



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

August 12, 2022

Kevin Scarborough
Town of Deerfield Department of Public Works
8 Conway Street
Deerfield, MA 01373

Town of Deerfield Conservation Commission
8 Conway Street
Deerfield, MA 01373

RE: Applicant: Kevin Scarborough, Town of Deerfield Department of Public Works
 Project Description: Bundled NOI Filing for Maintenance Activities
 DEP Wetlands File No.: Not Available
 NHESP Tracking No.: **22-41215**

Dear Applicant & Commissioners:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife (the Division) has received the “Bundled Notice of Intent for Deerfield DPW” (dated July 2022) with supporting materials in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (WPA, 310 CMR 10.58 (4)(b) & 10.59).

The Division has reviewed the NOI and proposed maintenance activities and herein provides the following comments relevant to the WPA and the Massachusetts Endangered Species Act (MESA, 321 CMR 10.00). Please note that portions of the proposed work/activities are exempt from review (321 CMR 10.14) while other portions require a formal filing pursuant to the MESA. **The comments below apply ONLY to activities located within Priority and Estimated Habitat:**

Activity (as listed in the submitted Bundled NOI)	WPA	MESA
Street Sweeping, Maintenance/Replacement of Signage and Traffic Signals Repaving, Filling of Potholes, Reclamation, but not Widening, of Existing Paved Roads, Sidewalks, Curbing	No Adverse	Exempt provided Req. 2 Any paving of Gravel Roads or Expansion (width and length) of Paved Roadways: File MESA
Gravel/Dirt Road Oiling, Repair, Regrading, Resurfacing, Conversion to Pavement	Additional Info. Required	File MESA
Pruning and Mowing Vegetation, Hazard Tree Removal, and Other Vegetation Management Activities	No Adverse	Exempt provided Req. 2

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Activity (as listed in the submitted Bundled NOI)	WPA	MESA
Catch Basin, Drain Pipe, Swale, Drainage Ditches, Sediment Forebay, Settling Pools, Water Quality Swales, Storm Water Structures, Riprap Channels, Rock Aprons, Splash Pads, Plunge Pools, Turn Outs, Level Spreaders, Check Dams: Maintenance/Repair/Replacement/Cleaning	No Adverse	Exempt provided Req. 1
All Culvert and Head Wall Maintenance, Cleaning, Repair, and Replacement	Additional Info. Required	File MESA
Requirements		
1. Activity must be associated with the repair, replacement or maintenance of existing, properly maintained stormwater detention basins or other stormwater management systems		
2. Activity must be within 4ft of a paved traveled lane and not resulting in an increase of pavement. Any work outside 4ft from the traveled lane, or increase in pavement will require Additional Information. Note: Pruning and Mowing of Vegetation, Hazard Tree Removal, and Other Vegetation Management; must be within 4ft of a paved traveled lane or within a actively maintained lawn and landscaped area. Otherwise, pavement will require Additional Information.		
Additional Information		
3. Additional information is needed for the Division to complete its review: Locus Map; Project plans with a clearly demarcated limit of work and resource areas; Photographs representative of the site; Calculated Limit of Disturbance includes any temporary and permanent resource area impacts.		

If any of the proposed maintenance activities are located within Priority Habitat and do not qualify under the aforementioned exemptions from review, then a formal filing pursuant to the MESA is required (321 CMR 10.18). To obtain a MESA Project Review Checklist see our website: <https://www.mass.gov/regulatory-review>. If the Town is unclear whether a project is exempt pursuant to the MESA, please contact the Division for guidance.

No further review pursuant to 321 CMR 10.18 and 310 CMR 10.58(4)(b) & 10.59 is required for work proposed **outside of Priority and Estimated Habitat**.

The Town of Wales may bundle together all projects that require review or all projects of a particular activity type into a single MESA filing. If you have any questions regarding this letter please contact David J. Paulson, Senior Endangered Species Review Biologist, at (508) 389-6366 or via email at david.paulson@mass.gov.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: DEP Western Regional Office, Wetlands Program
Adrienne Dunk, GZA GeoEnvironmental, Inc.