



David E. Pierce
Director

Commonwealth of Massachusetts

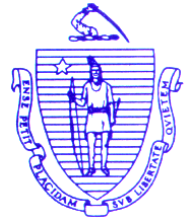
Division of Marine Fisheries

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March 28, 2017

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Erin Flaherty, EEA No. 15655
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Beaton:

The Division of Marine Fisheries (*MarineFisheries*) has reviewed the Environmental Notification Form for the Massachusetts Department of Conservation and Recreation's New Bedford State Pier Rehabilitation Project in New Bedford Harbor in the City of New Bedford. Proposed rehabilitation consists of long-term repairs to sections of the east face of the pier that were temporarily restored through emergency repairs completed in 2013. Specifically, new repairs would consist of piling removal and installation of 300 new steel pipe piles, removal and replacement of the existing concrete deck, timber fender system, turning dolphin, and seawall, and installation of steel sheet piling along the outer edge of the pier. Existing marine fisheries resources and potential project impacts are outlined in the following paragraphs.

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.

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:

- A time of year (TOY) restriction on in water silt-producing work of **January 15 to May 31** is recommended to protect the spawning period, larval settlement, and juvenile development of winter flounder [1].

Questions regarding this review may be directed to John Logan in our New Bedford office at (508) 990-2860 ext. 141.

Sincerely,



David E. Pierce
Director

cc: New Bedford Conservation Commission
Brad Saunders, GEI Consultants, Inc.
Robert Giard & Thomas Ringuette, New Bedford Shellfish Constables
Christopher Boelke & Alison Verkade, NMFS
Robert Boeri, CZM
Ed Reiner, EPA
Ken Chin, DEP
Richard Lehan, DFG
Kathryn Ford, Tom Shields, Neil Churchill, Pooja Potti, DMF

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;

DP/JL/sd