



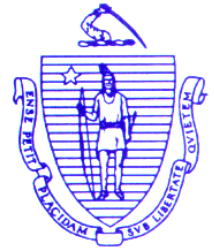
David E. Pierce, Ph.D.  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400  
Boston, Massachusetts 02114

(617)626-1520  
fax (617)626-1509



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Governor  
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April 6, 2018

New Bedford Conservation Commission  
City Hall  
133 Williams Street  
New Bedford, MA 02740

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent for an Ecological Restoration Project by the City of New Bedford Parks, Recreation, and Beaches Department for an Aquatic Management Program on Buttonwood Park Pond in the City of New Bedford. Existing marine fisheries resources and habitat and potential project impacts to these resources are outlined in the following paragraphs.

For Ecological Restoration Projects, MA DEP requires a written determination from MA DMF if a project is located in a coastal waterbody with a time-of-year (TOY) or a fish passageway. Please replace this written determination with the one dated March 28, 2018.

Buttonwood Park Pond supports American eel (*Anguilla rostrata*) resources based on best professional judgment (1). *Marine Fisheries* has identified the project site as supporting a spring run of juvenile glass eels and providing habitat for older life stages of eel. The proposed project should take precautions to avoid impacts to the spring eel run and resident eels in Buttonwood Park Pond. MA DMF written determination is as follows:

1. The project will occur within a coastal waterbody with a restricted TOY in accordance with the recommendations of Appendix B of the DMF Technical Report TR 47 "Marine Fisheries TOY Restrictions for Coastal Alteration Projects" dated April 2011 (1).
2. The proposed project does require a TOY restriction. The TOY restriction recommendation is **March 15 - June 15** where we do not want any introduction of algaecides and/or herbicides into the pond.
3. In order to provide refuge for resident eels in the pond, no more than 60% of the pond shall be treated in a given year.

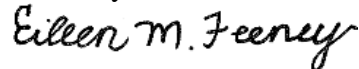
MA DMF usually recommends a TOY restriction from March 15 – June 30 for the application of aquatic herbicides at habitats occupied by diadromous fish. The proponent is requesting to apply these herbicides on June 16 or thereafter. We concur that a fifteen day TOY incursion is acceptable based on methods as established in the monitoring plan below.

Buttonwood Pond Park Monitoring Plan shall include:

- Pre- and post-treatment water quality monitoring shall involve collection of temperature, pH, dissolved oxygen, and turbidity measurements for both the surface waters and every foot within the water column. The bottom oxygen conditions are of interest due to the potential reduction of oxygen due to plant die-off.
- There shall be one (1) water quality monitoring location outside the treatment area (as a control) and two (2) water quality monitoring locations within the treatment area.
- Water quality measurements shall be taken 24 hours prior to herbicide application, and post-application at 24 hours, 3 days, and 5 days after treatment.
- A report shall be submitted to the city's Conservation Commission and MA DMF.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 742-9721.

Sincerely,



Eileen M. Feeney  
Fisheries Habitat Specialist

cc: Matthew Salem, SOLutide Lake Management  
Barbara Newman, ACOE  
Robert Boeri, CZM  
John Sheppard, DMF  
Brad Chase, DMF  
Pooja Potti, DMF

EF/BC

#### References

1. Evans NT, Ford KH, Chase BC, Sheppard J (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47.