



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

October 7, 2011

Regulatory Division
CENAE-R-PEA
File Number: NAE – 2011-1900

Ms. Cheryl Henlin
Environmental Planner
City of New Bedford
Environmental Stewardship Department
133 William Street, Room 304
New Bedford, Massachusetts 02740

Dear Ms. Henlin:

This concerns any future construction activities in wetlands or waterways that the City of New Bedford may be considering if it pursues further clean-up of the wetland area to the west of the Keith Middle School (identified as RTN 4 – 21300) in New Bedford. This letter is to remind the City, as it reviews the options for further clean up of the wetland area to the west of the Keith Middle School, of the need for Corps of Engineers permits for any filling in any waterway or wetland, whether permanent or whether it is temporary for just construction access. This is to insure that in the planning schedule, adequate time is provided for Corps of Engineers review and coordination of any such application for a Corps permit.

Permits are required under Section 404 for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline, our jurisdiction extends landward to the high tide line (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters, our jurisdiction extends landward to the ordinary high water mark or to the landward limit of any wetlands, whichever is more extensive.

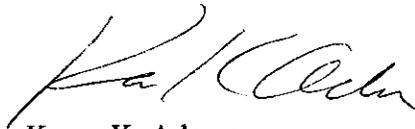
The term “wetlands” is defined by Federal regulations as “...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions...” (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. In addition, wetland delineations as determined for Federal, state, and local agencies might not be interchangeable.

You must reference your existing file number listed above and submit an application on ENG Form 4345. You can find ENG Form 4345 on our website at www.nae.usace.army.mil/reg/index.htm. Please go to “Forms” and then “Application for Department of the Army Permit.” You can view samples of the necessary plans under the

heading "Publications" and then in the document "Guide for Permit Applicants." (Contact us if you would like us to mail you paper copies.) As you prepare permit plans, please ensure they are on 8.5" x 11" sheets, drawn to scale (not reduced), and that all pertinent features and labeling are legible. Applications need to include sufficient information for us to verify our limits of jurisdiction. This will include wetland delineation data sheets for work in wetlands.

If you have any questions, please contact Mr. Brian Valiton at your earliest convenience at (978) 318-8166.

Sincerely,



Karen K. Adams
Chief, Permits & Enforcement Branch
Regulatory Division

Copy Furnished:

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