



Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

MassWildlife

Jack Buckley, *Director*

December 16, 2015

Chatham Conservation Commission  
549 Main Street  
Chatham, MA 02633

Jeffrey T. Shortis  
20 Indian Hill Road North  
Chatham, MA 02633

RE:     Applicant:             Jeffrey T. Shortis  
       Project Location:       Indian Hill Road North, CHATHAM  
       Project Description:    Installation of Path and Stairs to School House Pond  
       DEP Wetlands File No.: 010-3091  
       NHESP Tracking No.: 15-35040

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received the MESA Project Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act (M.G.L. c.131A) and its implementing regulations (MESA) (321 CMR 10.00).

The Division has determined that the proposed projects are located within the mapped *Priority Habitat* of the following state-listed species, in accordance with the Massachusetts Natural Heritage Atlas (13<sup>th</sup> Edition). These species and their habitats are protected pursuant to the MESA. Fact sheets for these species can be found at [www.mass.gov/nhosp](http://www.mass.gov/nhosp).

<u>Scientific Name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Persicaria puritanorum</i>	Pondshore Knotweed	Vascular Plant	Special Concern
<i>Persicaria setacea</i>	Strigose Knotweed	Vascular Plant	Threatened
<i>Sabatia kennedyana</i>	Plymouth Gentian	Vascular Plant	Special Concern

#### WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Please note that the habitat of state-listed plants is not protected under the provisions of the WPA Regulations (310 CMR 10.59). Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

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

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

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

**MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)**

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that additional information is required in order for us to continue our review pursuant to the MESA. The Applicant must provide the following information:

1. Plant Survey: The survey shall be performed within all suitable habitat throughout the subject property, at an appropriate time(s) of year, by a qualified botanist who has field experience identifying these species, and should be performed in accordance with the "Endangered Species Habitat Assessment and Survey Guidelines: Plants" document found on our website at: <http://www.mass.gov/eea/docs/dfg/nhesp/regulatory-review/plantassessment.pdf>

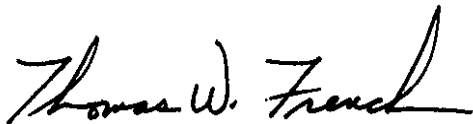
The resume(s) of the individual(s) selected to perform the survey must be provided to the Division for approval prior to initiation of field work. The botanist shall also submit a time-table for surveys as well as a written survey protocol to the Division for written approval prior to initiation of field work. The survey protocol shall list the specific taxonomic characteristics for definitive identification as well as the characteristics of similar or easily confused species. Please ensure that the botanist contacts our office to discuss relevant survey requirements.

2. Additional information regarding the "Private Beach" shown on the site plans, including existing conditions and any proposed projects, activities or uses that are or may be contemplated for this area.

The Division recommends that the Applicant contact our office as soon as possible in order to discuss the proposed project and the information requested above. Once the Division receives the required information, we will determine whether or not the filing is complete and whether the proposed project will result in a "take" of state-listed rare species (321 CMR 10.18).

The Division's review pursuant to the MESA is ongoing. **No soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing should be conducted anywhere on this project site until the Division has completed its review.** If you have any questions about this letter, please contact Jesse Leddick, Endangered Species Review Biologist, at (508) 389-6386 or [jesse.leddick@state.ma.us](mailto:jesse.leddick@state.ma.us).

Sincerely,



Thomas W. French, Ph.D.  
Assistant Director

cc: Janet M. Raymond c/o Richard A. Raymond  
J. Thaddeus Eldredge, Eldredge Surveying & Engineering, LLC