



{In Archive} Re: FW: FINAL SUBMITTAL- Project Notification Form for South Terminal

Carl Dierker to: Kimmell, Ken (EEA)

06/25/2010 02:12 PM

"Babb-Brott, Deerin (EEA)", Ira Leighton, Lois Adams, Ann Williams,

Cc: Matt Schweisberg, James Owens, Stephen Perkins, Elizabeth Higgins, Cynthia Catri

Archive: This message is being viewed in an archive.

Ken -- Thanks for the update on the South Terminal project in New Bedford. Here's how we propose to respond to the issues raised in your message:

- Lois Adams will review the PNF and provide feedback as requested.
- Matt Schweisberg and Ann Williams are prepared to review draft revisions of portions of the information related to the CWA 404 issues and provide feedback following their review.
- Matt Schweisberg will set up a call with Chris Boehlke and Deerin Babb-Brott to discuss mudflats and the other wetlands issues you raised.

We're glad to hear that our letter was helpful to you and, of course, are prepared to answer any further questions you may have.

Finally, Ira is trying to arrange a short phone call with you and me this afternoon before you leave on vacation, if possible.

Thanks,  
Carl

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"Kimmell, Ken (EEA)" Ira et al: Attached is the project notification fo... 06/23/2010 05:24:21 PM

From: "Kimmell, Ken (EEA)" <Ken.Kimmell@state.ma.us>  
 To: Ira Leighton/R1/USEPA/US@EPA, Carl Dierker/R1/USEPA/US@EPA, Lois Adams/R1/USEPA/US@EPA  
 Cc: "Babb-Brott, Deerin (EEA)" <Deerin.Babb-Brott@state.ma.us>, 'Jay Borkland' <jborkland@apexcos.com>, 'Chet Myers' <cmyers@apexcos.com>, Matthew Morrissey <mmorrissey@nbedc.org>, 'Kristin Decas' <kristin.decas@newbedford-ma.gov>, Jen Gorke <JGorke@masscec.com>, 'James Bowen' <JBowen@MassCEC.com>  
 Date: 06/23/2010 05:24 PM  
 Subject: FW: FINAL SUBMITTAL- Project Notification Form for South Terminal

Ira et al:

Attached is the project notification form we filed with the MHC late yesterday. I believe that Lois has already reviewed a part of it, namely the Milner report. The PNF contains additional general information about the project and specific information about the underwater archeology issue and the plan for addressing that going forward.



We would appreciate your feedback on it the PNC. Our consultant is going to try to meet with Ed Bell at the MHC shortly and get his feedback as well.

This e-mail is also a good excuse to update you generally on where we are at, especially as I will be out of town for 2 weeks starting next week.

1. I think there is a good chance that we can submit next week in draft form a portion of the information you are looking for, namely a revised project purpose statement, a description of the intended uses of the terminal, and the alternatives analysis. Other portions of the report (essential fish habitat, endangered species analysis, mitigation, etc) are on a longer time frame. Just as we submitted the Milner report to you in a draft form, we think it would be useful to give you this information in draft form and get your feedback, so if we are off track we can correct that before we file the entire report. Is that acceptable?

2. It appears that there is an issue that could use some discussion sooner rather than later, namely, whether a portion of the area in question is a mudflat or not. Our consultants do not believe it meets the definition, but Matt S and Chris Boehlke may have a different view. We would like to have a discussion about this issue, for the purpose of a) reaching a consensus on the issue of whether there are mudflats, and b) understanding what, if any, regulatory consequences attach to that question. Also, we seek some clarification on a related issue—EPA has asked us to provide a resource area delineation map using federal resource delineation categories, rather than state delineation categories. Apparently there is some confusion as to what federal categories you are looking for us to use. Could we have a conference call late this week or early next week? On our end, it would be Deerin, Jay Borkland and Chet Myers. On your end, we would hope to have Ira and/or Carl, Matt, and Chris Boehlke. It seems like these issues are a critical path item for the impact analysis.

3. Your letter of yesterday was helpful. As we parse through it, we may need to ask some clarifying questions. Deerin will get in touch on that as needed.

Kenneth L. Kimmell  
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**From:** Jay Borkland [mailto:jborkland@apexcos.com]  
**Sent:** Tuesday, June 22, 2010 10:08 PM  
**To:** Kristin Decas; Matt Morrissey; Kimmell, Ken (EEA); Babb-Brott, Deerin (EEA)  
**Cc:** Chet Myers  
**Subject:** FW: FINAL SUBMITTAL- Project Notification Form for South Terminal

Copy of the Project Notification Form submitted to MDC today. Thanks. - J

**From:** AnaBela Miranda  
**Sent:** Tuesday, June 22, 2010 6:32 PM  
**To:** Jay Borkland  
**Subject:** FINAL SUBMITTAL- Project Notification Form for South Terminal

Jay- per your request, final submittal of Project Notification for South Terminal.

-AB[attachment "Project Notification Form - S. Terminal compressed.pdf" deleted by Carl Dierker/R1/USEPA/US]