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To: [Bill White](#)
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Subject: Letter on Blasting and CAD Cell 3
Date: Thursday, June 13, 2013 5:26:30 PM
Attachments: [New Bedford Harbor State Enhanced Remedy-South Terminal Project Blasting....pdf](#)

Bill – Attached is the letter we committed to send you regarding the Commonwealth’s request that EPA modify its final determination for the South Terminal Project to allow blasting for rock removal and to allow a change in the design of CAD cell #3.

We also wanted to take this opportunity to remind you that we are still looking for the following information:

- * A written statement as to whether the Commonwealth intends to include oyster seeding as part of the shellfish mitigation plan, and, if not, an explanation for that decision. We need this information in order to proceed with EFH consultation with NMFS on the modification requests. We must complete the consultation process before we can issue a modification decision.
- * With respect to River’s End Park, information related to the mitigation construction cost estimate; information about the agent you have chosen (CLE) for the construction and performance bonds, including background and expertise so that we can approve the choice; and feedback on our comments on the Draft Site Protection Instrument, Draft Conservation Restriction, and Draft Performance and Construction Bonds. We request this information as soon as possible as we are concerned that the opportunity to do work at Rivers End Park this season is slipping away.
- * The Commonwealth’s determination that the additional dredging, CAD cell design changes, blasting, and elimination of the silt curtains at the winter flounder mitigation area either meet the substantive requirements of all state ARARs or, alternatively, identification and analysis of any new ARARs and a description of how these requested modifications meet those new ARARs. This, too, is necessary before we can issue a modification decision.

In addition, we are in ongoing discussions with Apex to finalize the SAP and other workplans and look forward to that effort being completed expeditiously. Please feel free to call me with any questions about this letter or the above information requests.

Thanks,
Carl

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