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From: "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>

To: Ann Williams/R1/USEPA/US@EPA; Cynthia Catri/R1/USEPA/US@EPA

Copy To: ElaineT Stanley/R1/USEPA/US@EPA; Mike Marsh/R1/USEPA/US@EPA

Delivered Date: 06/01/2012 02:58 PM EDT

Subject: FW: South Marine Terminal Project in New Bedford, MA - Proposed Mitigation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ann and Cindy:

Enclosed is a copy of the Corps Levee Safety Office's determination that the successional marsh mitigation work associated with the South Marine Terminal Project will require a letter of acceptance due to potential impacts to the New Bedford Hurricane Barrier. This e-mail does not address whether the proposed Intertidal Habitat Creation and Near-Shore, Shallow, Sub-tidal Enhancement work adjacent to New Bedford Hurricane Barrier will also need a letter of acceptance from the Corps Levee Safety Office. I will try and resolve that issue. Finally, you need to determine if you are going to support the Corps recommendation that floodplain mitigation must be provided to compensate for the 27.33 acre-feet of flood storage that will be lost as part of the construction of the South Terminal confined disposal facility.

Feel Free to contact me if you have any questions concerning this e-mail. Thanks.

Paul Sneeringer
(978) 505-9216

-----Original Message-----

From: Bachand, Michael L NAE

Sent: Friday, June 01, 2012 2:21 PM

To: Keegan, Michael F NAE; Sneeringer, Paul J NAE

Cc: Michalak, Scott C NAE; Barker, Townsend G NAE

Subject: FW: South Marine Terminal Project in New Bedford, MA - Proposed Mitigation (UNCLASSIFIED)

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Caveats: NONE

Paul, Mike,

Based on a review of the documents provided in the below email, the proposed project will require a letter of acceptance from USACE because there are proposed modifications to the interior drainage system along the Harbor Barrier & Dike segment between Cove Street and Gifford St. that was originally designed and constructed by USACE as part of the New Bedford-Fairhaven Hurricane Protection System (HPS). Any changes to a federally designed and constructed system require USACE acceptance in accordance with guidance and Title 33 United States Code Section 408 (33 USC 408) requirements.

At a minimum, the following information will be needed by USACE for review per the 408 process:

1. Detailed engineering drawings showing the proposed modifications to the drainage system. The drawings should show all existing structures, utilities, easements/R-O-W, and pertinent HPS components located in the vicinity of the proposed work area and/or impacted by the modification.
2. A technical analysis showing the proposed modified drainage channel provides, at a minimum, the same hydraulic storage and/or conveyance capacity of the existing channel.
3. Discussion of residual risk
4. Discussion of Executive Order 11988 considerations
5. Compliance with Environmental Protection policies.

Finally, the proposed modifications should allow the City of New Bedford the continued ability to access, inspect, and maintain the system in accordance with the project's Operation & Maintenance plan.

See the attached the attached 408 Clarification Guidance memo dated November 17, 2008 and attached Submittal Package Guide at the end of Memo for detailed information required for USC 408 review & acceptance. I have also included a copy of 33 USC 408 and a policy memorandum dated October 23, 2006 for your reference.

If you have any questions please let me know.

Regards,

Mike

Michael L. Bachand, P.E.
Levee Safety Program Manager
United States Army Corps of Engineers
New England District
696 Virginia Road
Concord, Massachusetts 01742
Phone: 978.318.8075

-----Original Message-----

From: Sneeringer, Paul J NAE

Sent: Friday, May 25, 2012 4:34 PM

To: Bachand, Michael L NAE; Keegan, Michael F NAE

Cc: Michalak, Scott C NAE

Subject: South Marine Terminal Project in New Bedford, MA - Proposed Mitigation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mikes:

Enclosed for your review is documentation on mitigation proposed for the South Marine Terminal Project in New Bedford, Massachusetts. The 17.73 acre Winter Flounder spawning habitat creation area is located adjacent to the New Bedford Harbor Federal Navigation Project ("FNP"). In addition, the 3.47 acre intertidal creation area, the 10.91 acre near shore, sub-tidal enhancement area, and the 1.9 acre successional marsh restoration area are all located in close proximity to the New Bedford Hurricane Barrier. Please let me know if any of this proposed mitigation will require a consent/acceptance letter from the Corps due to potential impacts to Federal Projects. Please let me know if you need additional information to complete your review of this issue. Thanks for your review.

Paul Sneeringer
(978) 505-9216

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Caveats: NONE

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Caveats: NONE



- 2008-11-17 Section 408 Clarification Guidance.pdf



- 33 USC 408.pdf



- 2006-10-23 Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineers Projects-Memo for MSCs.pdf