



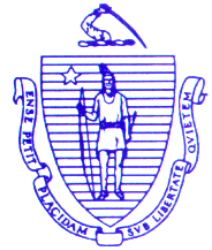
David E. Pierce, Ph.D.
Director

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March 20, 2018

Ms. Barbara H. Newman
Chief of Permits Branch A
Regulatory Division
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742
ATTN: Alan Anacheke Nasemann

Re: NAE-2018-00319

Dear Mr. Anacheke Nasemann:

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the MA GP PCN Determination of Eligibility for Massachusetts Department of Transportation to replace and rehabilitate 55 culverts and 7 seven bridges along the Middleborough Secondary, New Bedford Main Line, and Fall River Secondary rail lines to allow for the continued safe use of the rail lines. Existing marine fisheries resources and habitat and potential project impacts to these resources are outlined in the following paragraphs.

Within the Fall River Extension, the Taunton River contains river herring (alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*)), American eel (*Anguilla rostrata*), American shad (*Alosa sapidissima*), rainbow smelt (*Osmerus mordax*), white perch (*Morone americana*), Atlantic tomcod (*Microgadus tomcod*), and Atlantic sturgeon (*Acipenser oxyrinchus*). The Assonet River supports alewife, blueback herring, American eel, and white perch while Rattlesnake Brook, Poquoy Brook, and Furnace Brook all support river herring and American eel. The Cotley River also contains American eel. Within the New Bedford Extension, the Acushnet River and Fall Brook both contain river herring, American eel, and white perch, while the Acushnet River also contains rainbow smelt.

Many of the rivers and streams listed in Table 1 of Attachment A of the MA GP PCN provide passage and spawning habitat for diadromous fish species as well as winter flounder and various species of shellfish. Species identified for these rivers and streams and recommended time-of-year (TOY) restrictions for in-water work in these systems are included below (Table 1). Recommended TOYs are included for the fall season for several rivers to protect emigrating juveniles. These restrictions may not be required if the proposed work will not obstruct passage.

MA DMF offers the following comments for your consideration:

- Avoidance of in-water work during spring diadromous fish migration and juvenile river herring fall emigrations is the preferred approach to minimizing impacts to these resources. A summary table outlining water crossings, existing diadromous fish species, and recommended time of year (TOY) avoidance periods is provided below (Table 1).
- In-water work may proceed within the TOY restriction periods outlined in Table 1 if conducted behind cofferdams and cofferdam installation and removal can be staged to occur outside of the site TOY period(s).
- Stream flow should be maintained during all in-water work to maintain habitat connectivity and fish passage. A gravity-fed water control device is recommended over bypass pumps and other alternatives.

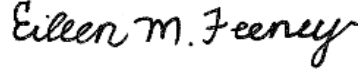
Table 1. Diadromous fish resources and recommended time of year (TOY) restrictions on in-water work. Silt control recommendations are also included in the “Recommended TOYs” column for cases where additional containment is deemed necessary for out-of-water work.

Fall River Extension			
Station	Stream	Species Present	Recommended TOYs
CV-LK-11	Poquoy Brook	RH, eel	3/15 – 6/30, 9/1– 11/15
CV-LK-12	Poquoy Brook	RH, eel	3/15 – 6/30, 9/1– 11/15
CV-BK-1	Cotley River	eel	3/15 – 6/30
CV-BK-2	Cotley River	eel	3/15 – 6/30
Cotley R. Bridge North	Cotley River	eel	3/15 – 6/30 (in-river), Silt controls
Cotley R. Bridge South	Cotley River	eel	3/15 – 6/30 (in-river), Silt controls
Assonet R. Bridge	Assonet River	RH, eel, WP	3/15 – 6/30, 9/1– 11/15 (in-river), Silt controls
CV-FRN-16	Assonet River (Forge Pond)	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-17	Assonet River (Forge Pond)	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-18	Assonet River (Forge Pond)	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-20	Assonet River	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-22	Terry Brook (Rattlesnake Brook)	RH, eel	3/15 – 6/30, 9/1– 11/15
Weaver’s Cove Layover	Taunton River	RH,eel,AS,RS, WP,AT,AST	NO TOY – Silt controls
Fall River Depot	Taunton River	RH,eel,AS,RS, WP,AT,AST	NO TOY – Silt controls
Battleship Cove	Taunton River	RH,eel,AS,RS, WP,AT,AST	NO TOY – Silt controls
New Bedford Extension			
Station	Stream	Species	Recommended TOYs
CV-LK-7	Fall Brook	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-1	Fall Brook	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
CV-FRN-3	Fall Brook	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
Fall Brook Bridge	Fall Brook	RH, eel, WP	3/15 – 6/30, 9/1– 11/15
Whale’s Tooth	Acushnet River	RH, eel, RS, WP	NO TOY – Silt controls

Species Codes: AS (American shad), AST (Atlantic sturgeon), AT (Atlantic tomcod), eel (American eel), RH (river herring – alewife and blueback herring), WP (white perch)

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: Lisa Standley, VHB
Middleborough, Lakeville, Taunton, Raynham, Berkley, Freetown, New Bedford, and Fall River Conservation Commissions
Christopher Boelke & Alison Verkade, NMFS
Robert Boeri, CZM
Ed Reiner, EPA
Chris Ross, DEP
John Sheppard, DMF
Brad Chase, DMF
Pooja Potti, DMF

EF/JS

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.