



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

June 28, 2021

Chilmark Conservation Commission  
Town Hall  
401 Middle Road  
Chilmark, MA 02535

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by the Town of Chilmark for maintenance dredging of Menemsha Basin and beach nourishment of Menemsha Beach. Proposed mechanical dredging would remove approximately 3,010 cubic yards of material, which would then be spread on Menemsha Beach using a track loader. Existing marine fisheries resources and habitat and potential project impacts are outlined in the following paragraphs.

The proposed dredge footprint and bordering benthic habitat include mapped shellfish habitat for a variety of species. Specifically, the general project area includes mapped habitat for bay scallop (*Argopecten irradians*), blue mussel (*Mytilus edulis*) and quahog (*Mercenaria mercenaria*). Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

Menemsha Basin is spawning habitat for winter flounder (*Pseudopleuronectes americanus*). 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).

Menemsha Beach is spawning habitat for horseshoe crabs (*Limulus polyphemus*). Horseshoe crabs deposit their eggs in the upper intertidal regions of sandy beaches from late spring to early summer during spring high tides [1]. Adult crabs congregate in deep waters such as channel areas during the day while waiting to move on to the beaches at night to spawn. The eggs hatch approximately two to four weeks later.

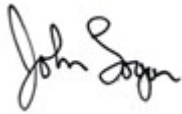
MA DMF offers the following comments for your consideration:

- All in-water, silt-producing work should occur outside of a time of year (TOY) restriction period of **January 15 to May 31**. This TOY period would protect sensitive life history phases for winter flounder during the dredging process [2].

- Beach nourishment should occur outside of a TOY period of **May 1 to July 31** to protect eggs, larvae, and newly settled juveniles from beach disposal activities [2].
- The work barge used for the project should be staged to avoid grounding throughout the construction process.

Questions regarding this review may be directed to John Logan in our New Bedford office at john.logan@mass.gov.

Sincerely,



John Logan, Ph.D.  
Fisheries Habitat Specialist

cc: Reid Silva, Vineyard Land Surveying & Engineering, Inc.  
Isaiah Scheffer, Chilmark Shellfish Constable  
Simone Wright, Tom Shields, Ryan Nuttall, MA DMF

#### References

1. Barlow Jr. RB, Powers MK, Howard H, Kass L. Migration of *Limulus* for mating: relation to lunar phase, tide height, and sunlight. Biol Bull. 1986;171: 310–329.
2. 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.

JL/rn