



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

September 9, 2016

Regulatory Division
File No. NAE-2016-01896

Ms. Danielle Gosselin
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Gosselin:

I am responding to a letter dated August 11, 2016 from Victoria Rutson of your office, to COL Barron, concerning the proposal by New England Transrail to acquire, construct and operate various rail lines and transloading facilities in Wilmington and Woburn, Massachusetts. I have reviewed the project layout that accompanied the letter, and offer the following comments:

Section 404 of the Clean Water Act requires a Department of the Army permit for the discharge of dredged or fill material into waters of the United States, including adjacent wetlands. This office previously reviewed a similar project, also by New England Transrail, at this site, completed an on-site determination of Corps jurisdiction over wetlands, and concluded that a Department of the Army permit was not required for the work proposed at that time (see enclosed letter and attachments dated November 21, 2003; Corps File No. 200301119). Subsequently, we received a copy of the Environmental Assessment completed by your office, dated August 4, 2004, but we did not comment further on the project.

We also noted that a previous permit issued to Olin Corporation (Corps permit No. 200001354), which authorized temporary and permanent impacts to wetlands, was in full compliance at that time. However, it is unclear what has transpired since that date. Ms. Rutson's letter indicates that in 2006, the U.S. Environmental Protection Agency had taken authority over the site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). It appears from the project layout plan that wetlands on site have been altered (presumably as a result of CERCLA action), but it is unclear what those alterations entailed, or the present extent of wetlands. Moreover, it is unclear what jurisdiction the Corps has, if any, at this time: If the project site is still subject to CERCLA, activities under that law are solely the responsibility of U.S. EPA, as remedial actions completed under CERCLA are categorically exempt from Section 404 of the Clean Water Act. However, if CERCLA action is complete, then any foregoing and unrelated project involving a discharge of dredged or fill material into waters of the United States would require a Department of the Army permit.

Assuming that all CERCLA actions are complete, the following information is necessary for us to determine whether Corps permits are required for the current proposal by New England Transrail:

(1) A brief description of the CERCLA process that has occurred since the August 4, 2004 Environmental Assessment. This should include any remedial actions that affected wetlands, and/or influenced the extent of waters of the U.S. on the site. U.S. EPA staff contacts should be provided so that this office can contact the appropriate EPA officials to verify that CERCLA actions are complete and that EPA does not have any concerns regarding proposed activities on-site that are now subject to Corps authorization.

(2) Delineation of the current extent of wetlands located on the site, using approved federal delineation methods. As noted in our November 21, 2003 letter, we verified wetland boundaries as presented, and that our jurisdictional determination would be valid for a period five years (i.e., until November 21, 2008). Accordingly, a new wetland delineation is required in order to accurately describe Corps jurisdiction over the property in question.

(3) If the proposed project involves a discharge of fill material into wetlands, a Department of the Army permit is required, and New England Transrail should provide a permit application and complete plans for our review and evaluation. Information regarding permit applications is located at www.nae.usace.army.mil/Missions/Regulatory.aspx, "Forms and Publications," and then "Application for Army Permit & Instructions." You can view samples of the necessary plans under "Forms and Applications," and then "Guide for Permit Applicants." Applications need to include sufficient information for us to verify our limits of jurisdiction. This will include wetland delineation data sheets for work in wetlands. When corresponding with us or applying for a permit, please reference the current file number, NAE-2016-01896.

Please note that any required Department of the Army authorization must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

If you have any questions, please contact me at your earliest convenience at (978) 318-8214, or via e-mail at: alan.r.anacheke-nasemann@usace.army.mil.

Sincerely,



Alan R. Anacheke-Nasemann, PWS
Sr. Project Manager/Ecologist
Permits & Enforcement Branch

cc:

Ronald Klempner, New England Transrail, LLC, Edgewater, NJ, rklempner@verizon.net
Ed Reiner, US EPA, Boston, MA, reiner.ed@epamail.epa.gov

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



REPLY TO:
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

November 21, 2003

Regulatory Division
CENAE-R-200301119

Ronald A. Klempner
New England Transrail, LLC
843 Red Road
Teaneck, New Jersey 07666

Dear Mr. Klempner:

This letter responds to your letter dated May 10, 2003, requesting comments on the proposed construction of a railroad reload center, and a determination of jurisdiction for wetlands areas, located at 53 Eames Road, Wilmington, Massachusetts.

Alan Anacheke-Nasemann of our Regulatory Division conducted a field inspection of the site on September 11, 2003. During this inspection, areas labeled on the enclosed plans as "Temporarily Impacted Wetlands" and "Approximate Existing Wetlands Boundary," were reviewed for potential jurisdiction. We note that areas designated "Permanently Impacted Wetlands" have been legally filled and/or removed pursuant to Department of the Army Permit No. 20001354, issued to Olin Environmental Management, Inc. on August 21, 2000. We also found that present conditions on the site are in full compliance with the terms and conditions of that permit.

The delineation of waters of the United States, including jurisdictional wetlands, on the drawing you submitted entitled "Eames Street Redevelopment, 51 Eames Street, Wilmington MA," on one sheet labeled, "Fig. No. 3a," and dated, "5/05/00," is accurate.

Our verification of this project's wetland delineation under the January 1987 Corps of Engineers Wetlands Delineation Manual is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

The Corps of Engineers has implemented an administrative appeals process for permit denials, proffered permits for which you object to the terms, conditions and jurisdictional determinations. A Notification of Administrative Appeal Options form and flow charts explaining the appeals process and your options are enclosed with this letter. However, in order to retain your right to appeal, you must submit the enclosed NAAO form within 60 days of this letter's date.

Enclosed with this letter is a form explaining the basis for our jurisdictional determination. For appeals of permit denials, proffered permits and approved jurisdictional determinations, you must complete Section II of the NAAO form ("Request for Appeal") and submit it along with any supporting or clarifying information to the following address: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic, Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700, Telephone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. Questions regarding the Corps appeals process should be directed to Ms. Joanne M. Barry, Chief, Policy and Technical Analysis Branch at (978) 318-8156 or at the above address.

We have further determined that a Department of the Army permit is not required for your proposed construction of a Rail Reload Facility on the subject site. This determination is based on the information on the attached plans in one sheet, entitled "PROPOSED RAIL RELOAD FACILITY, WILMINGTON, MA," and dated, "7-21-03."

Our regulatory jurisdiction encompasses all work in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of dredged or fill material into all waters of the United States, including adjacent wetlands, as well as the excavation and grading within those waters, under Section 404 of the Clean Water Act. Since your proposal avoids impacts to existing waters of the United States, it does not include any of the aforementioned activities, and therefore, a Department of the Army permit is not required.

Should you modify your proposal to entail a discharge into waters of the United States, including wetlands located on the site, you must contact this office for information on Department of the Army permit requirements. Please note that performing work within our jurisdiction without a Corps of Engineers permit can result in prosecution by the U.S. Government. Violations of Section 10 can result in criminal prosecution with fines ranging from \$500 to \$2,500 per day of violation and/or imprisonment for up to one year. Violations of Section 404 are punishable by civil fines of up to \$25,000 per day and/or imprisonment for up to one year.

Finally, our Corps permit process does not supersede any other agency's jurisdiction. Therefore, if other Federal, State, and/or local agencies have jurisdiction over your proposed activity, you must receive all other applicable permits before you can begin work.

If you have any questions regarding this letter, please contact Alan Anacheke-Nasemann, of my staff, at (978)-318-8214.

Sincerely,

Christine A. Godfrey
Chief, Regulatory Division

Enclosures

ANACHEKA-NASEMANN

200301119

IER: COMPLETE THIS SECTION

- 1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 2. Print your name and address on the reverse so that we can return the card to you.
- 3. Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

RONALD A KLEMPNER
NEW ENGLANDS TRANSRAIL LLC
843 RED RD
TEANECK NJ 07666

COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>[Signature]</i>	☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Doris Klemper</i>	C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	

3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail	☐ Express Mail ☒ Return Receipt for Merchandise ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

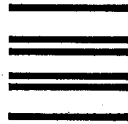
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Copies Furnished:

James Sprague, DEP Northeast Regional Office, Wetlands and Waterways, 1 Winter Street,
Boston, Massachusetts 02108.

Larry J. Welch, GEI Consultants, Inc., 1021 Main Street, Winchester, Massachusetts
01890-1970

Neil Sullivan, ICF, Incorporated, 9300 Lee Highway, Fairfax, Virginia 22031; Attn:
Finance Docket No. 34391 - Environmental Comments

Todd Stribley, ICF, Incorporated, 9300 Lee Highway, Fairfax, Virginia 22031

Victoria Rutson, Chief, Section of Environmental Analysis, Surface Transportation Board
Washington, DC 20423

Paul R. DeRensis, Deutsch-Williams, 99 Summer Street, Boston, Massachusetts 02110-1213

ARE 11/19
PM
RN 11/21
ERS
CS
Dr. Chf.
KIR
Div. Chf.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: New England Transrail, LLC		File Number: 200301119	Date: 21 Nov 03
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer, in care of the Chief, Regulatory Division, as specified in the last paragraph of the coverletter. Your objections must be received within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700 Telephone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

• **C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Telephone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Phone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district at the address below for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact Joanne M. Barry at:

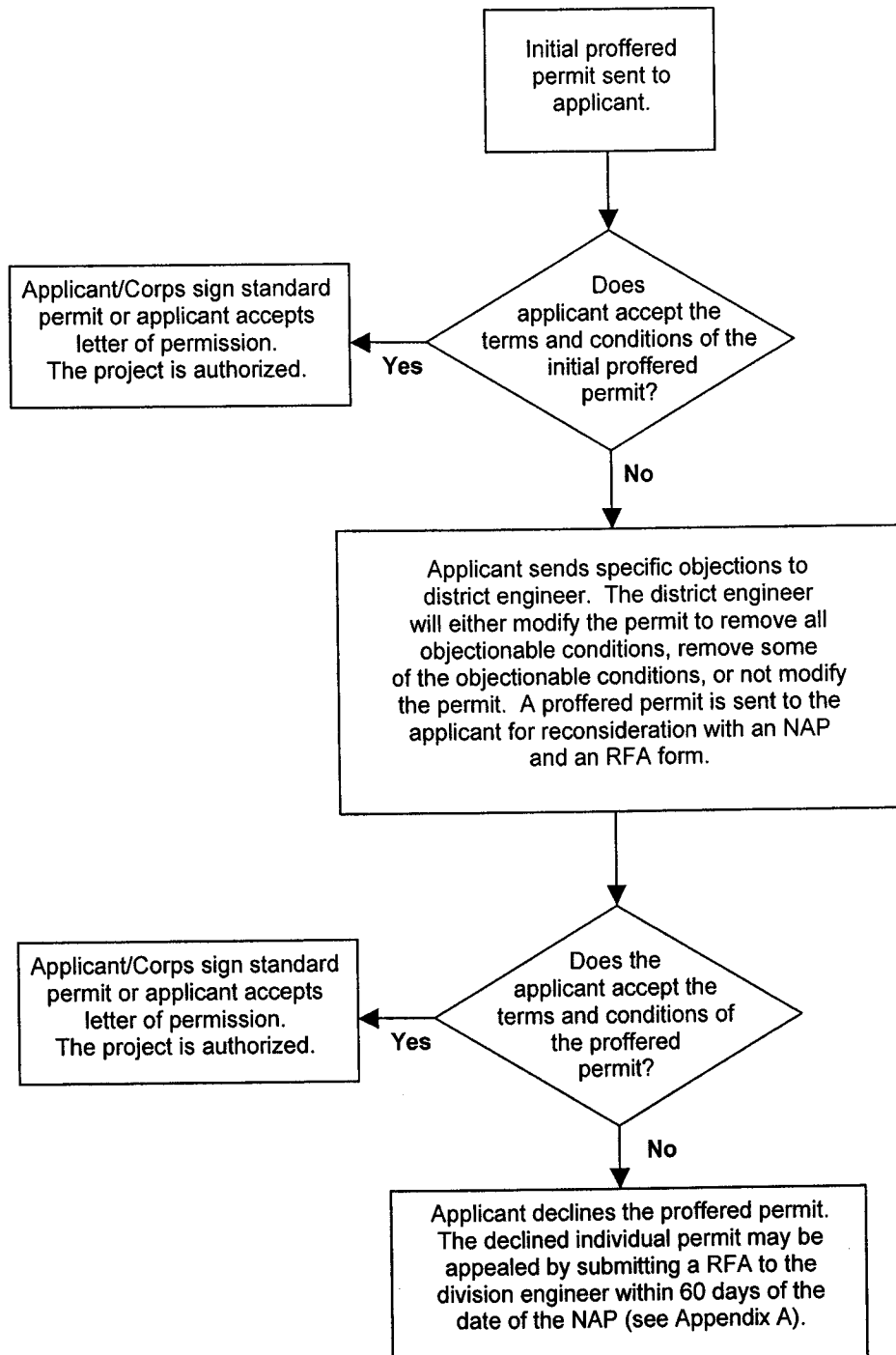
Chief, Policy/Technical Support Section
Corps of Engineers
696 Virginia Road
Concord, MA 01742

or (978) 318-8338

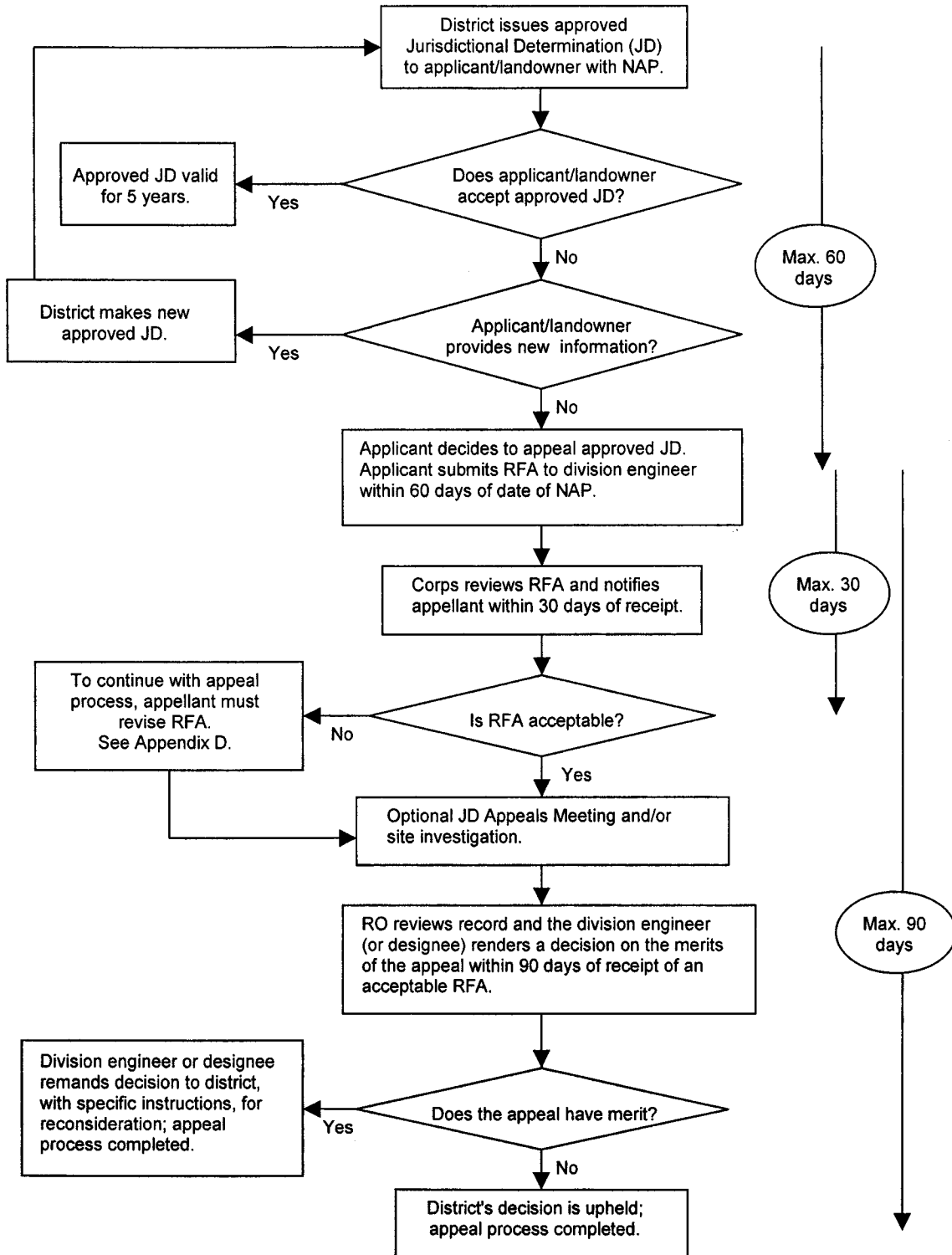
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

 Signature of appellant or agent.	Date:	Telephone number:
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Applicant Options with Initial Proffered Permit



Administrative Appeal Process for Approved Jurisdictional Determination



**U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
BASIS OF JURISDICTIONAL DETERMINATION**

Applicant: New England Transrail, LLC
Date: 21 Nov 2003

File No: 200301119

I. Jurisdictional Determination

- ☐ No waters of the United States are found on this site. (See 1)
☒ All wetlands and/or waters on this site are waters of the U.S. (See 2 and 3)
☐ Some wetlands and/or waters on this site are waters of the U.S., others are not, as described in the Corps-approved delineation. (See 1, 2 and 3)

1. The jurisdictional determination outlined in the attached EA/SOF or letter, which states there **are no** waters of the United States present at the site, is based on the following:

☐ The site consists entirely of uplands.

☐ The Corps has made a case-specific determination that although there are waters present on the site, they are not Waters of the United States based on the following:

- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR 328.3.
☐ Prior converted cropland, pursuant to 33 CFR Part 328(a)(8) dated August 25, 1993.
☐ Non-tidal drainage or irrigation ditches excavated on dry land.
☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
☐ Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a) (C-H below).
☐ Isolated wetland with no nexus to interstate commerce.
☐ Other (explain) _____

Comments: _____

2. The jurisdictional determination outlined in the attached EA/SOF or letter, which states there **are** waters of the United States present at the site, is based on the following:

☐ The waters on the site are subject to the ebb and flow of the tide.

☐ The waters present at the site are part of the territorial seas (baseline to 3-mile limit).

☐ The waters on the site have been determined to be navigable Waters of the United States for New England (list attached.)

☐ The waters on the site are interstate waters, including interstate wetlands.

_____ The waters present at the site contain impoundments of waters otherwise defined as waters of the United States.

X The waters present at the site are part of a tributary system to waters identified in this section.
(South Ditch and West Ditch)

X There are wetlands present at the site which are adjacent to waters (other than waters that are themselves wetlands) identified in this section. Note that adjacency means bordering, contiguous or neighboring. Adjacency for neighboring wetlands includes ecological connectivity.
(Wetlands adjacent to above ditches)

_____ The waters on the site are other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds containing a nexus to interstate commerce, and are navigable.

The nexus to interstate commerce consists of:

- _____ Recreation or other purposes
- _____ Fish or shellfish
- _____ Industrial or commercial purposes
- _____ Commercially saleable timber products
- _____ Sand, gravel, oil, gas, clay, peat, or other commodities of commerce
- _____ Other (explain) _____

Comments: _____

3. The lateral extent of the waters of the United States at the site, including wetlands, as identified on the plans in the file was based on one or more of the following:

X The limit of Corps jurisdiction for wetlands has been determined by the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and guidance supporting the Manual, based on the following:

- X Wetland delineation data sheets.
- X Site specific information on soils, vegetation, and hydrology.
- X Field verification conducted by the Corps on 11 Sep 2003.

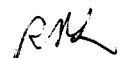
_____ The limit of Corps jurisdiction in a waterway has been determined to be:

- _____ OHW (non-tidal)
- _____ MHW (for Section 10)
- _____ HTL (for Section 404)

Comments: See attached Site Visit Report.



Alan R. Anacheke-Nasemann
Sr. Project Manager/Ecologist
Regulatory Branch



**U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
NON-TIDAL NAVIGABLE WATERS OF THE UNITED STATES**

The following non-tidal waters have been determined to be Navigable Waters of the United States subject to permit jurisdiction in the New England District area.

Maine – Kennebec River to Moosehead Lake; Penobscot River to the confluence of the East and West Branch at Medway, Maine; Lake Umbagog within the State of Maine.

New Hampshire – Merrimack River from the MA – NH state line to Concord, New Hampshire; Lake Umbagog within the State of New Hampshire; Connecticut River to Pittsburg, New Hampshire.

Massachusetts – Merrimack River to the New Hampshire state line; all of the Connecticut River within the Massachusetts state line.

Connecticut – Connecticut River to the Massachusetts state line.

Vermont – Navigability studies and determination has been completed in Vermont. The following lists show the results of these determinations:

Navigable waterways based on present or potential future use for interstate commerce:

Lake Champlain
Lake Memphremagog
Connecticut River
Ompompanoosuc River to Mile 3.8
Waits River to Mile 0.9

Navigable waterways based on past historical use for interstate commerce:

Black River from its mouth to Mile 25 Craftsbury
Battenkill River to Mile 50 Manchester
Lamoille River from its mouth to Mile 79 Greensboro
Missisquoi River from its mouth to Mile 88.5 Lowell
Otter Creek from its mouth to Mile 63.8 Procter
Winooski River from its mouth to Marshfield
Moose River from Passumpsic River to Victory Town line
Nulhegan River from its mouth to its source including the East Branch, Back Branch, and Yellow Branch
Paul Stream from its mouth to its source
East Branch, Passumpsic River from Passumpsic River to East Haven
Passumpsic River from its mouth to the East Branch
Wells River from its mouth to Groton Pond
White River from its mouth to its source

MEMORANDUM THROUGH:

 Environmental Resource Section

Joanne Barry, Chief, CENAE-R-PT

Crystal Gardner, Acting Chief, CENAE-R-PEA

FOR: File

SUBJECT: Site Visit Report, File No. 200301119: New England Transrail, LLC

1. **Background Data:**

USGS Quad: Reading, MA; 1987:

The USGS map shows the northern half of the site as cleared, developed and at a higher elevation than the southern half. The southern half is shown as forested and flat, with marsh symbols along the SE side. There are no streams shown, it appears that the site drains to the east, under the Boston and Main Railroad Tracks into a highly modified stream, which drains to the south, entering into a wetland that forms the headwaters of the Aberjona River.

National Wetland Inventory: Wilmington, MA 7.5' Quad, 1977:

The NWI wetland shows a PFO1 wetland traversing the site, seemingly flowing from west to east. The wetland is much more extensive than indicated by the USGS Quad marsh symbols. The wetland abruptly terminates at the Boston and Main railroad track. Presumably, the track has influenced the hydrology of the wetland, causing water to back up more extensively than would be the case without the track.

NRCS (SCS) Soil Survey: Middlesex County, MA; 1989 (INTERIM):

The following soil types occur on the site:

- 5 - Udorthents, sandy
- 7B - Charlton-Hollis Rock outcrop complex, 3-8% slopes
- 45 - Swansea Muck, Terric Medisaprists, VP drained - **Hydric**
- 46 - Freetown Muck, Typic Medisaprists, VP drained - **Hydric**
- 114B - Canton fine sandy loam, 3-8% slopes, ext. stony
- 259 - Udorthents Urban land complex, 0-25% slopes
- 555 - Udorthents, wet substratum

The Swansea, Freetown and Udorthents wet substratum soils are all located within the NWI wetland noted above.

Other Resource: MassGIS Color Infrared Aerial Photo; 2001:

The areal photograph shows a large ponded area, seemingly artificially created. The wetland appears to drain under the Boston and Maine tracks, but there is no sign of a stream on the east side. It is likely that the site drains under the track and an adjacent development and Woburn Street before daylighting on property southeast of the site.

Other Resource: Olin Corp. delineation map; 5/05/00

The Olin map delineates several wetlands, showing some as temporarily impacted and some as permanently impacted. The area that appears ponded on the above map is actually part of a slurry wall spoil area, evidently for site remediation that was done in the recent past.

2. **Site Visit Details:**

Date of Inspection: 11 Sep 2003

Location: NE Transrail site off Eames St., and existing RR track,
Wilmington, MA

Weather: Clear, 70°F

Participants: ARN

3. **Observations:**

I walked most of the site, starting from the north end. The wetlands here consist largely of invasive purple loosestrife (*Lythrum salicaria*), with some additional areas of cattail (*Typha latifolia*), red-osier dogwood (*Cornus stolonifera*), speckled alder (*Alnus rugosa*) and smartweed (*Polygonum lapathifolium*). The wetland boundary is correctly flagged, but the numbering system on these flags does not match the numbering convention from the Olin delineation map. It thus appears that another delineation of the site has been conducted more recently. Nevertheless, the more recent delineation does not change the mapped wetland boundary from the Olin drawing.

Summary:

All wetlands have been correctly flagged. Wetlands shown on the Olin map as "temporarily impacted wetlands" have been restored. The permanently impacted wetlands are incorporated into the slurry wall spoil area. The spoil area itself consists of geotextile fabric anchored with stakes and tires. It appears to be functioning correctly.

It was necessary to complete a record search to document that a permit had been issued previously, to Olin Corporation, authorizing the wetland impacts noted above. It also appears from the map provided by New England Transrail that there will be no additional wetland impacts from construction of the railroad spur track.

A handwritten signature in black ink, reading "Alan R. Anacheke-Nasemann". The signature is fluid and cursive, with the first name "Alan" and last name "Nasemann" being more prominent.

Alan R. Anacheke-Nasemann, PWS
Sr. Project Manager, CENAE-R-PEA

5. **References**

Federal Register November 13, 1986, 33 CFR 328.3(a) and (c)

Federal Register March 9, 2000, Preamble, II. General Comments - Jurisdictional Issues, pages 12823-4.

Memorandum, CENED-OD-R (Sheehan), 9 May 91, Subject-Revised Guidance-Adjacent Wetlands in New England.

DeGraaf, R. M. and Rudis, D. D. 1986. *New England Wildlife: Habitat, Natural History, and Distribution*. Gen. Tech. Rep. NE-108. Broomall, PA: US Department of Agriculture, Forest Service, Northeastern Forest Experiment Station. 491 pp.



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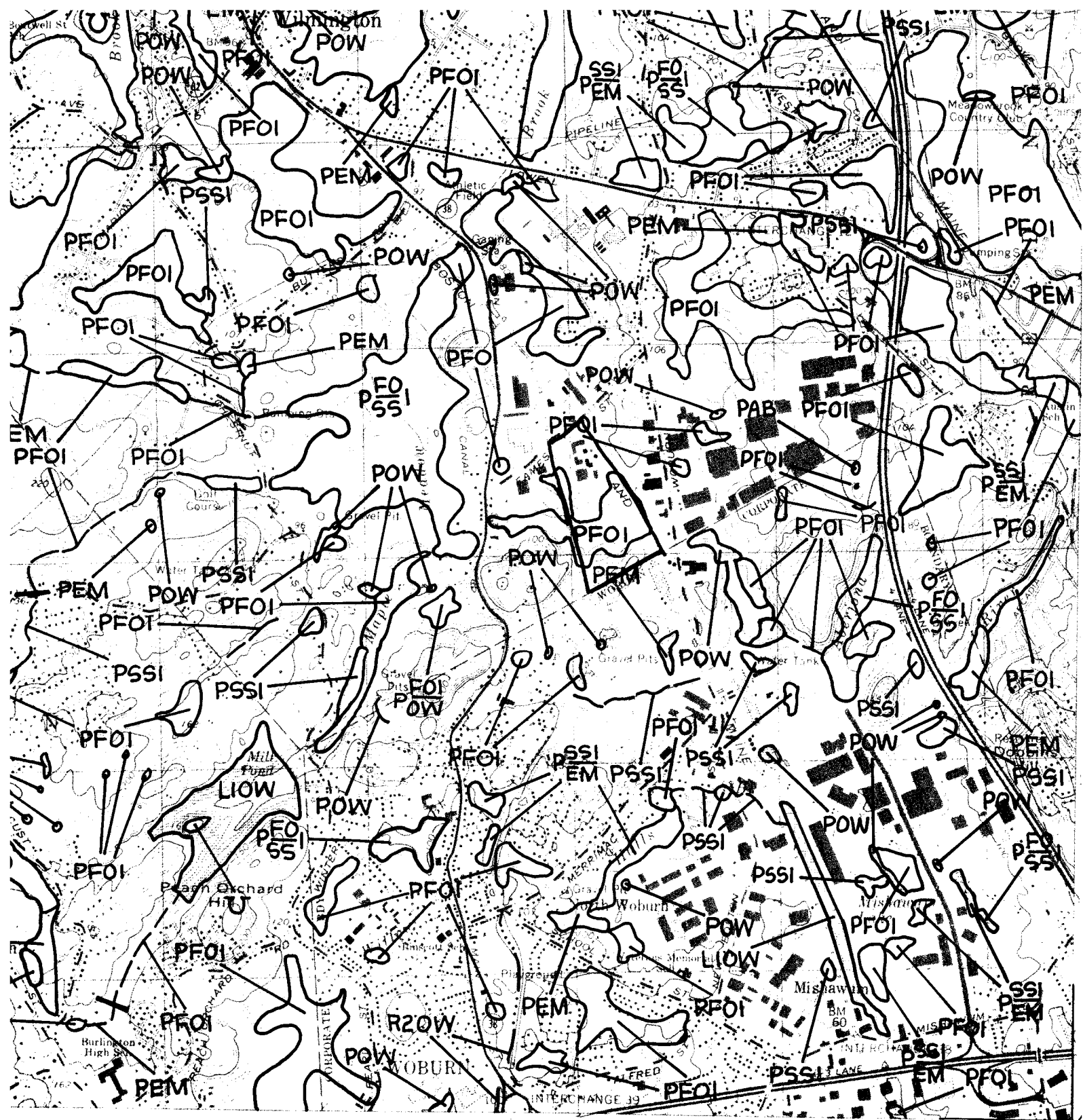
USGS Map Detail

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Name	READING
State(s)	MA
Map Type	Topographic (metric)
Scale	1:25000
Currentness Year	1987
ISBN Number	0607234695
USGS Order ID	TMA0379
USGS Entity ID	MPTMA0379PP01
Area Covered	7.5 x 15 minute
Projection	Universal Transverse Mercator
Northwest corner	42.6250°N, -71.2500°W
Northeast corner	42.6250°N, -71.0000°W
Southwest corner	42.5000°N, -71.0000°W
Southeast corner	42.5000°N, -71.0000°W

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INTERIOR GEOLOGICAL SURVEY BOSTON, JULY 1978

71°0'

WILMINGTON, MASS

4/77

NOTES TO THE USER

- Wetlands which have been field examined are indicated on the map by an asterisk (*).

MassGIS/MHD 2001 Color Orthophoto Map - Olin/NE Transrail Site, Wilmington, MA



Legend

Mass. Towns Boundaries

Mass Towns Labels

MHD Roads Route
Numbers

MHD Roads



Limited Access Highway



Multi-lane Hwy, Not Limited
Access



Other Numbered Hwy

Color Orthos 2001

