RETURN TO SER AR INDEX

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

May 25, 2012

Mr. Mark Murray-Brown,
Endangered Species Coordinator
NOAA National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Murray-Brown:

The U.S. Environmental Protection Agency (EPA) currently is informally consulting under Section 7 of the Endangered Species Act (ESA) on the New Bedford Harbor-South Terminal Project (South Terminal Project), a proposed multiple use marine terminal located in New Bedford, Massachusetts. By notice of this letter, the EPA is advising the National Marine Fisheries Service (NMFS) of the endangered species which have the potential to be in the project area and are seeking concurrence from NMFS that this list is complete and accurate.

Project Description:

The Commonwealth of Massachusetts proposes to construct an approximately 28-acre marine terminal capable of supporting offshore renewable energy development and other future uses. A secondary purpose of the facility is to provide a site for the disposal of navigational dredged material associated with the State Enhanced Remedy ("SER") during construction of the facility, and to support staging of additional dredged material for beneficial reuse during operation of the facility. The facility would be located at the South Terminal area in lower New Bedford Harbor. The proposed NBH - South Terminal would be a filled structure adjacent to the shoreline, bounded by sheet piling, currently planned to be capped by crushed stone. The majority of the upland that will be incorporated into the proposed facility was once occupied by a former textile manufacturing complex and has been heavily disturbed. The total estimated size of the facility, including the ancillary southern properties, is currently anticipated to be approximately 28.25 acres. To complete the project as proposed, a total of approximately 26.57 acres of intertidal, subtidal and salt marsh resource areas would be altered. (Figure 1.)

Permanent direct adverse impacts to aquatic resources from constructing the NBH-South Terminal project would include the filling of 1.43 acres of intertidal area, 4.06 acres of shallow, near-shore sub-tidal area and 0.18 acres of salt marsh. In addition, 3.68 acres of near-shore, subtidal area would be dredged to between -30 and -32 MLLW (from -1 to -6 MLLW), 4.43 acres of near-shore, subtidal area will be dredged to -14 MLLW. In addition 4.03 acres of near-shore, subtidal area will be dredged for the Tug Channel from -5 to -14 MLLW -14 MLLW and 8.76 acres of near-shore, subtidal area will be dredged from -4 to -6 MLLW to -45 MLLW and will be subsequently filled and capped (CAD Cell)

SDMS DocID 518549

Temporary direct impacts to aquatic resources include: dredging of 8.01 acres of near-shore, subtidal area from -4 to -6 MLLW to between -6 and -7 MLLW (Gifford Street Channel Re-Alignment and Mooring Mitigation Areas); dredging of 7.01 acres of subtidal area from -20 to -25 MLLW to -30 MLLW (South Terminal Channel) and dredging of 19.6 acres of subtidal area from -26 to -30 MLLW to -30 MLLW (Maintenance Dredging of Federal Navigation Project). A total of approximately 26.57 acres of intertidal and subtidal resource areas would be directly altered due to filling and dredging during the construction process. A total of 34.62 acres of subtidal would be temporarily impacted during dredging. Secondary impacts would include temporary elevated turbidity, the resuspension and mobilization of contaminants during the construction process, and human disturbance (vessel traffic, noise, etc.) associated with the post-construction operation of the terminal.

ESA-Listed Species in the Project Area: The EPA is aware of the following endangered species under NMFS jurisdiction that have the potential to occur in the area and may be adversely affected by the proposed action.

Common Name	Scientific Name	Status
Atlantic sturgeon	*Acipenser onyrinchus oxyrinchus*	E (NYB DPS)

To the best of our knowledge, there is no designated critical habitat in the project area.

Please notify us of your concurrence with, or necessary revisions to, the above list and add any critical habitats which you believe need to be considered. If you have any questions or require additional information, please contact me at (617) 918-1629.

Sincerely,

Ralph W. Abele

Ralph W. Abele
Water Quality Branch
Office of Ecosystem Protection