks. Demolition and removal of the pier and the disturbance of bottom sediment which contains PCBs, is an option that the company would like to avoid. Also, the everyday operations at the pier will be affected by the tides and the wave movements of the floating pier. A commercial operation like Nordic's relies on water-to-shore onloading and offloading with heavy equipment. The floating pier is not a solid structure and is not a preferred condition for heavy industrial waterfront activities and makes this alternative infeasible for the long-term viability of Nordic's operations.

Although a considered option, the positive aspects of a floating pier can be better met by other options and are superior to this alternative, so it was ruled out for further examination.

Alternative 4 – Replace Wharf In-Kind

Alternative 4 is by far the costliest of the alternatives at over $15-million and is the most disruptive to the ongoing fishing operation. The Proponent has looked for an option that will enable operations to continue during construction. This option will force Nordic to seek a temporary location during the construction period because removal of the pier will also require excavating behind the existing bulkhead and the resulting disturbance/interruption of utilities. The pier is currently holding the bulkhead in place, and if the pier is removed the bulkhead will fail. Temporary relocation and a lengthy disruption of ongoing operations will add to the cost of Alternative 4 and make it too expensive an option for the company.

Like Alternative 6, the Preferred Alternative, this option has an expected service life of 80 years. Construction includes removal of the entire surface and substructure of the existing pier. While it does not displace flood waters, the removal and replacement of piles will cause the most temporary bottom disruption and result in negative impacts to water quality. The temporary impact to marine habitat is considered high with the removal and replacement of 260 piles and the resulting impacts of 260 SF of LUO. Additionally, the PCBs below the pier will not be encapsulated. Finally, this alternative is not climate resilient, and should there be a need to raise the structure during the pier's service life, it will not be possible without completely replacing the structure.

The associated costs and operational disruption of this alternative impairs the long-term economic viability of the company and, when considering operational disruptions and relocation during construction, exceeds the cost of relocating to other potential sites outside of the New Bedford DPA.

Alternative 5 – Repair Piles and Bulkhead

Alternative 5 is a less costly option than the previous full replacement alternative, but its 30-year service life is a considerable detriment for a $9 million investment. Keeping the existing deck in place saves construction costs but does not lead to a long-term solution.

Like the previous alternative, there remain considerable temporary water quality and marine habitat impacts with this option, 951 SF of LUO are impacted by repairing existing piles with concrete jackets – PCBs will not be entombed but will be dispersed during construction.

Construction worker safety is a major concern with more in-water work required for this alternative. Disruptions to on-going company operations are again substantial with this alternative due to relocation of existing utilities with the landside repairs to the existing sheetpile bulkhead and the temporary loss of the main building housing its headquarters and ship provisioning operations. Like Alternative 4, the associated costs and operational disruption of this alternative impairs the long-term economic viability of the company.

Alternative 6 – Encapsulate with Sheet Pile and Backfill, The Preferred Alternative

The Preferred Alternative is the least costly of the major construction options at $7.7 million and has an expected service life of 80 years with regular maintenance. Construction is limited to the removal of the bituminous paving, precast concrete deck planks and creosote treated timber fender system and proposes to encapsulate the remaining substructure between the existing sheet pile bulkhead and a new bulkhead at the end of the existing pier. Encapsulation mitigates some of the bottom disturbance and dispersal of the other alternatives while still removing the exiting creosote treated timber fender system.

The total loss of flood storage is 17,100 SF however, encapsulation will bury measurable concentrations of PCBs, as well as the substructure that would otherwise need to be removed and to a construction and demolition (C&D) facility.

The Massachusetts Division of Marine Fisheries has identified land under the ocean (LUO) of New Bedford Harbor as being suitable for quahog (*Mercenaria mercenaria*). However, Water quality in the Inner New Bedford is classified as SB with shell fishing restrictions due to CSO discharges which diminishes the quality of this resource area. The loss of bottom beneath the existing pier is believed to have minimal impact on the quality of marine fisheries.

This alternative is also adaptable to changes to a rise in sea level due to climate change by providing a solid fill deck that can be raised 2'-4' over time if needed. The top of the pier is projected to extend to an elevation of 9' NAVD 88 like the existing pier, and high tide presently reaches +2' NAVD 88.

A solid fill pier also prevents any future fire or security concerns for first responders by making access to the underside of the pier impossible. The Proponent is coordinating with the New Bedford Police and Fire Departments.

Attachment I

Abutter Information

City of New Bedford

REQUEST *for a* CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #	66	LOT(S)#	137, 147, 170, 171
ADDRESS:	14 Hervey Tichon Avenue		
OWNER INFORMATION			
NAME:	Nordic Fisheries, Inc.		
MAILING ADDRESS:	14 Hervey Tichon Avenue New Bedford, MA 02740		
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):	Sean Scannell, Epsilon Associates Inc.		
MAILING ADDRESS (IF DIFFERENT):	3 Mill & Main Place Suite 250 Maynard, MA 01754		
TELEPHONE #	(978) 461-6299		
EMAIL ADDRESS:	SSCANNELL@EPSILONASSOCIATES.COM		

REASON FOR THIS REQUEST: *Check appropriate*	
☐	ZONING BOARD OF APPEALS APPLICATION
☐	PLANNING BOARD APPLICATION
☑	CONSERVATION COMMISSION APPLICATION
☐	LICENSING BOARD APPLICATION
☐	OTHER (*Please explain*):

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.
Submit this form to the Department of City Planning, Room 303 in City Hall, 133 William Street, or Email to Angela.Goncalves@newbedford-ma.gov. The applicant is responsible for picking up and paying for the certified abutters list from the Assessor's Office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Michael J. Motta		01/13/2022
Printed Name	Signature	Date

Amount Due	$5.00
Date Paid	01/14/2022
Confirmation Number	1373815

Account Information

Payment Type: Permits
Reference Number: 14 HERVEY TICHON 66-137
Phone Number: 5087360113
Email Address: sscannell@epsilonassociates.com

Payment Information

Payment Date: 1/14/2022
Payment Amount: $5.00
Convenience Fee: $1.95
Total Payment: $6.95

Payment Method: mastercard
Card Number: XXXXXXXXXXXX4838
Expiration Date: 0825
sean scannell
Billing Zip Code: 02852

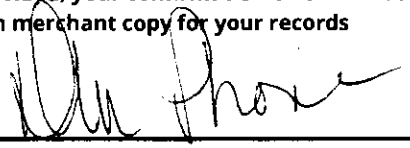
Your confirmation number is: **1373815**

Your payment will post to the account listed below. It takes approximately two business days to post your payment to the account. Your payment date and time are equal to the time you completed this transaction as indicated by the Digital Time Stamp below.

Digital Time Stamp:
01/14/2022 14:50:50
[EST]

If an email address was provided, your confirmation email will be sent from marketingcloud@valuepaymentsystems.com. Please have payer sign below and retain merchant copy for your records

Signature X



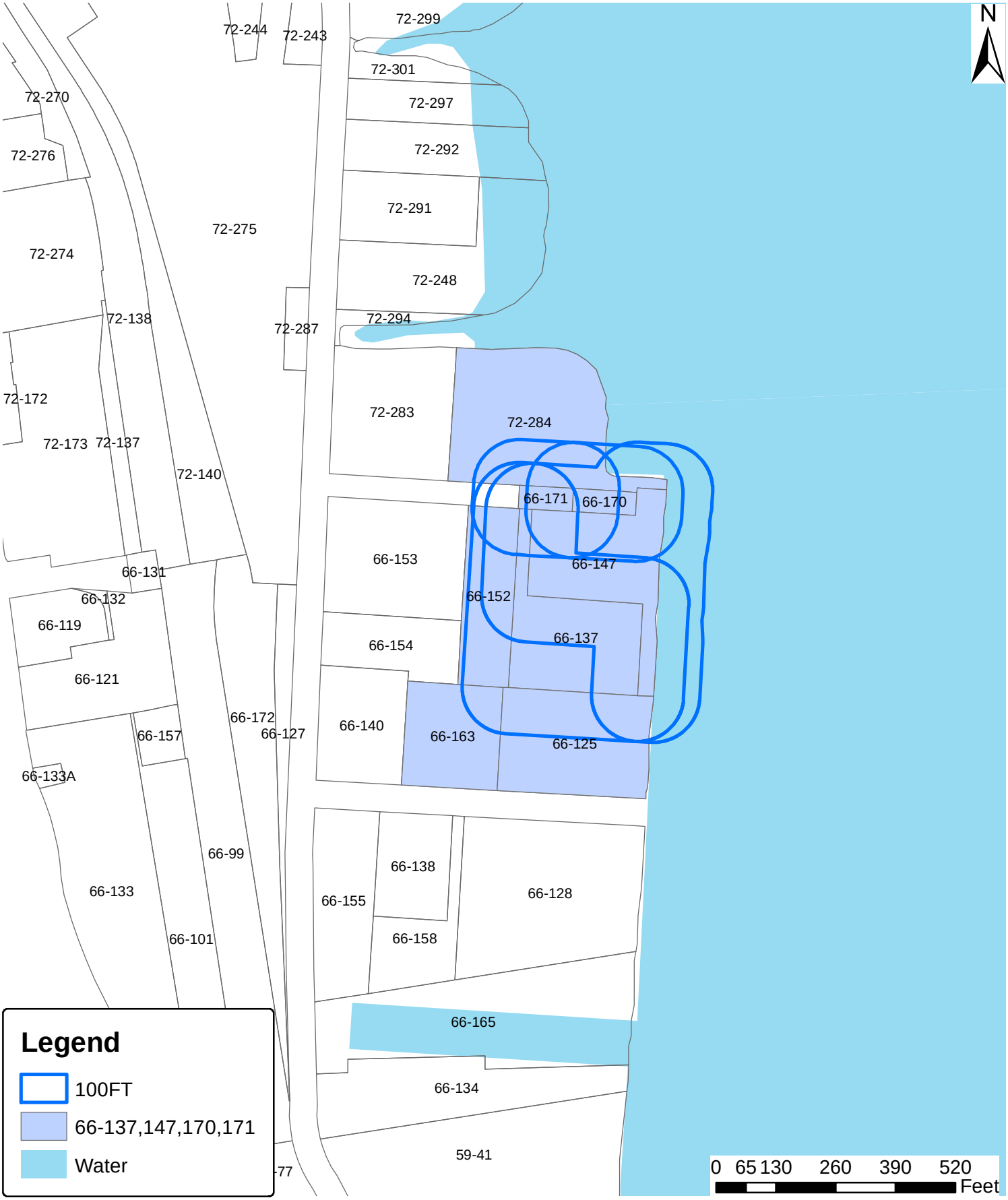
January 13, 2022
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 14 Hervey Tichon Avenue (Map: 66, Lot: 137,147,170,171). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
66-137	SS R HERVEY TICHON AVE	R.C.P. REALTY LLC 14 HERVEY TICHON AVE NEW BEDFORD, MA 02740
66-152	SS HERVEY TICHON AVE	CITY OF NEW BEDFORD 131 WILLIAM STREET NEW BEDFORD, MA 02740
66-163	NS ANTONIO L COSTA BLVD	CITY OF NEW BEDFORD, HARBOR DEVELOPMENT 131 WILLIAM STREET NEW BEDFORD, MA 02740
72-284	NS HERVEY TICHON AVE	CITY OF NEW BEDFORD, HARBOR DEVELOPMENT 131 WILLIAM STREET NEW BEDFORD, MA 02740
66-170	END OF HERVEY TICHON AVE NE	R.C.P. REALTY LLC 14 HERVEY TICHON AVENUE NEW BEDFORD, MA 02740
66-171	SS HERVEY TICHON AVE	R.C.P. REALTY LLC 14 HERVEY TICHON AVENUE NEW BEDFORD, MA 02740
66-125	NS ANTONIO L COSTA BLVD	CITY OF NEW BEDFORD, HARBOR DEVELOPMENT 131 WILLIAM STREET NEW BEDFORD, MA 02740
66-147	SS HERVEY TICHON AVE	R.C.P. REALTY LLC 14 HERVEY TICHON AVE NEW BEDFORD, MA 02740

Note: This map was developed using the best available data and serves a guide rather than a determination. Data should be confirmed in the field to ensure accuracy.



City of New Bedford, Massachusetts
Department of City Planning

Parcel within 100FT

January 2022

Attachment J

Filing Fee Information

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

A. Applicant Information

1. Location of Project:

14 Hervey Tichon Avenue	New Bedford, MA
a. Street Address	b. City/Town
7574	$1,337.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

a. First Name	b. Last Name

Nordic Fisheries, Inc.
c. Organization

14 Hervey Tichon Avenue
d. Mailing Address

New Bedford	MA	02740
e. City/Town	f. State	g. Zip Code

(508) 993-5300 x263		
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name

R.C.P. Realty LLC
c. Organization

14 Hervey Tichon Avenue
d. Mailing Address

New Bedford	MA	02740
e. City/Town	f. State	g. Zip Code

(508) 993-6730		
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract $12.50. To calculate the city/town share of the fee, divide the total fee in half and add $12.50.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 5: work on Pier	450 linear ft	$4/linear foot	$1,800.00
Work in Riverfront Area		*0.5	$900.00

Step 5/Total Project Fee: $2,700.00

Step 6/Fee Payments:

Total Project Fee:	$2,700.00 (a. Total Fee from Step 5)
State share of filing Fee:	$1,337.50 (b. 1/2 Total Fee **less $**12.50)
City/Town share of filling Fee:	$1,362.50 (c. 1/2 Total Fee **plus** $12.50)

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

City of New Bedford Conservation Commission •
Department of Environmental Stewardship
133 William Street · Room 304 · New Bedford, Massachusetts 02740
Telephone: (508) 991.6188
Conservation • Environmental Stewardship • Resilience

MAYOR
JON MITCHELL

CITY OF NEW BEDFORD, MASSACHUSETTS

CONSERVATION COMMISSION
2020 FILING FEE CALCULATION WORKSHEET*

PROJECT LOCATION: 14 Hervey Tichon Avenue, New Bedford, MA

MAP(S) 66 **LOT(S)** 137, 147, 170, 171

APPLICANT: Nordic Fisheries, Inc.

CONSERVATION COMMISSION APPLICATION TYPE:

( ) REQUEST FOR DETERMINATION OF APPLICABILITY
(**X**) NOTICE OF INTENT
( ) AMENDED ORDER OF CONDITIONS
( ) EXTENSION PERMIT
( ) CERTIFICATE OF COMPLIANCE

(A) ALTERATION FEES:

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is $200.00 plus the applicable alteration fee as follows:

	AMOUNT DUE:
• Application and Field Review Fee ($200.00)	$200.00
• $0.50 X 17,100 SF Wetland Resource Area Fee shall not exceed $2000.00 per project	$ 2,000
• $0.05 X _____ SF of Isolated Land Subject to Flooding, Bordering Land Subject to Flooding or Land Subject to Coastal Storm Flowage Fee shall not exceed $500.00	$_____
• $0.50 X 11,250 sf SF of altered 25' Riverfront Area Fee shall not exceed $1,500.00	$ 1,500
• $1.00 X _____ SF of undeveloped 25' Riverfront Area Fee shall not exceed $2000.00	$_____
• $5.00 X 450 LF of Coastal or Inland Bank Fee shall not exceed $750.00	$ 750

- $0.10 X 7,400 SF of Buffer Zone altered $ 740
  Fee shall not exceed $6,500.00
- $10.00 X _____ LF of dock $_____
- $10.00 X _____ acres of aquaculture $ _____

(B) EXTENSION OF AN ORDER OF CONDITIONS:

- Single family dwelling, or minor project (house addition, in ground pool dock etc.) = $200.00 $_____
- Subdivision, commercial or industrial project = $400.00 $_____

(C) AMENDING A PERMIT

- Single family dwelling or minor project (house addition, in ground pool dock etc.) = $200.00 + new alteration fee – refer to (A) above $_____
- Subdivision, commercial or industrial project = $500.00 + new alteration fee – refer to (A) above $_____

(D) WETLAND DELINEATION VERIFICATION (with or without proposed alteration)

- ½ acre or less
- ½ acre to 2 acres = $500.00 ($100/acre thereafter) not to exceed $3,500 $ _____

(E) CERTIFICATES OF COMPLIANCE

- One new house = $250.00 $_____
- One activity at an existing house = $150.00 $_____
- Residential or Commercial docks = $200.00 $_____
- Commercial & Industrial Facilities = $1,500.00 $_____
- New Roadways & Associated Stormwater Mgt. Systems = $1,500.00 $_____

Partial Certificates of Compliance have the same fee as a Certificate of Compliance, But you only pay the fee once (you do not pay double to obtain a full Certificate of Compliance.

(F) AFTER THE FACT FILING FEE

- Notice of Intent or Amended Order of Conditions = $500.00 $_____
- Request for a Determination of Applicability = $250.00 $_____

TOTAL AMOUNT DUE: $ 5,190___

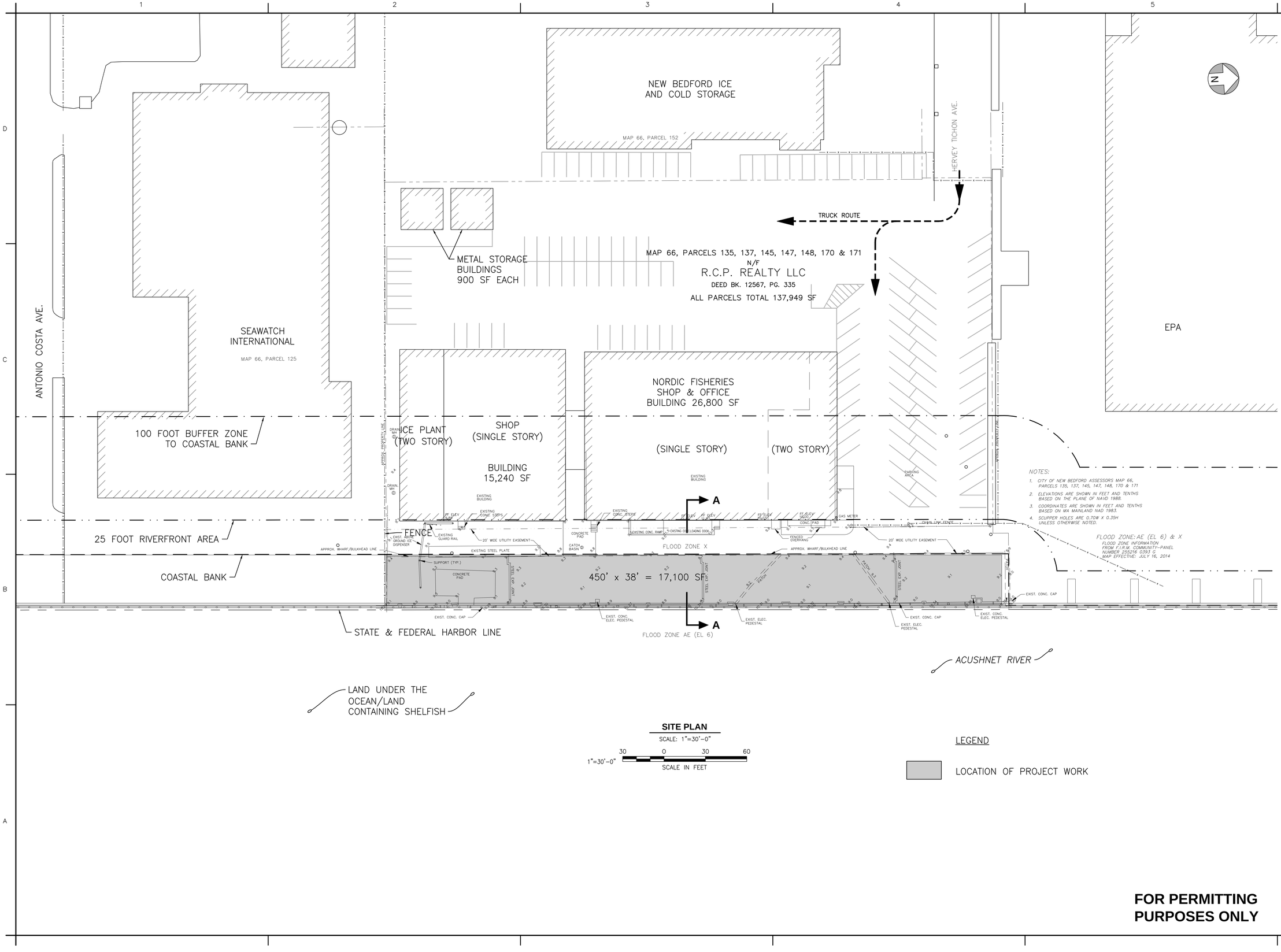
Notes:

*Please refer to the Conservation Commission fee schedule – dated 02/2020

Please make check or Money Order payable to the City of New Bedford
Cash is not accepted.

Attachment K

Project Plans



SITE PLAN

SCALE: 1"=30'-0"

30 0 30 60

1"=30'-0" SCALE IN FEET

LEGEND

LOCATION OF PROJECT WORK

FOR PERMITTING PURPOSES ONLY

WATERFRONT STRUCTURAL CONSULTING LLC
7 Heritage Way, Bellingham, MA 02019 Tel:617-462-6254 seasams2017@icloud.com

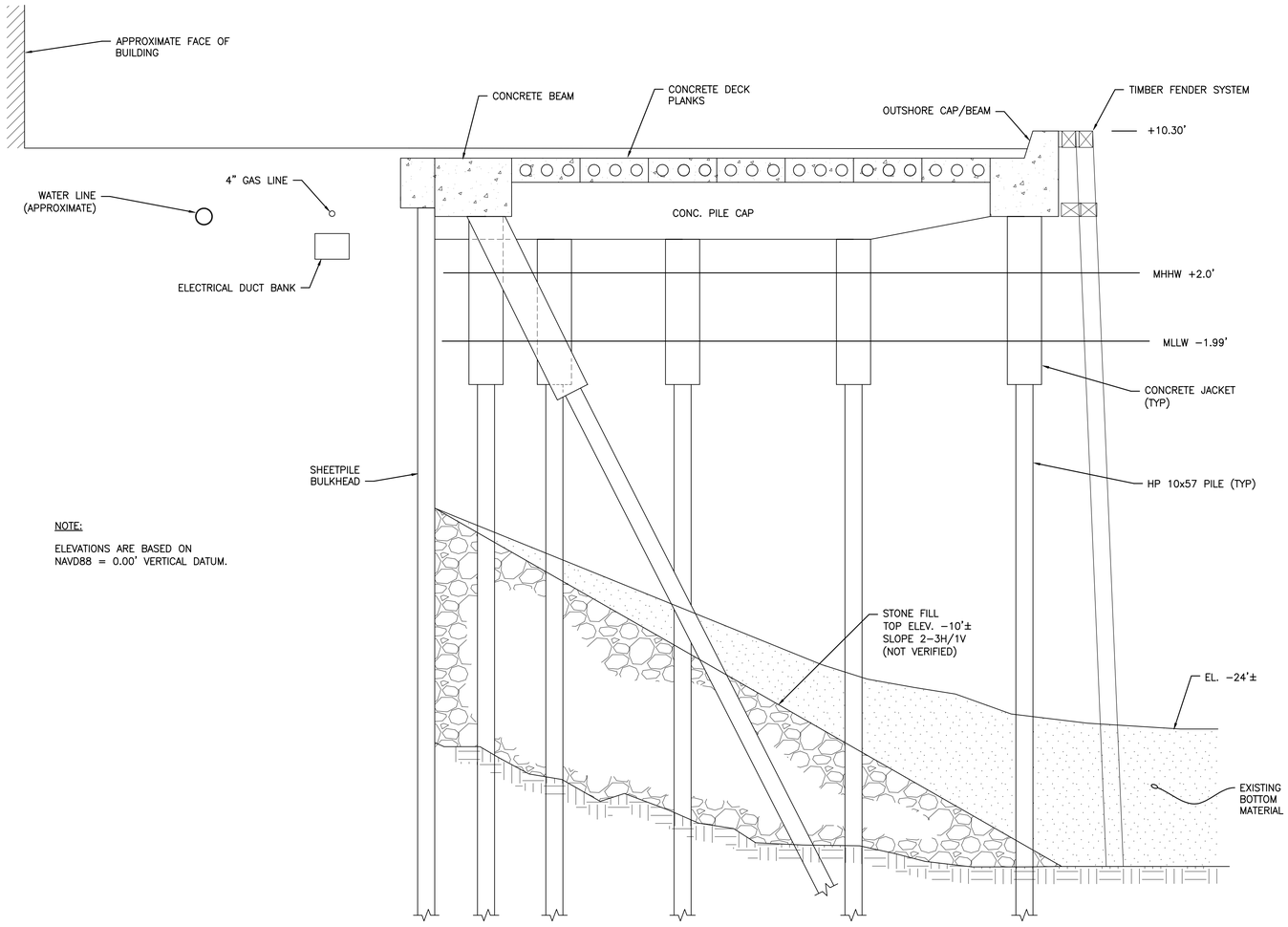
Mark	Description	Date	Appr

Designed by: CDS	Cad. by: CDS	Date: 02/15/22	Scale: 1"=30'-0"
Dwn. by: TDC	Reviewed by: CDS	Design file no. 006-19 FIG-01	

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

EXISTING SITE PLAN

Sheet reference number:
FIG-01
Sheet 1 of 9



SECTION A-A

SCALE: 1/4"=1'-0"

1/4"=1'-0" 4 0 4 8

SCALE IN FEET

NOTE:

ELEVATIONS ARE BASED ON NAVD88 = 0.00' VERTICAL DATUM.

FOR PERMITTING PURPOSES ONLY

WATERFRONT STRUCTURAL CONSULTING LLC
7 Heritage Way, Bellingham, MA 02019 Tel:617-462-6254 seasams2017@icloud.com

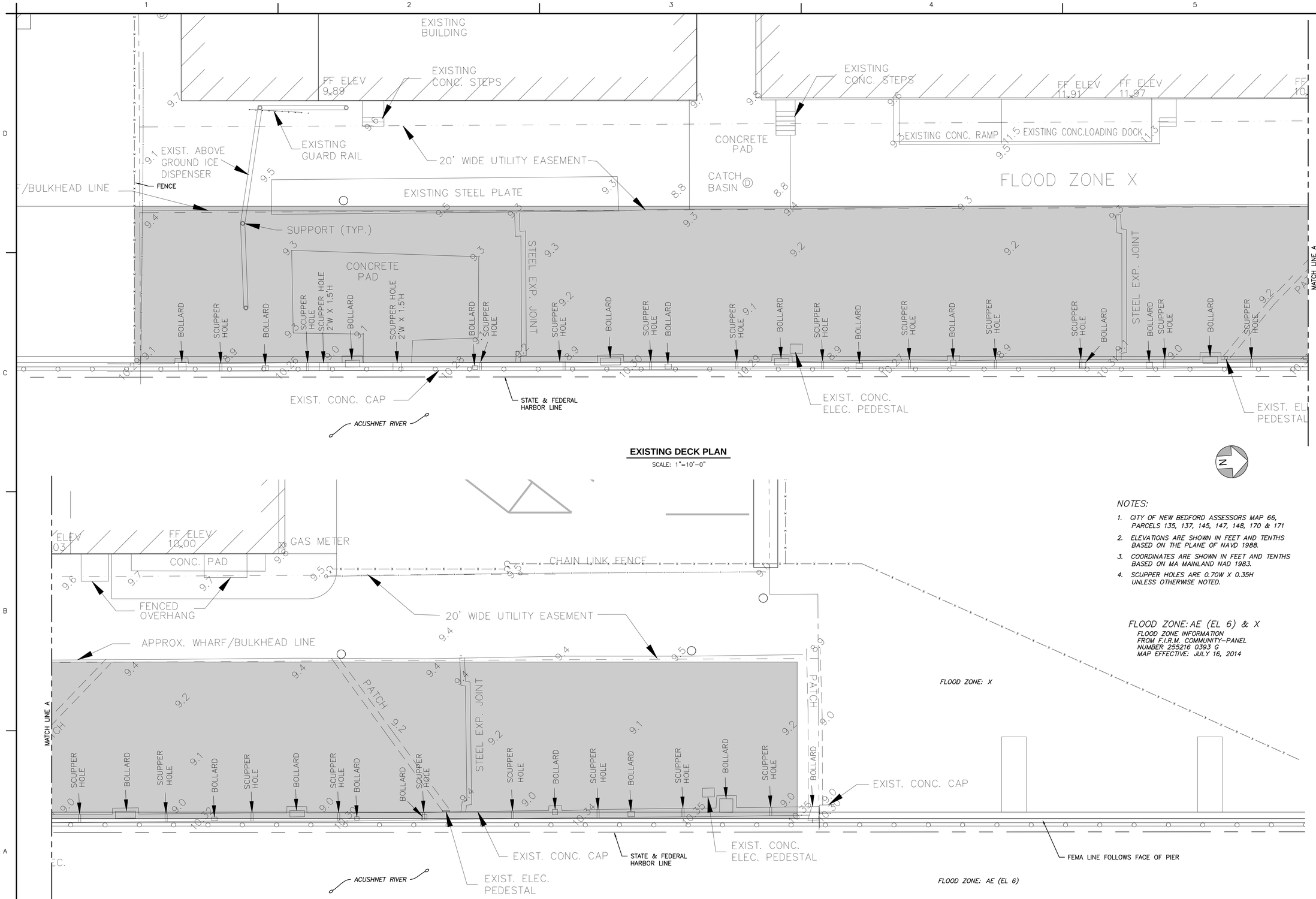
Mark	Description	Date	Appr

Designed by CDS	Drawn by TDG	Date: 02/15/22	Scale: 1/4"=1'-0"
Cad by CDS	Reviewed by CDS	Design file no. 006-19 FIG-02	

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

EXISTING SECTION

Sheet reference number:
FIG-02
Sheet 2 of 9



EXISTING DECK PLAN
SCALE: 1"=10'-0"

EXISTING DECK PLAN
SCALE: 1"=10'-0"

NOTES:

1. *CITY OF NEW BEDFORD ASSESSORS MAP 66, PARCELS 135, 137, 145, 147, 148, 170 & 171*
2. *ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON THE PLANE OF NAVD 1988.*
3. *COORDINATES ARE SHOWN IN FEET AND TENTHS BASED ON MA MAINLAND NAD 1983.*
4. *SCUPPER HOLES ARE 0.70W X 0.35H UNLESS OTHERWISE NOTED.*

FLOOD ZONE: AE (EL 6) & X
FLOOD ZONE INFORMATION FROM F.I.R.M. COMMUNITY-PANEL NUMBER 255216 0393 G MAP EFFECTIVE: JULY 16, 2014

FOR PERMITTING PURPOSES ONLY

WATERFRONT STRUCTURAL CONSULTING LLC
7 Heritage Way, Bellingham, MA 02019 Tel:617-462-6254 seasams2017@icloud.com

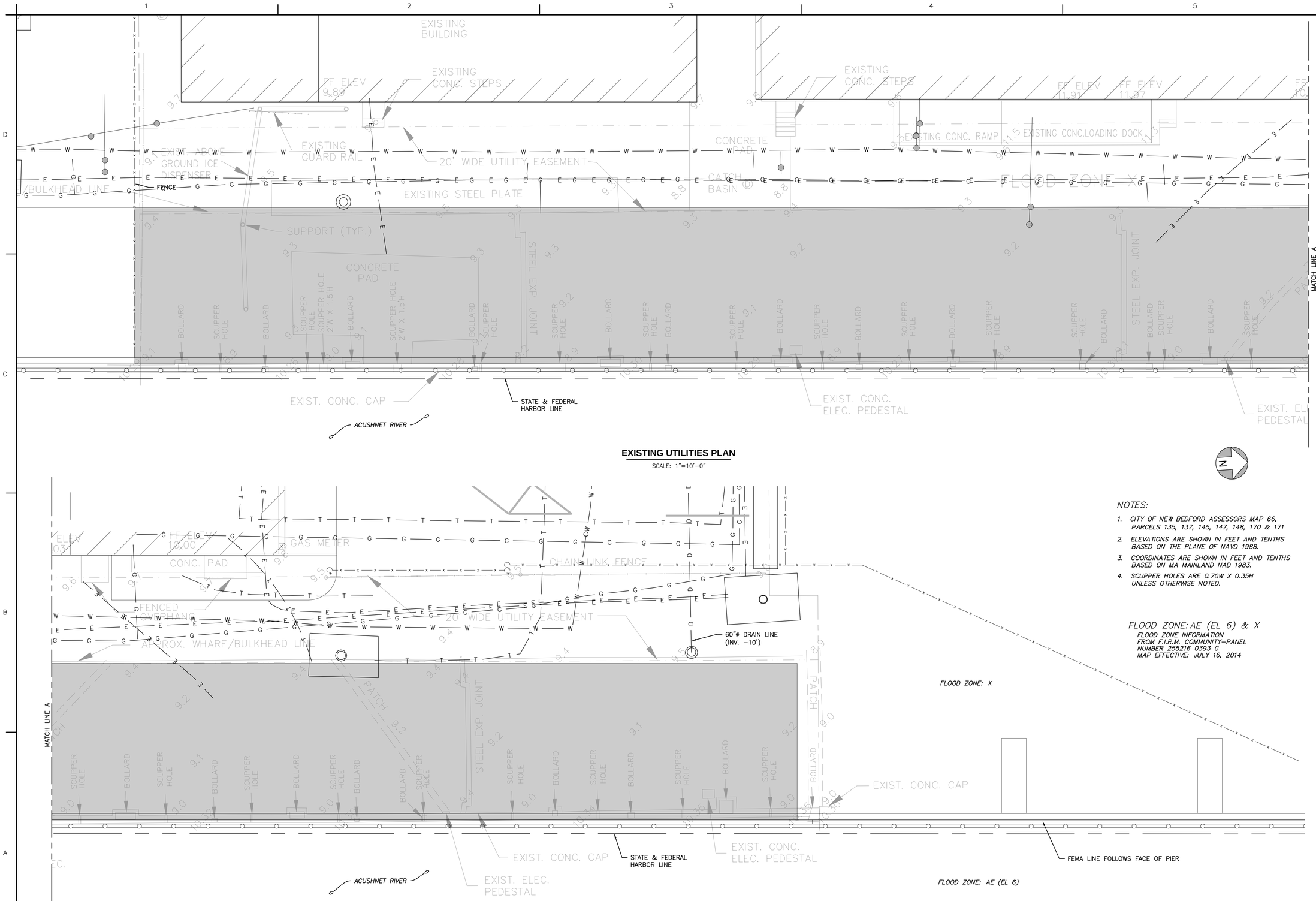
Mark	Description	Date	Appr.

Designed by:	Date:
CDS	02/15/22
Dwn. by:	Chkd. by:
TDG	CDS
Design file no.	Scale:
008-19 FIG-03	1"=10'-0"
Reviewed by:	
CDS	

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

EXISTING DECK PLAN

Sheet reference number:
FIG-03
Sheet 3 of 9



EXISTING UTILITIES PLAN

SCALE: 1"=10'-0"

EXISTING UTILITIES PLAN

SCALE: 1"=10'-0"

NOTES:

1. *CITY OF NEW BEDFORD ASSESSORS MAP 66, PARCELS 135, 137, 145, 147, 148, 170 & 171*
2. *ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON THE PLANE OF NAVD 1988.*
3. *COORDINATES ARE SHOWN IN FEET AND TENTHS BASED ON MA MAINLAND NAD 1983.*
4. *SCUPPER HOLES ARE 0.70W X 0.35H UNLESS OTHERWISE NOTED.*

FLOOD ZONE: AE (EL 6) & X

FLOOD ZONE INFORMATION FROM F.I.R.M. COMMUNITY-PANEL NUMBER 255216 0393 G MAP EFFECTIVE: JULY 16, 2014

FOR PERMITTING PURPOSES ONLY

WATERFRONT STRUCTURAL CONSULTING LLC
7 Heritage Way, Bellingham, MA 02019 Tel:617-462-6254 seasams2017@icloud.com

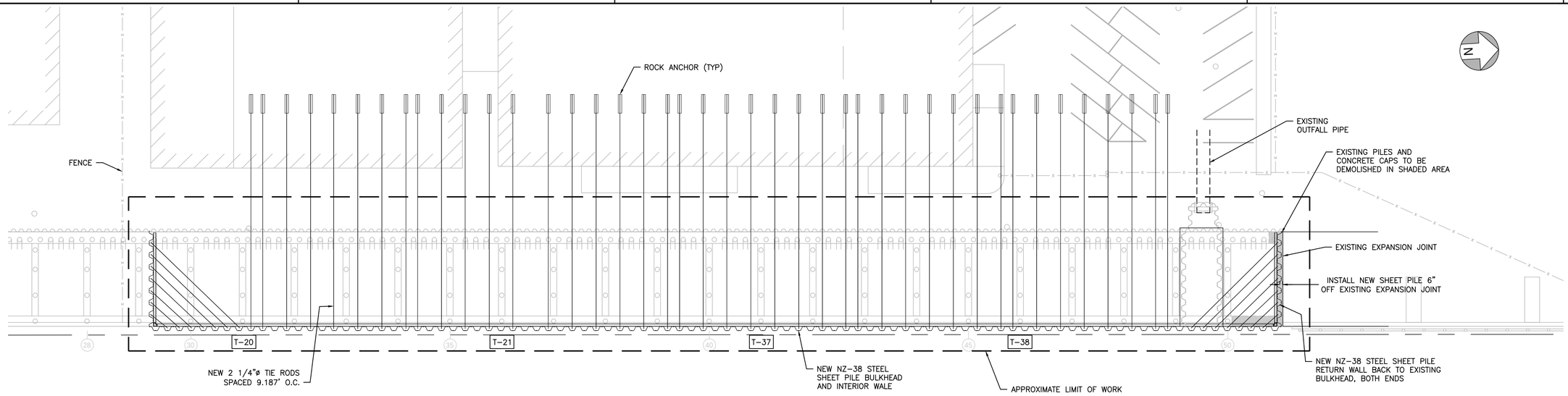
Mark	Description	Date	Appr.

Designed by: CDS	Ckd. by: CDS	Date: 02/15/22	Scale: 1"=10'-0"
Dwn. by: TDG	Reviewed by: CDS	Design file no. 006-19 F6-04	

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

EXISTING UTILITIES PLAN

Sheet reference number:
FIG-04
Sheet 4 of 9



NOTES:

1. SPACE TIE RODS TO AVOID EXISTING PILES AS NEEDED.

PROPOSED PLAN - NORTH WHARF

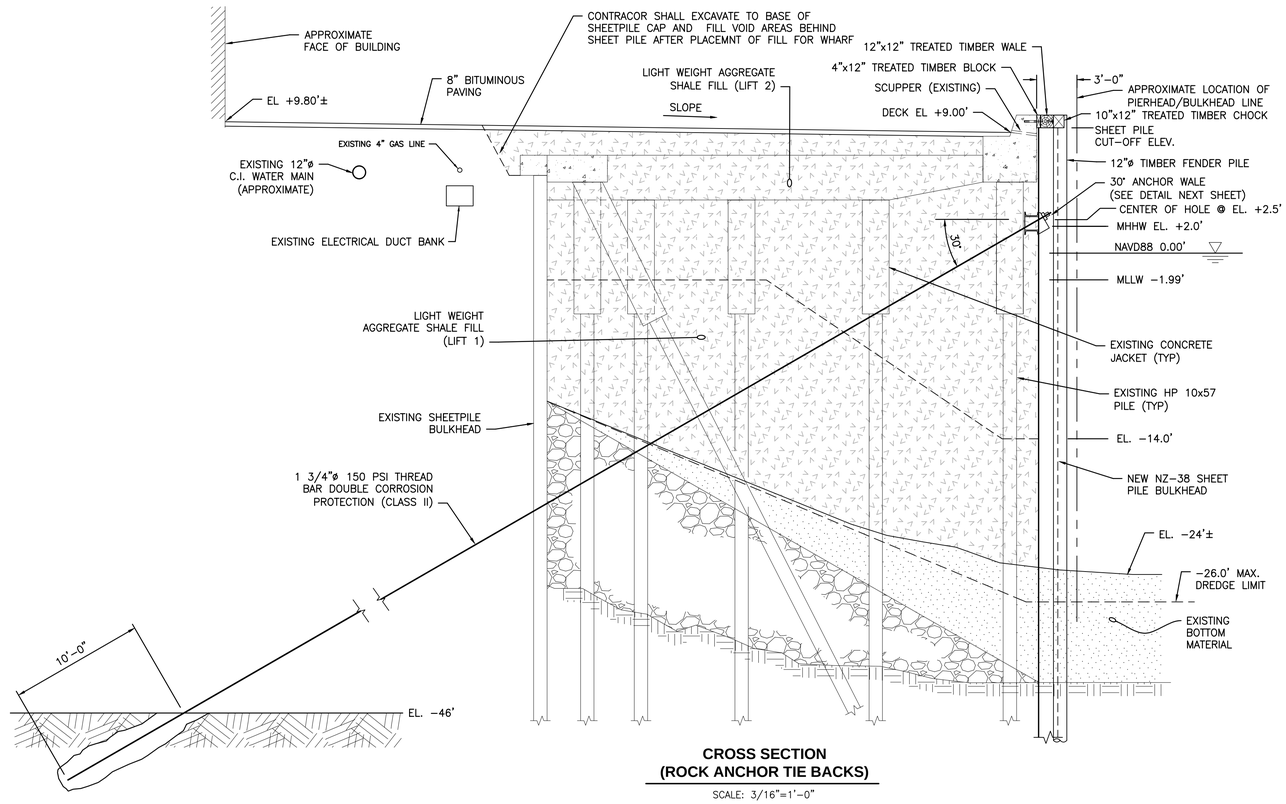
SCALE: 1"=20'-0"

1"=20'-0" 20 0 20 40 SCALE IN FEET

LEGEND

(40) WHARF BENT NUMBER

T-37 APPROXIMATE SOIL BORING LOCATION



CROSS SECTION (ROCK ANCHOR TIE BACKS)

SCALE: 3/16"=1'-0"

3/16"=1'-0" 4 0 4 8 12 SCALE IN FEET

FOR PERMITTING PURPOSES ONLY

WATERFRONT STRUCTURAL CONSULTING LLC
7 Heritage Way, Bellingham, MA 02019 Tel:617-462-6254 seasams2017@icloud.com

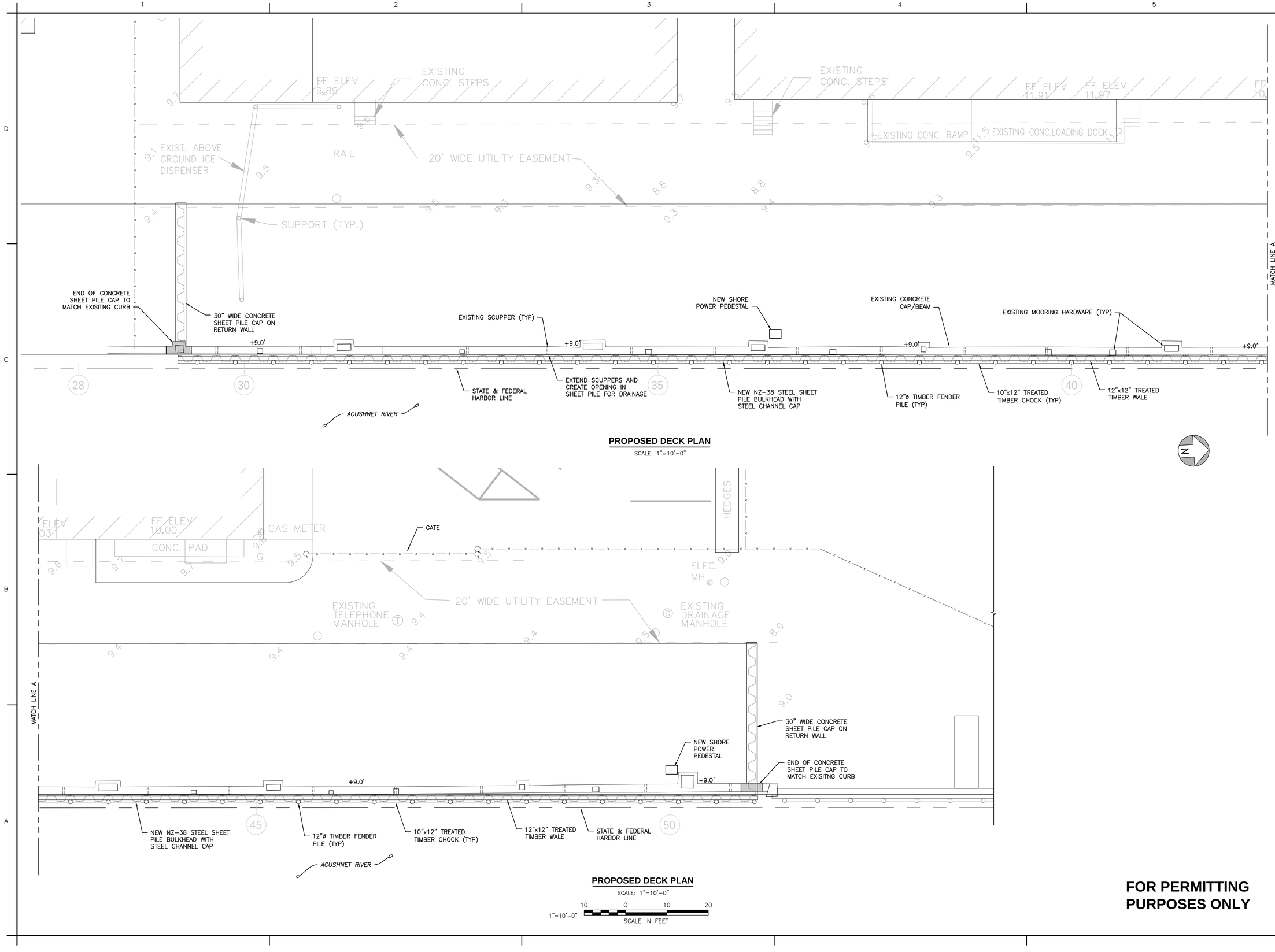
Mark	Description	Date	Appr

Designed by: CDS	Drawn by: TDG	Check by: CDS	Reviewed by: CDS
Date: 02/15/22	Design file no. 006-19 FIG-05	Scale: 1"=20'-0"	

PROPOSED BULKHEAD,
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

PROPOSED BULKHEAD PLAN & CROSS SECTION

Sheet reference number: FIG-05
Sheet 5 of 9



PROPOSED DECK PLAN

SCALE: 1"=10'-0"

PROPOSED DECK PLAN

SCALE: 1"=10'-0"

1"=10'-0" 10 0 10 20

SCALE IN FEET

FOR PERMITTING PURPOSES ONLY

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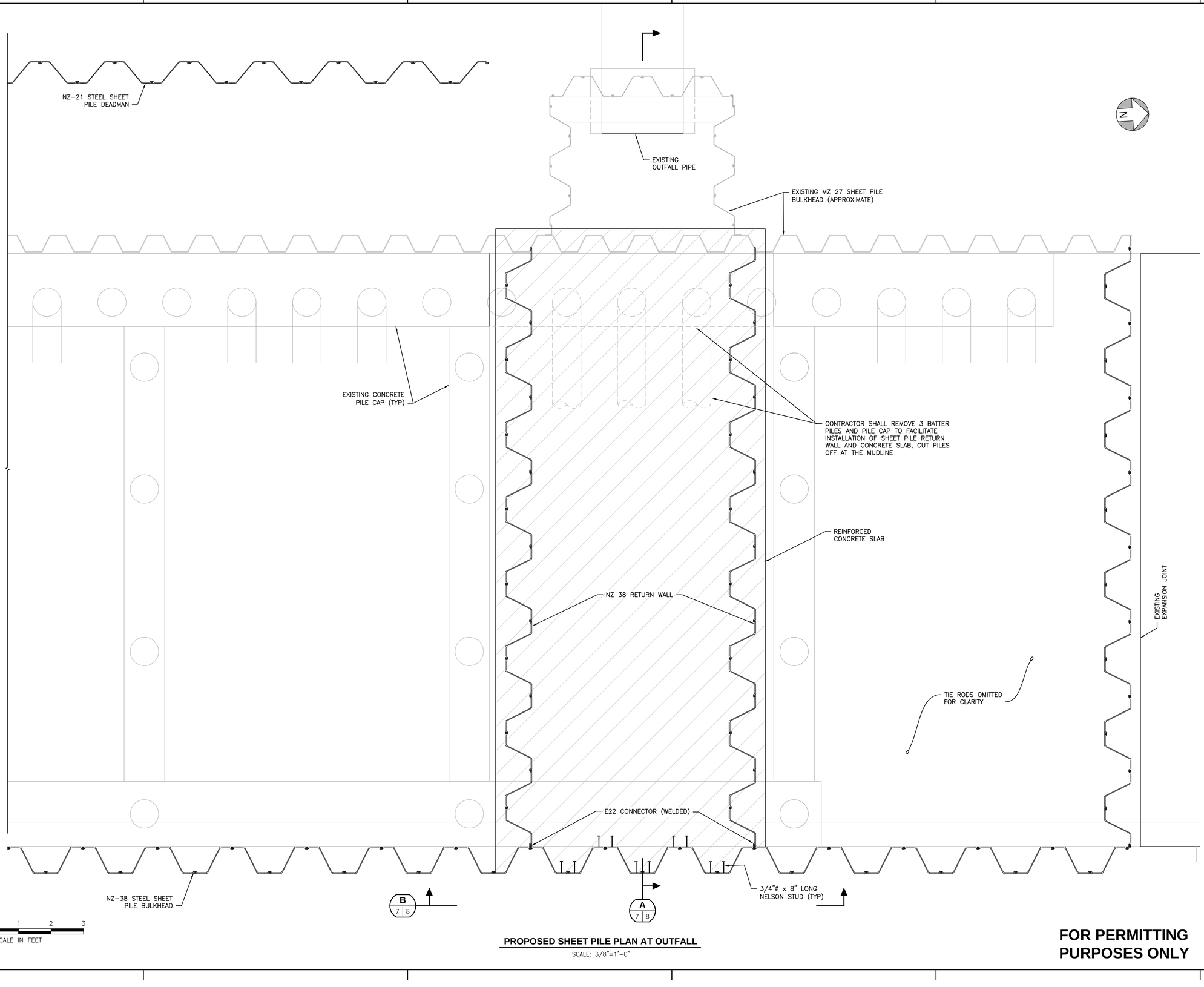
Mark	Description	Date	Appr

Designed by: CDS	Chkd. by: CDS	Date: 02/15/22	Scale: 1"=10'-0"
Dwn. by: TDG	Reviewed by: CDS	Design file no. 006-19 FIG-06	

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

PROPOSED DECK PLAN

Sheet reference number:
FIG-06
Sheet 6 of 9



PROPOSED SHEET PILE PLAN AT OUTFALL

SCALE: 3/8"=1'-0"

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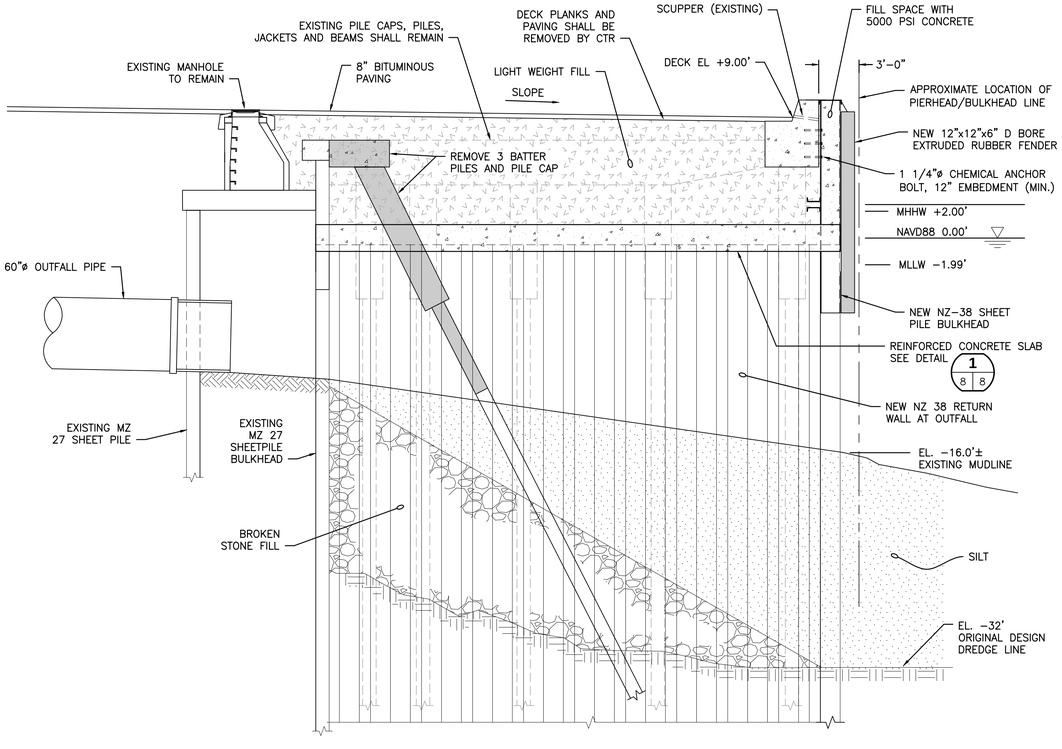
Mark	Description	Date	Appr

Designed by: CDS	Date: 02/15/22		
Det. by: TDG	Check by: CDS	Design File no. 006-19 FIG-07	Scale: 3/8"=1'-0"
	Reviewed by: CDS		

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

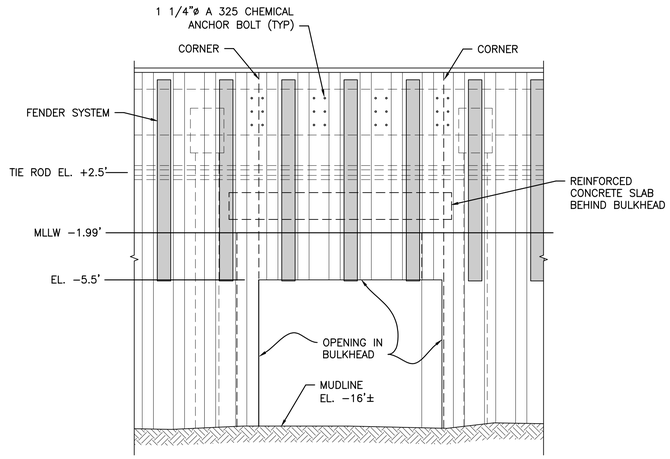
SHEET PILE LAYOUT PLAN AT OUTFALL

Sheet reference number:
FIG-07
Sheet 7 of 9

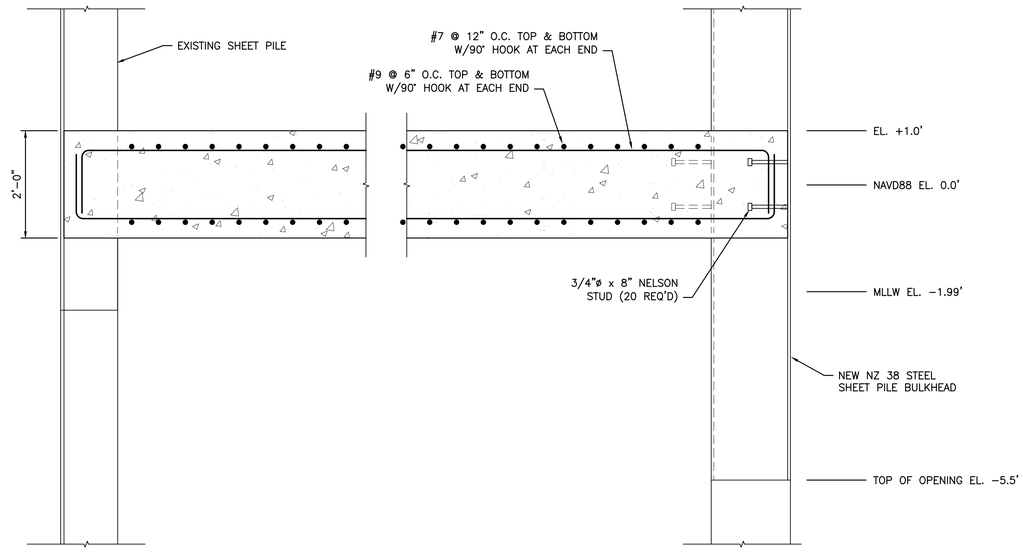


A 7 8 **SECTION**
SCALE: 3/16"=1'-0"

3/16"=1'-0" 4 0 4 8 12
SCALE IN FEET



B 7 8 **SECTION**
SCALE: 3/16"=1'-0"



1 8 8 **CONCRETE SLAB DETAIL**
SCALE: 3/4"=1'-0"

3/4"=1'-0" 1 0 1 2 3
SCALE IN FEET

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Mark	Description	Date	Appr

Designed by: CDS	Design File no. 006-19 FIG-08	Date: 02/15/22	
Det. by: TDG	Cad by: CDS	Scale: AS NOTED	
	Reviewed by: CDS		

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA
SHEET PILE AT OUTFALL DETAILS

Sheet reference number: FIG-08
Sheet 8 of 9

NEW BEDFORD ICE
AND COLD STORAGE

MAP 66, PARCEL 152

HERVEY TICHON AVE.

CATCH BASINS SHALL BE
SURROUNDED BY SILTATION
CONTROL WATTLES

TRUCK ROUTE

CONTRACTOR LAYDOWN AREA
SHALL HAVE A TEMPORARY FENCE
AND THE PERIMETER SHALL HAVE
A SILTATION CONTROL BERM

METAL STORAGE
BUILDINGS
900 SF EACH

MAP 66, PARCELS 135, 137, 145, 147, 148, 170 & 171
N/F
R.C.P. REALTY LLC
DEED BK. 12567, PG. 335
ALL PARCELS TOTAL 137,949 SF

EPA

ANTONIO COSTA AVE.

SEAWATCH
INTERNATIONAL

MAP 66, PARCEL 125

100 FOOT BUFFER ZONE
TO COASTAL BANK

ICE PLANT
(TWO STORY)

SHOP
(SINGLE STORY)

BUILDING
15,240 SF

NORDIC FISHERIES
SHOP & OFFICE
BUILDING 26,800 SF

(SINGLE STORY) (TWO STORY)

EXISTING BUILDING

EXISTING CONC. STEPS

EXISTING CONC. STEPS

PARKING AREA

DRAIN MH

DRAIN MH

PROPERTY LINE

PROPERTY LINE

25 FOOT RIVERFRONT AREA

COASTAL BANK

FENCE

EXIST. ABOVE GROUND ICE DISPENSER

EXISTING GUARD RAIL

20' WIDE UTILITY EASEMENT

CATCH BASIN

CONCRETE PAD

EXISTING CONC. RAMP

EXISTING CONCLOADING DOCK

FENCED OVERHANG

CONC. PAD

GAS METER

20' WIDE UTILITY EASEMENT

APPROX. WHARF/BULKHEAD LINE

EXISTING STEEL PLATE

SUPPORT (TYP.)

CONCRETE PAD

FLOOD ZONE X

APPROX. WHARF/BULKHEAD LINE

STEEL EXP. JOINT

450' x 38' = 17,100 SF

STEEL EXP. JOINT

PATCH

STEEL EXP. JOINT

CONSTRUCTION VEHICLE
WORK ZONE

EXIST. CONC. CAP

EXIST. CONC. ELEC. PEDESTAL

EXIST. CONC. CAP

EXIST. ELEC. PEDESTAL

EXIST. CONC. CAP

EXIST. ELEC. PEDESTAL

EXIST. CONC. ELEC. PEDESTAL

STATE & FEDERAL HARBOR LINE

SCUPPERS ALONG EDGE OF
WHARF SHALL HAVE SILTATION
CONTROL WATTLES

ACUSHNET RIVER

LAND UNDER THE
OCEAN/LAND
CONTAINING SHELFISH

FLOOD ZONE: AE (EL 6) & X
FLOOD ZONE INFORMATION
FROM F.I.R.M. COMMUNITY-PANEL
NUMBER 255216 0393 G
MAP EFFECTIVE: JULY 16, 2014

NOTES:

1. CITY OF NEW BEDFORD ASSESSORS MAP 66, PARCELS 135, 137, 145, 147, 148, 170 & 171
2. ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON THE PLANE OF NAVD 1988.
3. COORDINATES ARE SHOWN IN FEET AND TENTHS BASED ON MA MAINLAND NAD 1983.
4. SCUPPER HOLES ARE 0.70W X 0.35H UNLESS OTHERWISE NOTED.

SITE PREPARATION PLAN

SCALE: 1"=30'-0"

1"=30'-0" 30 0 30 60
SCALE IN FEET

LEGEND

LOCATION OF PROJECT WORK

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Mark	Description	Date	Appr.

Designed by: CDS
Date: 02/15/22
Drawn by: TDG
Check by: CDS
Project file no. 006-19 FIG-09
Reviewed by: CDS
Scale: 1"=30'-0"

PROPOSED BULKHEAD
NORDIC FISHERIES, INC.
NEW BEDFORD, MA

SITE PREPARATION PLAN

Sheet reference number: FIG-09
Sheet 9 of 9