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# NOTICE OF INTENT SMAST EXPANSION & PUMP SYSTEM UPGRADES

UNIVERSITY OF MASSACHUSETTS-DARTMOUTH  
706 & 838 SOUTH RODNEY FRENCH BOULEVARD  
NEW BEDFORD, MASSACHUSETTS

March 2016  
File No. 01.0172205.00



**PREPARED FOR:**  
Ellenzweig and  
University of Massachusetts Building Authority  
Boston, Massachusetts

**GZA GeoEnvironmental, Inc.**  
249 Vanderbilt Avenue | Norwood, MA 02062  
800-789-5848

[www.gza.com](http://www.gza.com)

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GEOTECHNICAL  
ENVIRONMENTAL  
ECOLOGICAL  
WATER  
CONSTRUCTION  
MANAGEMENT

249 Vanderbilt Avenue  
Norwood, MA 02062  
781.278.3700  
www.gza.com



March 1, 2016  
File No. 01.0172205.00

Ms. Sarah Porter, Conservation Agent  
City of New Bedford Conservation Commission  
133 William Street – Room 304  
New Bedford, Massachusetts 02740

Re: Notice of Intent  
SMAST Expansion & Pump System Upgrades  
706 & 838 South Rodney French Boulevard  
New Bedford, Massachusetts

Dear Ms. Porter and Commission Members:

On behalf of the University of Massachusetts Building Authority (UMBA), GZA GeoEnvironmental, Inc. (GZA) has prepared this Notice of Intent (NOI) application for the planned expansion and seawater pump system upgrade activities at 706 and 838 South Rodney French Boulevard in New Bedford, Massachusetts (Site) (Figure 1). The majority of the proposed work will take place at the 838 South Rodney French Boulevard property which is owned by the University of Massachusetts Dartmouth (UMASS Dartmouth), and is not within a resource area.

This NOI is being submitted under the Massachusetts Wetlands Protection Act and its Regulations (M.G.L. c 131 §40; 310 CMR 10.00) and the New Bedford Wetlands Ordinance and associated Regulations (Chapter 17, Sections 17-18). The objective of the proposed work is to demolish the existing building at 838, to construct a new building in its place and to upgrade the existing seawater pump system in preparation for an expansion of the School of Marine Science and Technology (SMAST) facilities. The proposed demolition and building construction work, and associated infrastructure upgrades, are not located within any resource areas. However, a portion of the pump system installation activities will take place within Land Subject to Coastal Storm Flowage, a limited section of Coastal Bank and within the Buffer Zone associated with Coastal Bank at SMAST 1.

We trust that the enclosed information meets the requirements of the Wetlands Protection Act and the New Bedford Wetlands Ordinance. If you have questions regarding this NOI or require additional information, please feel free to contact Michele Simoneaux at (781) 278-5802.

Very truly yours,  
GZA GEOENVIRONMENTAL, INC.

Michele Simoneaux, PWS  
Senior Technical Specialist/Senior Wetland Scientist

Gregg McBride  
Consultant / Reviewer

Mary B. Hall  
Principal-In-Charge

Cc: Steve Mahler, Ellenzweig  
Richard Anderson, Hill International  
Michael Hayes, UMASS Dartmouth  
Charles Paradie, UMBA  
MassDEP- Southeast Regional Office  
MA Division of Marine Fisheries  
Natural Heritage and Endangered Species Program



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**1.0 INTRODUCTION**

In preparation for expanding and unifying the School of Marine Science and Technology (SMAST) campus, the University of Massachusetts Building Authority (UMBA) proposes to demolish the existing Naval Research Center (NRC) building at 838 South Rodney French Boulevard, to construct a new campus building in its place, and to upgrade and extend the existing seawater pump system at 706 South Rodney French Boulevard in New Bedford, Massachusetts (Site) (Figure 1).

In order to accommodate the planned SMAST expansion, the City of New Bedford will transfer portions of the parcels at Assessor’s Map 3, Block 2, and Map 4, Block 3, to the University of Massachusetts Dartmouth (UMASS Dartmouth). These parcels (herein referred to as the “parcels to be transferred”) are located immediately south and east of the 838 South Rodney French Boulevard property. Additionally, UMASS Dartmouth will obtain an easement over, or title to, the portion of Assessor’s Map 3, Block 2, which exists between the 706 and 838 South Rodney French Boulevard properties (herein referred to as the “connecting parcel”).

The properties where work is proposed are identified on the City of New Bedford’s Assessor’s Maps as follows:

<b>STREET ADDRESS</b>	<b>PROPERTY OWNER</b>	<b>MAP</b>	<b>BLOCK</b>
706 South Rodney French Boulevard	Commonwealth of Massachusetts One Ashburton Place Boston, MA 02108	3	5
838 South Rodney French Boulevard	Commonwealth of Massachusetts University of Massachusetts Dartmouth One Ashburton Place Boston, MA 02108	3	1
South Rodney French Boulevard	City of New Bedford City Property Ft Rodman 131 William Street New Bedford, MA 02744	3	2
950 South Rodney French Boulevard	City of New Bedford City Property Ft Rodman 131 William Street New Bedford, MA 02744	4	3

The NRC building is a Historic Structure included in the Historic and Archaeological Assets of the Commonwealth. UMBA signed a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC) that allows the demolition to take place provided that UMBA notifies the MHC within 30 days after the demolition of the NRC building. Refer to Section 9.2 and Appendix E for further details.

The objective of the work proposed under this Notice of Intent (NOI) is to expand the SMAST facilities. This objective will be accomplished via demolishing the existing NRC building at 838 South Rodney French Boulevard and replace it with a new research facility (SMAST 2) and upgrading and extending the existing seawater pump system at 706 South Rodney French (SMAST 1).

The proposed work falls within the jurisdiction of the New Bedford Conservation Commission (NBCC) under the Wetlands Protection Act (WPA; 310 CMR 10.00) and the New Bedford Wetlands Protection Ordinance (Wetlands Ordinance; Chapter 17, Sections 17-18) for activities subject to WPA and its associated Regulations and the New Bedford Wetlands Ordinance



and associated Regulations. A portion of the proposed activities fall within the Land Subject to Coastal Storm Flowage, Coastal Bank and the Buffer Zone associated with the Coastal Bank.

## **2.0 BACKGROUND & PROJECT RATIONALE**

SMAST was founded in 1997 and is the marine science campus of UMASS Dartmouth. It offers a variety of graduate level, science degree programs. SMAST consists of two departments: the Department of Fisheries Oceanography (DFO) and the Department of Estuarine and Ocean Sciences (DEOS). The DFO and the DEOS work collaboratively in their research and also interact with other scientists and engineering programs at UMASS Dartmouth. SMAST faculty collaborate with the Massachusetts Department of Marine Fisheries (DMF), other academic institutions, federal agencies, and the regional fishing industry and beyond to promote public awareness of our marine resources and the opportunities they offer.

SMAST 1, SMAST's primary facility, is located at 706 South Rodney French Boulevard in New Bedford, Massachusetts, and provides a variety of program spaces including wet laboratories, dry computational laboratories and related server space, departmental headquarters and meeting space, and faculty and student offices. In 2008, SMAST expanded to occupy part of the AT&T building in Fairhaven, Massachusetts. The Fairhaven facility provides additional offices, computational laboratories, classrooms, and research storage space.

The combined New Bedford and Fairhaven facilities are insufficient for SMAST's current research and teaching needs and will not support the institution's continued expansion. SMAST 1's spaces and equipment are outdated due to evolving research and teaching needs. In particular, the need for "dry" computational and instrumentation-based research space is not being met. Furthermore, the Fairhaven facility is located remotely from SMAST 1 which makes it difficult for faculty and students to interact effectively. Consequently, SMAST and UMASS Dartmouth, with assistance from the University of Massachusetts Building Authority (UMBA) and the Division of Capital Asset management and Maintenance (DCAMM), have developed a plan to renovate the SMAST 1 facility and to construct a new 64,530 SF facility (SMAST 2) close to the existing SMAST 1 site.

The construction of the SMAST 2 research facility for UMASS Dartmouth's SMAST graduate school program at Clark's Cove and completion of select renovations to the existing facilities located at SMAST 1 will:

- Consolidate the entire SMAST teaching and research program at the SMAST campus;
- Accommodate new faculty hires;
- Replace and expand the existing outdated SMAST 1 seawater research facility;
- Accommodate the DMF offices, dive-gear, and exterior equipment storage program on-site; and
- Enhance synergies between the DMF and SMAST institutions.

The demolition of the NRC building and the seawater pump system upgrades are necessary steps in preparation for the SMAST 2 construction.



### **3.0 AREA DESCRIPTION**

The Site is located in a residential area in New Bedford, Massachusetts (Figure 1). Surrounding land use is predominantly residential in all directions. The Site is bounded to the north by South Rodney French Boulevard and residential housing, to the east and south by the Fort Rodman Historical District, and to the west by Clark's Cove.

The Site consists of approximately 7 acres of land; the 706 South French Rodney Boulevard property is just over 2.3 acres, the 838 South Rodney French Boulevard property is just under 3 acres, and the connecting parcel and parcels to be transferred are slightly under 2 acres. The Site slopes gradually downward from north to south. A pier extends from the western edge of the Site into Clark's Cove and a bike path from South Rodney French Boulevard into the Fort Rodman Historical District runs between the pier and the western edge of the 706 South French Rodney Boulevard property. The multistory 32,500 square foot (SF) SMAST 1 building is located immediately east of the bike path on the western portion of the 706 South Rodney French Boulevard property. All but the easternmost portion of the remainder of this section of the Site is a paved parking area. The two story 22,500 SF NRC building is located on the northern portion of the 838 South Rodney French Boulevard property and surrounded by pavement. Six-foot high chain link fences surround the 706 and 838 South Rodney French Boulevard properties. The connecting parcel and the eastern parcel to be transferred are primarily shrub-dominated forested areas. A mowed lawn covers the southern parcel to be transferred.

In order successfully integrate the campus, several land transfers are needed to complete the project. In accordance with Chapter 182 of the Acts of 2012, the Commonwealth will acquire two parcels of land, located to the south and east of the NRC parcel, from the City of New Bedford which will help provide additional space and the necessary connectivity of the campus. In return, the Commonwealth will convey 2 parcels of land located on Blackmer Street in New Bedford to the City. In order to assist UMBA to integrate the SMAST campus more completely and facilitate utility access and parking facility to support the two buildings, the project also includes acquisition of an easement over, or title to, a 0.57 acre parcel of land located between the NRC and the SMAST 1 parcels, as described in Section 3.10 and 3.20 of this NOI.

#### 3.10 COMMONWEALTH ACQUISITIONS

The Commonwealth will acquire two parcels of land from the City of New Bedford. The parcel located to the east (currently part of Assessor's Map 4, Parcel 3) will be used for supporting infrastructure and the parcel to the south (currently part of Assessor's Map 3, Parcel 2) will be used for a new boat storage yard.

The 0.57-acre parcel of land between the NRC building and the SMAST 1 parcels (currently identified as part of Assessor's Map 3, Parcel 2) will also be conveyed to the Commonwealth. The Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) completed and submitted an appraisal of the parcel to the US Department of Education (USDOE). UMD submitted an application to the USDOE to initiate the Public Benefit Allowance and transfer this parcel to UMASS Dartmouth.

#### 3.20 PARCELS OF LAND CONVEYED BY COMMONWEALTH

Two cleared, but undeveloped, parcels located on Blacker Street in New Bedford will be transferred from the Commonwealth of Massachusetts to the City of New Bedford. These parcels are shown on the New Bedford Assessor's Map 25A Parcel 49; however, a Consensual Order of Taking between the Commonwealth of Massachusetts, acting by and through its Department of Fish and Game, took in fee simple by eminent domain 2 parcels. The two parcels were previously described as Lot 3A and 3B on an "Approval Not Required Plan of Land located in New Bedford, MA prepared for City of New Bedford Redevelopment Authority", dated November 21, 2001, prepared by Kenneth R. Ferreira Engineering.



#### 4.0 JURISDICTIONAL RESOURCE AREAS-EXISTING CONDITIONS

The following sections describe the jurisdictional coastal and wetland resource areas relevant to the Site. Resource areas at the Site exist solely on the 706 South French Rodney Boulevard property and were delineated based on a combination of survey, elevation-based features and field assessments. A GZA wetland scientist conducted a field assessment of the coastal resources on January 12, 2016. Please note that, based on a 2013 MassDEP overlay, Eelgrass beds are recognized to be present off the shoreline of SMAST 1. As shown on Figure EX-1, the Eelgrass beds (*Zostera marina* L.) are located below Mean Low Water, as a linear strip under a portion of the terminal 100' of the existing pier. As no work is proposed below MLW, Eelgrass beds are not discussed further in this NOI.

Please refer to Figures EX-1 and EX-2 for resource area boundaries and associated buffer zones.

#### 4.1 LAND SUBJECT TO COASTAL STORM FLOWAGE, VELOCITY ZONE & FEMA FLOOD MAP

According to 310 CMR 10.04 Land Subject to Coastal Storm Flowage (LSCSF) is *“land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.”*

Additionally, 310 CMR 10.04 defines the Velocity Zone or V-Zone as *“an area within the Special Flood Hazard Area that is subject to high velocity wave action from storms or seismic sources. The Velocity Zone Boundaries are determined by reference to the currently effective or preliminary Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA), whichever is more recent (except for any portion of a preliminary map that is the subject of an appeal to FEMA), or at a minimum to the inland limit of the Primary Frontal Dune, whichever is farther landward.”*

Both V-Zone and LSCSF exist along the western edge of the Site. The V-Zone extends eastward approximately 275 feet from the open water at the western end of the pier to the western edge of the 706 South Rodney French Boulevard property. The LSCSF extends eastward approximately 100 feet from the eastern edge of the V-Zone.

The locations of LSCSF and V-Zone were determined based on the 100-year flood information provided by the current valid Federal Emergency Management Agency (FEMA) Flood Insurance Rate (FIRM) for the area including the Site (Figure 3; Bristol County, Community Panel No. 25005C0481G, Effective Date 7/16/2014). According to the FEMA FIRM map, the 100-year floodplain, Zone AE, has a base flood elevation of 13 feet and the coastal flood zone with velocity hazard, Zone VE, has a base flood elevation of 20 feet (NAVD88). Based on the current valid FIRM for the Site, there are approximately 136,270 SF of LSCSF (including V-Zones) associated with the Site

#### 4.2 COASTAL BANK

According to 310 CMR 10.30 a Bank is *“the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.”*

Coastal Bank exists along the western edge of the Site along Clark's Cove. The seaward edge of the Coastal Bank begins at the landward edge of the Rocky Intertidal Shore. The Coastal Bank extends along the entire length of the water-facing slopes, and, based on a slope assessment conducted per MassDEP Policy 92-1, one section of the site has a second Coastal Bank that extends to the seaward side of the SMAST 1 building. This situation can occur where the coastal banks are separated by LSCSF (less than 10:1 slope). The top of the “first” Coastal Bank follows the top of the slope above the Rocky Intertidal Shore. This Coastal Bank has an approximately 2 vertical to 3 horizontal (2H:3V) slope consisting of large diameter riprap with a narrow margin, approximately 2 to 10 feet wide, of predominantly herbaceous vegetation on the



upper portion. The top of the “second” Coastal Bank is offset approximately 40 feet east of the first Coastal Bank and coincides with the eastern edge of the V-Zone (Figure 4).

#### 4.3 ROCKY INTERTIDAL SHORE

According to 310 CMR 10.31 Rocky Intertidal Shores (RIS) are “*naturally occurring rocky areas, such as bedrock or boulder strewn areas between the mean high water line and the mean low water line.*”

Approximately 10,660 SF of RIS exists along the western edge of the Site along Clark’s Cove. North of the pier, the toe of the RIS extends up from the mean low water line to the rip rap which marks the toe of the first Coastal Bank. South of the pier, the toe of the RIS extends up from the mean low water line to the thin swath of vegetation that forms the upper portion of the first Coastal Bank.

#### 4.4 BUFFER ZONE

There are Buffer Zones associated with the Coastal Banks that extend onto the Site. The Buffer Zones extends 100 feet eastward from the top of each Coastal Bank and, in both cases, are highly developed. The Buffer Zone associated with the first Coastal Bank encompasses the bike path from South Rodney French Boulevard to the Fort Rodman Historic District, the SMAST 1 building, and a portion of the SMAST 1 parking lot. Thin strips of landscaped shrubs and lawn, each approximately 20 feet wide, exist on either side of the bike path. The Buffer Zone associated with the second Coastal Bank encompasses a significant portion of the SMAST 1 building and a portion of the SMAST 1 parking lot.

### 5.0 **WORK DESCRIPTION**

The proposed work includes the demolition of the NRC building, construction of a new research facility, and the upgrade and extension of the existing seawater pump system. Descriptions of the demolition of the NRC building and construction the new building are included here as they are a consideration in the design of the pre and post construction stormwater management system; however, only minor work associated with constructing the seawater piping takes place within 100 feet of coastal resources. The following sections describe the work associated with each activity.

#### 5.1 NRC BUILDING DEMOLITION AND CONSTRUCTION OF NEW FACILITY

The existing NRC building as well as two small sheds located immediately west of the NRC building will be demolished. A staging area will be established to the south of the existing structure. Demolition debris will be live-loaded to the extent practicable for off-site disposal/recycling. On-site staging of demolition debris will be limited. Floor slabs and foundation walls will be demolished down to the footings and/or foundations with general excavation equipment and the existing foundations excavated and removed from the Site.

Surface materials (including debris) and vegetation (grass, trees, shrubs, etc.) within the demolition work area will be cleared and processed for reuse on Site as shown on Figure L-1.2. Water and sewer lines will be capped along the north and south 838 South Rodney Boulevard property lines. A flag pole and utilities, including overhead wires, along the eastern edge of the property will be removed. Trees along South Rodney French Boulevard and the water line and hydrant to the east of the existing NRC building will be protected and maintained as shown on Figure C-100B.

Based on the proposed project sequencing, construction of the SMAST 2 facility will begin at the 838 South Rodney French Boulevard property shortly following the completion of the NRC building demolition. A 64,530 gross square foot research facility will then be constructed at SMAST 2. As part of the SMAST 2 facility construction, much of the connecting parcel



will be converted into additional parking and walkways connecting the SMAST 1 and SMAST 2 buildings as shown on Figure L-2.2. See Stormwater Management Report for further details on construction and construction phase site management (Appendix C).

The SMAST 2 portion of the project is outside of jurisdictional resource areas and Buffer Zones.

## 5.2 SEAWATER PUMP SYSTEM UPGRADE & EXTENSION

Within the SMAST 1 portion of the Site, the existing seawater pumps at the end of the pier associated with the existing metal building pump house will remain in place and the existing pipes will be removed and replaced with new PVC pipes, fittings and valves. There will be a new electrical panel housed in a new fiberglass or stainless steel electric enclosure (66" wide x 72" high) directly in front of the existing pump house to bring the pump house up to current electric code standards. Safety railings will be added around the pump house. Refer to Figure A1.0 for further pump house details.

There are two additional existing 8-inch diameter PVC supply lines that will be reused and do not need to be replaced. Since the flow rates for the upgraded system are designed to remain the same as the existing system, the intake and discharge pipes will remain in place. While the discharge pipes will be serviced and maintained, they do not need to be enlarged to accommodate higher flow rates. The seawater pump system maintenance and upgrade work will take place on the pier itself and will be done by hand. There are no proposed changes to the façade of the pump house.

The seawater pump system extension requires trenching approximately 1,300 linear feet to lay new piping from the western edge of the 706 South Rodney French Boulevard property through the connecting parcel and onto a portion of the 838 South Rodney French Boulevard property where it will ultimately connect to the new wet laboratory in the SMAST 2 facility as shown on Figures C-200A and C-200B. The anticipated trench will be approximately 3 to 5 feet wide and up to 5 feet deep (bgs). Additionally, surface materials (including debris) and vegetation (grass, trees, shrubs, etc.) within the trenching work area will be cleared and processed for reuse on Site. Trench work will be performed with general excavation equipment and will generally progress from west to east. Open trench segments will be filled in following the installation of each segment of piping as work progresses.

Following the seawater pump system upgrade activities, disturbed areas will be stabilized and restored as described in Section 8.0.

## 5.3 LANDSCAPING

Following the construction of the SMAST 2 building, portions of the 706 and 838 South Rodney French Boulevard properties and the connecting parcel will be landscaped as shown on Figures L-4.1 and L-4.2. A hedge row (approximately 555 plants) of 4 to 5 feet tall California privet (*Ligustrum ovalifolium*) shrubs will be installed along the sidewalk of South Rodney French Boulevard from the northwest corner of the 706 South Rodney French Boulevard property to the northeast corner of the 838 South Rodney French Boulevard property. Thirty-six (36) California privet shrubs fall within the 100' Buffer Zone to Coastal Bank.

Approximately 20, 2.5 inch to 3 inch caliper, village green Japanese zelkova (*Zelkova serrata* "village green") trees will be planted around the parking area and paths on the connecting parcel and the western edge of the 838 South Rodney French Boulevard property. Approximately 5 (five), 2.5 to 3 inch caliper, thornless honeylocust (*Gledistia triacanthos* "inermis") trees will be planted along the western side of the SMAST 2 building. Additionally, approximately 4, 2.5 to 3 inch caliper, red maple (*Acer rubrum* "northwood") trees will be installed at the corners of the rain garden in the parking lot south of the SMAST 2 building. A variety of seed mixes, including a lawn seed mix, a wet meadow mix, and a natural restoration



seed mix, will be used as indicated on Figure L-4.2 for landscaping and stabilization purposes. Refer to Figures L-5.0 through L-5.3 for further planting details and instructions.

**6.0 PERFORMANCE STANDARDS**

A portion of the proposed activities occur within multiple resource areas including a limited amount of temporary work on Coastal Bank and LSCSF. Otherwise, a portion of the work falls within the 100-foot Buffer Zone associated with the Coastal Bank. The following sections describe the potential alterations to the Coastal Bank, LSCSF and Buffer Zone and measures that will be taken to avoid or mitigate temporary impacts during the demolition and pump system upgrade activities.

There are unavoidable temporary impacts to jurisdictional resource areas on the SMAST 1 portion of the Site, as summarized in the following table:

RESOURCE AREA	TEMPORARY ALTERATION	PERMANENT ALTERATION	NOTES
Coastal Bank	12.5 linear ft (within Limit of Work; no trenching)	0 linear ft	Proposed work to overlap only slightly with Coastal Bank 2 due to location of manhole for seawater pipe
Land Subject to Coastal Storm Flowage	711 ft <sup>2</sup> (trenching)	0 ft <sup>2</sup>	Proposed work is restricted to the existing pier structure and previously paved or lawn areas.
100-Foot Buffer Zone associated with Coastal Bank	711 ft <sup>2</sup> (trenching)	0 ft <sup>2</sup>	Proposed work occurs entirely within previously paved or lawn areas.
25-Foot Setbacks	761 ft <sup>2</sup> (within Limit of Work; no trenching)	0 ft <sup>2</sup>	Proposed work occurs entirely within previously paved or lawn areas.

**6.1 WPA PERFORMANCE STANDARDS**

**6.1.1 Coastal Bank**

Under 310 CMR 10.30, Coastal Bank is likely to be “significant” to prevent storm damage and to control flooding. Performance standards for Coastal Bank per 310 CMR 10.30 (4) are listed below:

COASTAL BANK PERFORMANCE STANDARD (310 CMR 10.30)	TO ADDRESS PERFORMANCE STANDARD
(4) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.	Approximately 12.5 linear feet of the second Coastal Bank falls within the Limit of Work associated with the trenching for the additional piping, but not within the area to be trenched. Additionally, as describe in Section 8.0, disturbed areas will be restored to pre-work conditions. Therefore, this portion of the Coastal Bank is unlikely to be disturbed and potential disturbances will be temporary in nature.



### 6.1.2 Land Subject to Coastal Storm Flowage

There are no regulatory performance standards for LSCSF. However, precautions will be taken to limit potential impacts to this resource area.

Work proposed within the LSCSF at the Site includes the seawater pump system maintenance and upgrade. Some of this work will take place on the pier itself and will be done by hand. Trenching required to install the additional piping will take place within a limited portion of LSCSF (see Figures C-200A and L-2.1); however, no permanent grading changes are proposed as shown on Figure L-3.1. No work is proposed within the tidal or subtidal environment. Precautions will be in place to keep items associated with the maintenance and upgrade work from falling into the water.

### 6.1.3 Buffer Zone

There are no performance standards associated with Buffer Zone. However, the WPA recognizes the role Buffer Zones play in protecting the Interests of the Act.

Work within the Buffer Zones to the Coastal Banks at the Site includes a small segment, approximately 711 SF, of the excavation associated with the new portion of the seawater pump system that will service SMAST 2. This segment of the work takes place entirely within previously paved areas and, post piping installation, will be repaved to match pre work conditions. Thus, there will be no loss in functionality of the Buffer Zones.

## 6.2 NEW BEDFORD WETLANDS ORDINANCE PERFORMANCE STANDARDS

Under the Wetlands Ordinance (Chapter 17, Sections 17-18), *“no person shall remove, fill, dredge, alter, or build upon or within 100 feet of any bank; upon or within 100 feet of any lake, river, pond (or) stream; land under any fresh or salt waters; or upon any land subject to flooding or inundation by groundwater or surface water.”* Additionally, the NBCC will *“work with each individual applicant to achieve up to a 25’ setback from resource areas, however, this 25’ setback is not a mandate of this Ordinance. Science and Conservation Commission experience have proven the significant benefits of a 25’ setback to the resource areas and the residents.”*

By necessity, a portion of the proposed work associated with upgrading the seawater pump system is located within both the 100 and 25 foot buffer zones associated with the Coastal Bank and within resource areas including LSCSF. However, this work will take place solely on the existing pier and within previously disturbed and paved areas with no proposed change to grades. Therefore, it is unlikely that this work will adversely impact these resource areas. Additionally, areas disturbed by the proposed work will be restored to pre work conditions as describe in Section 8.0.

The proposed work associated with the building demolition and construction of the new building takes place greater than 500 feet from any resource areas. Thus, this portion of the proposed work will not have adverse effects on jurisdictional wetland resource areas.

## 6.3 STORMWATER MANAGEMENT

A Stormwater Management Report and Stormwater Checklist were prepared by Nitsch Engineering per the requirements of the Wetlands Protection Act (Appendix C).

In addition to the proposed construction practices described in Section 7.0, further stormwater management infrastructure, including bioretention areas and rain gardens, is proposed. As demonstrated in the attached Stormwater Management Report, there is a reduction in run-off for the total site and the stormwater management system is designed



to achieve an average 83% total suspended solids removal (TSS). Refer to Appendix C and Figures C-200B, C-400, L-2.2, and L-5.0 through L-5.3 for further details.

## **7.0 PROPOSED CONSTRUCTION PRACTICES**

The proposed demolition and pump system upgrade activities have been designed to minimize impacts to jurisdictional resource areas. The following sections outline the best management practices to be used to minimize adverse impacts during the proposed activities.

### **7.1 ACCESS**

Vehicles associated with demolishing the NRC building and constructing the new building will utilize the gates off of South Rodney French Boulevard and the driveway along the eastern property boundary for access to and egress from the 838 South Rodney French Boulevard property as shown on Figures C-000 and C-100B.

Vehicles associated with the seawater pump system upgrades will utilize the gate off of South Rodney French Boulevard for access to and egress from the 706 South Rodney French Boulevard property as shown on Figure C-100A. For pier access, materials will be wheeled or carried from the 706 South Rodney French Boulevard property through the gate located in the southwest corner of the property.

### **7.2 EROSION AND SEDIMENTATION CONTROL MEASURES**

During demolition and pump system upgrade activities, erosion and sedimentation controls will be used to minimize the movement of soil from construction areas (Figures C-100A and C-100B). Proper installation and regular maintenance of erosion control measures will be performed. Temporary erosion control structures will be installed downgradient of where disturbance or alteration might result in erosion or sedimentation. All controls will be regularly inspected to ensure they are functioning adequately and will be removed only after slopes are fully stabilized with permanent vegetation. The erosion and sediment controls will include straw wattles, straw bales, straw wattles or straw bales and silt fence combination, and silt sacks (Figures C-300 and C-301).

Stabilized construction entrances, as described on Figure C-300, will be installed at each vehicle access point.

Controls will be put in place to limit potential adverse impacts due to spills, accidental discharges and/or system malfunctions.

### **7.3 STOCKPILING**

Soil stockpiling cells will be constructed in open areas within the limit of work as shown on Figure C-000. Stockpile cells will be constructed from temporary sediment control barriers and covered with a tarp or other appropriate stabilization method. Refer to Figure C-300 for further stockpile cell details. At the end of the work day the stockpiled materials will also be covered with plastic sheeting to prevent re-wetting should a rain event occur, and prevent windblown dust if the surficial material has become dry.



**8.0 SITE STABILIZATION AND RESTORATION**

Following the completion of the NRC building demolition and subsequent SMAST 2 building construction, the 838 South Rodney Boulevard property will be graded and stabilized as shown on Figures L-2.2 and L-3.2. Unpaved portions of this property will then be seeded and planted as previously described in Section 5.3 and indicated on Figure L-4.2.

Following completion of soil excavation and pump piping installation, excavated areas which were previously paved will be backfilled to the pre-construction grade and any damaged or removed asphalt pavement will be restored. Backfilling will utilize the excavated soils. Backfill will be appropriately compacted during placement before any asphalt pavement replacement.

Excavated areas on the eastern portion of the 706 South Rodney French Boulevard property and the connecting parcel will be graded and stabilized as shown on Figures L-3.1 and L-3.2. Unpaved portions of this property will then be seeded and planted as previously described in Section 5.3 and indicated on Figures L-4.1 and L-4.2.

**9.0 ADDITIONAL REGULATORY INFORMATION**

We have also considered whether the Site falls within any other environmental regulatory boundaries that would require additional permits in order to continue the activities. There are no Outstanding Resource Waters, Areas of Critical Environmental Concern, Certified Vernal Pools, or Zone II water supply areas associated with the Site. However, there are Priority and Estimated Habitats for rare species, historical buildings, and work proposed below the historic mean high water line (Chapter 91 jurisdiction). The following sections describe the other applicable environmental permits necessary in order to complete the proposed project.

**9.1 NHESP PRIORITY HABITAT AND ESTIMATED HABITAT**

In compliance with 310 CMR 10.59, a copy of this NOI filing has been simultaneously provided to the Natural Heritage and Endangered Species Program (NHESP) for review under the Wetlands Protection Act and the Massachusetts Endangered Species Act (MESA) due to the Priority Habitat (PH 15) and Estimated Habitat (EH 79) areas indicated for this segment of Clarks Cove (see Figure 2 –Environmental Constraints Map). The open water of the cove up to within approximately 150 feet of the shoreline is mapped for the following species:

COMMON NAME	SCIENTIFIC NAME	STATE STATUS	FEDERAL STATUS
Roseate tern	<i>Sterna dougallii</i>	Endangered	Endangered
Common tern	<i>Sterna hirundo</i>	Special Concern	Not Listed

Both species are known to nest on sandy or gravelly islands in Buzzards Bay and will travel significant distances (up to 20 and 30 km for the common tern and the roseate tern, respectively) from the nest site to forage. While other small fishes may supplement their diets, sand lance is the primary prey for both species. Foraging habits for both species are described as plunge-diving in order to capture prey. The common tern tends to forage within 1 km of the shore in bays and inlets and the roseate tern tends to forage over shallow sandbars, shoals, or inlets. These species potentially utilize the mapped area within the Site for foraging purposes. Since the proposed work within PH 15 and EH 79 is limited to on the existing pier, no adverse impacts to rare species or their habitats are anticipated; however a MESA Checklist Form is being submitted to NHESP (Appendix D). GZA submitted an Information Request to the NHESP in July 2015 and the information response as well as additional information about each species is included in Appendix D.



## 9.2 MASSACHUSETTS HISTORICAL COMMISSION, NEW BEDFORD HISTORICAL COMMISSION & MASSACHUSETTS ENVIRONMENTAL POLICY ACT

As described in Section 1.0, UMBA obtained a Memorandum of Agreement (MOA) from the MHC that allows UMBA to demolish the NRC building. Under the MOA, UMBA is required to notify the MHC within 30 days of the completion of the demolition. The MHC further determined that the previously described land transfers will have no adverse effect on nearby historic properties or districts. The letter of determination and MOA from the MHC are attached in Appendix E.

The New Bedford Historical Commission (NBHC) concurred with the MHC that there are no feasible alternatives to demolishing the NRC building and determined that the demolition would have “no adverse effect” on the Fort Taber or Fort Rodman Historic Districts. Correspondence from the NBHC can be found in Appendix E.

Due to the existing MOA, the Massachusetts Environmental Policy Act (MEPA) office determined that the project does not exceed MEPA thresholds and that it is unnecessary to file an Environmental Notification Form. Correspondence from the MEPA office with this finding is also included in Appendix E.

## 9.3 CHAPTER 91 LICENSE (MINOR MODIFICATION)

License No. 5873, associated with SMAST 1, was originally granted to allow for docking and boating access to navigable waters, conveyance of seawater for scientific research purposes, and shoreline stabilization for the protection of a water-dependent use. The work authorized under License No. 5873 was to “*construct and maintain a pile-supported pier with sheet pile abutment, riprap, platform, gangway, pile-held float, timber wave screen, seawater intake and discharge system, and appurtenant utilities.*” The seawater pump system upgrade work planned under the Minor Modification is in keeping with the water-dependent uses authorized in the License and was submitted under 310 CMR 9.22 (3) Minor Project Modification as the work is confined to the existing footprint of the fill or structure being altered and represents an insignificant deviation from the original specifications of the License.

A notification of minor modification was submitted to the Massachusetts Department of Environmental Protection (MassDEP) on October 6, 2015. Unless the project proponent is otherwise notified, there is a 30-day presumptive approval for projects qualifying for a minor modification. MassDEP did not respond within the 30 days and, therefore, we are presumed to be approved to complete the work under a Minor Modification of License No. 5873.



## FIGURES



## **APPENDIX A**

**NOTICE OF INTENT – WPA FORM 3**



# WPA Form 3 – Notice of Intent

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

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>706 and 838 South Rodney French Boulevard</u>	<u>New Bedford</u>	<u>02744</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41d 35' 46.104" N</u>	<u>70d 54' 25.560 W</u>	
d. Latitude	e. Longitude	
<u>Map 3</u>	<u>Blocks 1 &amp; 5</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Charles</u>	<u>Paradie</u>	
a. First Name	b. Last Name	
<u>University of Massachusetts Building Authority</u>		
c. Organization		
<u>One Beacon Street, 31<sup>st</sup> Floor</u>		
d. Street Address		
<u>Boston</u>	<u>MA</u>	<u>02108</u>
e. City/Town	f. State	g. Zip Code
<u>617-287-3200</u>	<u>617-287-7075</u>	<u>CParadie@umassp.edu</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

<u>c/o Michael</u>	<u>Hayes</u>	
a. First Name	b. Last Name	
<u>Commonwealth of Massachusetts-University of Massachusetts Dartmouth</u>		
c. Organization		
<u>One Ashburton Place</u>		
d. Street Address		
<u>Boston</u>	<u>MA</u>	<u>02108</u>
e. City/Town	f. State	g. Zip Code
<u>508-999-8058</u>	<u>mhayes@umassd.edu</u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Michele</u>	<u>Simoneaux</u>	
a. First Name	b. Last Name	
<u>GZA GeoEnvironmental, Inc.</u>		
c. Company		
<u>249 Vanderbilt Avenue</u>		
d. Street Address		
<u>Norwood</u>	<u>MA</u>	<u>02062</u>
e. City/Town	f. State	g. Zip Code
<u>(781) 278-5802</u>	<u>(781) 278-5701</u>	<u>michele.simoneaux@gza.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>N/A</u>	<u>N/A</u>	<u>N/A (only Bylaw fee)</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



**OWNER INFORMATION, ASSESSOR'S ID AND RECORDING INFORMATION**

<b>PROPERTY ADDRESS</b>	<b>FRAMINGHAM ASSESSOR'S IDENTIFICATION (MAP AND BLOCK)</b>	<b>ACREAGE</b>	<b>OWNER NAME AND ADDRESS</b>	<b>RECORDING INFORMATION (ALL PROPERTIES RECORDED IN MIDDLESEX COUNTY REGISTRY OF DEEDS)</b>	<b>ADDITIONAL INFORMATION</b>
706 South Rodney French Boulevard	Map 3 Block 5	2.307 A	Commonwealth of Massachusetts One Ashburton Place Boston, MA 02108	Assessor's database as Book 3367 Page 160	Location of SMAST 1 building and pier
838 South Rodney French Boulevard	Map 3 Block 1	2.963 A	Commonwealth of Massachusetts University of Massachusetts Dartmouth One Ashburton Place Boston, MA 02108	Assessor's database as Book 10268 Page 57	Location of historical NRC building to be demolished and new SMAST 2 building to be constructed
South Rodney French Boulevard	Map 3 Block 2	Portion of 17.911 A (see plans)	City of New Bedford City Property Ft Rodman 131 William Street New Bedford, MA 02744	Assessor's database as Book 3369 Page 21	Portion of parcel being transferred
950 South Rodney French Boulevard	Map 4 Block 3	Portion of 11.134 A (see plans)	City of New Bedford City Property Ft Rodman 131 William Street New Bedford, MA 02744	Assessor's database as Book 3369 Page 21	Portion of parcel being transferred



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## A. General Information (continued)

6. General Project Description:

Upgrades to existing seawater pump system within Land Subject to Coastal Storm Flowage, Coastal Bank, and Buffer Zone to Coastal Bank. Related building demolition and construction is outside 100' Buffer Zone. See narrative for details.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

Bk: 3367 Pg: 160 - 706 S. Rodney French Blvd

c. Book

b. Certificate # (if registered land)

Bk: 10268 Pg: 57 - 838 S. Rodney French Blvd

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
----------------------	-------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes, Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, and Land Subject to Coastal Storm Flowage.

4. [ ] Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW b. square feet of Salt Marsh

5. [ ] Project Involves Stream Crossings

a. number of new stream crossings b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No

**If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

2008

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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## C. Other Applicable Standards and Requirements (cont'd)

(c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm)). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1.  Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. \_\_\_\_\_ a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP

3.  Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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## C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
 a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
 a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
 2.  A portion of the site constitutes redevelopment  
 3.  Proprietary BMPs are included in the Stormwater Management System.  
 b.  No. Check why the project is exempt:  
 1.  Single-family house  
 2.  Emergency road repair  
 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

## D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

See attached supplemental page.

a. Plan Title

Nitsch Engineering, Horiuchi Solien  
Landscape Architects & GZA

c. Signed and Stamped by

Various

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

N/A

2. Municipal Check Number

N/A

3. Check date

N/A

4. State Check Number

N/A

5. Check date

N/A

6. Payor name on check: First Name

N/A

7. Payor name on check: Last Name



**FINAL PLANS AND FIGURES**

FIGURE	TITLE	SCALE	DATE	DEVELOPED (OR STAMPED) BY
Figure 1	Site Locus Map	1" = 2,000'	January 22, 2015	GZA GeoEnvironmental, Inc.
Figure 2	Environmental Constraints Map	1" = 125'	November 17, 2015	GZA GeoEnvironmental, Inc.
Figure 3	FIRM Flood Insurance Rate Map (Map Number 25005C0481G)	1" = 500'	July 16, 2014	Federal Emergency Management Agency
Figure 4	Coastal Bank Cross Sections	1" = 30'	February, 2016	GZA GeoEnvironmental, Inc.
EX-1	Existing Conditions Survey	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
EX-2	Existing Conditions Survey	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
EX-3	Existing Conditions Survey	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
EX-4	Existing Conditions Survey	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
EX-5	Existing Conditions Survey	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-000	Phase 1 Erosion Control and Utility Demolition Plan (SMAST 2)	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-100A	Phase 2 Erosion Control Plan (SMAST 1)	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-100B	Phase 2 Erosion Control Plan (SMAST 2)	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-200A	Site Utility Plan (SMAST 1)	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-200B	Site Utility Plan (SMAST 2)	1" = 20'	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-300	Erosion Control Details	N/A	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-301	Erosion Control Details	N/A	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-400	Site Utility Details	N/A	February 26, 2016	Alexander Diotte, PLS Nitsch Engineering, Inc.
C-401	Site Utility Details	N/A	February 26, 2016	Alexander Diotte Nitsch Engineering, Inc.



FIGURE	TITLE	SCALE	DATE	DEVELOPED (OR STAMPED) BY
L-1.1	Site Preparation Plan: Part A	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-1.2	Site Preparation Plan: Part B	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-2.1	Layout Plan: Part A	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-2.2	Layout Plan: Part B	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-3.1	Grading Plan: Part A	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-3.2	Grading Plan: Part B	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-4.1	Planting Plan: Part A	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-4.2	Planting Plan: Part B	1" = 20'	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-5.0	Site Details	N/A	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-5.1	Site Details	N/A	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-5.2	Site Details	N/A	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
L-5.3	Site Details	N/A	February 26, 2016	Daniel Mark Solien, RLA Horiuchi Solien Landscape Architects
A1.0	Pump House	¼" = 1'	January 29, 2016	Horiuchi Solien Landscape Architects



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

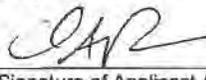
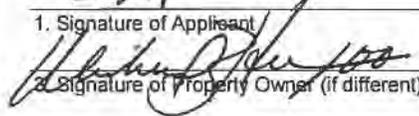
New Bedford

City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	<u>2/23/2016</u>
1. Signature of Applicant	2. Date
	<u>13 FEB 2016</u>
2. Signature of Property Owner (if different)	4. Date
_____	_____
5. Signature of Representative (if any)	6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**APPENDIX B**  
**PROJECT PHOTO SHEET**



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 1	<b>Source:</b> Google Earth Image		
<b>Direction:</b> Birds-eye view			
<b>Description:</b>  Overview of Naval Reserve Center (NRC) building to be demolished to construct SMAST 2 building			

<b>Photo No.</b> 2	<b>Source:</b> Google Earth Image		
<b>Direction of Image:</b> View southwest			
<b>Description:</b>  Front of NRC building - from South Rodney French Boulevard			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 3	Google Earth Image		
<b>Direction of Image:</b> View southwest			
<b>Description:</b>  Eastern side of NRC building to be demolished			

<b>Photo No.</b> 4	Google Earth Image		
<b>Direction of Image:</b> View southeast			
<b>Description:</b>  Western side of NRC building to be demolished			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 5	Google Earth Image		
<b>Direction of Image:</b> View south			
<b>Description:</b>  Front (north side) of SMAST 1 building and pier where the seawater pump will be replaced – from South Rodney French Boulevard			

<b>Photo No.</b> 6	Google Earth Image		
<b>Direction of Image:</b> View south			
<b>Description:</b>  Front (north side) of SMAST 1 building – from South Rodney French Boulevard			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 7	<b>Google Earth Image</b>		
<b>Direction of Image:</b> View south			
<b>Description:</b>  Parking lot immediately east of SMAST 1 building – from South Rodney French Boulevard			

<b>Photo No.</b> 8	<b>Google Earth Image</b>		
<b>Direction of Image:</b> View south			
<b>Description:</b>  Wooded area between SMAST 1 parking area and NRC building to be demolished – from South Rodney French Boulevard			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 9	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> South			
<b>Description:</b>  Coastal beach and bank resource area along the western edge of the SMAST campus.			

<b>Photo No.</b> 10	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> Southwest			
<b>Description:</b>  Pier where seawater pump will be replaced and upgraded			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location: 706 &amp; 838 South Rodney French Blvd. New Bedford, Massachusetts</b>	<b>Project No. 01.0172205.00</b>
<b>Photo No. 11</b>	<b>Date: 11/19/15</b>		
<b>Direction of Image: West</b>			
<b>Description:  Length of pier; seawater pump system pipe to be replaced is encased on left side</b>			

<b>Photo No. 12</b>	<b>Date: 11/19/15</b>		
<b>Direction of Image: South</b>			
<b>Description:  Connection point of pier to land; location of pipe replacement</b>			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location: 706 &amp; 838 South Rodney French Blvd. New Bedford, Massachusetts</b>	<b>Project No. 01.0172205.00</b>
<b>Photo No. 13</b>	<b>Date: 11/19/15</b>		
<b>Direction of Image: East</b>			
<b>Description:  Connection point of pier to land; location of pipe replacement</b>			

<b>Photo No. 14</b>	<b>Date: 11/19/15</b>		
<b>Direction of Image: West</b>			
<b>Description:  Proposed location of new seawater pump system behind the SMAST 1 building</b>			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 15	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> East			
<b>Description:</b>  Proposed pathway of new seawater pump pipe through existing parking lot to connect to new SMAST 2 building			

<b>Photo No.</b> 16	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> Southeast			
<b>Description:</b>  Proposed pathway of new seawater pump pipe through existing parking lot to connect to new SMAST 2 building			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 17	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> East			
<b>Description:</b>  Proposed pathway of new seawater pump pipe through existing parking lot to connect to new SMAST 2 building			

<b>Photo No.</b> 18	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> Southeast			
<b>Description:</b>  Wooded portion of 706 South Rodney French Boulevard property immediately east of parking lot; proposed path of new seawater pump system pipe to connect to new SMAST 2 building			



# Photographic Log

<b>Massachusetts Wetlands Protection Act (WPA) Notice of Intent</b>		<b>Site Location:</b> 706 & 838 South Rodney French Blvd. New Bedford, Massachusetts	<b>Project No.</b> 01.0172205.00
<b>Photo No.</b> 19	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> West			
<b>Description:</b>  Proposed pathway of new seawater pump pipe through existing parking lot from SMAST 1 building to connect to new SMAST 2 building			

<b>Photo No.</b> 20	<b>Date:</b> 11/19/15		
<b>Direction of Image:</b> Southwest			
<b>Description:</b>  Wooded portion of land to be transferred; proposed pathway of new seawater pump system pipe			



## **APPENDIX C**

STORMWATER MANAGEMENT REPORT AND CHECKLIST

AND COPY OF DRAFT EPA SWPPP

**PLEASE SEE SEPARATE REPORT - BY NITSCH ENGINEERING**



## **APPENDIX D**

MESA PROJECT REVIEW CHECKLIST

PROOF OF OWNERSHIP

MASS WILDLIFE INFORMATION RESPONSE

ROSEATE TERN FACT SHEET

COMMON TERN FACT SHEET



# MESA PROJECT REVIEW CHECKLIST

Massachusetts Endangered Species Act M.G.L. c. 131A and Regulations (321 CMR 10.00)

Massachusetts Division of Fisheries & Wildlife  
Natural Heritage & Endangered Species Program

## ~~~~ CONTACT INFORMATION ~~~~

*If you already completed your Notice of Intent- Form 3, you can send page 1 of the NOI in place of questions 1 through 4 in this section*

1. Project Location:

706 & 838 South Rodney French Boulevard	New Bedford	02744
Street Address/Location	City/Town	Zip Code
Map 3	Blocks 1 & 5	
Assessors Map/Plat Number	Parcel	/Lot Number

2. Applicant:

Charles	Paradie	UMass Building Authority
First Name	Last Name	Company
One Beacon Street, 31st Floor		
Mailing Address		
Boston	MA	02108
City/Town	State	Zip Code
617-287-3200	617-287-7075	CParadie@umassp.edu
Phone Number	Fax Number	Email address

3. Property owner (if different from applicant):

First Name	Last Name	Name	Company
Please see NOI supplemental page 1A for details.			
Mailing Address			
City/Town	State	Zip Code	
Phone Number	Fax Number	Email address	

4. Representative (if any):

GZA GeoEnvironmental, Inc.			
Company		Michele Simoneaux	
Contact Person First Name	Contact Person Last Name		
249 Vanderbilt Avenue			
Mailing Address			
Norwood	MA	02062	
City/Town	State	Zip Code	
781-278-5802	781-278-5701	michele.simoneaux@gza.com	
Phone Number	Fax Number	Email	address

~~~~ADDITIONAL INFORMATION ~~~~~

- 1. Will this project require a filing with the Conservation Commission and/or DEP?  No  Yes
- 2. Will this project meet any threshold for a MA Environmental Policy Act (MEPA) filing (excluding rare species, 301 CMR 11.03 (2))?  No  Yes
- 3. Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal or MESA Information Request Form)?  No  Yes

If Yes - Tracking No. 15-34554

~~~~PROJECT DESCRIPTION (attach separate sheet, as needed) ~~~~~

*Please note, certain projects or activities are exempt from review, see 321 CMR 10.14. The MESA does not allow project segmentation. Your filing must reflect all anticipated work associated with the proposed project (CMR 321 10.16).*

Upgrades to existing seawater pump system within Land Subject to Coastal Storm Flowage and Buffer Zone to Coastal Bank. Related building demolition upgradient of resource areas. The work on the existing pier will be done by hand and no work is proposed within coastal waters.

~~~~INCLUDE THE FOLLOWING INFORMATION ~~~~~

*The NHESP will notify the applicant within 30 days if the materials submitted do not satisfy requirements for a filing and request submission of any missing materials (321 CMR 10.18(1)).*

**ALL Applicants must submit:**

- USGS map (1:24,000 or 1:25,000) with property boundary clearly outlined
- Project plans for entire site (including wetland Resource Areas, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work)
- Assessor's map or right-of-way plan of site
- Project description
- Statement/proof that applicant is the Record Owner or that applicant is a person authorized in writing by the record owner to submit this filing
- Photographs representative of the site

**Projects altering\* 10 or more acres, must also submit:**

- A vegetation cover type map of the site
- Project plans showing Priority Habitat boundaries

The NHESP may request additional information, such as, but not limited to, species and habitat surveys, wetland reports, soil map and reports, and stormwater management reports (321 CMR 10.16).

\*Alteration: Any physical alteration of land, soils, drainage or destruction of plant life, see "Project or Activity" (321 CMR 10.02).

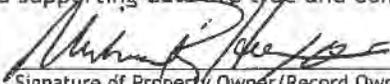
~~~~ FILING FEES ~~~~

See Fee Schedule below

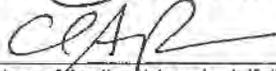
a. Total MESA Fee Paid \$300      b. Acreage of Disturbance\* \_\_\_\_\_      c. Total Site Acreage \_\_\_\_\_

~~~~ REQUIRED SIGNATURES ~~~~

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

  
Signature of Property Owner/Record Owner of Property

23 FEB 2016  
Date

  
Signature of Applicant (required, if different from Owner)

2/23/2016  
Date

Please send form, required information, and filing fee (payable to "Comm. of MA - NHESP") to:

Regulatory Review  
Natural Heritage & Endangered Species Program  
1 Rabbit Hill Road  
Westborough, MA 01581



**Questions regarding this form should be directed according to the county that the property is located:**

Berkshire, Essex, Franklin, Hampshire, Hampden, Middlesex & Worcester Counties call: 508-389-6361  
Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth & Suffolk Counties call: 508-389-6385

**PROJECT REVIEWS**  
321 CMR 10.18

| Project Definition         | Project Criteria                                                         | Fee                                         | Response Time                                 |
|----------------------------|--------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------|
| Simple                     | Less than 5 acres of disturbance*                                        | \$ 300.00                                   | 60 days from determination of complete filing |
| Intermediate<br>(Moderate) | 5 to 20 acres of disturbance*                                            | \$ 1800.00                                  | 60 days from determination of complete filing |
| Complex                    | More than 20 acres of disturbance* or project requires wetlands variance | \$ 4000.00                                  | 60 days from determination of complete filing |
| Linear                     | Projects greater than 1 mile in length.                                  | \$ 4000.00 per Priority Habitat intersected | 60 days from determination of complete filing |

\* Disturbance means direct physical disturbance of the land surface or waterbody, soil and/or vegetation, if only a portion of the project site is located within Priority Habitat, indicate total area of disturbance for site as a whole.

**Location:** 706 S RODNEY FRENCH BLVD

**Parcel ID:** 3 5

**Zoning:** RA

**Fiscal Year:** 2016

**Current Owner Information:**  
 COMMONWEALTH OF MASSACHUSETTS  
  
 ONE ASHBURTON PLACE  
  
 BOSTON , MA 02108

**Current Sales Information:**

**Sale Date:**

09/26/1994

**Sale Price:**

\$100.00

Card No. **1 of 1**

**Legal Reference:**

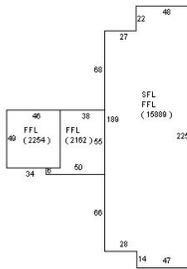
3367-160

**Grantor:**

N/A

This Parcel contains 2.307 acres of land mainly classified for assessment purposes as DCR-UPR with a(n) LABS style building, built about 1996, having Brick exterior, Membrane roof cover and 36194 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 6 total bath(s), 0 3/4 baths, and 1 total half bath(s).

| Building Value: | Land Value: | Yard Items Value: | Total Value: |
|-----------------|-------------|-------------------|--------------|
| 2865700         | 552700      | 39900             | 3458300      |



| Fiscal Year 2016    |                | Fiscal Year 2015    |                | Fiscal Year 2014    |                |
|---------------------|----------------|---------------------|----------------|---------------------|----------------|
| Tax Rate Res.:      | 16.49          | Tax Rate Res.:      | 15.73          | Tax Rate Res.:      | 15.16          |
| Tax Rate Com.:      | 35.83          | Tax Rate Com.:      | 33.56          | Tax Rate Com.:      | 31.08          |
| Property Code:      | 920            | Property Code:      | 920            | Property Code:      | 920            |
| Total Bldg Value:   | 2865700        | Total Bldg Value:   | 2520200        | Total Bldg Value:   | 2520200        |
| Total Yard Value:   | 39900          | Total Yard Value:   | 39900          | Total Yard Value:   | 39900          |
| Total Land Value:   | 552700         | Total Land Value:   | 552700         | Total Land Value:   | 552700         |
| <b>Total Value:</b> | <b>3458300</b> | <b>Total Value:</b> | <b>3112800</b> | <b>Total Value:</b> | <b>3112800</b> |
| <b>Tax:</b>         | Exempt         | <b>Tax:</b>         | Exempt         | <b>Tax:</b>         | Exempt         |

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.

**Location:** 838 S RODNEY FRENCH BLVD

**Parcel ID:** 3 1

**Zoning:** RA

**Fiscal Year:** 2016

**Current Owner Information:**  
 COMMONWEALTH OF MASSACHUSETTS  
 UNIVERSITY OF MASSACHUSETTS DA  
 ONE ASHBURTON PLACE  
 BOSTON , MA 02108

**Current Sales Information:**

**Sale Date:**

01/17/2012

**Sale Price:**

\$0.00

Card No. **1** of **1**

**Legal Reference:**

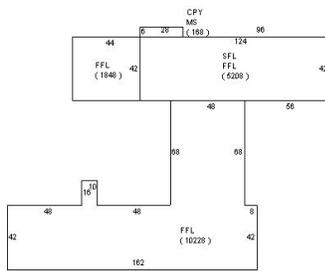
10268-57

**Grantor:**

CITY OF NEW BEDFORD,

This Parcel contains 2.963 acres of land mainly classified for assessment purposes as IMP-CTY CNCL with a(n) Public Office style building, built about 1955, having Brick exterior, Tar&Gravel roof cover and 22492 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 0 total half bath(s).

| Building Value: | Land Value: | Yard Items Value: | Total Value: |
|-----------------|-------------|-------------------|--------------|
| 1027400         | 710000      | 81300             | 1818700      |



| Fiscal Year 2016    |                | Fiscal Year 2015    |                | Fiscal Year 2014    |                |
|---------------------|----------------|---------------------|----------------|---------------------|----------------|
| Tax Rate Res.:      | 16.49          | Tax Rate Res.:      | 15.73          | Tax Rate Res.:      | 15.16          |
| Tax Rate Com.:      | 35.83          | Tax Rate Com.:      | 33.56          | Tax Rate Com.:      | 31.08          |
| Property Code:      | 931            | Property Code:      | 931            | Property Code:      | 931            |
| Total Bldg Value:   | 1027400        | Total Bldg Value:   | 939800         | Total Bldg Value:   | 939800         |
| Total Yard Value:   | 81300          | Total Yard Value:   | 81300          | Total Yard Value:   | 81300          |
| Total Land Value:   | 710000         | Total Land Value:   | 710000         | Total Land Value:   | 710000         |
| <b>Total Value:</b> | <b>1818700</b> | <b>Total Value:</b> | <b>1731100</b> | <b>Total Value:</b> | <b>1731100</b> |
| <b>Tax:</b>         | Exempt         | <b>Tax:</b>         | Exempt         | <b>Tax:</b>         | Exempt         |

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.



**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Jack Buckley, *Director*

July 15, 2015

Michele Simoneaux  
GZA GeoEnvironmental  
1 Edgewater Drive  
Norwood MA 02062

RE: Project Location: 706 & 838 Rodney French Blvd  
Town: NEW BEDFORD  
NHESP Tracking No.: 15-34554

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 Habitat 15* (PH 15) and *Estimated Habitat 79* (EH 79) as indicated in the *Massachusetts Natural Heritage Atlas* (13<sup>th</sup> Edition). Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

| <u>Scientific name</u>  | <u>Common Name</u> | <u>Taxonomic Group</u> | <u>State Status</u> |
|-------------------------|--------------------|------------------------|---------------------|
| <i>Sterna dougallii</i> | Roseate Tern       | Bird                   | Endangered          |
| <i>Sterna hirundo</i>   | Common Tern        | Bird                   | Special Concern     |

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.mass.gov/nhesp](http://www.mass.gov/nhesp)).

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.

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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

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>.

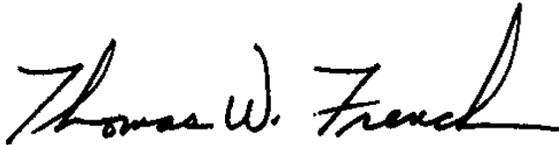
**MA Endangered Species Act (MESA)**

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.mass.gov/nhesp](http://www.mass.gov/nhesp) ("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 Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

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 initial 'T'.

Thomas W. French, Ph.D.  
Assistant Director



## Natural Heritage & Endangered Species Program

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Massachusetts Division of Fisheries & Wildlife

## Roseate Tern *Sterna dougallii*

State Status: Endangered  
Federal Status: Endangered

The elegant Roseate Tern, with its long, white tail-streamers and rapid flight, alights on Massachusetts beaches in the spring. It tunnels under vegetation to nest within colonies of its more rough-and-tumble relative, the Common Tern, from which it derives protection from intruders. The Roseate Tern is a plunge-diver that feeds mainly on the sand lance, and availability of this fish may influence the timing of breeding. Depredations of plume hunters in the 19<sup>th</sup> century and displacement from breeding sites by gulls and increased predation in the 20<sup>th</sup> century contributed to a decline in numbers and loss of major breeding sites in the northeast. In a sense, the Roseate Tern is emblematic of the Commonwealth, because for the past century, about half the northeastern population has nested in Buzzards Bay and outer Cape Cod. The Roseate is now considered an Endangered Species. The population, which increased from the 1980s through 2000, is now in decline. Several projects are in progress to restore the Roseate to historical breeding locations in Massachusetts.

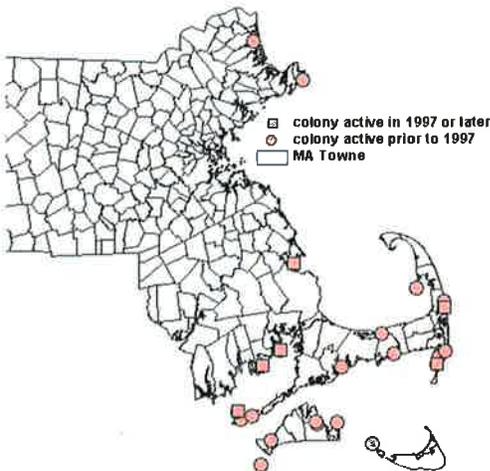


Figure 1. Distribution of present and historic Roseate Tern nesting colonies in Massachusetts.



Photo by B. Byrne, MDFW

**DESCRIPTION:** The Roseate Tern measures 33-41 cm in length and weighs 95-130 g. Breeding adults have pale gray upperparts, white underparts (flushed with pale pink early in the breeding season), a black cap, orange legs and feet, and a black bill (which becomes more red at the base as the season progresses). The tail is mostly white, and is deeply forked with two very long outer streamers, which extend well past the tips of the folded wings. In non-breeding adults, the forehead becomes white and the crown becomes white marked with black, merging with a black patch that extends from the eyes back to the nape. The down of hatchlings is distinctive: it is grizzled buff/black or gray/black, and is spiky-looking because the down filaments are gathered at the tips. Juveniles are buff or gray above, barred with black chevrons, and have a mottled forehead and crown, black eye-to-nape patch, and black bill and legs. The Roseate's vocal array includes a high-pitched *chi-vik* advertising call, and musical *kliu* and raspy *aaach* alarm calls, the latter sometimes likened to the sound of tearing cloth.

**SIMILAR SPECIES IN MASSACHUSETTS:** The Common Tern (*Sterna hirundo*) is similar in size, but has a black-tipped orange bill, darker gray upperparts,

*A Species of Greatest Conservation Need in the Massachusetts State Wildlife Action Plan*

### Massachusetts Division of Fisheries & Wildlife

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pale gray underparts, a shorter tail that does not extend beyond the folded wingtips, and an “irritable” voice. The Arctic Tern (*Sterna paradisaea*) is also similar in size, but has a shorter, blood-red bill, very short red legs, gray underparts with contrasting white cheeks, a shorter tail (which still extends past the folded wingtips), and a very different, high-pitched voice. The Least Tern (*Sternula antillarum*) is markedly smaller, with a yellow-orange bill, a white forehead, and a short tail.

**DISTRIBUTION AND MIGRATION:** The Roseate Tern has a scattered breeding distribution primarily in the tropical and sub-tropical Atlantic, Indian, and Pacific Oceans. In North America, it breeds in two discrete populations: from Nova Scotia south to New York and in the Caribbean. The northeast population, at about 40-45° N, is among the most northernmost nesting groups of this mostly tropical species. Roseates arrive in Massachusetts from late-April to mid-May to nest at just a handful of coastal locations (Fig. 1). The largest colonies occur in Buzzards Bay (see Status, below). Massachusetts birds depart from breeding colonies in late-July and August and concentrate in “staging areas” around Cape Cod and the Islands, before departure for wintering grounds in September. Roseates appear to feed offshore and return to the staging areas to rest and roost. Most have departed staging areas and have begun migrating southward by mid- to late-September. The Roseate’s wintering range remains poorly known, but increasing evidence indicates that Northeastern birds winter along the north and east coasts of South America southward along the coast of Brazil to approximately 18° S.

**BREEDING AND FORAGING HABITAT:** In Massachusetts, the Roseate Tern generally nests on sandy, gravelly, or rocky islands and, less commonly, in small numbers at the ends of long barrier beaches. Compared to the Common Tern, it selects nest sites with denser vegetation, such as seaside goldenrod and beach pea, which is also used for cover by chicks. Large boulders are used for cover at other locations in the northeast. It feeds in highly specialized situations over shallow sandbars, shoals, inlets or schools of predatory fish, which drive smaller prey to the surface. The Roseate is known to forage up to 30 km from the breeding colony.

**FOOD HABITS:** The Roseate Tern feeds almost exclusively on small fish; occasionally it includes

crustaceans in its diet. It is fairly specialized, consuming primarily sand lance (about 70% of diet in Massachusetts). Other prey species of importance in Massachusetts are herrings, bluefish, mackerel, silversides, and anchovies. In the northeast, it often forages with Common Terns. The Roseate captures food mainly by plunge-diving (diving from heights of 1-12 m and often submerging to  $\geq 50$  cm), but also by surface-dipping and contact-dipping. Some individuals specialize in stealing fish from Common Terns.

**BREEDING:**

*Phenology.* Roseates usually begin to arrive in Massachusetts in late-April or the first week of May. Egg dates are 12 May to 18 August, and laying usually begins about 8 days later than that of Common Terns in the host colony. Incubation lasts about 3 weeks, and the nestling period about 4 weeks.

*Colony.* The Roseate Tern is gregarious. In the northeast it nests in colonies of a few to about 1,700 pairs, and the largest colony in Massachusetts numbers about 1,100 pairs (see Status, below). In this portion of its range, the Roseate invariably nests with the Common Tern, forming clusters or sub-colonies within larger Common Tern colonies. Pairs defend their nest site. (See also Predation, below.)

*Pair-bond.* Courtship involves both aerial and ground displays, including spectacular High Flights (in which  $\geq 2$  birds spiral up to 30-300 m above ground and then descend in a zig-zag glide), and Low Flights (in which a fish-carrying male is chased by up to 12 other birds). Males feed females before and during the egg-laying period. The Roseate Tern is socially monogamous, but extra-pair copulations occur. Both parents spend roughly equal amounts of time incubating, and incubation shifts last about 26 minutes. Males and females also contribute approximately equally to brooding and feeding chicks. The average length of pair bonds in Connecticut was 2.5 years. The sex ratio in Massachusetts (and probably other northeast colonies) is skewed towards females (1.27 females:1 male). This results in multi-female associations ( $\geq 2$  females), and often  $\geq 3$ -egg clutches, at nests.

*Nests.* Nests (usually beneath vegetation or debris, or in special nest boxes) are depressions or “scrapes” in the substrate, to which nesting material may or may not be added throughout incubation. In the northeast, nests are usually 50-250 cm apart, depending on the distribution of vegetation and rocks.

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**Eggs.** Eggs are various shades of brown with dark spots and streaks. The second egg may be paler than the first. Eggs measure approximately 43 x 30 mm, and are subelliptical in shape. The eggs are difficult to distinguish from those of the Common Tern, but Roseate eggs are generally longer, more conical, less rounded, darker, and more uniformly and finely spotted. Clutch size is usually 1-2 eggs; older females generally lay 2 eggs (laid about 3 days apart), and younger females, 1 egg. Nests with  $\geq 3$  eggs are often attended by more than one female. Incubation, which begins after laying of the first egg, may be sporadic until the second egg is laid. The period between laying and hatching is about 23 days for both eggs.

**Young.** Chicks are semi-precocial. They are downy at hatching. Eyes open after a couple hours, and chicks are able to waddle and take food within hours after hatching. In 2-chick broods, there is often a substantial size difference between the young that persists throughout the growth period; this is because the first chick (*A*-chick) is usually 3 days older. Chicks are brooded/attended most of the day and night for the first few days of life. Parental attendance ceases after about a week, except for cold, rainy days. Parents carry prey to chicks in their bills one fish at a time. Feeding rates at sites in Massachusetts and Connecticut are about 1 fish/hour. At sheltered nests, undisturbed chicks may remain at the nest site until they are nearly fledged. Where there is more disturbance, chicks may move more than 60 m away to new hiding spots. In 2-chick broods, the younger chick (*B*-chick) is less likely to survive than the *A*-chick. Most losses of *B*-chicks appear to be due to starvation. The peak of fledging is at 27-30 days. Four to 10 days after fledging, young birds accompany parents to fishing grounds. They begin to catch fish after 3 weeks, but remain dependent on parents for food at least 6 weeks, or until migration in September. This notably long period of dependence reflects the highly specialized fishing techniques that the young must master. At Bird I., MA, family units depart the nesting colony 5-15 days post-fledging to congregate at staging locations. When two chicks are raised, the male leaves first with the older chick and the female leaves up to 7 days later with the younger chick. Nothing is known of family cohesion during migration.

#### **PREDATION:**

**Predators.** In North America, predators of Roseate Tern eggs, young, and adults include birds and mammals, snakes, ants, and land crabs. In the northeast, the Great

Horned Owl is the primary predator on adults, and predation on adults by the Peregrine Falcon has also been documented. Other significant avian predators (on eggs or chicks) include: Black-crowned Night-Heron, Herring and Great Black-backed Gulls, American Crow, and Red-winged Blackbird.

**Responses to predators and intruders.** The Roseate Tern prefers to nest on islands lacking mammalian predators. Eggs and chicks are cryptically colored and well-concealed under vegetation, debris, or rocks. Roseates are less aggressive birds than Common Terns, and rely on Commons for defense in the nesting colony. Attack rate peaks at hatching. Roseates dive at, and sometimes strike, various avian predators. Roseates circle above humans and dive at them, but do not make physical contact or defecate on them. Roseates in the Caribbean have been shown to respond more vigorously to familiar *versus* unfamiliar humans. As is the case for Common Terns, Roseates desert colonies at night when subject to nocturnal predation. This prolongs incubation periods for eggs, and exposes eggs and chicks to the elements and predation. Roseate nests and chicks, however, are better concealed, and thus less vulnerable, than those of Common Terns. Roseate adults, in contrast, are often disproportionately preyed upon in comparison to Common Terns from the same colony. Perhaps for this reason Roseates are quicker to abandon a site when predators are active.

**LIFE HISTORY PARAMETERS:** In Massachusetts, most Roseate Terns breed annually starting at 3 years old, some at  $\geq 4$  years. Only one brood per season is raised, but birds renest after losing eggs or chicks. Estimating productivity is challenging due to inaccessible nest sites and chicks' hiding behavior, but productivity usually exceeds 1 chick fledged per pair (range: 0-1.6 chicks fledged per pair); older birds are more productive than younger ones. Survival from fledging to first breeding was estimated at about 20% for Connecticut birds. Annual survival of adults in the northeast was estimated to be about 80%. The oldest Roseate Tern documented was 25.6 years old; it was originally banded as a chick in Massachusetts.

**STATUS:** The northeastern population of the Roseate Tern is listed as Endangered federally and in Massachusetts principally because of its range contraction and secondarily because of its declining numbers. Prior to 1870, its status was somewhat obscure, but the Roseate was considered to be an

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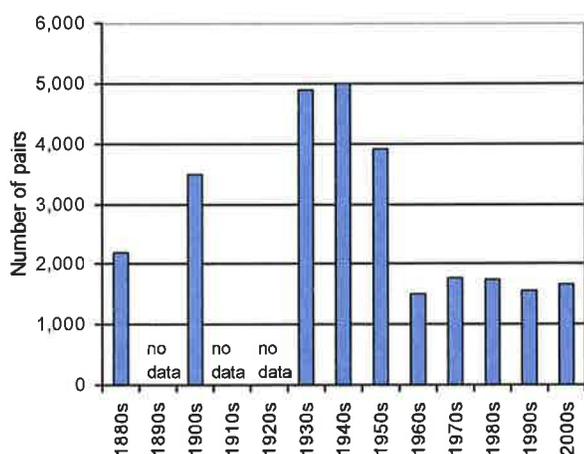
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abundant breeder within Common Tern colonies on Nantucket and Muskeget Is., MA. Prior to the 20<sup>th</sup> century, eggging was a problem in northeast colonies, but it was persecution of terns for the plume industry that greatly reduced numbers in the northeast to perhaps 2,000 pairs, mostly at Muskeget and Penikese Is., MA, by the 1880s. Following protection, numbers rose to the 8,500 pair level in 1930. From the 1930s through the 1970s, Roseates were displaced from nesting colonies by Herring and Great Black-backed Gulls, and had declined to 2,500 pairs by 1979. Following two decades of fairly steady increase, the Northeast U.S. population peaked at 4,310 pairs in 2000. Since then, however, the population has declined rapidly to 3,320 pairs (Roseate Tern Recovery Team, unpubl. 2006 data). The cause of this has not been identified, but data suggest that it may be related to mortality on the wintering grounds.

Approximately 85% of the population is dangerously concentrated at just 3 colonies: Great Gull Island, NY (1,227 pairs); Bird I., Marion, MA (1,111); and Ram I., Mattapoisett, MA (463). The only other nesting colonies in Massachusetts in 2006 were at Penikese I. (48 pairs) and Monomoy National Wildlife Refuge (NWR) (S. Monomoy and Minimoy Is.), Chatham (26 pairs). Desertion of  $\geq 30$  major breeding sites over the past 80 years in most cases has been related to occupation of sites by gulls, and secondarily, to predation in the colonies (which may have intensified as terns were displaced by gulls to sites closer to the mainland). While populations in the state receive protection during the breeding season, the species is unprotected by South

American governmental entities and while in international waters. Prior to the 1980s, persecution by humans (trapping for food) on the wintering grounds may have affected Roseates nesting in the northeast. Major wintering areas for this population have not been identified; this, along with investigation of current threats on the wintering grounds, is badly needed.

**CONSERVATION AND MANAGEMENT:** Colonies are protected by posting of signs, by presence of wardens, and/or by exclusion of visitors. Wooden nest boxes and boards, partially buried tires, and other structures enhance the number of potential nest sites. Vegetation control is sometimes necessary when plant growth is dense enough to actually impede adults' ability to access nesting sites. The gradual loss of breeding sites in the Northeast, coupled with the Roseate's reluctance to colonize new sites, is a serious obstacle to recovery of the northeast population. The current overwhelming concentration of Roseates in Massachusetts in just two colonies in Buzzards Bay (Bird and Ram Is.), despite suitable conditions elsewhere, does not bode well for the population should one of these sites become unsuitable. Because of the regional importance of Massachusetts for Roseate recovery, several restoration projects have been initiated in the state. Restoring Common Terns to nesting sites is a necessary first step in restoring Roseates because of the Roseate's close association with the Common Tern at breeding colonies. Roseates were successfully restored to Ram I. after a gull control program in 1990-1991. A similar program at Monomoy NWR, begun in 1996, encouraged the expansion of a huge colony of Common Terns (9,747 pairs in 2005), but only a handful of Roseates nest there. Two other tern restoration projects -- at Penikese I., in Buzzards Bay, and at Muskeget I., in Nantucket Sound -- are currently underway, both involving aggressive discouragement of gulls from small portions of the islands; Roseates returned to Penikese in 2003, but numbers have fluctuated widely since then. Tern restoration is a long-term commitment that requires annual monitoring and management to track progress, identify threats, manage vegetation, prevent gulls from encroaching on colonies, and remove predators.



**Figure 2. Roseate Tern population trends in Massachusetts, 1880s to 2006 (modified from Blodget and Melvin 1996).**

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**REFERENCES:**

- Blodget, B.G., and S.M. Melvin. 1996. Massachusetts tern and piping plover handbook: a manual for stewards. Mass. Div. of Fisheries and Wildlife. Natural Heritage and Endangered Species Program. Westborough, MA.
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Updated 2015  
Prepared by C.S. Mostello 2007

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Massachusetts Division of Fisheries & Wildlife

## Common Tern *Sterna hirundo*

State Status: **Special Concern**  
Federal Status: **None**

The Common Tern is a small seabird that returns in the spring from warmer locales to enliven Massachusetts beaches with its raucous cries. It is a gregarious and charismatic creature, joining its neighbors to boldly mob, peck, and defecate on intruders to drive them away from their nests, which are situated on the ground. Probably numbering in the hundreds of thousands in the state before 1870, the Common Tern is considerably more scarce today. Protection, management, and restoration of nesting colonies have allowed populations to gradually increase, but the Common Tern remains a Species of Special Concern in Massachusetts.

**DESCRIPTION:** The Common Tern measures 31-35 cm in length and weighs 110-145 g. Breeding adults have light gray upperparts, paler gray underparts, a white rump, a black cap, orange legs and feet, and a black-tipped orange bill. The tail is deeply forked and mostly white, and does not extend past the tips of the folded wings. In non-breeding adults, the forehead, lores, and underparts become white, the bill becomes mostly or entirely black, legs turn a dark reddish-black, and a dark bar becomes evident on lesser wing coverts. Downy hatchlings are dark-spotted buff above and white below with a mostly pink bill and legs. Juveniles are variable: they have a pale forehead, dark brown crown and ear coverts, buff-tipped feathers on grayish upperparts resulting in a scaly appearance, white underparts, pinkish or orangish legs, and a dark bill. The voice has a sharp, “irritable” timber, and includes a *keuri* advertising call and *kee-arrrr* alarm call.

**SIMILAR SPECIES IN MASSACHUSETTS:** The Arctic Tern (*Sterna paradisaea*) is similar in size, but has a shorter, blood-red bill, very short red legs, much grayer underparts with contrasting white cheeks, a longer tail that extends past the tips of the folded wings, and a higher-pitched voice (although some calls are similar). The Roseate Tern (*Sterna dougallii*) is also



Photo by B. Byrne, MDFW

similar in size, but has a mostly or entirely black bill during the breeding season, much paler gray upperparts, white or very pale pink underparts, a very long tail (longer than that of the Arctic Tern), and a distinctively different voice. The Least Tern (*Sterna antillarum*) is markedly smaller, with a yellow-orange bill, a white forehead, and a proportionately much shorter tail.

**DISTRIBUTION AND MIGRATION:** Outside the breeding season, the Common Tern is widely distributed primarily at temperate latitudes. It breeds in the northern hemisphere, principally in the temperate zones of Europe, Asia, and North America, and at scattered tropical and sub-tropical locations. In North America, it breeds along the Atlantic Coast from Labrador to South Carolina, and along lakes and rivers as far west as Montana and Alberta. Massachusetts birds arrive in April and May to nest at coastal locations statewide (Figure 1). The largest populations occur on Cape Cod and in Buzzards Bay (see Status, below). Massachusetts birds depart from breeding colonies in July and August, and concentrate in “staging areas” around Cape Cod to feed before beginning their migratory journeys southward. Birds breeding on the Atlantic coast

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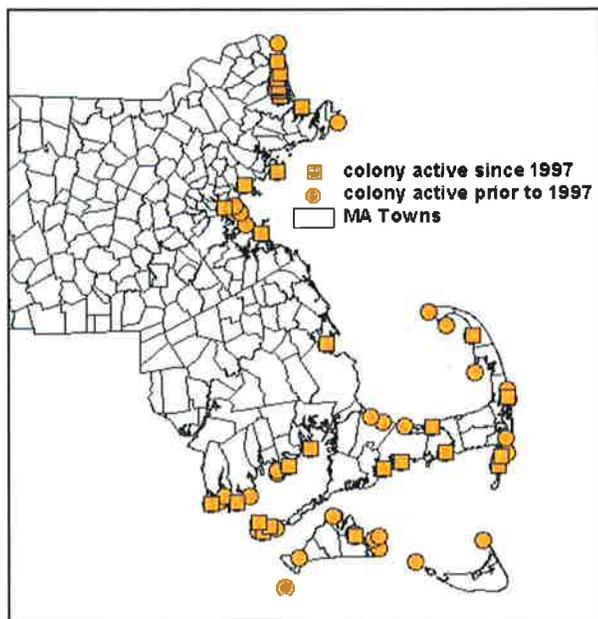
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generally winter on the north and east coasts of South America as far south as northern Argentina.



**Figure 1. Distribution of present and historic Common Tern nesting colonies in Massachusetts.**

**BREEDING AND FORAGING HABITAT:** In Massachusetts, the Common Tern generally nests on sandy or gravelly islands and barrier beaches, but also occurs on rocky or cobbly beaches and salt marshes. It prefers areas with scattered vegetation, which is used for cover by chicks. Along the Atlantic coast in the breeding area, it usually feeds within 1 km of shore, often in bays, tidal inlets, or between islands; it may forage as far as 20 km from the breeding colony.

**FOOD HABITS:** The Common Tern feeds mainly on a wide variety of small fish; frequently it includes crustaceans and insects in its diet. The primary prey item in most Atlantic coast breeding colonies is the American sand lance. In Massachusetts, silversides, cunner, herring, pipefish, and hake are also important. Over water, it captures food by plunge-diving (diving from heights of 1-6 m and submerging to  $\leq 50$  cm), diving-to-surface, and contact-dipping; it catches flying insects on the wing. It often forages singly or in small groups, but it may congregate in feeding flocks of  $\geq 1000$  birds, especially over schools of predatory fish that drive smaller prey to the surface. It commonly feeds in

association with Roseate and Arctic Terns, and sometimes gulls.

#### **BREEDING:**

*Phenology.* Birds begin arriving in late April or early May. They select breeding sites and begin courting. Egg dates are 4 May – 15 August. Incubation lasts about 3 wk, and the nestling period about 3-4 wk. Most birds have departed for winter quarters by mid-October.

*Colony.* The Common Tern is gregarious, nesting in colonies of a few to thousands of pairs. It often breeds in colonies with Roseate and Arctic Terns, Black Skimmers (*Rynchops niger*) and, rarely, with the Least Tern. Pairs vigorously defend their nesting territory and sometimes also maintain a linear near-shore feeding territory. (See also Predation, below).

*Pair bond and parental care.* Courtship involves both aerial and ground displays, including High Flights (in which a pair spirals to 30-100 m above ground and then glides down), Low Flights (in which a fish-carrying male is chased by a female), Parading (circling on ground), and Scraping. Males feed females during courtship and early incubation. The Common Tern is socially monogamous, but sometimes seeks extra-pair copulations. While both parents incubate eggs and attend chicks, females do more incubating and brooding (especially at night), and males generally do more feeding. Birds of similar age tend to pair. Mate fidelity is high; data from Germany showed that two-thirds of pair bonds were retained from year-to-year; the rest were broken by death or divorce in approximately equal frequencies. Pair-bond durations of up to 14 years have been documented.

*Nests.* Nests are depressions or “scrapes” in the substrate, to which nesting material, usually dead vegetation or tide wrack, is added throughout incubation. Nest density is highly variable, but usually in the range of 0.06-0.5 nests/m<sup>2</sup>.

*Eggs.* Eggs are cream, buff, or medium brown (sometimes greenish or olivish) with dark spots or streaks. Markings are often evenly distributed on the egg, but may be concentrated at the blunt end, especially for the third egg of the clutch, which also may be paler than the first two. Eggs measure approximately 40 x 30 mm, and are subelliptical in shape. Clutch size is usually 2-3 eggs, occasionally 1 or 4. Incubation is sporadic

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until the clutch is complete. The period between laying and hatching is about 23 days for the first egg and about 22 days for the second and third eggs. Incubation shifts last anywhere from <1 minute to several hours.

*Young.* Chicks are semi-precocial. At hatching, they are downy and eyes are open. They are able to stand and take food within hours after hatching. They wander away from the nest to seek cover, but still remain in the territory, at 2-3 days. Chicks are brooded/attended most of the day and night for the first few days of life. Parental attendance drops off after that, except for cold, wet, or hot weather. Parents carry prey to chicks in their bills. Feeding rates vary by location, but are usually on the order of 1-2 feedings per chick per hour. Chicks fledge at 22 to > 29 days, but they remain at first within the colony and are still dependent on parents for food. After about a week, they venture out with parents to the feeding grounds, but are unable to catch fish for themselves until 3-4 weeks post-fledging. Families leave the colony 10-20 days after chicks fledge and remain together during the staging period. Little is known of family cohesion during migration

#### **PREDATION:**

*Predators.* In North America, predators of Common Tern eggs, young, and adults include a wide variety of birds and mammals, snakes, ants, and land crabs. Nocturnal mammals (especially fox, mink, and rat; sometimes skunk, raccoon, feral cat, weasel, and coyote) are the most important predators in mainland or near-shore colonies. Mammalian predation often causes birds to abandon the site. A local example of this is Plymouth Beach: in 1999, a family of foxes hunting on the beach displaced a thriving colony of about 5,000 pairs of mostly Common Terns. At islands further from the mainland, Great Horned Owl and Black-crowned Night-Heron are important predators. Herring and Great Black-backed Gulls, Short-eared Owl, American Crow, Ruddy Turnstone, Great Blue Heron, and Peregrine Falcon can also be significant predators.

*Responses to predators and intruders.* The Common Tern prefers to nest on islands lacking predatory mammals or reptiles. Eggs and chicks are cryptically colored. Hatched eggshells are removed from the nest site and feces are dispersed (the white of the feces and of the inner shell is obvious).

Behavioral response to diurnal predators is very variable, and depends on predator species and behavior, stage in nesting cycle, and degree of habituation to threat. Hunting Peregrine Falcons cause “panics,” during which terns rapidly flee the nesting area and fly over the water; Peregrines may delay colony occupation. Many other diurnal predators (including crows, Herring and Great Black-backed Gulls, Northern Harriers, and Bald Eagles) are “mobbed” (chased and attacked) by terns. Common Terns distinguish between hunting and non-hunting gulls and falcons, and respond to them differently. Common Terns attack human intruders by diving at them, pecking exposed body parts, and defecating on them. Inexperienced birds may merely circle overhead and give alarm calls, whereas more experienced birds may launch intense attacks, to which many researchers will attest. Common Terns also distinguish between individual humans, and familiar humans are attacked more vigorously. Attacks intensify as chicks begin to hatch, but diminish as chicks mature and become less vulnerable. Adults’ alarm calls cause very young chicks ( $\leq 3$  days) to crouch motionless, while older, more mobile chicks seek cover.

There is little information on how the Common Tern responds to nocturnal mammalian predators; however, nocturnal predation by owls and night-herons causes terns to abandon the colony at night. This has several consequences: prolonged incubation periods for eggs; chick deaths due to exposure; increased predation on eggs and chicks, particularly by night-herons and ants; and sometimes inattentiveness to eggs by day, which increases egg vulnerability to diurnal predators.

**LIFE HISTORY PARAMETERS:** In Massachusetts, most Common Terns breed annually starting at 3 years, some at 2 or 4 years. As birds age, they nest progressively earlier in the season. Only one brood per season is raised, but birds reneest 8-12 days after losing eggs or chicks. Productivity is highly variable, and may range from zero to > 2.5 chicks fledged per pair, depending on food availability, degree of flooding, and predation. Productivity increases with age through the lifetime of the bird. Survival from fledging to 4 years was estimated at about 10% for Massachusetts birds. Annual survival of adults in Massachusetts was estimated about 90%. The oldest documented Common Terns are two individuals that bred at age 26 years.

### ***A Species of Greatest Conservation Need in the Massachusetts State Wildlife Action Plan***

Please allow the Natural Heritage & Endangered Species Program to continue to conserve the biodiversity of Massachusetts with a contribution for ‘endangered wildlife conservation’ on your state income tax form, as these donations comprise a significant portion of our operating budget.

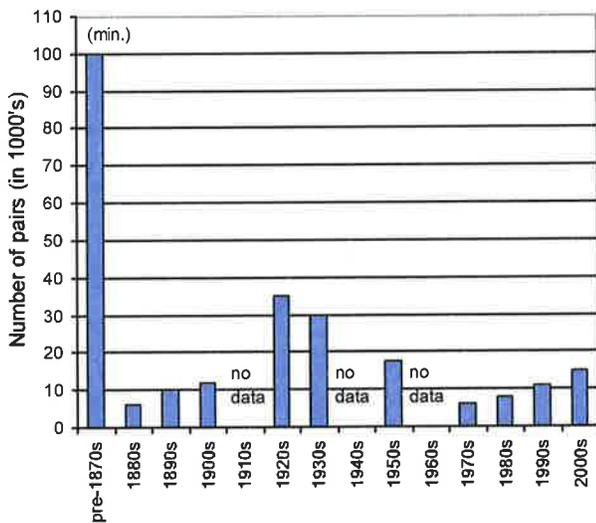
**STATUS:** The Common Tern is listed as a Species of Special Concern in Massachusetts. Populations are well below levels reported pre-1870, when hundreds of thousands are reported to have bred. Egging probably limited populations throughout the 1700s and 1800s. More seriously, hundreds of thousands were killed along the Atlantic coast by plume-hunters in the 1870s and 1880s, reducing the population to a few thousand at fewer than ten known sites by the 1890s. In Massachusetts, only 5,000 to 10,000 pairs survived, almost exclusively at Penikese and Muskeget Islands. The state’s population grew to 30,000 pairs by 1920, following protection of the birds in the early part of the century. Populations subsequently declined through the 1970s, reaching a low of perhaps 7,000 pairs, largely as a result of displacement of terns from nesting colonies by Herring Gulls and, later, by Great Black-backed Gulls. Since then, numbers have edged upwards (Figure 2). In 2005, 15,447 pairs nested at 34 sites in the state. About 90% of these birds were concentrated at just three sites: Monomoy National Wildlife Refuge (S. Monomoy and Minimoy Islands); Chatham (9,747 pairs); Bird Island, Marion (1,857 pairs); and Ram Island, Mattapoissett (2,278 pairs). While populations in the state are relatively well-protected during the breeding season, trapping of birds for food on the wintering grounds may be a source of mortality for Common Terns.

**CONSERVATION AND MANAGEMENT:**

Populations in Massachusetts continue to be threatened by predators and displacement by gulls. Also, should established nesting colonies be disrupted, lack of suitable (i.e., predator-free) alternative nesting sites is a serious concern in the state. Most colonies are protected by posting of signs, by presence of wardens, and/or by exclusion of visitors. Lethal gull control (initially), continual gull harassment, and predator control at South Monomoy and Ram Islands have resulted in thriving tern colonies at these restored sites (see Status, above). Two other tern restoration projects are currently underway, both involving clearing gulls from small portions of islands. At Penikese Island, in Buzzards Bay, after a pilot project in 1995, aggressive discouragement of gulls (using harassment by trained dogs and human site occupation) was initiated in 1998. The colony increased from 137 pairs of Common Terns in 1998 to 756 pairs in 2006. Non-lethal gull control at Muskeget Island, in Nantucket Sound, began in 2000; however, the budding tern colony is struggling against predators. Tern restoration is a long-term commitment that requires annual monitoring and management to track progress, identify threats, manage vegetation, prevent gulls from encroaching on colonies, and remove predators.

**REFERENCES:**

Blodgett, B.G., and S.M. Melvin. 1996. Massachusetts tern and piping plover handbook: a manual for stewards. Mass. Div. of Fisheries and Wildlife. Natural Heritage and Endangered Species Program. Westborough, MA.  
 Nisbet, I.C.T. 2002. Common Tern (*Sterna hirundo*). In The Birds of North America, No. 618 (A. Poole and F. Gill, eds.). Birds of North America, Inc., Philadelphia, PA.  
 Veit, R.R., and W.R. Petersen. 1993. Birds of Massachusetts. Massachusetts Audubon Society. Lincoln, MA.



**Figure 2. Common Tern population trends in Massachusetts, pre-1870s to 2005 (modified from Blodgett and Melvin 1996).**

Updated 2015  
 Prepared by C.S. Mostello, 2007

**A Species of Greatest Conservation Need in the Massachusetts State Wildlife Action Plan**

Please allow the Natural Heritage & Endangered Species Program to continue to conserve the biodiversity of Massachusetts with a contribution for ‘endangered wildlife conservation’ on your state income tax form, as these donations comprise a significant portion of our operating budget.



## **APPENDIX E**

**MASSACHUSETTS HISTORICAL COMMISSION, NEW BEDFORD HISTORICAL COMMISSION &  
MEPA DETERMINATIONS**

**MASSACHUSETTS HISTORICAL COMMISSION DETERMINATION**

**MEMORANDUM OF AGREEMENT**

**CORRESPONDENCE FROM NEW BEDFORD HISTORICAL COMMISSION**

**CORRESPONDENCE FROM MEPA**



## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth

September 30, 2015

Massachusetts Historical Commission

Charles Paradie, Jr.  
Director of Pre-Construction Planning  
University of Massachusetts Building Authority  
225 Franklin Street, 12th Floor  
Boston MA 02110

RE: University of Massachusetts Dartmouth, School of Marine Science & Technology (SMAST)  
Expansion Project, New Bedford, MA. MHC #RC.10322.

Dear Mr. Paradie:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the additional information submitted for the project referenced above, received by the MHC on September 2, 2015, and the comments of the New Bedford Historical Commission, received by the MHC on September 25, 2015.

The project area of potential impact includes the U. S. Naval Reserve Center (NBE.AJ) and Battery Milliken (NBE.901) at Fort Rodman (NBE.F), which are included in the MHC's Inventory of Historic Assets of the Commonwealth.

The project includes transfer of lands from the Commonwealth of Massachusetts to the City of New Bedford, designated Parcel 25A-49 adjoining Blackmer Street, which may require approval by the Massachusetts Division of Conservation Services. The transfer of lands from the Commonwealth of Massachusetts will not affect any significant historic and archaeological assets.

The project includes transfer of land from the City of New Bedford to the Commonwealth of Massachusetts, which may require approval of the National Park Service because of a covenant. The MHC recommends that the National Park Service determine that no historic properties will be affected by the land transfer (36 CFR 800.4(d)(1)). The MHC recommends that a copy of this letter be provided by the University of Massachusetts Building Authority to the National Park Service.

The project includes the demolition of the former U. S. Naval Reserve Center. Although the historical property is not included in the State Register of Historic Places, in 1998 staff of the MHC offered the opinion that the property meets Criteria A and C of the National Register of Historic Places Criteria for Evaluation (36 CFR Part 60) at the state-level of significance.

The MHC has determined that the proposed demolition will have an "adverse effect" (950 CMR 71.05(a); 71.07(2)(b)(3)) on the U. S. Naval Reserve Center through the demolition of the property. It appears that there are no prudent and feasible alternatives to its demolition. The MHC hereby initiates MHC's consultation process pursuant to 950 CMR 71.07(3) to mitigate the "adverse effect" of the proposed project on the U.S. Naval Reserve Center.

At the MHC's request, the project information was provided to the New Bedford Historical Commission for comment (950 CMR 71.07(3)). The MHC agrees with the comments of the New Bedford Historical Commission that the project will not adversely affect Battery Milliken at Fort Rodman (NBE.F) or the Fort Taber Historic District (NBE.C) (950 CMR 71.07(2)(b)(2)).

The MHC accepts the adverse effect to the U. S. Naval Reserve Center and proposes a Memorandum of Agreement (MOA) in order to resolve the adverse effects. The documentation included in the MHC's Inventory of Historic Assets of the Commonwealth is sufficient and no additional photodocumentation prior to demolition is required.

The MHC recommends the following stipulation as mitigation in a Memorandum of Agreement (MOA) for the demolition of the U. S. Naval Reserve Center:

The University of Massachusetts Building Authority shall notify the MHC of the date of demolition within thirty (30) days of the demolition so that the MHC can keep the status and condition of the property's information in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth up to date and accurate.

The MHC has prepared the enclosed draft MOA for your review and comment. If the MOA is acceptable, please sign it and obtain the signature of the New Bedford Historical Commission before returning it to MHC for final signature.

These comments are offered to assist in compliance with M.G.L. c. 9, ss. 26-27C (950 CMR 71), and MEPA (301 CMR 11.03(10)). Please contact Edward L. Bell, Deputy State Historic Preservation Officer, if you have any questions.

Sincerely,



Brona Simon  
Executive Director  
Massachusetts Historical Commission

Enclosure: draft Memorandum of Agreement

xc w/enclosure:

New Bedford Historical Commission  
Teri Bernert, Waterfront Historic Area League (WHALE)  
Michele Simoneaux, GZA GeoEnvironmental, Inc.

MEMORANDUM OF AGREEMENT  
BETWEEN THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY  
AND THE MASSACHUSETTS HISTORICAL COMMISSION

WHEREAS, The University of Massachusetts Building Authority (“the proponent”) has proposed, as part of the School of Marine Science and Technology Campus Expansion (“the project”), to demolish the U. S. Naval Reserve Center (MHC #NBE.AJ), included in the MHC’s Inventory of Historic Assets of the Commonwealth, for which project the proponent has sought the comments of the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Chapter 9, Section 26-27C and 950 CMR 71.00; and

WHEREAS, the U. S. Naval Reserve Center meets Criteria A and C of the Criteria of Eligibility (36 CFR 60) for listing in the National Register of Historic Places at the state level of significance; and

WHEREAS, the MHC has determined that there are no feasible and prudent alternatives to demolition; and

WHEREAS, the MHC has determined that the project constitutes an adverse effect to the U. S. Naval Reserve Center through the demolition of the property pursuant to 950 CMR 71.05(a) and 71.07(2)(b)(3); and

WHEREAS, the New Bedford Historical Commission participated in this consultation and has been invited to concur with this Memorandum of Agreement; and

WHEREAS, the MHC has determined to accept the adverse effect of the project U. S. Naval Reserve Center in consideration of the mitigation described herein; and

NOW THEREFORE, the MHC and the proponent have consulted and agree that the project shall be undertaken and implemented in accordance with the following stipulation to mitigate the effect of the project on the U. S. Naval Reserve Center:

STIPULATION

The proponent shall ensure that the following measure is carried out:

The University of Massachusetts Building Authority shall notify the MHC of the date of demolition within thirty (30) days of the demolition so that the MHC can keep the status and condition of the property’s information in MHC’s Inventory of Historic and Archaeological Assets of the Commonwealth up to date and accurate.

Execution and acceptance of this Memorandum of Agreement and compliance with its terms shall constitute compliance and satisfaction by all with the requirements of M.G.L. Chapter 9, Section 26-27C and 950 CMR 71.07 (3)(d) and MEPA (301 CMR 11.03(10)).

UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY

By: \_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

MASSACHUSETTS HISTORICAL COMMISSION

By: \_\_\_\_\_  
Brona Simon  
Executive Director  
Massachusetts Historical Commission

Date: \_\_\_\_\_

CONCUR:  
NEW BEDFORD HISTORICAL COMMISSION

By: \_\_\_\_\_  
Diana Henry  
Chairman

Date: \_\_\_\_\_



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

October 29, 2015

Charles Paradie, Jr.  
Director of Pre-Construction Planning  
University of Massachusetts Building Authority  
225 Franklin Street, 12th Floor  
Boston MA 02110

RE: University of Massachusetts Dartmouth, School of Marine Science & Technology (SMAST)  
Expansion Project, New Bedford, MA. MHC #RC.10322.

Dear Mr. Paradie:

Enclosed please find a copy of the fully executed Memorandum of Agreement (MOA) for the project referenced above.

The project may proceed as proposed.

Please notify the Massachusetts Historical Commission by letter within thirty (30) days after the demolition has been completed of the US Naval Reserve Center.

Thank you for your assistance and cooperation in this review. These comments are offered to assist in compliance with M.G.L. c. 9, ss. 26-27C (950 CMR 71). Please contact Edward L. Bell, Deputy State Historic Preservation Officer, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brona Simon".

Brona Simon  
Executive Director  
Massachusetts Historical Commission

Enclosure (MOA)

xc w/enclosure:  
New Bedford Historical Commission  
Michele Simoneaux, GZA GeoEnvironmental, Inc.

MEMORANDUM OF AGREEMENT  
BETWEEN THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY  
AND THE MASSACHUSETTS HISTORICAL COMMISSION

WHEREAS, The University of Massachusetts Building Authority ("the proponent") has proposed, as part of the School of Marine Science and Technology Campus Expansion ("the project"), to demolish the U. S. Naval Reserve Center (MHC #NBE.AJ), included in the MHC's Inventory of Historic Assets of the Commonwealth, for which project the proponent has sought the comments of the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Chapter 9, Section 26-27C and 950 CMR 71.00; and

WHEREAS, the U. S. Naval Reserve Center meets Criteria A and C of the Criteria of Eligibility (36 CFR 60) for listing in the National Register of Historic Places at the state level of significance; and

WHEREAS, the MHC has determined that there are no feasible and prudent alternatives to demolition; and

WHEREAS, the MHC has determined that the project constitutes an adverse effect to the U. S. Naval Reserve Center through the demolition of the property pursuant to 950 CMR 71.05(a) and 71.07(2)(b)(3); and

WHEREAS, the New Bedford Historical Commission participated in this consultation and has been invited to concur with this Memorandum of Agreement; and

WHEREAS, the MHC has determined to accept the adverse effect of the project U. S. Naval Reserve Center in consideration of the mitigation described herein; and

NOW THEREFORE, the MHC and the proponent have consulted and agree that the project shall be undertaken and implemented in accordance with the following stipulation to mitigate the effect of the project on the U. S. Naval Reserve Center:

STIPULATION

The proponent shall ensure that the following measure is carried out:

The University of Massachusetts Building Authority shall notify the MHC of the date of demolition within thirty (30) days of the demolition so that the MHC can keep the status and condition of the property's information in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth up to date and accurate.

Execution and acceptance of this Memorandum of Agreement and compliance with its terms shall constitute compliance and satisfaction by all with the requirements of M.G.L. Chapter 9, Section 26-27C and 950 CMR 71.07 (3)(d) and MEPA (301 CMR 11.03(10)).

UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY

By: Patricia Filippone  
Name: Patricia Filippone  
Title: Executive Director

Date: 10-8-2015

MASSACHUSETTS HISTORICAL COMMISSION

By: Brona Simon  
Brona Simon  
Executive Director  
Massachusetts Historical Commission

Date: 10/29/15

CONCUR:  
NEW BEDFORD HISTORICAL COMMISSION

By: Diana Henry  
Diana Henry  
Chairman

Date: 10/20/2015



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HISTORICAL COMMISSION

RECEIVED <sup>EB</sup>

SEP 25 2015

MASS. HIST. COMM

010322

September 22, 2015

Mr. Edward L. Bell  
Deputy State Historic Preservation Planner  
Massachusetts Historical Commission  
220 Morrissey Boulevard  
Boston, MA 02125

**RE: Pending Project Notification Review (#RC.10322)  
School of Marine Science and Technology (SMAST) Expansion.  
706 & 838 South Rodney French Boulevard, New Bedford, MA 02744**

Dear Mr. Bell:

The New Bedford Historical Commission (NBHC) has reviewed the information submitted regarding the University of Massachusetts Building Authority's proposed expansion project at the School of Marine Science and Technology campus located at 706 and 838 Rodney French Boulevard.

The proposed project involves the demolition of the existing structure located at 838 South Rodney French Boulevard with new construction to take its place. The project also includes the acquisition of several adjoining parcels from the City of New Bedford.

After a review of the proposal submitted, the NBHC has determined that this project will have "no adverse effect" (36 CFR 800.5(b)) on the Fort Taber Historic District (NBE.C) or the Battery Milliken at Fort Rodman (NBE.F); both adjacent to the subject project.

The parcels of land identified for acquisition from the City of New Bedford are part of a larger property that the City of New Bedford acquired from the United States. Transfer of this land requires the consent of the National Park Service as well as the Commonwealth of Massachusetts Division of Conservation Services.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Diana Henry  
Chairman

DH:aef

---

**From:** Bourre, Richard (EEA) <Richard.Bourre@MassMail.State.MA.US>  
**Sent:** Monday, November 30, 2015 1:54 PM  
**To:** Michele Simoneaux  
**Cc:** Mahler, Steve (MAHLER@ellenzweig.com); Anderson, Rick; Paradie, Charles; Mary Hall; Gregg McBride; Buckley, Deirdre (EEA); Flaherty, Erin (EEA)  
**Subject:** RE: Request for Informal Opinion-University of Massachusetts Building Authority- School of Marine Science and Technology (SMAST) Expansion Project

Dear Ms. Simoneaux,

I have reviewed the information contained in and attached to your email below regarding the applicability of MEPA to the project referenced above. Notwithstanding that the project is being undertaken by a State Agency, will receive Financial Assistance from the Commonwealth, and requires Land Transfers from a State Agency, it does not appear to exceed any MEPA review thresholds, including the threshold at 301 CMR 11.03(10)(b)(1) for projects that involve "...demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth." In this case, the Proponent (the University of Massachusetts Building Authority) has entered into a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC) for the historic structure in question, and thereby has met one of the two conditions under which MEPA review would not be required for projects otherwise meeting the threshold cited above, as indicated in the preface to the thresholds regarding impacts to historic and archeological resources.

On that basis, I hereby determine on behalf on Secretary Beaton that this project is not subject to review under MEPA and the submission of an Environmental Notification Form I not required. Please contact me if you have any further questions regarding this matter.

*Rick Bourré*  
*Assistant Director, MEPA*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, 9th floor*  
*Boston, MA 02114*  
*(617) 626-1130 (direct line)*  
*(617) 626-1181 (fax)*  
*richard.bourre@state.ma.us*

---

**From:** Michele Simoneaux [mailto:michele.simoneaux@gza.com]  
**Sent:** Friday, November 20, 2015 7:27 PM  
**To:** Bourre, Richard (EEA)  
**Cc:** Mahler, Steve (MAHLER@ellenzweig.com); Anderson, Rick; Paradie, Charles; Hall, Mary; Canaday, Anne (EEA); Gregg McBride  
**Subject:** Request for Informal Opinion-University of Massachusetts Building Authority- School of Marine Science and Technology (SMAST) Expansion Project

Mr. Richard Bourre  
Assistant Director, MEPA  
220 Morrissey Boulevard  
Boston, Massachusetts 02125

Re: **Request for Informal MEPA Advisory Opinion**

**School of Marine Science and Technology (SMAST) Expansion  
706 and 838 South Rodney French Boulevard  
University of Massachusetts Building Authority**

Dear Mr. Bourre:

On behalf of the University of Massachusetts Building Authority (UMBA), GZA GeoEnvironmental, Inc. (GZA) respectfully requests an informal advisory opinion regarding the applicability of a review under the Massachusetts Environmental Policy Act (MEPA; MGL c. 30 §61 through 62I; 310 CMR 11.00) for an expansion project at the School of Marine Science and Technology (SMAST) campus located at 706 South Rodney French Boulevard (SMAST 1; Assessor's Map 003, Parcel 5) and 838 Rodney French Boulevard (SMAST 2; Assessor's Map 003, Parcel 1) in New Bedford, Massachusetts (Figure 1) ("Project"). The reason we seek an informal advisory opinion is that, although the Project received state funding and involves land transfers, the only review threshold triggered under 310 CMR 11.03 is for the demolition of a structure listed on the Inventory of Historic and Archaeological Assets of the Commonwealth, for which there is a Memorandum of Agreement (MOA) in place with the Massachusetts Historical Commission (MHC) (Attachment 1).

There are no other §11.03 review thresholds exceeded for this Project and our understanding is that, when the historic resources trigger is the only review threshold and there is a MOA in place, that a MEPA review is often deemed to not be applicable. This Project has been designed to include appropriate during and post-construction environmental controls in place, has minimal chance of causing damage to the environment due to its minimal redevelopment footprint and enjoys significant public support from the surrounding communities. Additionally, the project is on a "fast-track" construction management delivery approach and includes a 31-month duration from start of design through substantial completion of construction and SMAST 2 occupancy by May 2017.

**PROJECT OVERVIEW**

The goal of the Project is to create a unified and recognizable SMAST campus and support the mixed-use neighborhood context by scaling the new construction to fit in with the residential neighborhood north of South Rodney French Boulevard. The project involves the demolition of the existing Naval Research Center (NRC) and the construction of a 64,530 gross square foot research facility at SMAST 2 (Appendix A) and renovations to the HVAC systems at SMAST 1. Some minor grading work associated with an upgraded seawater pumping and piping system that will support the additional wet laboratory at SMAST 2 will be located in the 100-foot buffer zone to Coastal Bank and within Chapter 91 jurisdiction. The project utilizes state funding and includes land transfers so that the Commonwealth of Massachusetts may obtain three critical parcels of land from the City of New Bedford to bring the project to fruition. In return for the parcels of land, the Commonwealth of Massachusetts is transferring two parcels of land located in New Bedford, to the City of New Bedford (Figure 3B and Figure 4B).

**MEPA REVIEW THRESHOLD TRIGGERS**

The only "review threshold" is found in CMR 11.03(10) (b) as the Project involves the demolition of the NRC building, which is listed in the Inventory of Historic and Archaeological Assets of the Commonwealth; however, UMBA has a Memorandum of Understanding in place with the MHC that allows demolition of the building with the stipulation that UMBA notify MHC within 30 days after the building is demolished (Attachment 1).

**STATE FUNDING**

The Project has received the following state funds:

1. University of Massachusetts Building Authority (UMBA/University Funds: \$25,000,000 from Chapter 7C (Line Item #1102-3229);
2. Division of Capital Asset Management and Maintenance (DCAMM) Funds: \$20,000,000 from Acts of 2008, Chapter 258 (Line Item #7100-1000);
3. Executive Office of Energy and Environmental Affairs (EOEAA )Funds: \$5,000,000 from Acts of 2008, Chapter 312, Section 2A (Line Item # 2300-7011); and,
4. Executive Office of Administration and Finance (ANF) Funds: \$5,000,000 from Acts of 2014, Chapter 286.

## STATE PERMITTING

Permits from the New Bedford Conservation Commission, Natural Heritage and Endangered Species Program and the Massachusetts Department of Environmental Protection (MassDEP) (Chapter 91 Minor Modification) are required for the project. Status of State permitting is:

1. A **Chapter 91 Minor Modification** notification was submitted to the Southeast Region of the Massachusetts Department of Environmental Protection (MassDEP) on October 7, 2015 and the 30-day presumptive approval period has elapsed so we assume that the project is authorized as a minor modification under License # 5873.
2. A **Notice of Intent** will be submitted to the New Bedford Conservation Commission for review under the Wetlands Protection Act and New Bedford Wetlands Protection Ordinance with a copy to the Natural Heritage and Endangered Species program for a concurrent review under the Massachusetts Endangered Species Act (MESA). MESA is only applicable due to minor work at the end of the existing pier, which overlaps with Priority Habitat and Estimated Habitat. A Stormwater Management Report and Checklist will be included with the NOI.

## LAND TRANSFERS

In order to successfully integrate the campus, several land transfers are needed to complete the project. In accordance with Chapter 182 of the Acts of 2012, the Commonwealth will acquire two parcels of land, located to the south and east of the NRC parcel, from the City of New Bedford (Figure 3A, Figure 4A) which will help provide additional space and the necessary connectivity of the campus. In return, the Commonwealth will convey 2 parcels of land located on Blackmer Street in New Bedford to the City (Figure 3B, Figure 4B). In order to assist UMBA to integrate the SMAST campus more completely and facilitate utility access and parking facility to support the two buildings, the project also includes acquisition of an easement over, or title to, a 0.57 acre parcel of land located between the NRC parcel and the SMAST 1 parcel (Figure 2).

We would appreciate an informal opinion on the necessity and applicability of an Environmental Notification Form (ENF) for this Project so that we may adhere to the desired schedule and move forward with required permitting of the Project.

Thank you very much for your consideration of our request. I can be reached at any of the numbers listed below and am available for further discussion, at your convenience.

Best Regards,

Michele Simoneaux

Michele Simoneaux, PWS  
Senior Technical Specialist  
Senior Wetland Scientist  
GZA | 249 Vanderbilt Avenue | Norwood, MA 02062

o: 781.278.5802 | c: 781.752.6851 | [michele.simoneaux@gza.com](mailto:michele.simoneaux@gza.com) | [www.gza.com](http://www.gza.com)

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*For information about GZA GeoEnvironmental, Inc. and its services, please visit our website at [www.gza.com](http://www.gza.com).*



## **APPENDIX F**

### **ABUTTER INFORMATION AND NOTIFICATIONS**

**CERTIFIED ABUTTERS LIST**

**ABUTTER NOTIFICATION**

**CERTIFICATE OF MAILING**

I, Judith Mordahl, Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Date: 11-19-2015

SUBJECT PROPERTY:

MAP 3 LOT 1

LOCATION 706-838 S. Rodney French Blvd (3-1, portions of 3-2,3-5, & 4-3)

OWNER'S NAME Commonwealth of Massachusetts -UMASS Dartmouth

MAILING ADDRESS \_\_\_\_\_

CONTACT PERSON Maria Firstenberg

TELEPHONE NUMBER 781-320-2362

EMAIL ADDRESS maria.firsentberg@gza.com

REASON FOR REQUEST  
NOI Conservation Commission-SMAST Project

\_\_\_\_\_  
\_\_\_\_\_

November 19, 2015

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 706-838 S. Rodney French Blvd. (3-1, and portions of 3-2, 3-5, 4-3). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

| Parcel | Location                 | Owner and Mailing Address                                                                                       |
|--------|--------------------------|-----------------------------------------------------------------------------------------------------------------|
| 5-148  | 672 W RODNEY FRENCH BLVD | HEFFERNAN ARTHUR C,<br>672 WEST RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744                                     |
| 5-150  | 199 BAYVIEW ST           | CORSINI TIMOTHY J, CORSINI LEANA<br>199 BAYVIEW STREET<br>NEW BEDFORD, MA 02744                                 |
| 3-5    | 706 S RODNEY FRENCH BLVD | COMMONWEALTH OF MASSACHUSETTS,<br>ONE ASHBURTON PLACE<br>BOSTON, MA 02108                                       |
| 5-152  | 193 BAYVIEW ST           | DUARTE DIANA B,<br>193 BAY VIEW ST<br>NEW BEDFORD, MA 02744                                                     |
| 5-155  | 189 BAYVIEW ST           | HANNIGAN REBECCA L, KOUTA IBRAHIM<br>18 MAKI WAY<br>W WAREHAM, MA 02576                                         |
| 3-2    | SS S RODNEY FRENCH BLVD  | CITY OF NEW BEDFORD, CITY PROPERTY FT RODMAN<br>131 WILLIAM STREET<br>NEW BEDFORD, MA 02740                     |
| 5-157  | 185 BAYVIEW ST           | OUIMET PETER R, OUIMET SUSAN P<br>185 BAYVIEW STREET<br>NEW BEDFORD, MA 02744                                   |
| 5-165  | 171 BAYVIEW ST           | SZELA DORIS T,<br>171 BAYVIEW ST<br>NEW BEDFORD, MA 02744                                                       |
| 5-168  | 161 BAYVIEW ST           | SANTOS JOHN F, SANTOS BEVERLY<br>161 BAYVIEW ST<br>NEW BEDFORD, MA 02744                                        |
| 5-124  | 4 POINT ST               | GENDRON MATTHEW D, GENDRON LENEA LIMA-<br>4 POINT STREET<br>NEW BEDFORD, MA 02744                               |
| 3-1    | 838 S RODNEY FRENCH BLVD | COMMONWEALTH OF MASSACHUSETTS, UNIVERSITY OF MASSACHUSETTS DARTMOUTH<br>ONE ASHBURTON PLACE<br>BOSTON, MA 02108 |
| 5-243  | 165 BAYVIEW ST           | COTE KEVIN,<br>165 BAYVIEW STREET<br>NEW BEDFORD, MA 02744                                                      |
| 5-6    | 15 BROCK AVE             | KELLY ARTHUR J III, KELLY KATHLEEN W<br>15 BROCK AVE<br>NEW BEDFORD, MA 02744                                   |

November 19, 2015

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 706-838 S. Rodney French Blvd. (3-1, and portions of 3-2, 3-5, 4-3). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

| Parcel | Location                 | Owner and Mailing Address                                                                 |
|--------|--------------------------|-------------------------------------------------------------------------------------------|
| 4-72   | 861 S RODNEY FRENCH BLVD | ST PIERRE ARTHUR F, BOWEN ELIZABETH E<br>861 ROD. FR. BLVD.S.<br>NEW BEDFORD, MA 02744    |
| 4-51   | 26 BROCK AVE             | STELLATO JOHN M JR, LORENCO PETER K<br>30 BROCK AVENUE<br>NEW BEDFORD, MA 02744           |
| 4-73   | 875 S RODNEY FRENCH BLVD | BINNING ESTELLA M,<br>875 RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744                     |
| 4-74   | 889 S RODNEY FRENCH BLVD | MEDINA KARLO, MEDINA JUSTINE L<br>889 S RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744       |
| 4-75   | 903 S RODNEY FRENCH BLVD | MACY ISAAC B, MACY CASEY L CORREIRA-<br>903 S RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744 |
| 4-3    | 950 S RODNEY FRENCH BLVD | CITY OF NEW BEDFORD, CITY PROPERTY FT RODMAN<br>131 WILLIAM ST<br>NEW BEDFORD, MA 02740   |
| 4-76   | 917 S RODNEY FRENCH BLVD | LURIA PAUL, LURIA PAULA<br>63 PRATT STREET<br>LUNENBURG, MA 01462                         |
|        |                          |                                                                                           |
|        |                          |                                                                                           |
|        |                          |                                                                                           |
|        |                          |                                                                                           |
|        |                          |                                                                                           |
|        |                          |                                                                                           |



## **Notification to Abutters under the Massachusetts Wetlands Protection Act and the City of New Bedford Wetlands Ordinance**

In Accordance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40 and the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112) you are hereby notified of the following.

The name of the applicant is: **University of Massachusetts Building Authority**

The applicant has filed a **Notice of Intent** for the municipality of New Bedford, Massachusetts seeking permission to remove, fill dredge or alter an area subject to protection under the Massachusetts Wetland Protection Act (General Laws, Chapter 131, Section 40) and the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112).

The address of the lot where the activity is proposed is: **706 & 838 South Rodney French Boulevard and portions of land between these addresses**

Assessor's Map **3 & 4**; Lot **1 & 5 (Map 3), Portions of 2 (Map 3) & 3 (Map 4)**

Copies of the **Notice of Intent** may be examined at the New Bedford Conservation Commission, City Hall, 133 William St. Room 304 New Bedford, MA 02740 between the hours of 8:00 AM and 4:00 PM, Monday through Friday. For more information call **(508) 991-6188**.

Copies of the **Notice of Intent** may be obtained from either (check one) the applicant  or the applicant's representative  by calling this telephone number: **781-278-5802** between the hours of 8:30 AM and 5:00 PM on the following days of the week: Monday through Friday.

Information regarding the date, time and place of the public hearing may be obtained from New Bedford Conservation Commission by calling **508-991-6188** between the hours of 8:00 AM and 4:00 PM Monday through Friday.

The Department of Environmental Protection, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347 508-946-2714.

Note: Notice of the Public hearing, including its date, time and place, will be posted in the City Hall not less than forty eight (48) hours in advance of the meeting.

Note: Notice of the Public Hearing including its date, time and place, will be published at least five (5) days in advance in the Standard Times.

Note: You may also contact the New Bedford Conservation Commission at **508-9916188** for more information about this publication, the Massachusetts Wetlands Protection Act or the City of New Bedford Wetlands Ordinance.



# Certificate of Mailing — Firm (Domestic)

|                                                                                                                                                          |                                                          |                                                |                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------|
| Name and Address of Sender<br><br>Michele Simoneaux<br>GZA GeoEnvironmental, Inc.<br>249 Vanderbilt Ave<br>Norwood, MA 02062<br>Job No. 172205.00 Task 5 | TOTAL NO.<br>of Pieces Listed by Sender<br><br><b>19</b> | TOTAL NO.<br>of Pieces Received at Post Office | Affix Stamp Here<br><i>Postmark with Date of Receipt.</i> |
|                                                                                                                                                          | Postmaster, per (name of receiving employee)             |                                                |                                                           |

| USPS Tracking Number<br>Firm-specific Identifier | Address<br>(Name, Street, City, State, and ZIP Code™)                                                               | Postage | Fee  | Special Handling | Parcel Airlift |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------|------|------------------|----------------|
| 1                                                | BINNING ESTELLA M<br>875 RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744                                                | .48¢    | .38¢ |                  |                |
| 2                                                | CITY OF NEW BEDFORD<br>CITY PROPERTY FT RODMAN<br>131 WILLIAM STREET<br>NEW BEDFORD , MA 02740                      | .48¢    | .38¢ |                  |                |
| 3                                                | COMMONWEAL TH OF MASSACHUSETTS<br>UNIVERSITY OF MASSACHUSETTS DARTMOUTH<br>ONE ASHBURTON PLACE<br>BOSTON , MA 02108 | .48¢    | .38¢ |                  |                |
| 4                                                | COMMONWEALTH OF MASSACHUSETTS<br>ONE ASHBURTON PLACE<br>BOSTON, MA 02108                                            | .48¢    | .38¢ |                  |                |
| 5                                                | CORSINI TIMOTHY J, CORSINI LEANA<br>199 BAYVIEW STREET<br>NEW BEDFORD, MA 02744                                     | .48¢    | .38¢ |                  |                |
| 6                                                | COTE KEVIN<br>165 BAYVIEW STREET<br>NEW BEDFORD , MA 02744                                                          | .48¢    | .38¢ |                  |                |
| 7                                                | DUARTE DIANA B<br>193 BAY VIEW ST<br>NEW BEDFORD, MA 02744                                                          | .48¢    | .38¢ |                  |                |
| 8                                                | GENDRON MATTHEW D, GENDRON LENEA LIMA<br>4 POINT STREET<br>NEW BEDFORD, MA 02744                                    | .48¢    | .38¢ |                  |                |

|    |                                                                                         |      |      |  |  |
|----|-----------------------------------------------------------------------------------------|------|------|--|--|
| 9  | HANNIGAN REBECCA L, KOUTA IBRAHIM<br>18 MAKI WAY<br>W WAREHAM , MA 02576                | .48¢ | .38¢ |  |  |
| 10 | HEFFERNAN ARTHUR C<br>672 WEST RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744              | .48¢ | .38¢ |  |  |
| 11 | KELLY ARTHUR J III, KELLY KATHLEEN W<br>15 BROCK AVE<br>NEW BEDFORD, MA 02744           | .48¢ | .38¢ |  |  |
| 12 | LURIA PAUL, LURIA PAULA<br>63 PRATT STREET<br>LUNENBURG , MA 01462                      | .48¢ | .38¢ |  |  |
| 13 | MACY ISAAC B, MACY CASEY L CORREIRA<br>903 S RODNEY FRENCH BLVD<br>NEW BEDFORD MA 02744 | .48¢ | .38¢ |  |  |
| 14 | MEDINA KARLO, MEDINA JUSTINE L<br>889 S RODNEY FRENCH BLVD<br>NEW BEDFORD, MA 02744     | .48¢ | .38¢ |  |  |
| 15 | OUIMET PETER R, OUIMET SUSAN P<br>185 BAYVIEW STREET<br>NEW BEDFORD, MA 02744           | .48¢ | .38¢ |  |  |
| 16 | SANTOS JOHN F, SANTOS BEVERLY<br>161 BAYVIEW ST<br>NEW BEDFORD, MA 02744                | .48¢ | .38¢ |  |  |
| 17 | ST PIERRE ARTHUR F, BOWEN ELIZABETH E<br>861 ROD. FR. BLVD.S.<br>NEW BEDFORD , MA 02744 | .48¢ | .38¢ |  |  |
| 18 | STELLATO JOHN M JR, LORENCO PETER K<br>30 BROCK AVENUE<br>NEW BEDFORD , MA 02744        | .48¢ | .38¢ |  |  |
| 19 | SZELA DORIS T<br>171 BAYVIEW ST<br>NEW BEDFORD, MA 02744                                | .48¢ | .38¢ |  |  |

Certificate of Mailing — Firm service provides evidence that the mailer has presented items for mailing to the Postal Service™. The following instructions are for the preparation and use of PS Form 3665, Certificate of Mailing – Firm (Domestic), for individual First-Class Mail®, First-Class Package Service®, Priority Mail® (excluding Critical Mail®), Media Mail®, Library Mail, Bound Printed Matter, Parcel Return Service, and Standard Post™ items.

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. Present PS Form 3665 at a retail Post Office™ location when presenting less than 50 pieces or 50 pounds (whichever amount is met first) of corresponding articles at one time, and at a business mail entry unit (BMEU) or a USPS-authorized detached mail unit (DMU) when presenting at least 50 pieces or 50 pounds (whichever amount is met first) of corresponding articles at one time.

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that contain the same information as the USPS-provided PS Form 3665. The local postmaster or the manager of Business Mail Entry provides approval in writing. See DMM 503.

The mailer must retain the original written approval granted by the local postmaster or the manager of Business Mail Entry, as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).



## **APPENDIX G**

FILING FEE INFORMATION

WPA FILING FEE TRANSMITTAL FORM

NEW BEDFORD ORDINANCE FEE CALCULATION FORM

COPIES OF FILING FEE CHECKS

PROOF OF MAILING TO MA DIVISION OF MARINE FISHERIES

PROOF OF MAILING TO NHESP



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

706 and 838 South Rodney French Boulevard New Bedford  
 a. Street Address b. City/Town  
State Entity - State Fee Exempt N/A  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Charles Paradie  
 a. First Name b. Last Name  
University of Massachusetts Building Authority  
 c. Organization  
One Beacon Street, 31<sup>st</sup> Floor  
 d. Mailing Address  
Boston MA 02108  
 e. City/Town f. State g. Zip Code  
617-287-3200 617-287-7075 CParadie@umassp.edu  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

c/o Michael Hayes  
 a. First Name b. Last Name  
Commonwealth of Massachusetts - University of Massachusetts Dartmouth  
 c. Organization  
One Ashburton Place  
 d. Mailing Address  
Boston MA 02108  
 e. City/Town f. State g. Zip Code  
508-999-8058 mhayes@umassd.edu  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

| Step 1/Type of Activity   | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|---------------------------|-----------------------------|--------------------------------|------------------------------|
| State Entity - Fee Exempt | N/A                         | N/A                            | N/A                          |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |
| _____                     | _____                       | _____                          | _____                        |

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

|                                |                                      |
|--------------------------------|--------------------------------------|
| Total Project Fee:             | <u>N/A</u>                           |
|                                | a. Total Fee from Step 5             |
| State share of filing Fee:     | <u>N/A</u>                           |
|                                | b. 1/2 Total Fee <b>less</b> \$12.50 |
| City/Town share of filing Fee: | <u>N/A</u>                           |
|                                | c. 1/2 Total Fee <b>plus</b> \$12.50 |

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION  
2009 FILING FEE CALCULATION WORKSHEET\***

**PROJECT LOCATION:**

706 & 838 South Rodney French Boulevard MAP 3 LOT(S) 1 & 5

**APPLICANT:** University of Massachusetts Building Authority (UMBA)

**CONSERVATION COMMISSION FEES (check all that apply):**

- REQUEST FOR DETERMINATION OF APPLICABILITY
- NOTICE OF INTENT
- INQUIRY AS TO NEED FOR AN AMENDED ORDER\*\*
- AMENDED ORDER OF CONDITIONS
- ANRAD (Abbreviated Notice of Resource Area Delineation)
- EXTENSION PERMIT
- CERTIFICATE OF COMPLIANCE
- AFTER THE FACT FILING
- RESTORATION PLAN FEE (no NOI filing required)
- LIFTING AN ENFORCEMENT ORDER
- PENALTIES

**(A.) ALTERATION FEES:**

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$150.00 plus the applicable alteration fee as follows

|                                                        | <u>AMOUNT DUE</u> |
|--------------------------------------------------------|-------------------|
| • Application and Field Review Fee ( \$150.00 )        | \$ _____          |
| • \$0.50 X _____ SF Wetland Resource Area              | \$ _____          |
| • \$0.05 X <u>711</u> SF Land Subject Coastal Flooding | \$ <u>35.55</u>   |
| • \$0.20 X _____ SF Developed Riverfront Area          | \$ _____          |
| • \$1.00 X _____ SF Undeveloped Riverfront Area        | \$ _____          |
| • \$5.00 X <u>12.5</u> LF Coastal Bank                 | \$ <u>62.50</u>   |
| • \$0.10 X <u>711</u> SF Buffer Zone                   | \$ <u>71.10</u>   |

**(B.) EXTENSION of an Order of Conditions:**

- Minor Project ... \$100.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_
- Other Projects ... \$200.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_

**(C.) AMENDING A PERMIT:**

- Written inquiry or request to appear to determine the need for an Amended Order:\*\* (\$50.00 fee) \$\_\_\_\_\_
- Amending OOC: \$150.00 + \_\_\_\_\_ (applicable alteration fee) \$\_\_\_\_\_

**(D.) RESOURCE BOUNDARY DELINEATION VERIFICATION USING AN RDA APPLICATION:**

- \$150.00 + \$2.00 X \_\_\_\_\_ LF Wetland boundary \$\_\_\_\_\_

**(E.) ABBREVIATED RESOURCE AREA DELINEATION VERIFICATION (ANRAD)**

- \$150.00 + \$1.00 X \_\_\_\_\_ LF Resource Area boundary \$\_\_\_\_\_

**(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION CONDUCTED DURING A NOTICE OF INTENT REVIEW**

- \$150.00 + \$3.00 X \_\_\_\_\_ LF Resource Area boundary \$\_\_\_\_\_

**(G.) DOCKS:**

- \$100.00 + \$4.00 X \_\_\_\_\_ LF of dock \$\_\_\_\_\_
- Add 150% to total fee if in significant shellfish habitat \$\_\_\_\_\_

**(H.) AFTER THE FACT FILING:**

- All Total Fees are doubled \$\_\_\_\_\_

**(I.) RESTORATION PLAN FEE:**

- (\$150.00 + \_\_\_\_\_ Alteration Fee) Multiplied by 2 \$\_\_\_\_\_

**(J.) LIFTING ON ENFORCEMENT ORDER:**

- \$150.00 fee \$\_\_\_\_\_

**(K.) CERTIFICATE OF COMPLIANCE:**

- refer to "K" of the Fee schedule \$\_\_\_\_\_

**(L.) PENALTIES:**

- refer to "L" of the Fee schedule \$\_\_\_\_\_

**TOTAL AMOUNT DUE (including after-the-fact fee if applicable):** \$ 319.15

**Notes:**

\* Please refer to the Conservation Commission Fee Schedule - Revised April 2009

\*\* This is not required, but available for anyone who would like to appear to discuss the need to Amend.

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.  
Cash is not Accepted.

268845

**GZA GEOENVIRONMENTAL, INC.**

249 VANDERBILT AVENUE  
NORWOOD, MA 02062



KeyBank National Association  
Salt Lake City, Utah 84115  
1-800-KEY2YOU

EZSIGN<sup>SM</sup> Check Fraud  
Protection for Business

31-300/1243

CHECK DATE

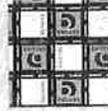
February 24, 2016

PAY Three Hundred and 00/100 Dollars

TO COMM OF MA - NHESP  
Regulatory Review  
Natural Heritage & Endangered Species Program  
1 Rabbit Hill Road  
Westborough, MA 01581

AMOUNT 300.00

NOT VALID IN EXCESS OF \$10,000 UNLESS COUNTERSIGNED  
NOT VALID AFTER 90 DAYS



*David Brew*

AUTHORIZED SIGNATURE

Security features. Details on back.

⑈ 268845⑈ ⑆ 124303007⑆ 440991900109⑈

**GZA GEOENVIRONMENTAL, INC.**

268845

Check Date: 2/24/2016

| Invoice Number     | Date      | Voucher    | Amount | Discounts | Previous Pay | Net Amount |
|--------------------|-----------|------------|--------|-----------|--------------|------------|
| 022316             | 2/23/2016 | 0386886    | 300.00 |           |              | 300.00     |
| COMM OF MA - NHESP |           |            | TOTAL  |           |              | 300.00     |
| Co 1 Key AP        | 7         | 0001233184 |        |           |              |            |

268845

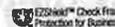
268844

**GZA GEOENVIRONMENTAL, INC.**

249 VANDERBILT AVENUE  
NORWOOD, MA 02062



KeyBank National Association  
Salt Lake City, Utah 84115  
1-800-KEY2YOU



31-300/1243

CHECK DATE

February 24, 2016

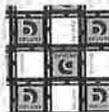
**PAY** Three Hundred Nineteen and 15/100 Dollars

**TO** City of New Bedford

AMOUNT

319.15

NOT VALID IN EXCESS OF \$10,000 UNLESS COUNTERSIGNED  
NOT VALID AFTER 90 DAYS



*David Brew*

AUTHORIZED SIGNATURE

⑈ 268844⑈ ⑆ 124303007⑆ 440991900109⑈

**GZA GEOENVIRONMENTAL, INC.**

268844

Check Date: 2/24/2016

| Invoice Number      | Date      | Voucher      | Amount | Discounts | Previous Pay | Net Amount |
|---------------------|-----------|--------------|--------|-----------|--------------|------------|
| 022316              | 2/23/2016 | 0386889      | 319.15 |           |              | 319.15     |
| City of New Bedford |           | <b>TOTAL</b> | 319.15 |           |              | 319.15     |
| Co 1 Key AP         | 6         | 604264       |        |           |              |            |

268844

2364704

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Natural Heritage &  
Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581



9590 9401 0023 5071 6470 48

2. Article Number (Transfer from service label)

7015 0640 0007 9746 3647

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

7015 0640 0007 9746 3630

7015 0640 0007 9746 3647

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To \_\_\_\_\_  
Street and \_\_\_\_\_  
City, State \_\_\_\_\_

Postmark Here

Department of Fish & Game  
Division of Marine Fisheries  
251 Causeway St, Suite 400  
Boston, MA. 02114-2152

PS Form 3811, April 2015 PSN 7530-02-000-9053

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Post \$

Sent To \_\_\_\_\_  
Street and \_\_\_\_\_  
City, State \_\_\_\_\_

Postmark Here

Natural Heritage &  
Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

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2364705

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Fish & Game  
Division of Marine Fisheries  
251 Causeway St, Suite 400  
Boston, MA. 02114-2152



9590 9401 0023 5071 6470 55

2. Article Number (Transfer from service label)

7015 0640 0007 9746 3630

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



GZA GeoEnvironmental, Inc.