



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Jack Buckley, *Director*

April 13, 2016

Acton Conservation Commission
472 Main St
Acton MA 01720

Town of Acton
472 Main St
Acton MA 01720

RE: Applicant: Town of Acton
 Project Location: 2 Locations: Robbins Mill Pond (in PH); Ice House Pond
 Project Description: Aquatic Vegetation Control of Water Chestnut
 DEP Wetlands File No.: 085-1192
 NHESP Tracking No.: **16-35438**

Dear Commissioners & Applicant:

The applicant listed above has submitted a Notice of Intent with narrative and figures to the Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division"), in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59).

MA 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.

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.

MA ENDANGERED SPECIES ACT (MESA)

The project occurs within designated *Priority Habitat of Rare Species* and therefore requires review through a direct filing with the Division for compliance with the MESA. The MESA is administered by the Division, and prohibits the "take" of state-protected species, which includes actions that "...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...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).

For a MESA Project Review Checklist and additional information about the MESA review process, please visit our website: www.mass.gov/nhesp ("Regulatory Review" tab). Please note that all proposed and

www.mass.gov/nhesp

Division of Fisheries and Wildlife

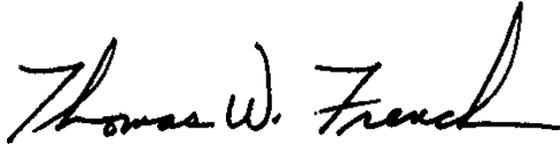
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16).

No soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing may be conducted anywhere on this project site until the Division has completed its MESA review. If you have any questions regarding this letter please contact Lauren Glorioso, Endangered Species Review Assistant, at (508) 389-6361.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Thomas W. French, Ph.D.
Assistant Director

cc: MA DEP Central Region