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June 27, 2013

Mr. David Lederer
Remedial Project Manager
Office of Site Remediation and Restoration
EPA Region 1, Suite 100, OSRR 7-04
5 Post Office Square
Boston, MA 02176

Dear Mr. Lederer:

The Final Mitigation Plan for the New Bedford Marine Commerce Terminal calls for the creation of salt marsh resources at the Rivers End Park in New Bedford, Massachusetts. The Mitigation Plan also calls for the procurement of a Performance Bond to provide funding for operation and maintenance for the mitigation measures as outlined in the Mitigation Plan, should the Commonwealth fail in its obligation to complete the work itself. As you know, the Massachusetts Clean Energy Center (MassCEC) and EPA have had several discussions regarding the appropriate size of the Performance Bond. In order to assist EPA in determining the final value of the Performance Bond, MassCEC, with assistance from its engineering team, have assessed three potential scenarios within which funds may be required to mitigate damage that could reasonably be expected to occur at the Rivers End Park Mitigation Site. These three scenarios may be utilized to define the value of the Performance Bond for the Rivers End Park Project, and provide a high degree of certainty that the value will be sufficient to accommodate operation and maintenance as necessary.

The three scenarios outlined below are the most likely repairs needed at the Park:

1) Plant Loss: Due to unanticipated environmental conditions, pests, or vandalism, 25% Plant Loss occurs.

2) Coastal Storm Damage: Due to the impacts from a major coastal storm, 15% of the area of the salt marsh is in some manner damaged (i.e. areas must be re-graded and plantings must be replaced).

3) Subsidence: Due to unusual geotechnical or hydrodynamic conditions, the basin within which the salt marsh is created is subject to more than 0.5 feet of subsidence, which results in the need for re-grading and replacement of plantings.

In the case of Plant Loss (Scenario 1), the cost estimate assumes that 25% of the total area of the salt marsh would need to be replaced, and the costs included within the budget are for plant materials, loam, equipment, labor and oversight, including a wetlands specialist. The cost of replacing one quarter of the planting materials as outlined above is estimated at approximately $48,000.00.

The Storm Damage scenario (Scenario 2) cost estimate assumes 15% of the area of the basin would require re-grading or replacement of plantings, and the costs included within the budget are for erosion controls, heavy equipment, loam supplies, and plantings. Labor costs include a construction foreman, operators, laborers, and a surveyor, as well as a wetlands specialist and two laborers

associated with re-planting. The cost of repairing the storm damage as outlined above is estimated at approximately $57,500.00.

The Subsidence scenario (Scenario 3) assumes that the entire area of the basin would subside 0.5 feet, and all plants that could not adapt between the changes in marsh-type areas that resulted from the drop in elevation were assumed to need re-planting. In addition to the cost for replaced plants, the cost estimate includes erosion controls, heavy equipment for re-grading, and replacement of the top 0.5 feet of loam across the entire basin. Labor costs include a construction foreman, operators, laborers, and a surveyor, as well as a wetlands specialist and two laborers. The estimated cost for the work as outlined above would be approximately $110,500.00.

The three scenarios outlined above represent MassCEC's best estimate of repairs likely to be required at the site. It is highly unlikely that all three scenarios would occur; nevertheless, it seems prudent to reserve an amount capable of restoring the site from all three scenarios in succession. Therefore, with the information outlined above and with the approval of the US Environmental Protection Agency, MassCEC proposes to seek a Performance Bond in the amount of approximately $216,000 for the Rivers End Mitigations Site. A detailed cost estimate for each of the scenarios is attached.

Additionally, pending EPA's approval, MassCEC would propose to engage the services of CLE Engineering Inc. (CLE) as the agent of obligee for the Performance and Construction Bonds. CLE of Marion, MA has been in business for 25 years and has offices located across the country. CLE is known for its world-class technical services, respected project management, strong client advocacy and proven engineering expertise in many different disciplines which include marine construction, dredging, capping, civil/land development, wetland assessments, and other inter discipline specialty services.

Please let me know if you have any additional questions and thank you for your time.

Sincerely,

Bill White

Bill White
Director, Offshore Wind Sector Development