

**Fw: South Terminal Avian Assessment**

Carl Dierker to: Ann Williams, Elizabeth Higgins

09/21/2010 06:29 PM

Cc: Cynthia Catri, Joanna Jerison

— Forwarded by Carl Dierker/R1/USEPA/US on 09/21/2010 06:28 PM —

From: "Kimmell, Ken (EEA)" <Ken.Kimmell@state.ma.us>
To: Matt Schweisberg/R1/USEPA/US@EPA, "Michael_Amaral@fws.gov" <Michael_Amaral@fws.gov>
Cc: Ira Leighton/R1/USEPA/US@EPA, Carl Dierker/R1/USEPA/US@EPA, "Babb-Brott, Deerin (ENV)" <Deerin.Babb-Brott@state.ma.us>, "PCLoney@MassCEC.com" <PCLoney@MassCEC.com>, Chet Myers <cmyers@apexcos.com>, 'Jay Borkland' <jborkland@apexcos.com>
Date: 09/21/2010 05:10 PM
Subject: South Terminal Avian Assessment

Gentlemen:

Attached please find a new report that focuses on avian impacts. This document pulls out and distills sections of the August 25 report that are pertinent to avian impacts. This is in response to your request to have all of the information on avian impacts in one document.

The document also provides significant new information that was not in the August 25 report as follows:

1). Additional data has been reviewed and added to the avian wildlife assessment. This includes:

- Information from the Paskamansett Bird Club's 2007 Christmas Bird Count.
- Observations made for Mass Audubon Society's Breeding Bird Atlas.
- A bird survey conducted within New Bedford Harbor by USEPA in 1987.

Unlike other bird surveys reviewed to date, the Mass Audubon Society's Breeding Bird Atlas and the bird survey conducted by USEPA in 1987 consist of bird surveys conducted ONLY north of the New Bedford Hurricane barrier. Neither of those two surveys indicated the presence of Common Terns or Roseate Terns. This is highly probative information that was not in the August 25 report, but which supports our prior conclusion that the work associated with the South Terminal will not adversely affect the tern population.

2). A separate endangered species assessment has been provided. In addition to the new survey data (which indicates that Common and Roseate Terns likely use the area only infrequently, if at all for foraging), feeding patterns of Common and Roseate Terns have been evaluated, as well as the potential for increased noise and human activity to discourage the foraging of Common and Roseate Terns inside the New Bedford Hurricane Barrier. This additional assessment also supports the conclusion of no significant impact.

3). An oil spill analysis has been conducted that assesses the increased likelihood of oil spills due to the use of the new terminal.

We trust that this information will be useful to you in evaluating the avian impacts.

Please note that there are appendices to this report. Apex will feed ex CD's to Michael Amaral for



tomorrow delivery, and hand-deliver CD's to Matt Schweisberg.

Kenneth L. Kimmell
General Counsel,
Executive Office of Energy and Environmental Affairs
100 Cambridge Street
Boston, MA 02114
(617) 626-1137 (phone)
(617) 626-1095 (facsimile)



South Terminal Avian Assessment 9-21-10.doc