

From: [Mike Marsh](#)
To: [Chet Myers](#)
Cc: [Ann Williams](#); [Christopher Morris](#); [Davis, Gary \(DCR\)](#); [Gregory Dolan](#); [Jay Borkland](#); [Sneeringer, Paul J NAE](#); [Carl Dierker](#); [Carl Deloi](#); [Jackie Leclair](#); [Cynthia Catri](#); [ElaineT Stanley](#); [Minkin, Paul NAE](#)
Subject: Re: Resource Areas
Date: Thursday, September 27, 2012 7:19:47 PM

Hi Chet - After consideration of the information obtained at our site visit and consulting with the Corps, EPA would expect to see a minimum 3:1 mitigation ratio in this case. Also, it was our understanding from the discussion and the conceptual plans provided at the field visit that the salt marsh establishment area being designed at Rivers End Park was going to be approximately 1.0 acre, which, as we indicated during the field visit, would be adequate to compensate for the salt marsh and DMF parcel wetland impacts. (We realize that a 1.0 acre mitigation area would exceed the typical mitigation ratios recommended by the Corps New England District's compensatory mitigation guidance, however, we were considering the additional wetland creation as providing the benefit of offsetting potential secondary impacts to salt marsh associated with the project, as well as providing some protection against or offsetting potential impacts to the existing salt marsh at the Rivers End site that might occur from the construction of the mitigation project.)

At the field visit, the agencies also provided some suggestions for maintaining flow through the expanded salt marsh area, to assure adequate tidal hydrology. This will encourage development of salt marsh and reduce the chance of colonization by Phragmites or other invasive or inappropriate species. We also recommended that a berm shown on the old mitigation site plans to support a trail be removed in favor of a boardwalk, if a trail must traverse the mitigation site. If possible, it would be preferable to locate waterfront access trails in other sections of the park, and avoid or bypass the wetland mitigation area.

It is also still unclear whether the BMX parcel is to be included in the final project configuration, and, if so, how any associated wetland impacts will be mitigated. As you know, the agencies had concerns about the conceptual proposal for mitigation at the airport, which apparently would involve the destruction of upland forested habitat to create the proposed wetland mitigation area. This is an approach that we would typically not advocate. It is our strong preference to restore previously degraded wetlands, rather than attempt to create them, especially if such creation results in the destruction of existing wildlife habitat. In addition, the area apparently has been identified as habitat for eastern box turtle (*Terrapene carolina*), a state-listed species. We suggested that alternative conceptual plans at other sites be provided for review, since, from the preliminary description given at the field visit, the airport site may be unacceptable. As far as I know, we have not received any additional information on conceptual mitigation plans (please let me know if I missed something). It appears from your email that the design for the Rivers End mitigation site is under way. Please let us know the status of the BMX site and any associated mitigation plans.

Please give a call or email me if you have any questions or would like to discuss further.

Thanks,

Mike

Michael Marsh
Office of Ecosystem Protection
U.S. Environmental Protection Agency - New England
5 Post Office Square
Suite 100 (OEP05-2)
Boston, MA 02109-3912

Tel: 617.918.1556

Fax: 617.918.0556
email: marsh.mike@epa.gov

Inactive hide details for Chet Myers ---09/25/2012 11:43:02 AM---Hi Paul and Mike, Just wanted to discuss what mitigation for sChet Myers ---09/25/2012 11:43:02 AM---Hi Paul and Mike, Just wanted to discuss what mitigation for salt marsh would be acceptable to EPA.

From: Chet Myers <cmyers@apexcos.com>
To: "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>, Mike Marsh/R1/USEPA/US@EPA
Cc: Ann Williams/R1/USEPA/US@EPA, Gregory Dolan <gdolan@apexcos.com>, "Davis, Gary (DCR)" <gary.davis@state.ma.us>, Christopher Morris <CMorris@apexcos.com>, Jay Borkland <jborkland@apexcos.com>
Date: 09/25/2012 11:43 AM
Subject: Resource Areas

Hi Paul and Mike,

Just wanted to discuss what mitigation for salt marsh would be acceptable to EPA.

As you know, EPA performed a field verification of the High Tide Line (staked by the Commonwealth) and the delineated salt marsh and freshwater wetland areas onsite. Based on the results of the field verification conducted by EPA, the total resource areas are now adjusted as follows:

- * Intertidal (excluding salt marsh) = 2.07 Acres (increase of 0.13 acres due to field verification of High Tide Line by EPA).
- * Salt marsh = 0.11 Acres (increase of 0.02 acres due to field verification of salt marsh delineation boundary by EPA).
- * Isolated Wetlands - DMF parcels = 0.106 Acres (no change based on EPA field verification).
- * Isolated Wetlands - BMX parcel = 0.42 Acres (no change based on EPA field verification).

Attached are the updated drawings showing the final boundaries of the delineated areas on the plans.

It is Apex's understanding that EPA inspected the Rivers End proposed mitigation area and found it to be a suitable location for salt marsh mitigation.

The Commonwealth is currently anticipating mitigating for the following impacts at the River's End location:

- * Salt marsh = 0.11 Acres (increase of 0.02 acres due to field verification of salt marsh delineation boundary by EPA).
- * Isolated Wetlands - DMF parcels = 0.106 Acres (no change based on EPA field verification).

As a result, the Commonwealth anticipates mitigating for a total of approximately 0.216 acres of a combination of salt marsh and freshwater wetland at the River's End location.

Would EPA accept a 2:1 ratio for mitigation in this location? The total mitigation would then be a minimum of 0.432 acres of salt marsh restoration/creation in this location.

Please let us know what you think. The Commonwealth needs to finalize its plans for the Final Mitigation

Plan.

Thanks!

<<http://www.apexcos.com/>>

Chet Myers

Apex Companies, LLC

125 Broad Street, 5th Floor

Boston, MA 02110

O) 617-728-0070 M) 617-908-5778

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From: Chet Myers

Sent: Tuesday, August 28, 2012 4:42 PM

To: 'Mike Marsh'; 'Sneeringer, Paul J NAE'

Cc: 'Ann Williams'; 'Davis, Gary (DCR)'; Jay Borkland; Gregory Dolan

Subject: RE: NBMCT - Resource Drawings

Hi Mike and Paul,

Any status update on when we can expect to have an on-site visit?

Thanks,

<<http://www.apexcos.com/>>

Chet Myers

Apex Companies, LLC

125 Broad Street, 5th Floor

Boston, MA 02110

O) 617-728-0070 M) 617-908-5778

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From: Chet Myers

Sent: Friday, August 24, 2012 6:07 PM

To: Mike Marsh; 'Sneeringer, Paul J NAE'
Cc: Ann Williams; Davis, Gary (DCR); Jay Borkland; Gregory Dolan
Subject: NBMCT - Resource Drawings

Hi Paul and Mike,

Attached please find two drawings showing the resource areas anticipated to be impacted in association with the New Bedford Marine Commerce Terminal.

The estimated areas of the resource areas are as follows:

Intertidal (excluding salt marsh) = 1.94 Acres
Salt marsh = 0.09 Acres
Isolated Wetlands - DMF parcels = 0.106 Acres
Isolated Wetlands - BMX parcel = 0.42 Acres

We would like to get you guys out there so you can make a determination as to whether you accept the resource areas as delineated.

Please let us know if these drawings are sufficient for your field work and for estimating the overall resource area impacts, or if you would like changes to them.

After, let's try to coordinate a site visit, and we will invite our third-party wetland scientist to answer any questions. We will also mark the high-tide line onsite immediately prior to your visit.

Thanks,

<<http://www.apexcoss.com/>>

Chet Myers

Apex Companies, LLC

125 Broad Street, 5th Floor

Boston, MA 02110

O) 617-728-0070 M) 617-908-5778

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From: Gregory Dolan
Sent: Thursday, August 23, 2012 3:35 PM
To: Chet Myers
Subject: NBMCT - Resource 40 scale drawings

Chet,

Attached are two 40 scale sheets showing the existing resources at the New Bedford Marine Commerce Terminal site. Let me know if you have any questions.

Greg

<<http://www.apexcoss.com/>>

Gregory Dolan

Apex Companies, LLC

125 Broad Street, 5th Floor

Boston, MA 02110

O) 617-728-0070 M) 617-784-2517

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***** ATTACHMENT NOT DELIVERED *****

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