



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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October 14, 2021

Boxford Conservation Commission
7A Spofford Road
Boxford, MA 01921

Four Mile Pond Preservation Group, Inc
PO Box 141
Boxford, MA 01921

Project Location: Four Mile Pond Dam, Georgetown Road
Project Description: Repairs to existing dam and drawdown to accommodate repairs in the dry
MA DEP File No.: 114-1335
NHESP Tracking No.: 09-27017

Dear Conservation Commissioners and Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent and Plans entitled "PLAN TO ACCOMPANY A NOTICE OF INTENT FOUR MILE POND DAM GEORGETOWN ROAD BOXFORD, MA" (dated 9/7/21, 1 sheet, prepared by Williams & Sparages) 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).

Dear Commissioners and Applicant:

Based on a review of the information provided and the information currently contained in our database, the proposed project is located within mapped *Priority* and *Estimated Habitat* for the following state-listed species, as indicated in the *Massachusetts Natural Heritage Atlas* (15th Edition):

Scientific Name	Common Name	State Status	Taxonomic Group
<i>Emydoidea blandingii</i>	Blanding's Turtle	Threatened	Vertebrate Animal

This species and its habitats are protected pursuant to the MESA. Fact sheets for these species can be found on our website, www.mass.gov/nhesp.

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.

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Based on the information provided and the information contained in our database, it is the opinion of the Division that a portion of this project, as currently proposed, **must be conditioned in order to avoid adverse effects** to the Resource Area Habitats of state-listed wildlife species (310 CMR 10.59, 10.58(4)(b), as applicable) and **must be conditioned in order to avoid a prohibited Take** of state-listed species (321 CMR 10.18(2)(a)). The following conditions must be met for all work:

1. **Timing Restriction**
 - a) **Drawdown:** The Applicant proposes to temporarily drawdown the pond elevation to facilitate work on the dam. The initiation of the drawdown must not occur between September 15 and April 15.
 - b) **Construction/Repair:** All construction and repair activities shall occur between April 16 and September 14.

2. **State-listed Turtle Protection Plan** (“Protection Plan”). Prior to initiation of repairs, the Applicant shall arrange for a qualified biologist to develop and implement a Protection Plan.
 - a) The Protection Plan shall be submitted to the Division for review and approval.
 - b) The Protection Plan shall detail procedures for protecting state-listed turtles during construction. The plan should consider visual sweeps, as well as potential use of a turtle barrier. The Division is available for consultation on the development of the plan and for information regarding qualified biologists.
 - c) A Commercial Scientific Collection Permit must also be obtained from the Division of Fisheries & Wildlife in order to handle state-listed turtles.

3. **Native Plantings.** Should any seed mixes be applied to disturbed soils not thereafter maintained as lawn or agriculture, all such mixes shall be composed of species native to the County in accordance with ‘The Vascular Plants of Massachusetts: A County Checklist First Revision’ (Dow Cullina, M., B. Connolly, B. Sorrie, and P. Somers. 2011. MA NHESP DFW). Available from State Library of Massachusetts at <http://archives.lib.state.ma.us>. Then, search for the name of the publication.

4. **Authorization Duration.** This authorization is valid for 5 years from the date of issuance of this letter. Work shall be completed by the expiration of this authorization.

5. **Notice, Wetland Protection Act filings.** When filing for any Notice of Intent, Request for Determination of Applicability or associated renewal, extension, or amendment of the WPA Orders of Conditions the Applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife. A renewal, extension or amendment of Order of Conditions does not renew, extend or amend this conditional MESA authorization.

6. **Compliance Report.** Within thirty (30) days of the completion of each phase of Work, the Applicant shall file a written project report including the dates of all Work activities and post-construction photographs.

Provided the above-noted conditions are fully implemented and there are no changes to the project plan, this project will not result in adverse effect to the actual Resource Area or a Take of state-listed species. 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.

If you have any questions regarding this letter, please contact Misty-Anne R. Marold, Senior Endangered Species Review Biologist, at (508) 389-6356 (misty-anne.marold@mass.gov).

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is written in a cursive style with a large, prominent initial "E".

Everose Schlüter, Ph.D.
Assistant Director

cc: Gregory Hochmuth, William & Sparages, LLC
MA DEP Northeast Region