



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Kathleen A. Theoharides
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

February 24, 2021

The Black Whale LLC and the New Bedford Harbor Development Commission
c/o Susan Nilson, Foth Infrastructure and Environment, LLC
15 Creek Road
Marion, Massachusetts 02738

RE: **Letter of Clarification to Written Determination and Draft Waterways License**
pursuant to M.G.L. c.91
Waterways Application No. W14-4175N
Map 53 Parcels 255, 254, 253, 252 and 120 (Co-Op and Fisherman's Wharves)
MacArthur Drive, New Bedford/Fairhaven Designated Port Area, Filled Tidelands of the
Acushnet River, New Bedford, Bristol County

Dear Ms. Nilson,

The Department of Environmental Protection Waterways Regulation Program ("the Department") hereby issues this Letter of Clarification to the Written Determination and Draft License dated February 19, 2021 issued pursuant to GL c.91 and 310 CMR 9.00.

In response to inquiries received by the Department, this letter affirms that the Written Determination and Draft License issued on this matter do not include nor advance the issuance of a License for the Whale's Tail clam shack or related uses. Any changes in use or structural alterations to the building proposed for use as the clam shack and associated areas, whether already completed or proposed, will require review and evaluation under a new license application. This review will include public notice and an opportunity for public comment.

Daniel J. Padien
Program Chief, Waterways Regulation Program

cc: Albert Santos and Steve Silverstein, The Black Whale, LLC
George Krikorian, Interim Executive Director/Director of Finance, New Bedford Port Authority
Mayor Jonathan F. Mitchell, City of New Bedford
New Bedford City Council

New Bedford Planning Department
New Bedford Conservation Commission
New Bedford Harbormaster
Massachusetts Office of Coastal Zone Management, South Coastal Regional Coordinator
Massachusetts Division of Marine Fisheries, New Bedford Office
Representative William Straus