



Paul J. Diodati  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

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Deval Patrick  
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Timothy P. Murray  
Lt. Governor

Richard K. Sullivan, Jr.  
Secretary

Mary B. Griffin  
Commissioner

June 13, 2012

Tisbury Conservation Commission  
Town Hall  
P.O. Box 1239  
Vineyard Haven, MA 02568

Dear Commissioners:

The Division of Marine Fisheries (*MarineFisheries*) has reviewed the Notice of Intent by Tisbury Wharf Co., Inc., 158 Beach Road, to dredge approximately 5,600 cy of material from an 81,000 sf area on Vineyard Haven Harbor in the Town of Tisbury, with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for bay scallop (*Argopecten irradians*), blue mussel (*Mytilus edulis*), razor clam (*Ensis directus*), soft shell clam (*Mya arenaria*) and quahog (*Mercenaria mercenaria*) which is afforded protection under the Wetlands Protection Act (310 CMR 10.34). Mapped land containing shellfish is deemed significant to the interest of the Wetland Protection Act and the protection of marine fisheries.

*MarineFisheries* has identified Vineyard Haven 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 stock is at only 9% of the recommended recovery level and is considered nearly depleted. Because of the dramatic decline in winter flounder stock, every effort should be made to protect winter flounder and their spawning habitat. Division biologists emphasize the need for risk averse management to protect this species.

*MarineFisheries* offers the following comments for your consideration:

- *MarineFisheries* recommends a time-of-year restriction prohibiting dredging from January 15 – May 31 to protect winter flounder spawning and juvenile development.
- The Notice of Intent did not indicate where the 5,600 cy of dredge material would be deposited. A nearby beach is a mapped horseshoe crab (*Limulus polyphemus*) spawning beach. Horseshoe crabs spawn in these areas at night near the time of the new and full moons in May and June, depositing eggs in nests near the moon high tide levels. The eggs hatch on or near the moon tides approximately two to four weeks later. *Marine Fisheries* recommends no beach fill be placed on mapped horseshoe crab spawning beaches from May 1 – July 30 to protect horseshoe crab spawning and development. This may not be necessary if the disposal site can be identified and is not a horseshoe crab spawning site.

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: Reid Silva, Vineyard Land Surveying & Engineering  
Danielle Ewart, Shellfish Constable  
Mike Syslo, DMF  
Christian Petitpas, DMF

EF/cp