

From: [Dierker, Carl](#)
To: [Bill White](#)
Subject: RE: Intent to Issue Notice To Proceed
Date: Monday, April 08, 2013 6:00:45 PM

Bill – It’s very good news to hear that things are moving into the construction phase of the South Terminal Project. I’m sure Curt will be looking forward to the ground-breaking ceremony on April 16, as will I, although we’ll need to confirm Curt’s attendance with his scheduler.

As I explained in my April 4 email to Gary, the Commonwealth’s requests to conduct blasting and expanded dredging will be part of the ESA and EFH consultations that EPA will engage in with NMFS. Those consultations must be completed before EPA can act on the Commonwealth’s request for a modification to EPA’s final determination regarding the South Terminal Project. We have held off initiating consultation, at the Commonwealth’s request, until after we meet with you and others to learn additional information about your blasting plans. Consequently, we are not yet in a position to render a formal decision on the requests or to confirm any specific intentions regarding a final decision on the modification. We can say, however, that at present we are not aware of any information that would make it difficult for EPA to approve the request to expand the area deep-draft berthing area 200 feet to the north and to widen the federal navigation channel by an additional 50 feet to the west. On a related issue, we have some questions about whether the CAD cell needs dredging beyond what we approved in the final determination, and we will be following up with Apex on those questions.

We continue to work on other aspects of the Project, including review of work plans and a variety of documents related to the Rivers End Park mitigation. We will send a separate email regarding possible dates for meeting about that mitigation.

Finally, we would greatly appreciate your sending us, at your earliest convenience, an updated timeline for the construction schedule, in particular the timing for the dredging and the cofferdam placement and backfilling as well as the upland excavation and backfilling in the main terminal facility area.

Thanks,
Carl

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From: Bill White [<mailto:bwhite@MassCEC.com>]
Sent: Friday, April 05, 2013 7:40 PM

To: Dierker, Carl
Subject: Intent to Issue Notice To Proceed

Carl,

As you know, Gary Davis has begun a well-deserved two week vacation. He has asked me to follow-up on any remaining issues regarding the historic New Bedford Marine Commerce Terminal.

First, I wanted to inform you (if Gary Davis had not yet done so), that the Commonwealth will be issuing the Notice to Proceed to its selected contractor on April 15, 2013. It is anticipated that in-water work would begin shortly thereafter.

Second, we are trying to confirm a meeting with John Bullard and Phil Calaruso to discuss blasting. As you know from the note I sent out earlier, I hope and expect that meeting to take place next Friday. I also saw your email to Gary last night in which you indicated that EPA would like to include the remaining issues (200 Feet to the North, 50 foot widening of Channel, and Blasting) in one comprehensive permit modification after all issues have been resolved. I recognize and understand your rationale for wanting to consolidate the modification in one document, but would appreciate if you could send me an email to confirm that EPA intends to approve the Commonwealth's request to dredge 200 feet to the north and widen the channel by 50 feet.

Third, I understand that EPA is still in the process of reviewing documentation in association with the project, including work plans and legal documentation associated with the River's End Mitigation site. The Commonwealth is committed to resolving issues as soon as possible. We also recognize EPA's request for a briefing on the project, and ask if you could suggest a couple of dates that work for you and your team.

Finally, and while not yet public information, I wanted to let you know that the Governor will be extending an invitation to you and Administrator Spaulding to attend the Terminal Groundbreaking Ceremony in New Bedford on April 16, 2013 at 1:00 PM.

Many thanks for your leadership and have a good weekend.

Best,

Bill

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