



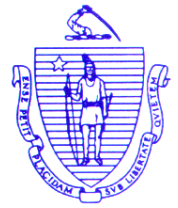
David E. Pierce
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

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April 13, 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 MA Department of Conservation and Recreation, 93 State Pier, for maintenance repairs to east wharf, including replacement of existing pile supports, and make repairs to the filled northeast corner of State Pier 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*). Waters within the project site have habitat characteristics suitable for this 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. Although shellfish is in a prohibited portion of the harbor, these shellfish still serve an important function in filtering the overlying water, providing forage for species such as the winter flounder, and serving as brood stock for other areas open to harvest.

MarineFisheries has identified New Bedford Harbor as spawning habitat for winter flounder (*Pseudopleuronectes americanus*) [1]. 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 [2]. Because of the winter flounder stock status, every effort should be made to protect winter flounder and their spawning habitat.

New Bedford Harbor also provides passage to the Acushnet River for a variety of diadromous fish species. Existing species include alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), rainbow smelt (*Osmerus mordax*), and American eel (*Anguilla rostrata*) [1].

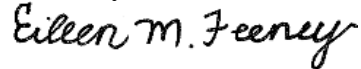
MarineFisheries offers the following comments for your consideration:

- New Bedford Harbor has been identified as spawning habitat for winter flounder. Due to the impacts of heavy equipment and turbidity producing activities (excavation of NE fill and installation of approximately 300 steel piles), a time-of-year restriction from **January 15**

through May 31 should be required to protect winter flounder spawning and to minimize the silting-over of flounder eggs [1].

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: Russell Titmuss, GEI Consultants, Inc.
Robert Giard & Thomas Ringuette, Shellfish Constables
Neil Churchill, DMF
Tom Shields, DMF
Pooja Potti, DMF

EF/pp

References

1. Evans NT, Ford KH, Chase BC, Sheppard J. 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. 2011;
2. Northeast Fisheries Science Center. 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>. 2014;