



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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June 16, 2022

Haverhill Conservation Commission
4 Summer Street
City Hall Room 300
Haverhill, MA 01830

Adam and Kara Sotirakopoulos
483 East Broadway
Haverhill, MA 01830

RE: Applicant: Adam and Kara Sotirakopoulos
 Project Location: Merrimack River, 483 East Broadway
 Project Description: Construct wooden boardwalk over wetland and install
 dock system: 6x6' concrete footer above high tide, 40' long gangway and
 railing, dock – length unstated

 DEP Wetlands File No.: Unavailable
 NHESP File No.: **22-41080**
 PLANS Referenced: Sketch plan. Labelled ADAM SOTIRAKOPOULOS 483 BROADWAY HAVERHILL
 MA, 01830, UNITS ARE IN FEET SCALE 1:100; the "PLAN" (attached).

RE: *Notice that additional information is required to take further action on your combined application for review under the WPA and MESA regulations*

Dear Commissioners and Applicant

On May 19, 2022, the Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with Plan in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58 (4)(b), 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (MESA; 321 CMR 10.18).

Based on a review of the information provided and the information currently contained in our database, the proposed dock will occur within the mapped *Priority* and *Estimated Habitat* for the Shortnose Sturgeon (*Acipenser brevirostrum*) and Atlantic Sturgeon (*Acipenser oxyrinchus*), both state-listed as Endangered pursuant to the MESA. These species and their habitats are protected pursuant to the MESA and WPA. Fact sheets for these species can be found on our website, www.mass.gov/nhesp. The Shortnose Sturgeon and Atlantic Sturgeon (Gulf of Maine distinct populations) are also listed as Endangered and Threatened, respectively, pursuant to the federal Endangered Species Act of 1973 (16 USCA §§1531-1544) and regulations (50 CFR §§17 & 402) administered by the National Marine Fisheries Service.

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MA Wetlands Protection Act & MA Endangered Species Act

The purpose of the Division's review of the proposed project under the WPA regulations is to determine whether the project will have any adverse effects on the Resource Areas Habitats of state-listed species. The purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project.

This letter is to inform you that the Division has reviewed the materials submitted with your application and has determined that **additional information is required** in order for the Division to complete its review pursuant to the Massachusetts Endangered Species Act (321 CMR 10.18) and the rare species provisions of the MA Wetlands Protection Act (310 CMR 10.58(4(b)), 10.59).

- a) **In order to avoid long-term impacts to the foraging and migratory habitat for sturgeon, the use of helical anchors and flexible-low-impact moorings systems** ("conservation moorings") is required. Conservation moorings help eliminate the daily sediment re-suspension and habitat degradation associated with chain moorings. The project plans shall be modified to include the use of flexible, low-impact mooring systems (e.g., for docks, a rode system that prevents the bottom-chain from dragging) and helical anchors. More information on conservation moorings can be found in a report prepared on behalf of the Massachusetts Bays Program entitled *Conservation Mooring Study* issued in January 2013 and found at <http://www.mass.gov/eea/docs/mbp/publications/conservation-mooring-report-uhi-dec2013.pdf> and Guidance from Maine <http://www.maine.gov/dacf/mcp/downloads/access/moorings.pdf>.

If bedrock is present at the site and the Conservation Commission assents, the individual helical anchors refused by bedrock can be replaced on the plan with permanent bottom mooring attachments (e.g. pipe driven and mortared into rock with an "eye" for attachment or the like).

- b) Please determine the shape (L or T) and size of all parts of the dock, including the location and number of moorings and anchors, and **update the plan to include this information**. The narrative submitted through eDEP and the Plan included in the filing (eDEP Submittal Confirmation for DEP Transaction ID: 1372174) lack these details.

After receiving the above requested information, the Division will continue its review of the proposed project for compliance with the state-listed species provisions of the WPA and MESA regulations. The Division reserves the right to request additional information to understand the potential impacts of the proposed project on state-listed species and their habitats. If you have any questions regarding this letter please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at (508) 389-6356 or misty-anne.marold@state.ma.us.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: MA DEP Northeast Region, Wetlands and Waterway