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October 27, 2016

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

Re: NAE-2016-1354

Dear Ms. Newman:

The Division of Marine Fisheries (*MarineFisheries*) has reviewed the MA GP PCN Determination of Eligibility for the City of New Bedford, West Rodney French Boulevard, to dredge approximately 85 cubic yards of sediment to -3' MLW (with 1' over dredge) at the bottom of an existing boat ramp on Clark's Cove in the City of New Bedford. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat. The dredged sediment will be placed at the northern adjacent beach area.

The project site lies within mapped shellfish habitat for bay scallop (*Argopecten irradians*), razor clam (*Ensis directus*), and American oyster (*Crassostrea virginica*). 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 Clark's Cove 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 [1]. 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:

- Disposal of beach fill in the intertidal area should be consistent with DEP's Beach Nourishment Guide [2]. Beach fill material should be of equal grain size and appropriate slope to avoid premature loss from the beach and impacts to near shore bottom habitat.

- To protect winter flounder spawning and juvenile development, *Marine Fisheries* recommends no in-the-water or silt producing activities during the flounder spawning season **January 15 – May 31**, of any year [3].

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

Eileen M. Feeney
Fisheries Habitat Specialist

cc: New Bedford Conservation Commission
Michael Count, CLE Engineering, Inc.
Robert Giard & Thomas Ringuette, Shellfish Constables
Alison Verkade, NMFS
Robert Boeri, CZM
Ed Reiner, EPA
Ken Chin, DEP
Neil Churchill, DMF
Tom Shields, DMF
Christian Petitpas, DMF

EF/cp

References

1. 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>
2. Haney R, Kouloheras L, Malkoski V, Mahala J, Unger Y (2007) MassDEP's guide to best management practices for projects in Massachusetts: Beach nourishment. March 2007. .9pp.
3. 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.
Christian Petitpas, DMF