



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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**MASS.GOV/MASSWILDLIFE**

March 22, 2024

John Pettis  
The City of Haverhill  
4 Summer Street  
Haverhill, Massachusetts 01830

Haverhill Conservation Commission  
City Hall Room 210  
4 Summer St  
Haverhill, MA 01830

RE:     Applicant:             John Pettis, The City of Haverhill  
         Project Location:       Rosemont Street Bridge over Little River  
         Project Description:    Remove and replace bridge  
         DEP Wetlands File No.: 033-1565  
         **NHESP File No.:        24-17186**

Dear Commissioners and Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58(4)(b)). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the following species:

| <u>Scientific Name</u>     | <u>Common Name</u> | <u>Taxonomic Group</u> | <u>State Status</u> |
|----------------------------|--------------------|------------------------|---------------------|
| <i>Glyptemys insculpta</i> | Wood Turtle        | Reptile                | Special Concern     |

This species and their habitats are protected in accordance with the rare species provisions of the WPA and the MESA.

### **Wetlands Protection Act (WPA)**

Based on a review of the information that was provided and the information that is currently contained in our

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database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

#### **Massachusetts Endangered Species Act (MESA)**

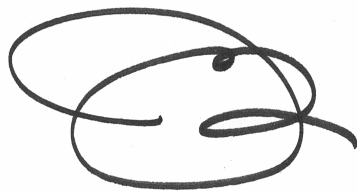
The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as “in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat” of state-listed species (321 CMR 10.02).

Based on the information provided and the information contained in our database, the Division finds that this project, as currently proposed, **must be conditioned to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). To avoid a prohibited Take of state-listed species, the conditions attached to this letter must be met.**

Provided the attached conditions are fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at Melany.Cheeseman@mass.gov, (508) 389-6357.

Sincerely,



Jesse Leddick  
Assistant Director

cc:

Attachment: List of Conditions

## ***List of Conditions***

Applicant: John Pettis, The City of Haverhill  
Project Location: Rosemont Street Bridge over Little River  
Project Description: Remove and replace bridge  
**NHESP File No.: 24-17186**  
**Heritage Hub Form ID: RC-84126**  
**Approved Plan: City of Haverhill, Massachusetts Rosemont Street Over Little River Bridge No. H-12-024 (CFF)**  
**Plan date: February 19, 2024 Revised Date: N/A**

**To avoid a prohibited Take of state-listed species, the following condition(s) must be met:**

- 1. Turtle Protection Plan:** Prior to the start of work (including vegetation clearing or soil disturbance), the Applicant shall submit to the Division for review and written approval a Wood Turtle Protection Plan. Said Plan shall detail procedures for protecting state-listed turtles during construction, and be prepared and implemented by a qualified, Division-approved wildlife biologist in possession of a valid Scientific Collection Permit issued by the Division. The Division is available for consultation on Plan development and can provide contact information for qualified biologists. The Division-approved Plan shall be implemented as written; any proposed changes to the Plan must be submitted to the Division for review and written approval prior to implementation of said changes. By December 31st of any year in which work occurs, the qualified biologist shall submit: a) a summary report to the Division detailing project status and compliance with the Plan; and b) any observations of state-listed turtles at <https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations>