

June 27, 2013

Mr. David Lederer
Remedial Project Manager
Office of Site Remediation and Restoration
EPA Region 1, Suite 100, OSRR 7-04
5 Post Office Square
Boston, MA 02176

Re: Withdrawal of Oyster Seed and Oyster Reef As Part of Shellfish Mitigation at the New Bedford Marine Commerce Terminal Project (NBMCT Project)

Dear Mr. Lederer,

This letter is submitted in order to document the Massachusetts Clean Energy Center's (MassCEC's) request to withdrawal oyster seeding and a proposed oyster reef from consideration in association with shellfish mitigation for the New Bedford Marine Commerce Terminal (NBMCT).

As you know, the National Oceanic and Atmospheric Administration (National Marine Fisheries Services or NMFS) submitted a comment letter to EPA prior to EPA's issuance of its Final Determination for the South Terminal Project, dated November 16, 2012. Within their comment letter, NMFS requested that the Commonwealth expand its seeding program "to include other species identified in the shellfish survey" conducted as part of delineation of existing natural resources for the project.

After meeting with NFMS in the fall of 2012, it became clear that NMFS was requesting, in particular, that oyster seed be included within the overall seeding plan for mitigation for the facility, and that an oyster reef be established in some location suitable to NMFS in addition to the seeding plan proposed by the Commonwealth. At the time, the Commonwealth agreed to consider the proposal, and included the potential for the oyster seed and oyster reef to be included at a later date within its Final Mitigation Plan.

MassCEC has since requested guidance from the Commonwealth's Division of Marine Fisheries (MassDMF) with regard to whether oyster seeding should or should not be included within the Final Mitigation Plan, and whether the idea of an oyster reef would be supported in the Commonwealth.

MassDMF has responded within a letter dated June 27, 2013 (attached). The letter outlines MassDMF's position regarding inclusion of oysters and the oyster reef and makes the following points:

- MassDMF states that a 20%/80% oyster mix should not be applied to the overall seed mixture associated with the shellfish mitigation plan, as the shellfish survey conducted by the Commonwealth took place in Palmer's Cove, and the seeding program will be taking place south of the New Bedford Hurricane Barrier, an area which contains differing environmental conditions (such as salinity and substrate); and
- Although inclusion of oysters may be suitable if the seeding program were to take place within New Bedford Inner Harbor, it is unlikely to be successful south of the New Bedford Hurricane Barrier, due to the differing environmental conditions, and as there are no other natural populations of wild oysters within New Bedford waters.

In summary, MassDMF has recommended to MassCEC that the seeding efforts be allocated 100% toward quahogs, and as a result of this recommendation, MassCEC wishes to withdraw for consideration the use of oyster seed or the construction of an oyster reef in the shellfish mitigation for the New Bedford Marine Commerce Terminal.

MassCEC sincerely appreciates your consideration of this very important matter. If you have any questions related to this proposed modification to the Final Determination, please do not hesitate to contact me at 617-315-9330.

Sincerely,

Bill White

Bill White
Director, Offshore Wind Sector Development

Attachment (1)