

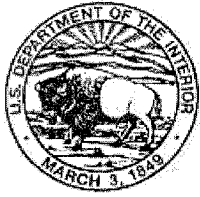
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Subject: NPS comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Date: Monday, December 17, 2012 4:58:15 PM
Attachments: [NPS comments on proposed AVX settlement.pdf](#)

Please see attached comments.

Jennifer T. Nersesian, Superintendent
New Bedford Whaling National Historical Park
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United States Department of the Interior

NATIONAL PARK SERVICE
New Bedford Whaling National Historical Park
33 William Street
New Bedford, Massachusetts 02740

IN REPLY REFER TO :

A00(NER/NEBE)

December 14, 2012

Assistant Attorney General
U.S. DOJ- Environment and Natural Resources Division
P.O. Box 7611
Washington, DC 20044-7611

Sent via email: pubcomment-ees.enrd@usdoj.gov

Re: NPS comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

To whom it may concern:

Thank you for the opportunity to comment on the proposed settlement with AVX Corporation regarding the cleanup of New Bedford Harbor. Over the past two years our agency has been working with EPA as a consulting party in regards to archeological impacts from the project. We are writing now to underscore the need to factor archeological surveys into both the proposed settlement amount as well as into the new project schedule that will be developed as a result of the settlement.

Some extremely rare archeological finds were discovered through the dredging process in 2010 that had not been anticipated by the archeological surveys done in the early 2000's (including a shipwreck and unrelated anchor, both from the 1700's). Understanding that survey technology has greatly improved over the past decade, and that the discovery of these artifacts indicated the insufficiency of the original survey data, the EPA agreed as a part of each year's work to re-survey whatever portion of the harbor would be included in the dredging for that year before beginning operations. This is the procedure that has been followed over the past two years. Naturally, there is significant expense associated with underwater archeological surveys, both in the technology employed in the physical survey as well as in the professional analysis of the data. However, it is a necessary step to meet the EPA's compliance responsibilities under Section 106 of the National Historic Preservation Act, and to ensure the appropriate preservation and/or documentation of artifacts that are in some cases the last tangible connections to significant episodes of our national history.

Again, we would like to ensure that these expenses have been considered in arriving at the final settlement amount of \$366 million. With the announcement of the settlement it has also been publicized that this would compress the project timeline from 40 years to 5-7 years. This would imply that much larger geographical areas will be remediated each year. As more territory is covered, broader and more intensive pre-dredge surveys will need to be planned in advance of that work, a point we hope will remain a part of the discussion as conversations regarding the settlement come to their conclusion.

The harbor cleanup is a project of immense importance and benefit, and we urge your office, the Commonwealth of Massachusetts, and the EPA to effect a settlement that serves the best interests of our local residents as well as the taxpayers of our country. We look forward to continuing to work with these partners to ensure the project proceeds in a way that restores a fishable and swimmable harbor for us all while preserving our national heritage and history.

If you have any questions, you can contact me at (508) 996-4095 x6100 or jen_nersesian@nps.gov. Thank you for your consideration.

Sincerely,



Jennifer T. Nersesian
Superintendent

cc (via email):

Mayor Jon Mitchell, City of New Bedford
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