From:	Marsh, Michael
To:	john.bullard@noaa.gov
Cc:	Christine Vaccaro - NOAA Federal; bwhite@MassCEC.com; Davis, Gary (DCR); Dierker, Carl; Stanley, Elaine; Catri, Cindy; Williams, Ann; Colarusso, Phil; "Chet Myers"; jborkland@apexcos.com; Hines, Eric; Paul.diodati@state.ma.us; kathryn.ford@state.ma.us
Subject:	Consultation under the Endangered Species Act, Magnuson-Stevens Act and the Fish and Wildlife Coordination Act re: New Bedford Harbor - South Terminal Project
Date:	Friday, September 13, 2013 5:50:27 PM
Attachments:	JASCO New Bedford Modeling.VERSION 6.0. 2012_091313.pdf JASCO Report on New Bedford Modeling.VERSION 5.0. 091013 (2).pdf

Dear Mr. Bullard:

On September 6, 2013, EPA again reinitiated consultation under the Endangered Species Act, Magnuson-Stevens Act and the Fish and Wildlife Coordination Act regarding the New Bedford Harbor - South Terminal Project. This reinitiation of consultation focused on the Commonwealth's request for approval to implement blasting for rock removal using a maximum charge weight of up to 150 lbs per delay, rather than the originally requested maximum of 50 lbs. In our September 6, 2013 letter, we provided our tentative conclusions about the potential impacts to species of concern under those statutes. We also stated that we were still reviewing the revised report from the Commonwealth's consultant (JASCO) to ensure that it supports the conclusion that there would not be a significant increase in impacts to aquatic species using a maximum 150 lb charge weight compared to a 50 lb charge weight, and that we would convey our final conclusion after completing our review.

This is to inform you that we have completed our review of JASCO's revised report dated September 4, 2013 (which we sent to you along with our September 6, 2013 letter), and subsequent revisions dated September 10, 2013 (Version 5.0) and September 13, 2013 (Version 6.0), attached. Based upon these reviews and technical discussions with the Commonwealth and their consultants, we have reached the final conclusion that, although the proposed modification to the NBH-South Terminal project has the potential to affect the Atlantic sturgeon, due in large part to the limited presence of the sturgeon in the area and the mitigative measures that will be employed, the project is unlikely to adversely affect the species. EPA has also reached the final conclusion that the change in potential impact will not result in any significant impacts to Essential Fish Habitat or resources protected under the Fish and Wildlife Coordination Act. If you have any questions, please contact me at (617) 918-1556.

Sincerely,

Michael Marsh

U.S. Environmental Protection Agency - New England
Office of Ecosystem Protection (OEP 5-2)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Tel: 617.918.1556
Fax: 617.918.0556

email: marsh.mike@epa.gov

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