



"Where Excellence Meets Value"

January 12, 2011

Mr. Victor T. Mastone  
Director  
Commonwealth of Massachusetts  
Board of Underwater Archaeological Resources  
Executive Office of Energy and Environmental Affairs  
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Superfund Records Center  
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**Re: Reply to Massachusetts Board of Underwater Archaeological Resources  
(MBUAR) Letter Dated November 29 2010, Special Use Permit 10-005**

**Project: *Archaeological Site Potential: ~~Sub-tidal~~ Portions of the Proposed South  
Terminal Marine Infrastructure Park, New Bedford, MA (Project)***

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

Dear Mr. Mastone:

Apex Companies, LLC is pleased to submit the following information in response to MBUAR's comments (dated November 29, 2010) regarding the identified paleosols in the sub-tidal area of the proposed Project as investigated by John Milner and Associates, indicated above. Please note that in keeping with the comments of MHC and MBUAR, the 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.



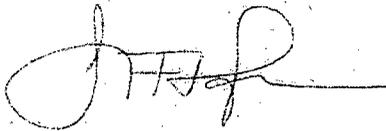
In its November 29 letter, MBUAR had requested further archaeological testing of the sub-tidal paleosol under an expanded Phase IB or Phase II investigation if the project could not be Re-designed to avoid the sub-tidal paleosol. In response to MBUAR and MHC comments, as well as other design considerations, the project team has re-evaluated the design options for the project and the project has been Re-designed such that the mapped sub-tidal paleosol is no longer within the impact area of the Re-designed Project. In addition to the above-noted Re-design, the following actions will be taken to protect the landform 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 or through the area if necessary). No spudding or other activity that may result in impact to the Harbor bottom 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 to 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.

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

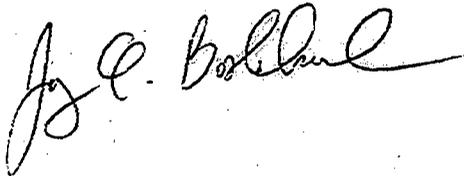
Sincerely,  
Apex Companies, LLC.



Gregory F. Harper, MA, RPA  
Cultural Resource Specialist



Chet Myers, Senior Engineer



Jay Borkland, Program Manager

Attachments: Project Map  
MBUAR Letter dated November 29, 2010

cc: B. Simon, MHC  
K. Atwood, USACOE-NED  
R. Boeri MCZM  
G. Greene, Jr. Mashpee Wampanoag Tribe  
B. Washington, Wampanoag Tribe of Gayhead (Aquinnah)



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**REVISIONS**

NO.	DATE	DESCRIPTION
1	01/15/08	ISSUE FOR PERMITTING
2	02/15/08	ISSUE FOR PERMITTING
3	03/15/08	ISSUE FOR PERMITTING
4	04/15/08	ISSUE FOR PERMITTING
5	05/15/08	ISSUE FOR PERMITTING

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**KEY**

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**APPROVED FOR:**  
MASS. DEC,  
MASS. EDC&A, AND  
THE NEW BEDFORD  
HARBOR DEVELOPMENT  
COMMISSION  
NEW BEDFORD,  
MASSACHUSETTS

**DESIGNED BY:**  
SOUTH TERMINAL  
MARINE PARK  
REDESIGNED IMPACT  
AREA OVERLAY THE  
ORIGINAL PROJECT  
IMPACT AREA

Scale: 1" = 500'

0 100 200 300 400 FEET

DATE: 01/15/08	DESIGNED BY:
DRAWN BY: JMM	CHECKED BY:
DATE: 01/15/08	DATE: 01/15/08
SCALE: 1" = 500'	SCALE: 1" = 500'
PROJECT NO: 08001	PROJECT NO: 08001
DATE: 01/15/08	DATE: 01/15/08

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