



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

March 05, 2020

Newburyport Conservation Commission
City Hall
60 Pleasant Street
Newburyport MA 01950

Daniel Mortell
MA Department of Conservation & Recreation
251 Causeway Street, 9th floor
Boston, MA 02114

RE: Applicant: Daniel Mortell, MA Department of Conservation & Recreation
 Project Location: Flower Pond Dam, Maudslay State Park
 Project Description: Dam rehabilitation
 DEP Wetlands File No.: 051-1028
 NHESP File No.: **12-30577**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated February 2020) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

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.

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, **will not result in a prohibited Take** of state-listed rare 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

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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 Melany Cheeseman, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

A handwritten signature in black ink, appearing to read "Everose Schlüter". The signature is fluid and cursive, with the first name "Everose" written in a larger, more prominent script than the last name "Schlüter".

Everose Schlüter, Ph.D.
Assistant Director

cc: MA DEP Northeast Region
Derek Schipper, GZA GeoEnvironmental, Inc.