



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

April 9, 2014

Acton Conservation Commission
472 Main Street
Acton, MA 01720

Carlisle Conservation Commission
66 Westford Street
Carlisle, MA 01741

Westford Conservation Commission
Town Hall, 55 Main Street
Westford, MA 01886

Susan McArthur
MassDOT Highway Division
10 Park Plaza, Suite 4160
Boston, MA 02116

RE: Applicant: Susan McArthur, MassDOT
 Project Location: ACTON, CARLISLE, WESTFORD
 Project Description: Bruce Freeman Rail Trail Phase 2A
 DEP File No.: 085-1149 (Acton); 125-0958 (Carlisle); 334-1588 (Westford)
 NHESP File No.: **07-23727**

Dear Commissioners & Applicant:

The applicant submitted three (3) Notices of Intent with site plans ("PLAN AND PROFILE OF BRUCE FREEMAN RAIL TRAIL PHASE 2A, NOI SUBMISSION, "undated) to the Natural Heritage & Endangered Species Program of the Division of Fisheries and Wildlife (the Division) in compliance with the inland 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 (321 CMR 10.18) (MESA).

The Division has determined that the Project is located within the mapped *Priority* and *Estimated Habitat* of the Wood Turtle (*Glyptemys insculpta*), a species listed as "Special Concern". This species and its habitats are protected pursuant to the MESA and its implementing regulations. A Fact Sheet for this species can be found on our website, www.mass.gov/nhesp.

WETLANDS PROTECTION ACT (WPA)

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

www.mass.gov

Division of Fisheries and Wildlife

Temporary Correspondence: 100 Hartwell Street, Suite 230, West Boylston, MA 01583

Permanent: Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

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)

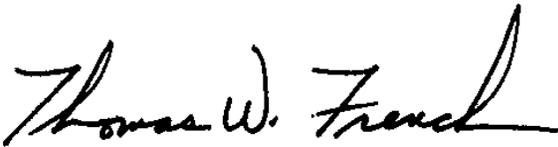
Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **must be conditioned to avoid a prohibited "take"** of state-listed rare species. Therefore, the following conditions must be met:

1. All work located within "NHESP Focus Areas 1-3" shall be subject to the submitted and approved Wood Turtle Protection Plan Bruce Freeman Rail Trail Phase 2A (Item 754.2). Please note that the proposed hay bales are not a requirement of the turtle protection plan and can be removed and/or substituted from the project plans.
2. All erosion and sedimentation controls (including temporary turtle barriers) shall be removed and properly disposed of after the project is completed and as soon as surrounding areas are stabilized

Provided the above-noted conditions are implemented and there are no changes to the project plans, this project will not result in a "take" of state-listed species. 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 David J. Paulson, Endangered Species Review Biologist, at (508) 389-6366 or david.paulson@state.ma.us.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: MA DEP Northeast Regional Office
MA DEP Central Regional Office
Christopher Ross, MassDEP Wetlands
Marta J. Nover, Nover-Armstrong Associates, Inc.