



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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December 5, 2021

Haverhill Conservation Commission  
Attn: Ms. Harmony Wilson, Chair  
Haverhill City Hall, Room 300  
4 Summer Street  
Haverhill, MA 01830

Dear Commissioners:

MA DMF has reviewed the Riverbank Stabilization Project at 216 River Street in Haverhill along the Merrimack River as a potential Ecological Restoration Project and provides the following written determination regarding time of year (TOY) restrictions, diadromous fish passage impacts, and other recommended conditions.

- DMF has considered the need for a TOY restriction and has concluded:
  - The waterbody is listed in TR 47 and has a restricted TOY of March 1 to July 15 and September 1 to November 15 of any given year [1]. We recommend a restricted TOY of March 15 to July 15 to protect the shortnose sturgeon spawning which occurs in the vicinity of the project site [1]. Because all work will be done during low tide when the site is dewatered, restricted to a small portion of the river outside of the thalweg, and a turbidity curtain will be deployed and closely monitored during deployment the full spring and fall TOY is not recommended.
- DMF has reviewed the project's impact on diadromous fish passage and has concluded:
  - The project is in the Merrimack River fish run. The project is anticipated to be compatible with the fish passage requirements of this fish run (provided adherence to the recommended TOY restrictions). This project may be eligible for the Restoration Order of Conditions.
    - A DMF Fishway Construction Permit will not be needed.

- DMF recommends including additional conditions to further minimize potential adverse effects of the project:
  - Other recommended conditions: The proponent should consider implementing a stormwater management plan that includes BMPs outlined in MassDEP Storm water Handbook (e.g. avoid discharging untreated storm water from the parking area into the Merrimack River).

Questions regarding this review may be directed to Forest Schenck in our Gloucester office at [forest.schenck@mass.gov](mailto:forest.schenck@mass.gov).

Sincerely,



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References:

- [1] Evans, NT, KH Ford, BC Chase and JJ Sheppard (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts Technical Report [DMF TR-47](#).