[illegible], Dave [illegible], Matt, Betsy, Carl, Stephen
State - Deeran, Ken K

9/16/10 NBH-SER Meeting w/ State

SDMS DocID 517955

RETURN TO SER AR INDEX

1- Intros re how to use the time
- give feedback: info gaps; "critical path issues"
- where to go from here / next steps

"Critical Path" Issues

(AW) 1.- CAD cell sand issues - we need some info + clarification
Ken - clean sand from either navig. dredging (below layer of contamination) or CAD. Most likely from navig. dredging
Recognize that "dirty" sand wd need characterization
Timing - funding for navig. dredging wd be part of funding for const. of the terminal
Dave - wd mean wd have to strip off contam. surface layer - wd need to be disposed of somewhere. Probably in existing CAD cells. But this wd break the logical sequence of CAD cells spacing etc. Dave thinks its hard to imagine 220,000 cu yds of clean navig. dredged material

(MS) 2. A. ESA B.A. review by FWS / mitigation conditions
B. EFH impacts (NMFS eval + mitig requirements) esp re winter flounder
Ken - have we heard from Chris Boelke? Matt - yes very briefly - substance was sufficient. Hasn't had time to analyze. Good job pulling together the documentation. Chris had a question re some potential revisions to Dec 2009 Port development report.
Ken + Deeran - not aware of plans for further revisions. We'll be asking for written comments from Chris
We will be bringing in one of our marine biologists to evaluate.
Deeran is EFH process same as ESA?
Matt - No, its a coordination
Ken - supplemental filing re the tern (per Mike Amaral's request) Will provide something next week (excerpt of doc. relating to birds). Also they'd additional bird data that common tern prefers outer harbor - inference that wd be same as roseate. Also additional data re critters they eat (PCB contamination)
Also further analysis re oil spill potential impacts

Rro - ~~we'll~~ Matt will write B.A. We'll try to invest some additional resources to lend a hand, possibly K'er resources

NS 3+5. Need to consider impacts not only from CDF but also the dredging, the CAD construction.
We need material to be characterized so we understand impacts of what will be resuspended. Representative sampling. Probably not a lot of variability
Deeran - How far do we see this going
Matt - Similar to quick sediment analysis on the mudflats. But he hasn't yet raised bioaccumulation issue w/ Chris Standard dredged material charac.
Deeran - need to coord w/ Corps + US re sampling plan?
Matt - can deal w/ EPA only. MPRSA not involved
Ken - suspects they already have data
Dave - From SF standpoint this is relatively clean so not a lot of sampling in that area
Deeran - if they have a couple of data points + can make the case that there's no reason to expect variability, wd that be ok
Matt - yes, let's look at what there is + figure out if its enough to allow us ~~to~~ to do the analysis
Ken - what question will this answer
Matt - impacts of the suspension of material into water column making it available to aquatic + wildlife
Deeran - bioaccum. testing does give a biological endpoint list of chemicals; critters of concern - what ones
Matt - not looking for more than chemical analysis
Ken - wasn't this all approved in ROD?
Dave - still need characterization data
Ken - asks if this all can be done after draft approval if so then it could be big problem if need to go out + get samples
Matt - its a key component of our analysis under the guidelines

4. need info on impacts from temp. bridge - fill footprints, height, shading. Also the "recurring" nature

Ken - also looking at alt. means of access either right away or in future. Possibly way through private property

6. Aw - need for eval. of additional ~~boat~~ traffic as
+7. cumulative significance potential; also ~~issue from~~ concern about effects on commercial fishing fleet (NMFS)

bottom prop wash, turbidity, spills
# ships, increase in TSS in some kind of numeric range

Matt identifies a triangular segment ~~=~~ in the harbor where we'd be focusing
# of boats now, # of boats to be added and then the average TSS + prop wash per ship

on oil - they won't try to est. the probability of spill per boat. They look at how many vessels now, how many vessels to be added, it's only 1% increase so de minimus risk of oil spill.

7A. Prop wash issue raised on pp. 169-170

8. bilge water, ballast water

9. - Carl - NHPA Ken - SHPO issue has been worked out. Got permits to do dive, intertidal + subtidal stuff. Approved the research design. Out in field now doing borings. 80-100 so far + so far nothing found in terms of artifacts Hope for final report by end of September Shipwreck - sailing vessel sunk in 1938. 90% of vessel is destroyed. Will recommend Phase 2 ? ~~boat~~ ? Located right in front of terminal ? report be prepared ? Hope to be wrapped up by mid-October ? to document its presence.
No way to avoid complete destruction
Carl confirms it doesn't have to all be complete before a draft decision

10. Era discussion of where we go from here
= 1st Q appears they can issue
= ESA, we'll try to devote additional resources to do a BA, but still will take several weeks
= we recognize State desire to move as quickly as possible + to make it an attractive option for Cape Wind.
- get the critical path issues + info gap + BA on as fast track as possible - mid October - Then wd be in position to prepare a letter that wd announce by end of October our intent to issue a draft approval decision
- Timing of draft decision - suggest a meeting week of Oct 18 w/ BA + suppl. info "in hand" + be able to estimate when we could release a draft decision
- This wd be a public document. Would be a source of concreteness that State + Cape Wind could rely on
- We would ~~wd~~ intend to have at least an initial response from
- We wd make clear in this letter that this is an intent to issue draft - importance of public comment period and no commitment to any particular final decision until after comment period

Ken - this timeline will be very hard for them - asks for opportunity to caucus w/ Era, Deeran, and Carl

They return - Era reports we'll continue this discussion, will have an EPA-only discussion later today or tomorrow morning + ~~then~~ discuss w/ Curt and then circle back

Resume mtg w/ Apex Reps - Jay Borkland + Chet Myers

11. - sand fill issue Dave - trying to clarify the source of backfill for the terminal
Jay - been hedging their bets up to this point - Expect have to have a CAD cell - will need one to

dispose of mud (contam. dredged material) will create a CAD cell for some of the material that will

Probably some sand from CAD cell + some material from in front of bulkhead and possibly some amendments if needed for the structural needs

Looking at contam. muddy material as possible backfill

There needs to be a nexus – the vast amt needs to come from a CAD cell or dredging.

Phase IV dredging includes [just a portion of it] the So terminal piece

Project for the terminal overlaps

Material will come from both CAD cell and dredging near the bulkhead

The whole area is w/in either Phase 3 or Phase 4 that wd be dredged

So we can consider ~~any number~~ different scenarios as long as all linked to remedy

12. Stormwater - const + operation
Can mention Green Ports project

13. truck traffic - air + noise (cumulative) impact on neighborhood
EJ analysis

14. Flood plain E.O. when barrier is closed, during big storm + more water coming downstream, what effect ~~that~~ from loss of this small amt of flood storage

15. Compensatory litigation
- Capping OU3 + counting as CM credit. For actions that are otherwise required, we don't give mit credit. If they're going above + beyond what's required, then we ~~we~~ can give credit for ~~that~~ that.
The threshold ~~is~~ Q is whether they're required

OU3 was initially going to be dredged as part of the SF remedy. Then EPA suggested

Mitigation not intended to cap OU3; its intended

to enhance - bring it to a higher level (both physically ecologically) We will pin down what's part of SF remedy + what isn't.

past + ~~last~~ future navig. dredging - we didn't typically give credit for that

Ken - not primarily putting ~~those~~ their eggs in those baskets

We're not at a point of being able to say whether what they've proposed is sufficient. A lot will depend on EFH + ESA analyses

Before any final approval under 404, there has to be a complete final mitigation plan

Back to earlier issues
- analysis of sediments - what's going to be resuspended, bioavailability Also info regarding contamination in intertidal zone

[I had to leave before end of mtg]