RETURN TO SER AR INDEX

EPA Official Record

Notes ID: 0699A8333E40A3F085257A3F006A2480

From: "Davis, Gary (DCR)" <gary.davis@state.ma.us>

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

Copy To: "cmyers@apexcos.com" <cmyers@apexcos.com>; Eric Macaux <EMacaux@MassCEC.com>; Jay Borkland <jborkland@apexcos.com>; "Weinberg, Philip (DEP)" <philip.weinberg@state.ma.us>

Delivered Date: 07/12/2012 01:43 PM EDT

Subject: RE: New Bedford/South Terminal

yes

From: Ann Williams [mailto:Williams.Ann@epamail.epa.gov]
Sent: Thursday, July 12, 2012 1:40 PM
To: Davis, Gary (ENV)
Cc: cmyers@apexcos.com; Eric Macaux; Jay Borkland; Weinberg, Philip (DEP)
Subject: RE: New Bedford/South Terminal

Thank you, Gary. Does your second answer also apply to the 14.91 acre size of the shallow subtidal habitat mitigation?
Ann

From: "Davis, Gary (DCR)" <gary.davis@state.ma.us>
To: Ann Williams/R1/USEPA/US@EPA
Cc: "cmyers@apexcos.com" <cmyers@apexcos.com>, Jay Borkland <jborkland@apexcos.com>, Eric Macaux <EMacaux@MassCEC.com>, "Weinberg, Philip (DEP)" <philip.weinberg@state.ma.us>
Date: 07/12/2012 12:49 PM
Subject: RE: New Bedford/South Terminal

SDMS Doc ID 70004709

Good Morning Ann. We offer the following comments to the two questions you proposed yesterday:

1) Blasting to be limited to the November – February time frame to protect fish species including any Atlantic sturgeon that may be in the project area; and sequencing dredging to limit dredging in the deeper channel to that same time frame, and to limit to the maximum extent possible the dredging in the shallower areas to the June – November time frame.

From the outset, please be reminded that the Commonwealth presented to EPA that there is the possibility that blasting may be required; however, the Commonwealth has yet to determine whether it wishes to proceed down this pathway. Nevertheless, in keeping with our discussions with EPA, we submitted information concerning potential blasting activities, if such activities were to take place, along with mitigation measures. Unfortunately, the tight project schedule and ever evolving project sequencing constraints significantly constrain the Commonwealth's ability to limit construction sequencing at this time. Equally important to the Commonwealth is the observation that we have uncovered no documentation or information that supports the notion that Sturgeon have been found to be in the harbor. Nevertheless, we have modified the construction plans and specifications to include the employment of mitigation measures if dredging is to take place during the time frames mentioned above, along with a commitment to manage the project to avoid those timeframes to the greatest extent possible.

2) Whether the 22.73 acre size of the winter flounder habitat mitigation will definitely occur or only if the expansions at the request of the City occur; and similarly, whether the 14.91 acre size of the shallow subtidal habitat mitigation will definitely occur or only if the expansions at the request of the City occur.

The commonwealth commits to undertake the 22.73 acre size of the winter flounder habitat mitigation.

From: Ann Williams [mailto:Williams.Ann@epamail.epa.gov]
Sent: Wednesday, July 11, 2012 11:56 AM
To: Davis, Gary (ENV)
Cc: cmyers@apexcos.com; Jay Borkland
Subject: Re: New Bedford/South Terminal

Dear Gary,

Thank you for offering to contact Apex this morning regarding the status of the wetland

information. In addition needing to receive that information ASAP, we're also waiting for the results of your conversations regarding two issues:

1) Blasting to be limited to the November - February time frame to protect fish species including any Atlantic sturgeon that may be in the project area; and sequencing dredging to limit dredging in the deeper channel to that same time frame, and to limit to the maximum extent possible the dredging in the shallower areas to the June - November time frame.

2) Whether the 22.73 acre size of the winter flounder habitat mitigation will definitely occur or only if the expansions at the request of the City occur; and similarly, whether the 14.91 acre size of the shallow subtidal habitat mitigation will definitely occur or only if the expansions at the request of the City occur.

Thank you.

Ann

Ann H. Williams
Senior Assistant Regional Counsel
U.S. EPA Region 1
5 Post Office Square - Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912
617-918-1097 (phone)
617-918-0097 (fax)
williams.ann@epa.gov

"Davis, Gary (DCR)" ---07/06/2012 12:21:46 PM---Hi Ann. I just spoke with Jay and we plan to provide you with additional information concerning the

From: "Davis, Gary (DCR)" <gary.davis@state.ma.us>
To: Ann Williams/R1/USEPA/US@EPA
Cc: "cmyers@apexcos.com" <cmyers@apexcos.com>, Jay Borkland <jborkland@apexcos.com>
Date: 07/06/2012 12:21 PM
Subject: New Bedford/South Terminal

Hi Ann. I just spoke with Jay and we plan to provide you with additional information

concerning the wetlands by COB Tuesday. I hope you have a great weekend. /gd