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Director

Commonwealth of Massachusetts

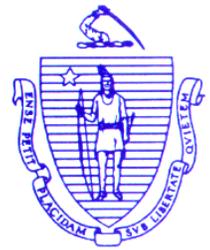
Division of Marine Fisheries

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Deval Patrick
Governor

Maeve Valley Bartlett
Secretary

Mary B. Griffin
Commissioner

December 1, 2014

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

Dear Commissioners:

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the Notice of Intent by the City of New Bedford for work on the Coggeshall Street Sewer Separator within an existing CSO outfall structure at the end of Sawyer Street area along the Acushnet River, with respect to potential impacts to marine fisheries resources.

The project site lies within mapped shellfish habitat for soft shell clam (*Mya arenaria*), quahog (*Mercenaria mercenaria*), 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.

The Acushnet River has been identified as an anadromous/catadromous fish passage, migration and spawning river. Blueback herring (*Alosa aestivalis*), alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), rainbow smelt (*Osmerus mordax*), and white perch (*Morone americana*) all use this portion of the Acushnet River for a portion of their life cycle. *Marine Fisheries* recently placed a three-year ban on the harvest of river herring (blueback and alewife) due to drastic declines in their populations. Division biologists emphasize the need for risk averse management to protect these species.

Marine Fisheries has also identified the Acushnet River system as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC). Every effort should be taken to protect flounder spawning habitat.

Marine Fisheries has the following concerns with this project:

- The use of construction equipment should be limited in the salt marsh and the intertidal areas to minimize damage to these sensitive resource areas.
- Hay bales should be placed upland of all resource areas.
- The NOI states that silt curtains will be used to minimize turbidity in the river. Depending on the amount of turbidity created in the river, a time of year (TOY) may be required to protect spawning and migratory winter flounder and diadromous species from **January 15 – June 30** [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

Eileen M. Feeney
Fisheries Habitat Specialist

cc: Danielle Gallant, CDM Smith
Robert Giard & Thomas Ringuette, Shellfish Constables
Neil Churchill, Tom Shields, DMF
Christian Petitpas, DMF

EF/cp

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.