



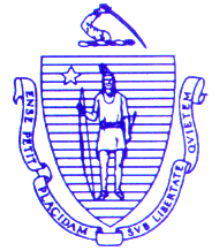
David E. Pierce, Ph.D.
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Division of Marine Fisheries

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March 28, 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 with respect to potential impacts to marine fisheries resources and habitat. 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.

Buttonwood Park Pond supports American eel (*Anguilla rostrata*) resources based on best professional judgment (1). Eels are capable of travelling out of water and over land for short distances to overcome low head dams and insurmountable elevation changes.

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 30** where we do not want any introduction of algaeicides and/or herbicides into the pond.

MA DMF recommends treating half the pond one year and treating the other half the following year. Water quality and fish monitoring is recommended so we can learn from this restoration project.

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/pp

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.