



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

June 29, 2012

Mr. Tom Chapman, Supervisor
New England Field Office
U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301

Re: South Terminal Project, New Bedford Massachusetts

Dear Mr. Chapman:

The U.S. Environmental Protection Agency (EPA) is currently engaged in an informal consultation with the U.S. Fish & Wildlife Service (FWS) under Section 7 of the Endangered Species Act (ESA) with regard to the New Bedford Harbor-South Terminal Project (South Terminal Project). The South Terminal Project is a multiple-use marine terminal proposed to be located in New Bedford, Massachusetts.

On September 30, 2010, EPA sent a letter to FWS indicating that EPA believed that the following three (and no other) threatened or endangered species had the potential to be in the project area:

- Roseate Tern (*Sterna dougallii dougallii*);
- Piping Plover (*Charadrius melodus*); and
- Northeastern Beach Tiger Beetle (*Cicindela dorsalis dorsalis*).

EPA's letter sought FWS's concurrence regarding this list. On October 28, 2010, FWS wrote to EPA and concurred with EPA's list of federally threatened or endangered species potentially present in the project area.

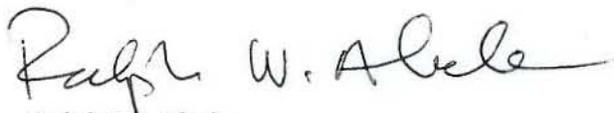
On May 17, 2012 EPA sent a draft Biological Assessment (B.A.) of the potential effects of the project on these three listed species to Susi von Oettingen of your office for comments. The draft B.A. includes a description of the project changes that have occurred since EPA originally wrote to FWS concerning the South Terminal Project in 2010.

We are now writing to you again as part of the ongoing informal consultation with FWS for the South Terminal Project. Based on our discussions with FWS, and our review of available information, we now believe that the Piping Plover and the Northeastern Beach Tiger Beetle

would not be found in the project area and, therefore, that the proposed project would have no effect on those species. We are requesting your office's confirmation of this conclusion.

Please contact me if you have any questions at (617) 918-1629.

Sincerely,

A handwritten signature in cursive script that reads "Ralph W. Abele". The signature is written in black ink and is positioned above the typed name.

Ralph W. Abele
Water Quality Branch
Office of Ecosystem Protection