RETURN TO SER AR INDEX

From: Keegan, Michael F NAE
To: ElaineT Stanley
Cc: Sneeringer, Paul J NAE; Jay Borkland - Apex; cmyers@apexcos.com; Bachand, Michael L NAE; Michalak, Scott C NAE; Craffey, Paul (DEP)
Subject: South Terminal Issue (UNCLASSIFIED)
Date: Sunday, July 29, 2012 8:32:52 AM

Classification: UNCLASSIFIED
Caveats: NONE

Elaine,

The proposed drainage swale mitigation area capping/stabilization plan proposed by Apex will consist of filling within the existing drainage swale between Cove St and Gifford St. The existing drainage swale was designed and constructed by USACE as part of the New Bedford Hurricane Barrier Project to provide interior drainage from a design storm and water overtopping during a design hurricane.

The proposed plan calls for added fill and narrowing of the existing drainage swale for at least 800 linear feet. The proposed actions are anticipated to have the following impacts:

- Modifying a federally constructed project.
- Raise the water surface elevation in the swale during the design events by approximately 0.7 feet.
- Potentially decrease flow from 4' x 4' upland storm water drain that flows into the swale at the corner of Cove St.
- Plantings placed within the swale will likely conflict with USACE's Vegetation/Planting Policy as described in ETL 1110-2-571.
- Restrict/reduce access for operations and maintenance actions due to the proposed fence along the perimeter.

The EPA draft determination has several conditions. Condition 6 is:

6. The U.S. Army Corps of Engineers' concurrence, in accordance with 33 U.S.C. § 408, that the channel design proposed in the successional marsh mitigation will have no adverse effect on the operation of the Hurricane Barrier.

Based on the impacts identified above, we cannot make a determination that the proposed mitigation has no adverse impact and would reject the mitigation proposal.

Paul Craffey requested that I identify the issue to you by email prior to sending our objections in a letter to be included in the public record so that an alternative mitigation plan might be identified or modification of the current plan to make it acceptable to the Corps. I am out of the office until the 6th of August, but I suggest that a conference call be arranged upon my return to discuss our concerns and identify a plan that would be acceptable to us. I have included Scott Michalak and Mike Bachand in this email, who are Corps folks that need to be included in any emails or discussions related to the hurricane barrier infrastructure. Thanks.

Mike

Mike Keegan, P.E.; L.C.S.

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