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BREAK: 4-9  
OTHER: 523829

January 12, 2011

Ms. Brona Simon  
State Historic Preservation Officer  
Executive Director  
State Archaeologist  
Massachusetts Historical Commission  
220 Morrissey Boulevard  
Boston, MA 02125

**Re: Reply to Massachusetts Historical Commission (MHC) Letter Dated November 18, 2010, MHC #RC48896**

**Project Name: *New Bedford Harbor State Enhanced Remedy in New Bedford South Terminal, a/k/a Confined Disposal Facility, a/k/a South Terminal Marine Industrial Park Development, New Bedford, MA. (Project).***

**Subject Summary: Project Has Been Re-designed and Now Avoids Mapped Paleosol Areas.**

Dear Ms. Simon:

Apex Companies, LLC is pleased to submit the following information in response to MHC's comments (dated November 18, 2010) regarding the identified paleosols in the inter-tidal and sub-tidal areas of the proposed Project, as investigated by John Milner and Associates and indicated above. Please note that in keeping with the comments of MHC and MBUAR, the project footprint has been re-evaluated and Re-designed such that it avoids the mapped Paleosol areas (see attached Figure). The attached Project drawing:

- Identifies the Project as Re-designed (Re-designed Project impact area – *please note that the Re-designed project impact area is still within the area that was investigated as part of the inter-tidal and sub-tidal cultural resources assessment*);
- Identifies the location of the inter-tidal and sub-tidal paleosols relative to the Re-designed Project impact area.

**Identified Sub-Tidal Paleosol: The project has been Re-designed and the mapped Sub-Tidal Paleosol is no longer within the impact area of the Re-designed Project. As such, and in**

~ Environmental ~ Engineering ~ Water Resources ~ Industrial Hygiene ~  
~ Facility Services ~ Construction Services ~



SDMS DocID 523829

accordance with a request made by MHC in its November 18, 2010 letter, that "project planners consider alternatives that would avoid and protect the landform, and present the results of the alternatives analysis to the consulting parties", the following actions will be taken to protect the land form from inadvertent impacts:

- The location of the paleosol will be identified on contract drawings and within the specifications issued to contractors as an "off-limits" area (without identifying it as an archaeological feature). The areas will be marked as off-limits (with only very minor exceptions for maneuvering small craft on the water surface if necessary). No spudding or other activity that may result in impact to the Harbor bottoms in this location will be allowed.
- Physical indicators will be installed at the water surface prior to the start of construction that will show the location of the paleosol, and will assist in keeping contractors, subcontractors, and delivery personnel from entering and inadvertently impacting the area.
- Pathways, established to specifically avoid the paleosol area, for use by heavy equipment, will be clearly identified on the Project Plans.
- Locations for material stock-piles and other components of construction will be identified in locations that safely avoid the location of the paleosol.
- Construction site supervisory staff will be trained in the location of the paleosol areas, will alert contractors to its presence on an as-needed basis, and will ensure that the Harbor bottom above the paleosol remains undisturbed.

**Identified Inter -Tidal Paleosol:** In its November 18, 2010 letter, MHC requested that "project planners should develop a plan to avoid and protect the landform from inadvertent impacts during the construction of the project and provide the plan to the consulting parties for comment." Based upon the Re-design of the project footprint (which avoids the sub-tidal paleosol), the mapped Inter-Tidal Paleosol will also be outside the impact area of the Re-designed Project. In addition, the following actions will be taken to protect the landform from inadvertent impacts:

- The location of the inter-tidal paleosol will be identified on contract drawings and within the specifications issued to contractors as an "off-limits" area (without identifying it as an archaeological feature). The areas will be marked as off-limits (with only very minor exceptions for foot traffic maneuvering through the area, if necessary).
- Physical indicators will be installed prior to the start of construction that will show the location of the paleosol onsite, and will assist in keeping contractors, subcontractors, and delivery personnel from entering and inadvertently impacting the area.
- Pathways, established to specifically avoid the paleosol area, for use by heavy equipment, will be clearly identified on the Project Plans.
- Locations for material stock-piles and other components of construction will be identified in locations that safely avoid the location of the paleosol.

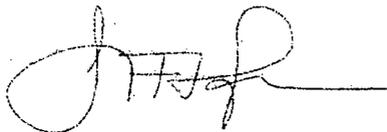
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- Construction site supervisory staff will be trained in the location of the paleosol area, will alert contractors to its presence on an as-needed basis, and will ensure that the paleosol area remains undisturbed.

Post-project reports will note that further review is required by MHC, MBUAR and the consulting parties identified below for any potential future impact within the area of either paleosol.

In the interest of accommodating the needs of this fast-track Project, we welcome the opportunity to discuss this Project with you directly if you so desire, and are available to meet with you at your earliest convenience. If you have questions regarding this correspondence, please do not hesitate to contact the undersigned at (617) 728-0070.

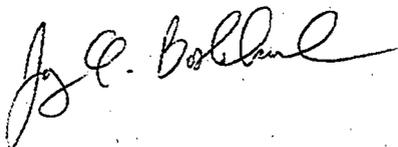
Sincerely,  
**Apex Companies, LLC.**



Gregory F. Harper, MA, RPA  
Cultural Resource Specialist



Chet Myers, Senior Engineer



Jay Borkland, Program Manager

Attachments: Project Map  
MHC Letter dated November 18, 2010

cc: M. Morrissey (NBEDC)  
K. Decas (NBHDC)  
K. Kimmell (DEP)  
Karen Kirk Adams, USACOE-NED Regulatory  
Kathleen Atwood, USACOE-NED  
V. T. Mastone, MBUAR  
R. Boeri, Massachusetts Office of Coastal Zone Management  
G. Greene, Jr. Mashpee Wampanoag Tribe  
B. Washington, Wampanoag Tribe of Gayhead (Aquinnah)

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J. Nersesian, NPS New Bedford Whaling NHP  
D. Santos, New Bedford Historical Commission  
J. Klein, John Milner and Associates, Inc.  
J. Lee Cox, Jr., Dolan Research Inc.



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5	05/15/01	ISSUE FOR PERMIT
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**KEY:**

-  ORIGINAL PROPERTY LAYOUT AND BOUNDARY
-  REDESIGNED IMPACT IMPACT AREA TO MATCH MAPPER PARCELS
-  MAPPER PARCELS (SEE SHEET)
-  REDESIGNED FILL AREA (SEE SHEET)

PREPARED FOR:  
 MASS. DEC,  
 MASS. EDCOA, AND  
 THE NEW BEDFORD  
 HARBOR DEVELOPMENT  
 COMMISSION  
 NEW BEDFORD,  
 MASSACHUSETTS

DRAWING TITLE:  
 SOUTH TERMINAL  
 MARINE PARK  
 REDESIGNED IMPACT  
 AREA OVERLAY THE  
 ORIGINAL PROJECT  
 IMPACT AREA

Scale: 1"=400'



DATE	DESCRIPTION	DRAWING NO.
01/15/01	ISSUE FOR PERMIT	P-4
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