



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Parker River National Wildlife Refuge
6 Plum Island Turnpike
Newburyport, Massachusetts 01950
978-465-5753
978-465-2807 (fax)



May 13th, 2020

Julia Godtfredsen
Newburyport Conservation Commission
Newburyport City Hall
Newburyport MA

Dear Mrs. Godtfredsen:

Enclosed please find our application for a Request for Determination of Applicability for removing an invasive plant, Perennial Pepperweed, from sites throughout Newburyport.

Sincerely,

Lauren Healey

Lauren Healey
Invasive Species Coordinator



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

US Fish and Wildlife Service

Name

lauren_healey@fws.gov

E-Mail Address

6 Plum Island Turnpike

Mailing Address

Newburyport

City/Town

MA

State

01950

Zip Code

978-465-5753x5625

Phone Number

978-465-2807

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Newburyport Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Newburyport

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Town wide	Newburyport, MA
Street Address	City/Town

Assessors Map/Plat Number	Parcel/Lot Number
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- b. Area Description (use additional paper, if necessary):

We would like to be approved for Town wide treatment of the invasive plant, perennial pepperweed, in Newburyport. Perennial Pepperweed (*Lepidium latifolium*) has been invading the shoreline areas of the Merrimac River, Joppa Flats, Woodbridge Island and the northern end of Plum Island. These areas are primarily the upper edges of salt marshes and shorelines above the intertidal zone where pepperweed is taking over. It can also be found on roadside and ditches. Pepperweed can spread by wind and water up to several miles in a single season. We are hoping to stop the spread of this plant by eradicating any plants we find along waterways and roads throughout Newburyport.

- c. Plan and/or Map Reference(s):

Newburyport West- 2019 Invasive Plant Sites 1 - Pepperweed	May 2020
	Date
Newburyport East- 2019 Invasive Plant Sites 2 - Pepperweed	May 2020
	Date
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Our goal is to improve wetland and salt marsh conditions by selectively targeting and removing the invasive plant Perennial Pepperweed (*Lepidium latifolium*). We do not expect any negative impacts to the wetlands, but in fact enhancement of the habitat and ecological communities. This is part of a larger project to eradicate Perennial Pepperweed from the Great Marsh and Essex Co., MA. Trained staff and volunteers have and will continue to locate and record locations of pepperweed stands in Newburyport. We will obtain written permission from landowners. The USFWS will keep a record of known locations, treatment at the locations and efficacy of the treatment. We will control pepperweed with both mechanical and chemical control techniques. Mechanical control will consist of hand pulling of the plants by trained staff and volunteers. Pulled plant material will be removed from the site and sent to an incinerator. Chemical control will consist of application by Massachusetts certified pesticide applicators using backpack sprayers to apply wetland approved herbicides effective against Perennial Pepperweed. The herbicides we anticipate using are Renovate 3 (triclopyr, EPA Reg. No.: 62719-37-67690), Escort (Metsulfuron methyl, EPA Reg. No.: 352-439), Habitat (imazapyr, IPA Reg. No. 241-426, and Rodeo (glyphosate, EPA Reg. No.: 62719-324). Applicators trained in pepperweed identification and other native marsh plants, and will specifically target pepperweed and apply herbicide when wind speeds are less than 15 mph and rain is not anticipated within 6 hours. Applicators will strictly adhere to the instructions on the herbicide label. For remote locations, the use of low psi motorized vehicles, Marsh Master or Rocon, may be used to access pepperweed populations. (See pages 5 and 6)



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Our project may be exempt from the wetland protection act's "Notice of Intent" requirement. As states under the Applicability heading contained within the Massachusetts Wetland Protection Act (WPA) 310 CMR 10.00: Wetlands Regulations, "Any construction in or near a wetland resource, including intertidal and subtidal habitat, is subject to the provisions of the WPA." Our project is not a construction project.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

US Fish and Wildlife Service

Name

6 Plum Island Turnpike

Mailing Address

Newburyport

City/Town

MA

State

01950

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Larren Healey

Signature of Applicant

5/13/2020

Date

Signature of Representative (if any)

Date

C. Project Description

2. a. Work Description (continued from Page 2):

We are requesting the use of a “Rokon” and “Marsh Master” to access remote areas of the Great Marsh.

The use of a Rokon All Terrain Trail Bike (see photos below) will allow workers to reach more remote location. The Rokon has an attachable side care which provides additional storage space for applicator’s materials. The Rokon is designed for minimum ground impact. It weighs approximately 215 lbs. which is spread out over Three large, wide hollow fifteen inch aluminum wheels. The low ground pressure (approximately 3 psi) has no observable impact on saltmarsh vegetation leaving no visible tracks in the native high marsh grasses. By comparison, a 200 pound person (without including weight of backpack and chemicals) when on foot has a ground contact pressure of 6 psi. Our partners, personnel from the Northeast Massachusetts Mosquito Control and Wetland Management District, are trained to operate the Rokon with side car (as needed) in all marsh conditions. District personnel have years of experience reading marsh vegetation and features thereby avoiding sensitive areas and impact to the marsh platform. Most Rokon travel occurs in high marsh.

The Marsh Master is a hydraulically driven, two track vehicle that is designed specifically for wetland and marsh applications. It is fully amphibious allows access to swamps, marshes and wetland with the ability to cross creeks and channels (see photos below). Designed with a ground pressure of about 1 psi, the environmental impact to marsh vegetation is minimal. Operators are trained in the use of the Marsh Master in the salt marsh environment. The MA Division of Fisheries and Wildlife have given us permission to use low impact motorized vehicles such as the Rokon and Marsh Master on all of their properties.

The use of these vehicles gives us options for efficiency and reduced travel (number of trips) on the salt marsh. With the Rokon and the Marsh Master, we would only need to make one trip to treat a site. Without these, it would require traveling on foot, three to four trips over two to three days” to treat the same amount of area.

It’s important to mention that the herbicide application is effective when plants are flowering, providing a window of only four to six weeks for effective treatment. The Pepperweed Program manages the control of this invasive species in the entire Great Marsh region (approximately 25,000 acres) and at the present time, we have recorded over 2000 pepperweed locations. To control this aggressive invasive plant, it is important to be efficient, delivering as much treatment in the short window (late June to early August) throughout the entire Great Marsh.



“Rokon” All Terrain Trail Bike w/ side

“Marsh Master” 2 Track Wetland/Swamp Vehicle

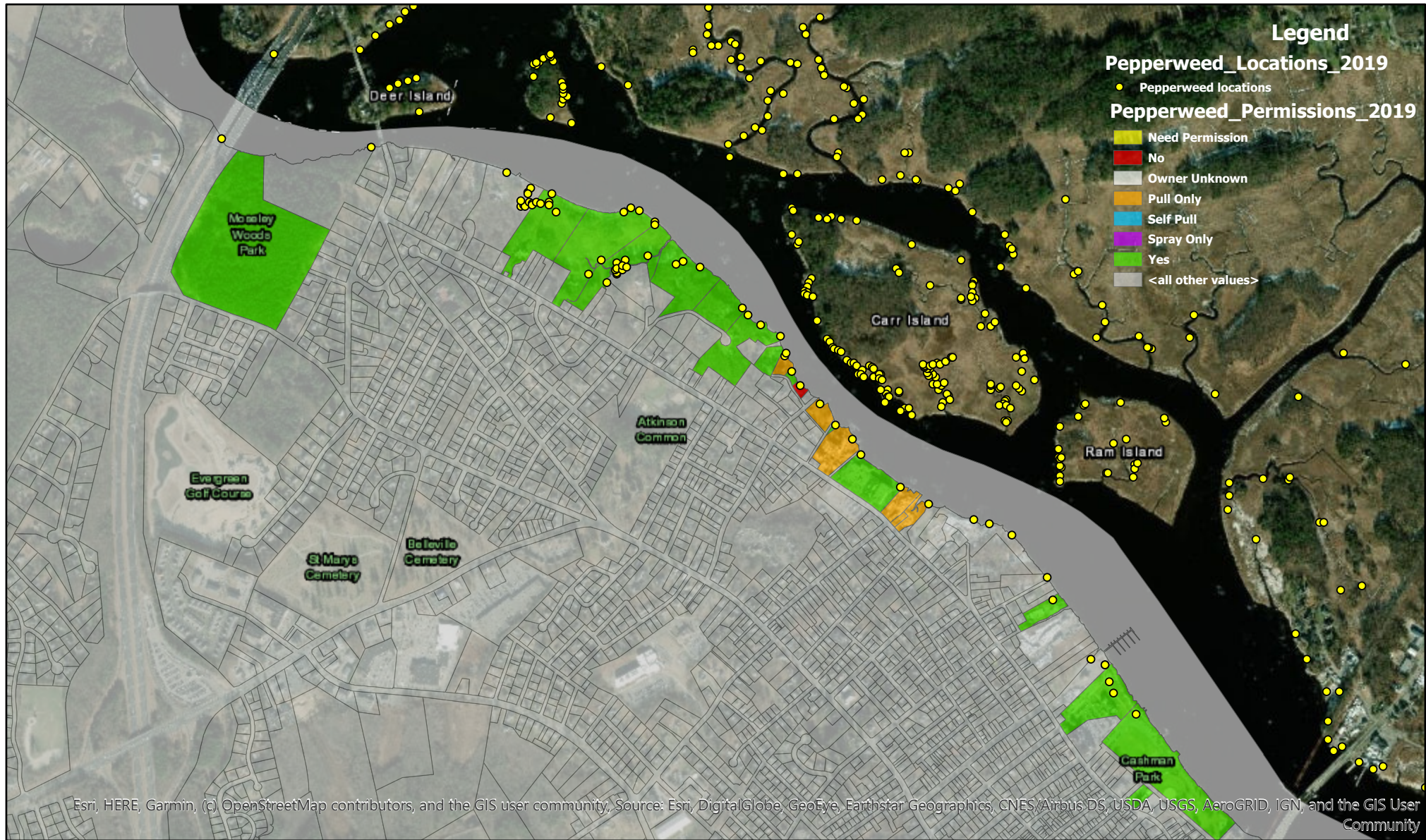


“Marsh Master” amphibious capability





Newburyport West Pepperweed Sites 2019



0 0.15 0.3 0.6 Miles

0 0.23 0.45 0.9 Kilometers



Newburyport East Pepperweed Sites 2019



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community; Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Pepperweed_Locations_2019

Pepperweed locations

Pepperweed_Permissions_2019

Need Permission	Spray Only
No	Yes
Owner Unknown	<all other values>
Pull Only	
Self Pull	



0 0.15 0.3 0.6 Miles

0 0.23 0.45 0.9 Kilometers

NOTICE OF PUBLIC MEETING

The Newburyport Conservation Commission will hold a Public Hearing under the Massachusetts Wetlands Protection Act (Massachusetts General Law, Chapter 131, § 40 and the Amesbury Wetland Protection Bylaw, (Article 34), on a Request for Determination of Applicability, filed by US Fish and Wildlife Service to treat invasive Perennial Pepperweed with both mechanical and chemical control techniques at Various Locations along the Merrimack River and Deer Island.

The meeting will be held virtually via zoom on **June 2nd**, at **6:45pm**. The Request for Determination of Applicability may be reviewed by emailing the Conservation Commission.



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May 13th, 2020

To: City of Newburyport Conservation Commission

Re: Request for Determination of Applicability for Perennial Pepperweed Control Project

REQUEST FOR WAIVER OF FILING FEE FOR REQUEST FOR DETERMIANTION OF APPLICABILITY

We request a waiver of the filing fee for a Request for Determination of Applicability.

Our project involves removing an invasive plant, Perennial Pepperweed (*Lepidium latifolium*) at various sites throughout Newburyport. We propose hand-pulling or herbicide application to control the plants. This is part of a larger project to eradicate Pepperweed from the Great Marsh salt marshes and protect the coastal habitat. The Newburyport Conservation Commission have waived the RDA fee in the past recognizing the valuable free service provided by this project toward protecting sensitive habitat in their towns. Partners in the project include the USFWS, Mass Audubon Society, Mass Department of Conservation and Recreation, Mass Bays Program, Eight Towns and the Bay, Trustees of Reservations, Gulf of Maine Institute and many volunteers from the community. Funds from the waived fee will be invested in the project and used for volunteer supplies and materials.

Sincerely,

Lauren Healey
Biological Technician
Parker River National Wildlife Refuge
U.S. Fish & Wildlife Service
(978) 465-5753x5625