



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

June 19, 2013

Gene Crouch
Vanasse Hangen Brustlin, Inc.
PO Box 9151
101 Walnut St
Watertown MA 02471

RE: Project Location: former Massachusetts Central Railroad
Town: BERLIN, HUDSON, SUDBURY, WAYLAND, WESTON, WALTHAM
NHESP Tracking No.: 13-32295

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **within** *Priority Habitats* 1305, 687, 1516 (PH 1305, PH 687, PH 1516) and *Estimated Habitats* 485, 648, 38 (EH 485, EH 648, EH 38) as indicated in the *Massachusetts Natural Heritage Atlas* (13th Edition). Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

PH 1305, EH 485

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened

PH 687, EH 648

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

PH 1516, EH 38

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Botaurus lentiginosus</i>	American Bittern	Bird	Endangered
<i>Ambystoma laterale</i>	Blue-Spotted Salamander	Amphibian	Special Concern
<i>Gallinula chloropus</i>	Common Moorhen	Bird	Special Concern
<i>Ixobrychus exilis</i>	Least Bittern	Bird	Endangered
<i>Podilymbus podiceps</i>	Pied-Billed Grebe	Bird	Endangered

The species listed above are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.nhesp.org).

www.masswildlife.org

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 projects and activities located within Priority and/or Estimated Habitat must be reviewed by the Division for compliance with the state-listed rare species protection provisions of MESA (321 CMR 10.00) and/or the WPA (310 CMR 10.00).

Wetlands Protection Act (WPA)

If the project site is within Estimated Habitat and a Notice of Intent (NOI) is required, then a copy of the NOI must be submitted to the Division so that it is received at the same time as the local conservation commission. If the Division determines that the proposed project will adversely affect the actual Resource Area habitat of state-protected wildlife, then the proposed project may not be permitted (310 CMR 10.37, 10.58(4)(b) & 10.59). In such a case, the project proponent may request a consultation with the Division to discuss potential project design modifications that would avoid adverse effects to rare wildlife habitat.

A streamlined joint MESA/WPA review process is available. When filing a Notice of Intent (NOI), the applicant may file concurrently under the MESA on the same NOI form and qualify for a 30-day streamlined joint review. For a copy of the NOI form, please visit the MA Department of Environmental Protection's website: <http://www.mass.gov/dep/water/approvals/wpaform3.doc>.

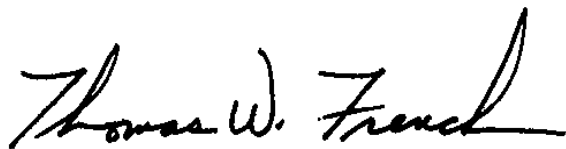
MA Endangered Species Act (MESA)

If the proposed project is located within Priority Habitat and is not exempt from review (see 321 CMR 10.14), then project plans, a fee, and other required materials must be sent to Natural Heritage Regulatory Review to determine whether a probable "take" under the MA Endangered Species Act would occur (321 CMR 10.18). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). For a MESA filing checklist and additional information please see our website: www.nhesp.org ("Regulatory Review" tab).

We recommend that rare species habitat concerns be addressed during the project design phase prior to submission of a formal MESA filing, as avoidance and minimization of impacts to rare species and their habitats is likely to expedite endangered species regulatory review.

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. 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, flowing style with a large, prominent 'T' and 'F'.

Thomas W. French, Ph.D.
Assistant Director