



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

February 10, 2016

New Bedford Conservation Commission
Room 304
133 William Street
New Bedford MA 02744

Erick D'Leon
New Bedford Regional Airport
1569 Airport Road
New Bedford, MA 02746

RE: Applicant: Erick D'Leon, Airport Manager
 Project Location: 1569 Airport Road
 Project Description: Gravel Access Road and Obstruction Lighting
 DEP Wetlands File No.: 049-0729
 NHESP File No.: 16-35217

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 entitled "CONSTRUCT GRAVEL ACCESS ROAD AND CONSTRUCT OBSTRUCTION LIGHTS NOI PERMIT DRAWINGS" (dated January 2016) 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, **must be conditioned to avoid a prohibited "take"** of state-listed rare species. Therefore, in order to avoid a prohibited "take" of state-listed species, the following conditions must be met:

www.mass.gov/nhesp

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

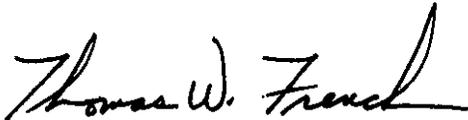
An Agency of the Department of Fish and Game

- Prior to any work, the Applicant shall submit an Eastern Box Turtle Protection Plan for the construction of the gravel access road. Said Protection Plan must be approved in writing by the NHESP prior to the start of Work. The Division is available for consultation on the development of the plan.

Provided the above-noted condition is 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 NHESP 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,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style.

Thomas W. French, Ph.D.
Assistant Director

cc: MA DEP Southeast Region
Amanda Atwell, Epsilon Associates Inc.