



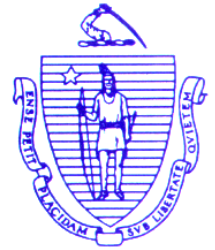
David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

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August 4, 2017

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

Dear Commissioners:

The Division of Marine Fisheries (*MarineFisheries*) has reviewed the Notice of Intent by New Bedford Harbor Development Commission to replace Coal Pocket Pier within a smaller footprint and to make repairs to the existing Steamship Pier and Leonard's Wharf on New Bedford Harbor in the City of New Bedford with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for quahog (*Mercenaria mercenaria*). Subtidal waters within the project site have habitat characteristics suitable for these species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

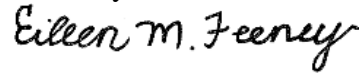
MarineFisheries has identified New Bedford Harbor as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from January through May, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC). A recent stock assessment has determined that Southern New England/Mid Atlantic winter flounder populations are at only 23% of the recommended recovery level, and even though it is not currently experiencing overfishing, it is overfished (Northeast Fisheries Science Center, 2014). Because of the winter flounder stock status, every effort should be made to protect winter flounder and their spawning habitat.

MarineFisheries offers the following comments for your consideration:

- To protect winter flounder spawning and juvenile development, *MarineFisheries* recommends a time-of-year (TOY) restriction on in-the-water/silt-producing activities during the flounder spawning season **January 15 - May 31** (Evans et al., 2011). The TOY restriction may be waived if a bottom-weighted silt curtain is to be installed around the entire three piers prior to the TOY period and remain in place for the duration of the project.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 990-2860 ext. 117.

Sincerely,



Eileen M. Feeney
Fisheries Habitat Specialist

cc: Briscoe Lang, Pare Corporation
 Robert Giard & Thomas Ringuette, Shellfish Constables
 Barbara Newman, ACOE
 Robert Boeri, CZM
 Neil Churchill, DMF
 Tom Shields, DMF
 Pooja Potti, DMF

EF/pp

References

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.

Northeast Fisheries Science Center (2014) Operational assessment of 20 northeast groundfish stocks, updated through 2014. Northeast Fisheries Science Center Reference Document 15-24.
<http://www.nefsc.noaa.gov/publications/crd/crd1524/crd1524.pdf>