



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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February 08, 2024

Sara Kreisel
MA Department of Transportation
10 Park Plaza
Boston, MA 02116

RE: Applicant: Sara Kreisel
Project Location: Route 6 (Marion and Wareham Roads) over Weweantic River
Project Description: Replace Bridge M-05-001=W-06-013 & W-06-016

NHESP File No.: 24-17064

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist and supporting documentation for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the following species:

<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
<i>Malaclemys terrapin</i>	Northern Diamond-backed Terrapin	Reptile	Threatened

These species and their habitats are protected in accordance with the MESA.

Based on the information provided and the information contained in our database, the Division finds that a

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portion of this project, as currently proposed, **must be conditioned** to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). **To avoid a prohibited Take of state-listed species, the conditions attached to this letter must be met.**

Provided the attached conditions are fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at Emily.Holt@mass.gov, (508) 389-6385.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: MassDOT
David Paulson

Attachment: List of Conditions

List of Conditions

Applicant: Sara Kreisel
Project Location: Route 6 (Marion and Wareham Roads) over Weweantic River
Project Description: Replace Bridge M-05-001=W-06-013 & W-06-016
NHESP File No.: 24-17064
Heritage Hub Form ID: RC-83452
Approved Plan: Massachusetts Department of Transportation Highway Division Plan and Profile of US Route 6 (Wareham Road & Marion Road) (Bridge NO. M-05-001=W-06-016)
Plan date: 10/20/23 Revised Date: N/A

To avoid a prohibited Take of state-listed species, the following condition(s) must be met:

- Turtle Protection Plan:** Prior to the start of work (including vegetation clearing or soil disturbance), the Applicant shall submit a Northern Diamond-backed Terrapin Turtle Protection Plan to the Division for review and written approval. Said Plan shall detail procedures for protecting state-listed turtles during construction, and be prepared and implemented by a qualified, Division-approved wildlife biologist. The Division is available for consultation on Plan development and can provide contact information for qualified biologists. The Division-approved Plan shall be implemented as written; any proposed changes to the Plan must be submitted to the Division for review and written approval prior to implementation of said changes. By December 31st of any year in which work occurs, the qualified biologist shall submit: a) a summary report to the Division detailing project status and compliance with the Plan; and b) any observations of state-listed turtles at <https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations>.