

## EPA Official Record

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**Notes ID:** 67FAE21EF04C4C0186257A3900586E89

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

**To:** Ann Williams/R1/USEPA/US@EPA

**Copy To:** William Walshrogalski/R1/USEPA/US@EPA; Mike Marsh/R1/USEPA/US@EPA; Cynthia Catri/R1/USEPA/US@EPA; ElaineT Stanley/R1/USEPA/US@EPA

**Delivered Date:** 06/14/2012 01:59 PM EDT

**Subject:** RE: New Bedford South Terminal - Floodplain Management Review (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ann:

Based upon the a series of e-mails that Mike Keegan has forwarded me, it appears by the fall of 2010 Apex had begun to coordinate basic information regarding the South Terminal Project and associated mitigation with Corps personnel including Mike Keegan and individuals from the Corps Levee Safety Office. It appears that at that time the Corps requested additional information from Apex for potential impacts to the New Bedford Hurricane Barrier associated with the adjacent navigation dredging (see attached Potential Hurricane Barrier Impact e-mail) and requesting flood storage mitigation for the flood storage lost as part of the South Terminal confined disposal facility fill (see attached Flood Storage Mitigation Plan e-mail). I am not sure if the level of design for the successional marsh (swale) mitigation work was adequate at this time for the Corps to delineate potential impacts from this work on the New Bedford Hurricane Barrier.

On May 25, 2012, I coordinated copies the plan drawings for the South Terminal Project mitigation work with Mike Keegan as well as Mike Bachand and Scott Michalak of the Corps Levee Safety Office. On June 1, 2012 Mike Bachand send me a determination indicating that the Successional Marsh (Swale) Mitigation work would require a modification to the interior drainage system of the New Bedford Hurricane Barrier and that this work will require a letter of acceptance from the Corps. Mike Bachand also provided a list of additional detailed information that the Commonwealth needs to provide so that the Corps can complete its review of this issue. I forwarded this determination to members of the EPA South Terminal team on June 1, 2012. Mike Keegan subsequently forwarded this determination letter to Apex as well as Paul Craffrey of Massachusetts DEP on June 7, 2012 (see attached South Marine Terminal

Project in New Bedford, MA - Proposed Mitigation e-mail).

Feel free to contact me if you have any questions about the information presented in this e-mail. Thanks.

Paul Sneeringer  
(978) 505-9216

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

From: Ann Williams [mailto:Williams.Ann@epamail.epa.gov]  
Sent: Thursday, June 14, 2012 12:45 PM  
To: Sneeringer, Paul J NAE  
Subject: Re: New Bedford South Terminal - Floodplain Managment Review (UNCLASSIFIED)  
Importance: High

Paul -- Can you tell me when the Corps letter regarding the hurricane barrier was provided to the State and when the issue was first raised to the State's attention?

Thanks,

Ann

Inactive hide details for "Sneeringer, Paul J NAE" ---06/08/2012 04:04:55 PM---Classification: UNCLASSIFIED Caveats: NONE"Sneeringer, Paul J NAE" ---06/08/2012 04:04:55 PM---Classification: UNCLASSIFIED Caveats: NONE

From: "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>  
To: Jackie Leclair/R1/USEPA/US@EPA  
Cc: Carl Deloi/R1/USEPA/US@EPA, Mike Marsh/R1/USEPA/US@EPA, Ann Williams/R1/USEPA/US@EPA, Cynthia Catri/R1/USEPA/US@EPA  
Date: 06/08/2012 04:04 PM  
Subject: New Bedford South Terminal - Floodplain Managment Review (UNCLASSIFIED)

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Classification: UNCLASSIFIED

Caveats: NONE

Jackie:

Enclosed for your records are some of the major recent correspondences regarding the Executive Order 11988 (Floodplain Management) review of the South Terminal Project in New Bedford. First of all, enclosed is a copy of EPA's 1985 Policy Document on Floodplain and Wetland Assessments for CERCLA Actions. This attached file also includes EPA's implementing regulations from Appendix A to Part 6. Secondly, I am forwarding you Cindy Catri's initial comments on the Corps recommendations regarding the Successional Marsh (Swale) Mitigation Project as well as the potential loss of flood storage associated with the South Terminal

Project. Finally, I am forwarding you a copy of the Corps Levee Safety Office's recommendations regarding reporting requirements for the Successional Marsh (Swale) Mitigation work adjacent to the New Bedford Hurricane Barrier.

Feel Free to contact me if you have any questions regarding any of this information. Thanks.

Paul Sneeringer  
(978) 505-9216

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

From: Cynthia Catri [mailto:Catri.Cynthia@epamail.epa.gov]  
Sent: Tuesday, June 05, 2012 8:00 AM  
To: Sneeringer, Paul J NAE; Ann Williams; Keegan, Michael F NAE  
Cc: ElaineT Stanley  
Subject: NBH Enhancement Floodplains

Attached is the Wetland/Floodplain policy we follow when issuing proposed plans and decision documents for Superfund activities. At today's monthly enhancement meeting with the resource agencies EPA can consult with the Corps about its concerns and recommendations. While we won't be able to provide an answer today, we can bring the issue back to the South Terminal group to discuss.

Classification: UNCLASSIFIED  
Caveats: NONE

[attachment "1985 Policy on Wetland and Floodplain Ex. Order in CERCLA actions.pdf" deleted by Ann Williams/R1/USEPA/US]

----- Message from "Sneeringer, Paul J NAE"  
<Paul.J.Sneeringer@usace.army.mil> on Fri, 8 Jun 2012 15:25:59 +0000 ---  
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To:  
"Keegan, Michael F NAE" <Michael.F.Keegan@usace.army.mil>, "Michalak, Scott C NAE" <Scott.C.Michalak@usace.army.mil>, "Bachand, Michael L NAE" <Michael.L.Bachand@usace.army.mil>

cc:  
Cynthia Catri <Catri.Cynthia@epamail.epa.gov>, ElaineT Stanley <stanley.elainet@epamail.epa.gov>

Subject:  
FW: South Terminal Project in New Bedford, MA - EPA's initial comments with regards to the Corps concerns with the successional marsh (swale) mitigation and potential loss of flood storage area (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Mikes and Scott:

Enclosed for your information is Cindy Catri of EPA's initial response to the Corps concerns with the successional marsh (swale) mitigation and the potential loss of New Bedford Harbor flood storage areas associated with the South Terminal Project in New Bedford, Massachusetts. Note: Discussions on both of these issues are on-going.

I received an electronic copy of the DRAFT construction drawings for the South Terminal Project from Apex yesterday. I will forward you copies of the plan view and cross-sections for the successional marsh mitigation project later today for your review. Feel free to contact me if you have any questions regarding any of the information in this e-mail. Thanks.

Paul Sneeringer  
(978) 505-9216

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

From: Cynthia Catri [mailto:Catri.Cynthia@epamail.epa.gov]  
Sent: Wednesday, June 06, 2012 8:54 PM  
To: Sneeringer, Paul J NAE; Ann Williams; ElaineT Stanley  
Subject:

At yesterday's SER meeting, Mike Keegan from COE raised two issues that I'd like to discuss with both of you -- I'm not sure who is writing these sections:

1. Regarding the swale mitigation, COE says U.S.C. Section 408 requires (paraphrasing) COE to issue a letter of approval for any action that affects a structure constructed by the COE. The COE feels it does not have enough information about whether or not work in the swale affects the inner harbor drainage design incorporated into the hurricane barrier. Apex is to produce detailed engineering drawings, an analysis of residual risk, info about citizen access to the barrier and other items before it can determine the swale mitigation effects on the barrier. I haven't read section 408 yet but my feeling is that a letter of approval is a procedural step, much like a permit, that is not necessary to secure. If the state wants to get one, it is up to them and we will not get involved. If there are substantive environmental standards in 408 that must be met, we should be identifying it as an ARAR.

2. Regarding floodplains, Mike explained the Corps concerns about the project's impacts on floodplains. Within the last 6 months, COE recertified the hurricane barrier. Because the City of NB and Town of Fairhaven (both of which have some responsibilities for portions of the barrier) didn't have the budget to do their share, the COE paid for it all -- \$1 million. The recertification goes to FEMA which depends on the recertification for floodplain management and uses it as a basis to set floodplain insurance rate maps. There is concern that the impacts to floodplains from the proposed south terminal project will now skew the

basis for flood protection afforded by the barrier unless mitigation occurs. He agrees that it is EPA's call here and the Corps is making a recommendation. He also mentioned that the restoration of Marsh Island and the reduction of the area at the Steamship Authority created additional flood storage capacity in the inner harbor which could be used as mitigation measures.

Last I remember, Matt was writing the Floodplain Ex. Order part but I'm not sure who is doing that now. Can we discuss this issue and whether or not we should ask COE to put its recommendation in writing. Also, can Marsh Island and Steamship Authority modification count?

Superfund actions must meet the substantive requirements of the Floodplain Management Executive Order (E.O. 11988) and Appendix A of 40 CFR Part 6. The Wetlands/Floodplain policy I forwarded to you earlier describes how we comply with the EO and Appendix A. Under the Floodplain Executive Order 11988, floodplain requirements focus on avoiding to the extent practical the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. There are prescribed steps in the guidance we must follow in Superfund for this analysis so we need to be sure the process at South Terminal is consistent with the guidance. (Note that GE and Centerdale Manor are also currently dealing with this issue)

Classification: UNCLASSIFIED

Caveats: NONE

----- Message from "Bachand, Michael L NAE"  
<Michael.L.Bachand@usace.army.mil> on Fri, 1 Jun 2012 18:20:45 +0000 ---  
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To:

"Keegan, Michael F NAE" <Michael.F.Keegan@usace.army.mil>, "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>

cc:

"Michalak, Scott C NAE" <Scott.C.Michalak@usace.army.mil>, "Barker, Townsend G NAE" <Townsend.G.Barker@usace.army.mil>

Subject:

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

Classification: UNCLASSIFIED

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

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

[attachment "2008-11-17 Section 408 Clarification Guidance.pdf" deleted by Ann Williams/R1/USEPA/US] [attachment "33 USC 408.pdf" deleted by Ann Williams/R1/USEPA/US] [attachment "2006-10-23 Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineers Projects-Memo for MSCs.pdf" deleted by Ann Williams/R1/USEPA/US]

Classification: UNCLASSIFIED

Caveats: NONE

Received: from EIS-MB07WPC.eis.ds.usace.army.mil  
([fe80::71ea:fbce:59ad:84]) by EIS-HT03WPC.eis.ds.usace.army.mil  
([2002:8cc2:96f3::8cc2:96f3]) with mapi id 14.01.0355.002; Tue, 15 May  
2012 07:15:34 -0700  
From: "Keegan, Michael F NAE" <Michael.F.Keegan@usace.army.mil>  
To: "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>  
Subject: FW: Flood Storage Mitigation Plan (UNCLASSIFIED)  
Date: Tue, 15 May 2012 14:15:34 +0000

Message-ID: <11C6EC2A47DEB741B5E0C400BE02CAB304B944D0@EIS-MB07WPC.eis.ds.usace.army.mil>  
Content-Transfer-Encoding: quoted-printable  
Content-Type: text/plain; charset="us-ascii"  
Content-Language: en-US  
Thread-Topic: Flood Storage Mitigation Plan (UNCLASSIFIED)  
Thread-Index: AQHLi2YwiMA3gdMRw0qPlL74RlUan50jE/4AgysfXEA=  
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X-MS-TNEF-Correlator:  
x-originating-ip: [140.194.150.185]  
MIME-Version: 1.0

Classification: UNCLASSIFIED  
Caveats: NONE

FYI

Mike

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

From: Keegan, Michael F NAE  
Sent: Thursday, December 16, 2010 6:55 AM  
To: 'Chet Myers'  
Cc: 'Jay Borkland'; 'Kristin Decas - NB HDC'  
Subject: RE: Flood Storage Mitigation Plan (UNCLASSIFIED)  
Classification: UNCLASSIFIED  
Caveats: NONE

Chet,

I forwarded the plan to the reservoir control folks in the office who oversee the flood risk management projects (of which the NB Hurricane barrier is one) so that they could review the information you provided. They indicate to me for the most part, the analysis presented is accurate as to the volume of fill (27 ac-ft) that would be placed within the Harbor storage area and would be the amount of existing flood storage lost.

The problem that we have is that the proposed mitigation to provide compensatory flood storage is not that clear. You propose to improve the storm water drainage channel that is connected to the Harbor with an existing twin barrel un-gated open box culvert. It is not clear whether the mitigation being proposed actually compensates for the entire 27 ac-ft of lost storage due to the construction of the South terminal. If it does, then there should be no issues; however, if it does not, regardless of how minor you feel it would be, additional compensation

would be required for all of the lost storage.

Mike

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

From: Chet Myers [mailto:cmyers@apexcos.com]

Sent: Tuesday, November 23, 2010 6:29 PM

To: Keegan, Michael F NAE

Cc: Jay Borkland

Subject: Flood Storage Mitigation Plan

Mike,

Just wanted to also follow-up on the flood storage mitigation plan we submitted.

Has there been any review and/or progress on evaluation of the information submitted for that plan?

Thanks so much Mike,

Chet Myers, PE, LSP

Apex Companies, LLC

184 High Street, Suite 502

Boston, MA 02110

O: 617-728-0070 X-113

F: 617-728-0080

C: 617-908-5778

From: Chet Myers

Sent: Tuesday, November 23, 2010 11:56 AM

To: 'Keegan, Michael F NAE'

Cc: Jay Borkland

Subject: FW: Potential Flounder Mitigation Areas

Mike,

In discussions with USEPA regarding mitigation for impacts to Winter Flounder (due to the filling at the South Terminal location), USEPA and NOAA Fisheries suggested "creating" Winter Flounder habitat by shoaling areas that are deeper than -20 MLLW to a depth of approximately -16.4 MLLW either inside or outside of the New Bedford Hurricane Barrier. We were unable to find a suitable location inside the Hurricane Barrier, and are therefore looking outside of the Hurricane Barrier.

Based upon our discussions with USEPA, the attached figure shows three locations under consideration. We have not yet determined whether any of the three areas shown are suitable for this mitigation; however, I

wanted to get USACE's input on this as soon as possible, as the locations are adjacent to (but set back from) the Federal Navigational project.

Please note that, on the attached figure, the areas to be filled are 90 feet from the edge of the Federal Navigational project (this is in keeping with the 404 requirement that encroachment is kept at least 3 times the authorized depth of the channel). Once we have better data in this area, we will be able to provide maps with more precision than that shown on the attached figure.

It is unlikely that we would want to come as close as 90 feet, but we wanted to show the areas under consideration to get your feedback.

Thanks,

Chet Myers, PE, LSP  
Apex Companies, LLC  
184 High Street, Suite 502  
Boston, MA 02110  
O: 617-728-0070 X-113  
F: 617-728-0080  
C: 617-908-5778

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Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

Received: from EIS-MB07WPC.eis.ds.usace.army.mil  
([fe80::71ea:fbce:59ad:84]) by EIS-HT02WPC.eis.ds.usace.army.mil  
([2002:8cc2:96f2::8cc2:96f2]) with mapi id 14.01.0355.002; Wed, 16 May  
2012 03:40:46 -0700  
From: "Keegan, Michael F NAE" <Michael.F.Keegan@usace.army.mil>  
To: "Sneeringer, Paul J NAE" <Paul.J.Sneeringer@usace.army.mil>  
Subject: FW: Potential Hurricane Barrier Impact (UNCLASSIFIED)  
Date: Wed, 16 May 2012 10:40:45 +0000  
Message-ID: <11C6EC2A47DEB741B5E0C400BE02CAB304B94A54@EIS-  
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Thread-Topic: Potential Hurricane Barrier Impact (UNCLASSIFIED)

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Accept-Language: en-US  
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MIME-Version: 1.0

Classification: UNCLASSIFIED

Caveats: NONE

FYI. Note that they indicate that they know that they still haven't resolved the flood storage mitigation issue.

Mike

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

From: Chet Myers [mailto:cmyers@apexcos.com]  
Sent: Monday, February 27, 2012 10:56 AM  
To: Keegan, Michael F NAE  
Cc: Jay Borkland; Michalak, Scott C NAE  
Subject: RE: Potential Hurricane Barrier Impact (UNCLASSIFIED)

Hi Mike,

I know that there are existing unresolved issues associated with the South Terminal construction (such as the flood storage mitigation issue). That issue has not yet been resolved; however, USEPA has requested mitigation measures associated with the proposed terminal.

The three mitigation measures on the table, currently are in the general vicinity of existing USACE projects, so we wanted to get them on your radar screen. They are:

1). Stormwater Drainage Swale Mitigation Area - Sediment removal and wetland mitigation project within the stormwater drainage swale that runs behind the USACE Hurricane Barrier between Cove and Gifford Streets in New Bedford Harbor. This mitigation measure had previously been discussed with USACE in 2007, and at the time, USACE had stated that as long as the hydraulic function of the drainage swale was not compromised, that the work would be acceptable. We believe that the proposed work with enhance, rather than compromise, the hydraulic function of the drainage swale, because it will increase the cross-sectional area of the channel.

2). Mitigation Area at OU-3 Pilot Cap Area - Capping of PCB contaminated sediment immediately outside of the USACE Hurricane Barrier for New Bedford Harbor. This is an expansion of a previously approved capping

project (i.e. pilot capping of the OU-3 Hot Spot) that was completed by EPA in 2005, and was approved by USACE at that time. The proposed capping is anticipated to be below Mean High Water in all cases; however, some of the capping is anticipated to create new intertidal area adjacent to the Hurricane Barrier.

3). Winter Flounder Mitigation Area - Filling of a relative depression to the west of the New Bedford Federal Channel, immediately to the north of the Butler Flats lighthouse. The eastern edge of the area to be filled (the edge closest to the channel) is 90 feet from the western boundary of the Federal Channel.

None of these mitigation measures have been officially approved by EPA; however, they are currently on the table as proposed mitigation.

As we previously stated, EPA is currently reviewing this mitigation for suitability. Please let me know if you have any questions or comments regarding these proposed mitigation areas.

Thanks,

Chet Myers

Apex Companies, LLC

O) 617-728-0070 M) 617-908-5778

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

From: Chet Myers

Sent: Monday, December 05, 2011 1:48 PM

To: 'Keegan, Michael F NAE'

Cc: Jay Borkland; Michalak, Scott C NAE

Subject: RE: Potential Hurricane Barrier Impact (UNCLASSIFIED)

Hi Mike,

We have not developed the flood storage reduction plan. USEPA has not yet issued a Draft Decision associated with this project, so the permitting side is running a little slow.

We have been moving forward on design, though, so we thought it would be good to get what information we could to you.

Chet Myers

Apex Companies, LLC

O) 617-728-0070 M) 617-908-5778

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

From: Keegan, Michael F NAE [mailto:Michael.F.Keegan@usace.army.mil

<mailto:Michael.F.Keegan@usace.army.mil> ]

Sent: Monday, December 05, 2011 12:59 PM

To: Chet Myers

Cc: Jay Borkland; Michalak, Scott C NAE

Subject: RE: Potential Hurricane Barrier Impact (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Chet,

Tony Firicano retired at the end of June. I have forwarded your message to Scott Michalak who has taken over for Tony.

One of the other comments that the Corps had was that you needed a mitigation plan to provide additional flood storage to offset the flood storage that would be lost when the bulkheads were constructed. The Corps indicated that there can be no reduction in the flood storage for the project. Have you developed that plan?

Mike

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

From: Chet Myers [mailto:cmyers@apexcos.com

<mailto:cmyers@apexcos.com> ]

Sent: Monday, December 05, 2011 12:35 PM

To: Firicano, Anthony J NAE

Cc: Jay Borkland; Keegan, Michael F NAE

Subject: Re: Potential Hurricane Barrier Impact

Hi Mr. Firicano,

Not sure if you remember this issue, but Apex contacted you approximately one year ago to discuss the proposed New Bedford Marine Commerce Terminal (which is an extension of the existing South Terminal in New Bedford) and the potential impact of a portion of the dredging on the New Bedford Hurricane Barrier.

At the time, Apex had forwarded to you the proposed dredge footprint and cross-section (attached as "South Terminal Expansion 9-20-10 W Cross-Sectionsred"). You had requested a slope-stability analysis to be performed on this footprint.

Since that time, the dredge footprint has changed slightly, and we have had a slope stability analysis performed by GZA on both the original and two versions of the altered dredge footprint.

The new dredge footprint is attached as "P-2.6red". This new footprint brings the dredging closer to the Hurricane Barrier, but is also slightly shallower (-14 MLLW vs. -20 MLLW in our 9-20-10 submission).

Although there are no plans to dredge deeper than -14 MLLW at this time, the future allowable dredge depth for the bulkhead extension in this area is -20 MLLW. Therefore GZA assumed that it was possible that the new footprint could also be dredged to -20 MLLW in the future.

Therefore, GZA conducted its slope-stability analysis on three different scenarios:

- 1). The original 9-20-10 footprint dredged to -20 MLLW.
- 2). The new footprint dredged to -14 MLLW.
- 3). The new footprint dredged to -20 MLLW.

GZA created cross-sections and ran the three scenarios through their slope-stability software. GZA's conclusion in their report ("33734.00 Hurricane Barrier Reportred") was that "all of the proposed dredge scenarios

have acceptable factors of safety".

We are more than happy to discuss the issue with you further, or to meet with you to discuss the reports and the dredge footprints. Finally, higher resolution files for the Hurricane Barrier Report are available (we just didn't want to overwhelm your servers).

Thanks,

Chet Myers

Apex Companies, LLC

O) 617-728-0070 M) 617-908-5778

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

From: Keegan, Michael F NAE [mailto:Michael.F.Keegan@usace.army.mil <mailto:Michael.F.Keegan@usace.army.mil> ]

Sent: Wednesday, October 06, 2010 12:07 PM

To: Chet Myers

Cc: Jay Borkland; Firicano, Anthony J NAE

Subject: RE: Potential Hurricane Barrier Impact

Chet,

I did engage both Larry and John since they are the two individuals in charge of the Canal. However they asked me to coordinate with our Geotechnical folks since they have the expertise to determine if they

felt that there would be an issue. Tony Firicano is the Chief of Geotech and I asked him to have someone from his shop take a look at things. Tony indicated that, based on a cursory review, we wouldn't expect any impact to the barrier given the proposed cross-section. Tony did indicate that typically in these situations, we require the Contractors to provide analysis or backup for their section design for our review, and that would be the preferred approach.

I've included Tony in this email. He can be reached at 978-318-8396. I'd prefer it if you two talk directly instead of me being the middleman here.

However, please keep me in the loop so I can make sure that coordinate on the canal folks. Thanks

Mike

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

From: Chet Myers [mailto:cmyers@apexcos.com  
<mailto:cmyers@apexcos.com> ]

Sent: Friday, October 01, 2010 5:09 PM

To: Keegan, Michael F NAE

Cc: Jay Borkland

Subject: Potential Hurricane Barrier Impact

Mike,

Just wanted to check with you regarding the review of the proposed dredging in front of the Hurricane Barrier.

My understanding is that you referred us to either Mr. Larry Davis or Mr.

John Macpherson at the Cape Cod Canal office, who are actually doing the review.

I will attempt to contact them, if it is OK with you. If you wouldn't mind letting them know that I will be calling to schedule a meeting, I would be grateful.

Thanks,

Chet Myers, PE, LSP

Apex Companies, LLC

184 High Street, Suite 502

Boston, MA 02110

O: 617-728-0070 X-113

F: 617-728-0080

C: 617-908-5778

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE



- Mitigation Location Overview.pdf



- Stormwater Drainage Swale.pdf



- OU-3 Capping Area.pdf



- Winter Flounder Mitigation Area.pdf



- Cross-Sections OU-3 and Winter Flounder Mitigation Areas.pdf