

Notice of Intent  
*Phragmites australis* Management

Cloverdale Conservation Land

Submitted by: Littleton Conservation Department

Filed Under:

MA Wetlands Protection Act and Regulations  
Littleton Wetlands Protection Act and Regulations

November 13, 2023

**Notice of Intent Narrative**  
***Phragmites australis* Management**  
**Cloverdale Conservation Land (Great Road, Littleton, MA)**

**INTRODUCTION**

Cloverdale Conservation Land (CCL), consisting of approximately 27 acres, includes a major emergent marsh feature of approximately 12 acres. CCL provides a variety of wildlife habitat types, including long areas of edge habitat between marsh and wooded areas. This habitat is under threat from the spread of non-native, invasive common reed grass (*Phragmites australis*).

A Grant from the Cooperative Invasive Species Management Area (CISMA) provided funds to map the *Phragmites* at Cloverdale and provide a management recommendation. The Invasive Plant Management Plan (IPMP) findings are provide in Attachment A. The specific management plan ("Scope") is included in Attachment B. NOI forms are in Attachment C (including the Waiver request under the Littleton Wetlands Bylaw), and Public Notice information is in Appendix D.

USGS Locus Map (Figure 1) and a 2021 Aerial Photograph (Figure 2) show general site location and conditions. Figure 3 shows the extent of wetlands. Photos 1 and 2 show some of the differences between a *Phragmites* stand and an area of native plant diversity.

This Notice of Intent is being submitted to allow for the management of the *Phragmites* stands by mechanical and chemical means through 2026. A list of sources and reference is provided at the end of this narrative. The information relied on here comes from a variety of federal and state agencies such as

- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- Natural Resources Conservation Service (NRCS)
- MA Department of Agricultural Resources (MADAR)
- MA Department of Conservation and Recreation (MADCR)
- MA Division of Fish and Wildlife
- MA Invasive Plant Advisory Group (MIPAG)
- MA Wetlands Restoration and Banking Program/Executive Office of Environmental Affairs (MAWRB)
- MA Audubon
- Sudbury-Assabet-Concord Cooperative Invasive Species Management Area (CISMA)

as well as national, regional and local land management organizations such as

- National Park Service
- The Nature Conservancy
- Trustees of Reservations
- Mass Audubon
- Sudbury Valley Trustees

## **SITE DESCRIPTION**

The *Phragmites* covers approximately 1.5 acres in multiple stands, as shown on Figure 4. The stands are exclusively within Bordering Vegetated Wetlands and are generally monoculture (no other plant species). FEMA (Map Panel 25017CO239F, 7/7/2014) shows no floodplains or Bordering Land Subject to Flooding on the property. The Natural Heritage and Endangered Species Program maps show no Estimated Habitats of Rare Wildlife, Priority Habitats of rare Species or Vernal Pools.

## **BIOLOGY**

*Phragmites australis* (common reed) is a non-native perennial grass that is particularly aggressive. It can grow in dense stands and reach heights of 18 feet. Most commonly it spreads by horizontal above-ground stolons and underground rhizomes. Stolons can grow dozens of feet annually with new plants sprouting at the nodes (joints) every few inches. Rhizomes can create thick underground mats up to 6 feet deep and that can extend up to 30 feet a year with new shoots sprouting all along the rhizome. *Phragmites* can also spread by seeds that form from July to September.

## **STATEMENT OF PROBLEM**

*Phragmites* can quickly outcompete and block native plant species with its height and dense mass which, particularly in winter when it is knocked down, can form a solid dense mat across the ground. It provides little to no food or shelter for wildlife and displaces native communities that would otherwise perform this function. It's dense monoculture impacts species from invertebrates to large mammals such as deer which often cannot even penetrate the stands. It can physically block waterways, and its decomposing biomass can raise the elevation of the wetland. The dense stems slow flows and can trap sediment, further building the elevation of the wetland. It's very dense biomass decreases the flood retention capabilities of the wetland. These stands also have visual impacts, obscuring views in the summer and present a mass of dead biomass in the winter. Each fall as it dies back it adds to the pile on dry vegetation that presents a fire danger. Recreationally, it blocks any use of the area from walking and bird watching to boating. The vegetation is tough and sharp and can cut your skin. Some birds may nest in its dense structure.

Specific to CCL, the *Phragmites* has been spread in various patches throughout the core wetland. If not addressed, these patches will continue to expand and join. These areas clearly are impacting and threatening the functions and values of the wetland, including present and future impacts to:

- Water flow from south to north
- Quality of the ponded area in the southeastern portion of CCL
- Wildlife passage
- Flood storage
- Biodiversity of both plants and animals

These characteristics support recognized functions and values as per the MA Wetlands Protection Act regulations, namely, flood control, storm damage prevention, prevention of pollution and protection of wildlife habitat. Control of the *Phragmites* would not only restore the existing wetland, but would also

remove the threat to the biodiversity of CCL. Elimination of the *Phragmites* would bring the degraded areas back to a natural habitat system; presumably emergent or scrub shrub vegetation.

## ALTERNATIVES

Federal, state, local and academic organizations have looked means to control *Phragmites* for decades due to its significant and relentless impacts to and degradation of natural habitats, recreation and aesthetics. Almost all of these organizations look for some means of non-chemical treatment but the success of the application of pesticides has been long proven. Alternatives are discussed below.

Flooding: Flooding has been successful, but reports indicate that the stand needs to be flooded for 6-12 months at a minimum depth of 12 inches. This would require creating an outlet control at the northern end, in the wetlands, would also flood abutters' properties. This could also possibly impact the upstream culverts under Great Road.

Mowing: Mowing can address the visual impacts and the fire risk, but has shown to do very little to control the deep and extensive rhizomes. It has also been shown that mowing can spur the growth of the *Phragmites*. Cutting at the end of the season or in the winter can actually increase long term density. Cutting after tassling (before the end of July) may produce the most stress on the plants and could be used for small stands that are not well established. Hand held equipment, brush hogs or mowers can be used depending on the situation. Most recommendations combine mowing with herbicide application.

Burning: Similar to mowing, burning can address the visual impacts and the fire risk, but has shown to do very little to control the deep and extensive rhizomes. It has also been shown that burning can spur the growth of the *Phragmites*. Late summer burns are most likely to penetrate the deep rhizomes and stress the plants and is not feasible at CCL due to the saturation of the soils. Air quality issues would also be a short term concern to the abutters.

Biological Controls: There is ongoing research but to date no effective means of biological control has been identified. Cornell University has been researching this.

Dredging: Deep dredging to at least 6 feet could remove the rhizomes, but would cause egregious impacts to the wetlands at a high financial cost.

Smothering: Use of black plastic to smother invasive species can be effective on other species, but has not proven so in *Phragmites*, especially large stands. The deep rhizomes are not affected, nor are the rhizomes that spread so far and so quickly. It is best used in small isolated stands.

Grazing: This could be effective on edges, but the introduction of grazing animals into the wetland long term with the damage from hooves (and damage to hooves from the standing water) and manure makes this impractical. As with some of the other alternatives, grazing would not impact the rhizomes.

Herbicide Application. When the above methods are not practical or expected to be successful, the most common means of control is application of glyphosate. Glyphosate is a nonselective herbicide as it will kill all grasses and broad leave emergents. While aerial spraying has been used by land managers in the past, the proposed method (described more below) would be highly targeted and selective to minimize amount of herbicide used and impacts to native plants.

## PROPOSED ACTION

The proposed action will be to use a combination of mechanical and chemical means. Land Stewardship Inc (LSI) will be the contractor and their *Scope* is provided in Attachment B. The anticipated schedule is provided below. Four control methods are proposed:

**Prep Cut:** areas of *Phragmites* will be cut using brush saws to allow for more effective applications. Cut stalks will be left in place to decompose.

**Foliar Spray Application:** The herbicide Aquamaster (EPA Reg. No.524-343) will be used for this project in the application techniques listed above. Aquamaster is a wetland-approved glyphosate-based herbicide that is considered the standard for successful *Phragmites* control and protection of wetland resource areas. In addition, a wetland-approved non-ionic surfactant should be mixed into the herbicide solution along with indicator dye. The herbicide will be applied using a hand-pumped backpack sprayer to apply a foliar spray in areas where *Phragmites* is the only plant growing and there are no native plants, or by hand wiping (especially in areas to preserve native vegetation). The foliar spray is pre-mixed and applied with a Thinvert RTU carrier close to leaves to minimize non-target exposure. Thinvert is an ultra low pressure system that utilizes a flat fan nozzles to target the *Phragmites*. Foliar applications will only occur when winds are less than 5 mph and there is no rain forecast within 24 hours.

**Cut and Drip Method:** This technique is typically used within a three foot perimeter where *Phragmites* may be growing directly adjacent to native plants. Each stem is cut below a node on the stem and one drop of the solution of herbicide and indicator dye is dripped into each stem.

**Glove Technique (Hand Wiping):** In this technique the applicator wears an absorbent cotton glove over a chemical resistant glove. The applicator moistens the glove with herbicide from the hand-pumped backpack sprayer and wipes the stems and leaves of the individual *Phragmites* plants.

### Schedule:

Dormant Season 2024. Weather permitting, the stand will be mowed in order to allow easier access to the stand. Hand held brush saws will be used.

June 2024. Initial foliar treatment and select hand wiping to all *Phragmites* in the treatment area. The hand wiping may be necessary in some locations to preserve native vegetation. Baseline photo-monitoring points established.

September 2024 Follow up foliar treatment and select hand wiping of all *Phragmites*.

June 2025. Follow up spot foliar and select hand wiping any resurgent growth.

September 2025. Follow up spot foliar and select hand wiping any resurgent growth.

Summer 2026. Follow up spot foliar and select hand wiping any resurgent growth.

Late Summer-Fall 2026. Follow up spot foliar and select hand wiping any resurgent growth.

November 2026. Final report.

## LONG TERM GOAL

The objective will be 80% *Phragmites* control resulting from the 2024 treatments; 90% resulting from the 2025 follow-up methods; and 95% from the 2026 follow up treatment. Each visit will need significantly less time and application. Results will be monitored and reported by the consultant. Long term monitoring and management is recommended as the *Phragmites* can recover and recolonize from remnant plants or rhizomes. Given the presence of wetland plants in the stand, all along the edges, and within the seed bank it is expected that native plants will quickly re-establish themselves. Given the presence of adjacent native species and the presumed seed bank, it is expected that the native species will rapidly colonize the area once the *Phragmites* stands are reduced.

## REFERENCES

- Friends of Long Pond. Notice of Intent for a *Phragmites* Control Project. Submitted to Nantucket Conservation Commission. June 2018.
- Mass Audubon. Policy on the Use of Pesticides. October 2011.
- Mass Audubon. Strategy for the Management of Invasive species on Massachusetts Audubon Society Wildlife Sanctuaries. October 2011.
- MA Department of Agricultural Resources. Glyphosate.
- MA Invasive Plant Advisory Group. Guidance for the Effective Management of Invasive Species. December 2012.
- MA Wetlands Restoration and Banking Program MA Executive Office of Environmental Affairs. *Phragmites*: Controlling the All-Too-Common Common Reed. 1995.
- Michigan Department of Environmental Quality. USFWS. A Guide to the Control and Management of Invasive *Phragmites*.
- National Park Service. Management of the invasive common reed at Cape Cod National Seashore. 2015.
- Natural Resources Conservation Service. Pest Management – Invasive Plant Control. Common Reed – *Phragmites australis*. Conservation Practice Job Sheet NH-595.
- Sudbury Valley Trustees. Approach to Invasive Plant Management.
- The Nature Conservancy. A Success Story. *Phragmites* Control at Kampoosa Bog. January 2001.
- The Nature Conservancy Wildland Invasive Species Team. Weed Control Methods handbook: Tools and Techniques for Use in Natural Areas. Rev 2004
- Tim Simmons. Successfully Managing *Phragmites*. Ecological Landscape Alliance. July 15, 2013.
- Trustees of Reservations. Guidelines – Best Practices Invasive Plant Management. 2016.
- USFWS. *Phragmites*: Questions and Answers. 2007.

Photo 1 – Typical dense matting of Phragmites in winter



Photo 2 – Native plant diversity in core of Cloverdale wet meadow



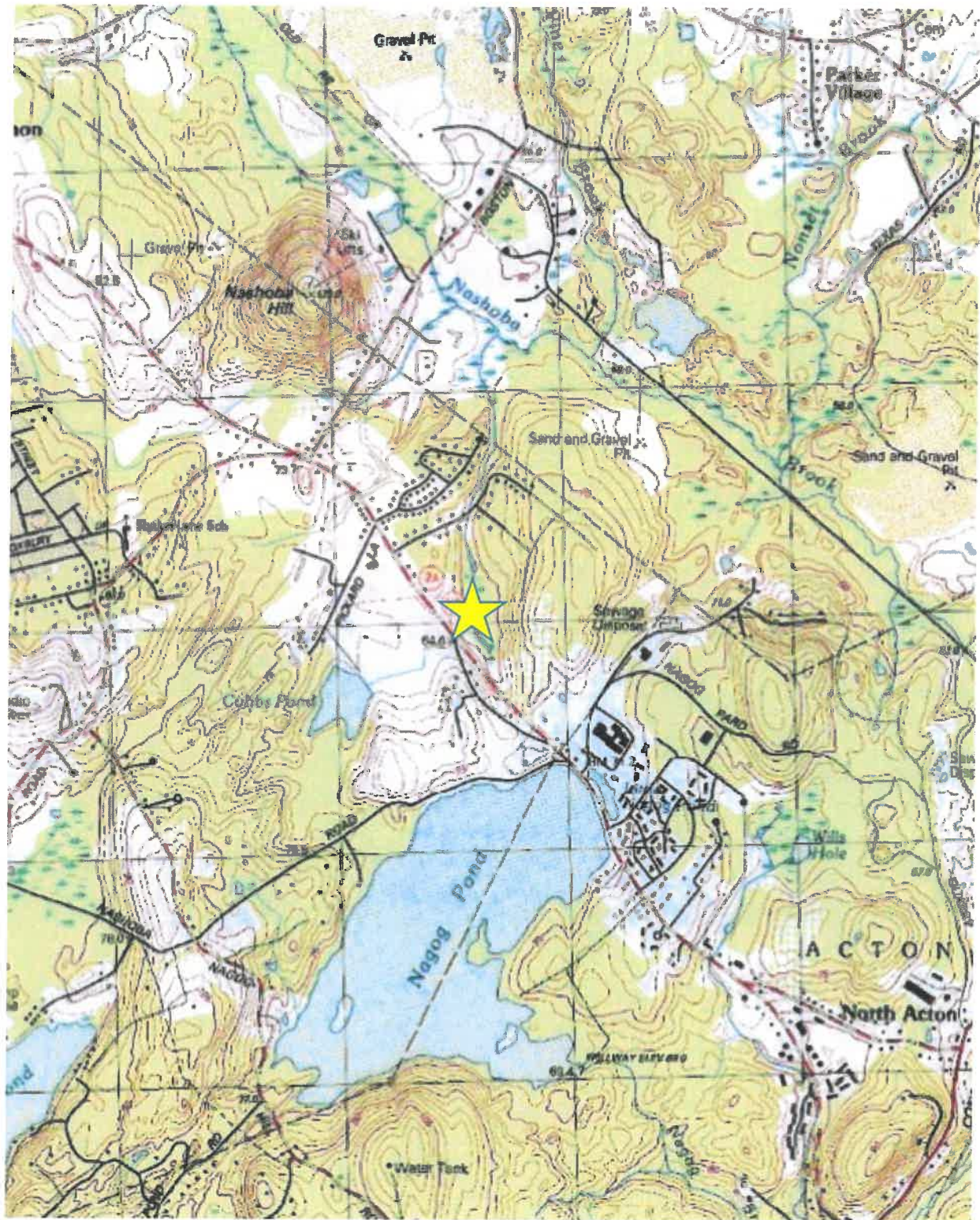


FIGURE 1 – USGS LOCUS MAP

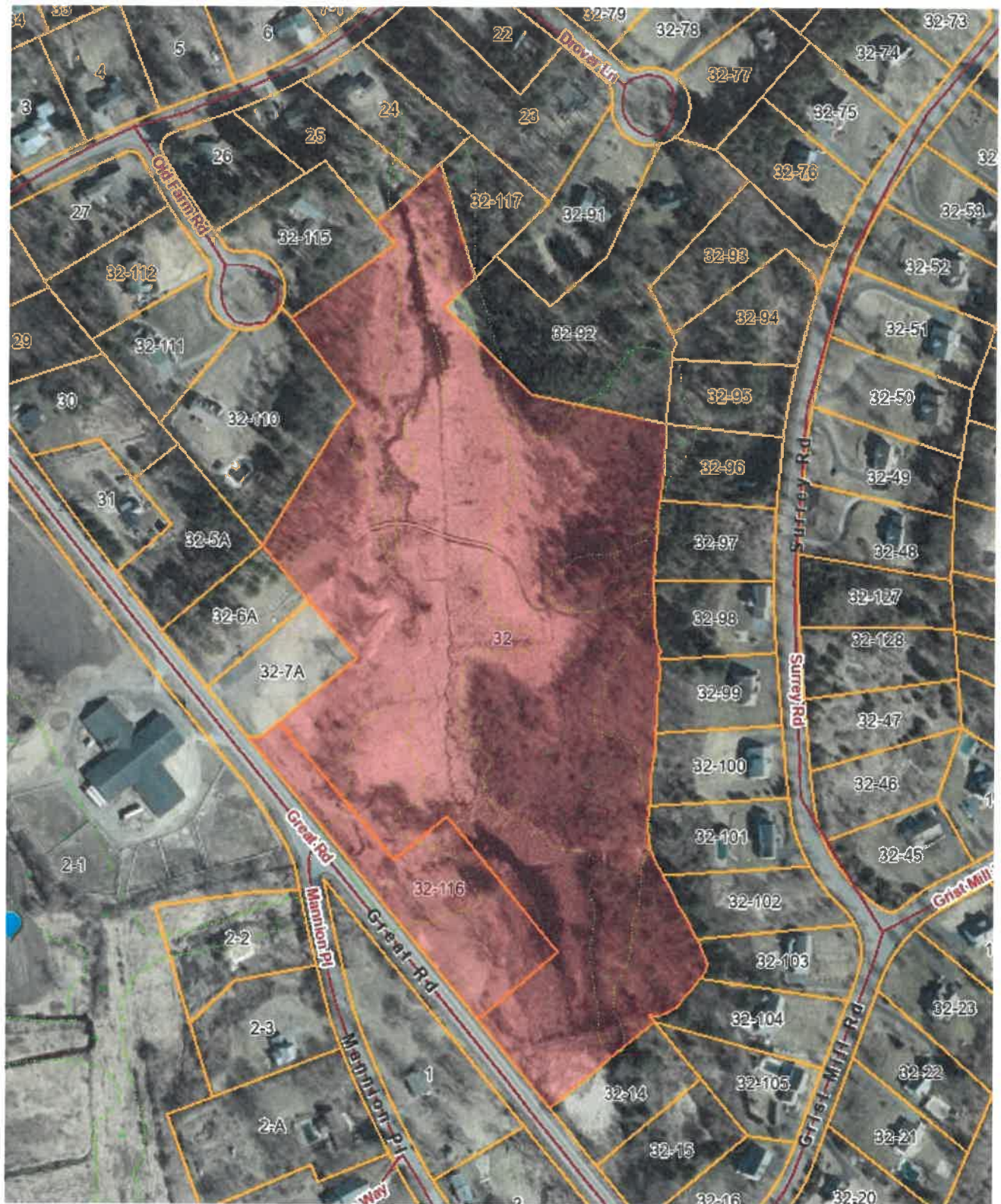


FIGURE 2 – 2021 AERIAL PHOTOGRAPH



**FIGURE 3 – MASSGIS WETLANDS**



**Attachment A**  
**Invasive Plant Management Plan**



## LAND STEWARDSHIP, INC.

June 28<sup>th</sup>, 2023

Amy Green  
Town of Littleton  
Cloverdale Conservation Land  
63 Great Rd.  
Littleton MA 01460

### **INVASIVE PLANT MANAGEMENT PLAN – *Phragmites* Management. Cloverdale Conservation Land. Littleton, MA**

Invasive plant management services associated with common reed (*Phragmites australis*) are planned at Cloverdale Conservation Land. The Cloverdale Conservation Area is located on Great Road (Rt. 119) in Littleton, MA, approximately 2 miles southeast of the downtown Littleton area (Figure 1). On 6/21/23 the property was walked by Director of Land Stewardship Inc. (LSI) Chris Polatin, LSI Associate Project Manager Adriana Hughes, and LSI Intern Lizzy Polatin. During the site visit we assessed the *Phragmites* infestation and site conditions. We propose approximately 1.5 acres for management.

*Phragmites* occurs on every continent except for Antarctica. The Eurasian common reed (*Phragmites australis* subsp. *australis*) was introduced to the east coast of the United States between the late 1700s and the early 1800s via the ballast in ships. It is now found throughout the U.S. and Canada, where it has displaced our native American *phragmites* (*Phragmites australis* subsp. *americanus*). Commonly referred to by its Latin name, *phragmites* is a vigorous plant that rapidly expands its reach. Like many invasive plants, it is frequently found on disturbed sites. Once established, *phragmites* creates dense stands that rapidly occupy available growing space and light, excluding other plants and preventing regeneration of native species. Common reed's dense rhizomatous structures alter wetland hydrology, while its dense growth habit increases the potential for fire while also degrading wetland wildlife habitat.

Common reed spreads via a combination of extensive runners, rhizomes, and seed. Once established, it is a difficult and costly species to eradicate. Early management of small stands of common reed is most cost-effective and effective in preventing establishment.

Invasive *phragmites* harms the environment by reducing wildlife habitats, decreasing plant diversity, and altering water levels by trapping sediments. In addition, it can diminish a landscape's aesthetic value by hindering views and restricting access for swimming, fishing and hunting. - <https://hort.extension.wisc.edu/articles/invasive-phragmites/>

A Guide to the Control and Management of Invasive *Phragmites*  
[http://lakestatesfiresci.net/docs/deq-ogl-ais-guide-phragbook-212418\\_7\\_0.pdf](http://lakestatesfiresci.net/docs/deq-ogl-ais-guide-phragbook-212418_7_0.pdf)

As the project areas fall under the jurisdiction of the Wetlands Protection Act (WPA), a Notice of Intent (NOI) must be filed with the Littleton Conservation Commission and with the Massachusetts Department of Environmental Protection (DEP).

Maps displaying *Phragmites* populations as well as DEP wetlands, buffer zones, and approximate hydrology are included below for reference (Figures 2 & 3).

## **Methods Summary**

### *Prep Cut*

Where conditions allow, areas of *Phragmites* need to be cut with brush saws in order to prepare the site for a more effective foliar application. The cut material will be left on the ground to decompose. Keeping invasive plant material on site is a best management practice to avoid spreading invasive plants to other properties.

### *Foliar spray application (backpack sprayers)*

A foliar spray herbicide application using backpack sprayers will to be conducted in areas where *Phragmites* is the only plant growing and no native plants are present. Foliar treatments should be applied in a targeted manner by trained ecological restoration technicians during appropriate weather conditions (wind <5 mph and no rain forecast within 24 hours, in accordance with product labeling). A 2% Aquamaster solution will be used along with 0.5% wetland surfactant.

### *Targeted Herbicide Application Methods for Common Reed/Phragmites*

Targeted methods must be used when applicable to ensure that herbicide is applied carefully only to *Phragmites*. A brief description of each method is below.

#### *Cut and drip*

Each stem is cut below a node on the stem. One drop of a solution of herbicide with water and indicator dye is dripped into each stem. This technique is typically used within a three-foot perimeter where *Phragmites* are growing directly adjacent to native species. A 50% Aquamaster solution will be used.

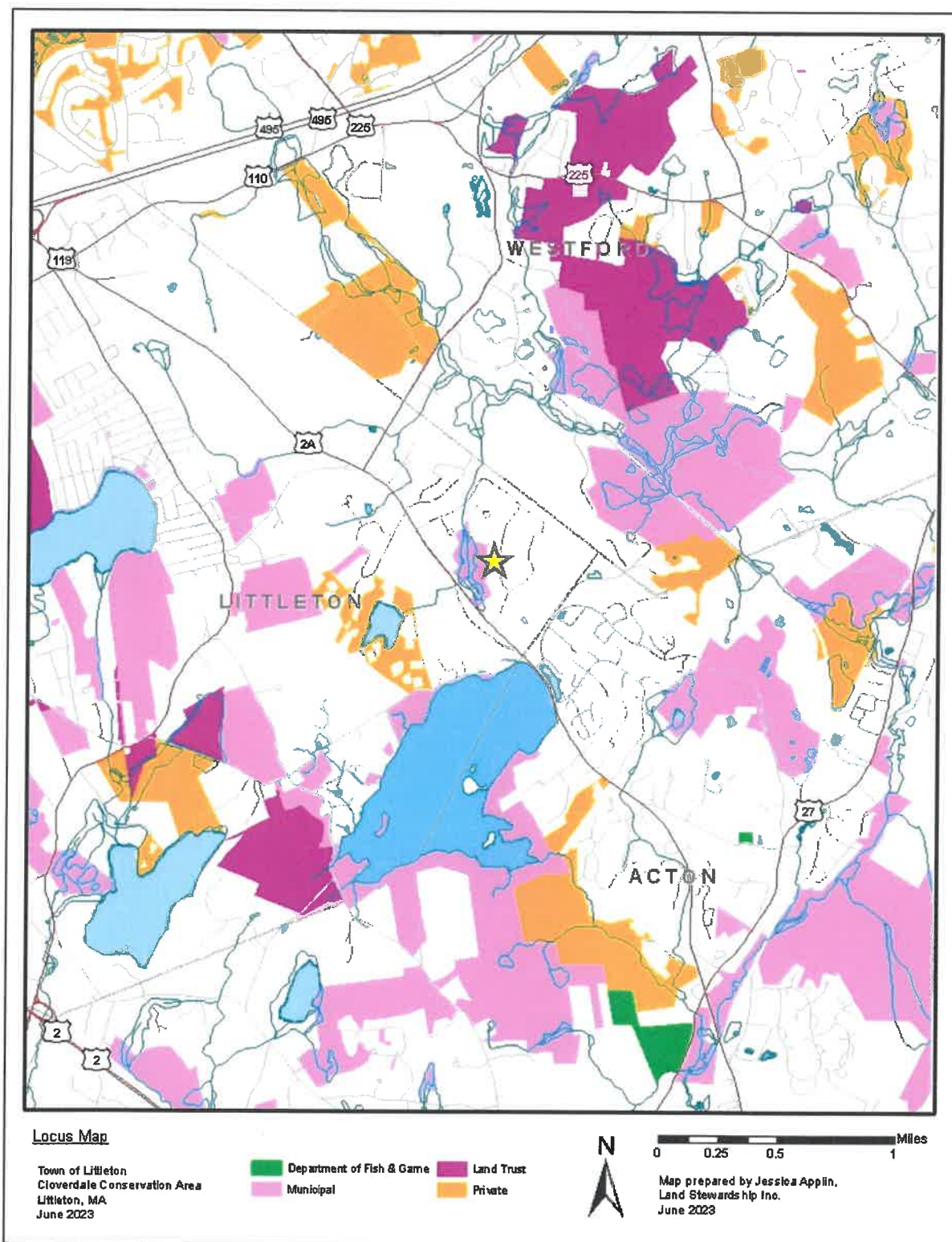
#### *Glove technique (hand wiping)*

An herbicide applicator wears a chemical resistant glove underneath an absorbent cotton glove. The applicator moistens the glove with herbicide from a backpack sprayer equipped with specialized ultra-low-volume nozzles into the glove, and then wipes the stem and leaves of each *Phragmites* plant. A 5% Aquamaster solution will be used along with 0.5% wetland surfactant.

## **Herbicide Selection**

Only wetland-appropriate herbicides suitable for use in sensitive natural areas should be used in the lowest effective concentrations.

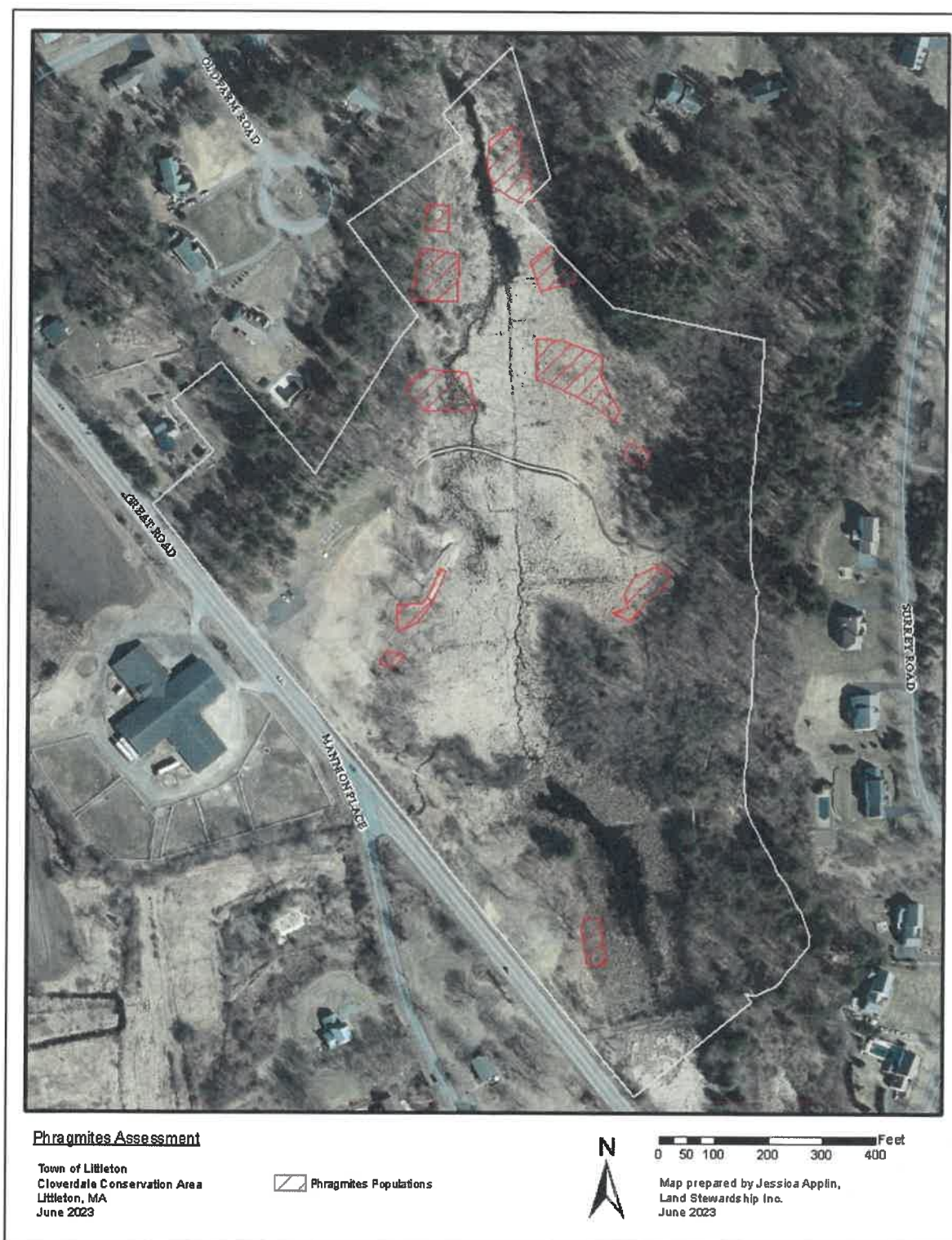
The herbicide Aquamaster (EPA Reg. No.524-343) should be used for this project in the application techniques listed above. Aquamaster is a wetland-approved glyphosate-based herbicide that is considered the standard for successful *Phragmites* control and protection of wetland resource areas. In addition, a wetland-approved non-ionic surfactant should be mixed into the herbicide solution along with indicator dye.



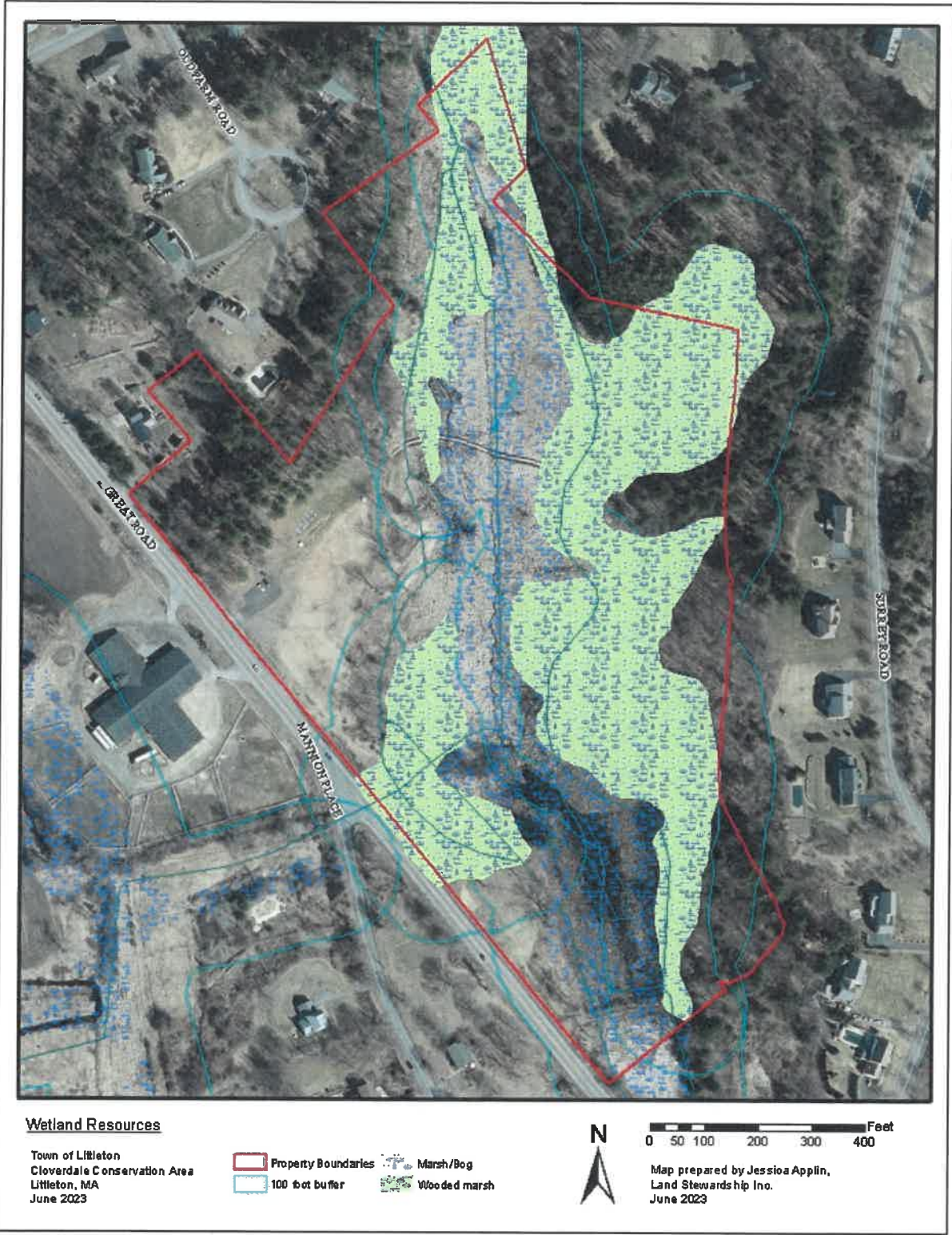
**Figure 1. Map displaying location of Cloverdale Conservation Land at 63 Great Rd.**

Land Stewardship, Inc.  
PO Box 511  
Turners Falls, Massachusetts 01376

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**Figure 2. Map displaying *Phragmites* patches proposed for management.**



**Figure 3. Map displaying Mass DEP wetlands, hydrology, and buffer zones.**

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## Restoration Potential

Natural regeneration of site-specific plant species will proceed once the overstory of *Phragmites* is removed. During the site visit, we took note of a variety of plants currently existing on site (Table 1).

Table 1. Plant species seen at Cloverdale Conservation Land on 6/21/23.

Common Name	Scientific Name
Boneset	<i>Eupatorium perfoliatum</i>
Alder	<i>Alnus sp.</i>
Willow	<i>Salix sp.</i>
Goldenrod	<i>Solidago sp.</i>
Sedges	<i>Carex sp.</i>
Joe-pye-weed	<i>Eutrochium sp.</i>
Bulrushes	<i>Scirpus sp.</i>
Meadowsweet	<i>Spiraea sp.</i>
Arrowhead	<i>Sagittaria latifolia</i>
Black Elderberry	<i>Sambucus canadensis</i>
Blue Flag Iris	<i>Iris versicolor</i>
Cat-tail	<i>Typha sp.</i>
Spotted Jewelweed	<i>Impatiens capensis</i>
Purple Loosestrife (INVASIVE)	<i>Lythrum salicaria</i>
Glossy Buckthorn (INVASIVE)	<i>Frangula alnus</i>

After treatment, we expect that many of the species listed above will start to fill into areas where *Phragmites* has been removed over the course of several years. Native plant re-establishment must be carefully monitored once the initial foliar treatment has been completed. After two full growing seasons, the progress of native plant restoration needs to be assessed to determine if a planting plan is recommended. Only site-appropriate species should be planted. We fully expect that passive native revegetation will be sufficient to restore vegetation to these areas.

Based on the conditions and species seen during the site visit, two natural communities should be referenced: deep emergent marshes and shallow emergent marshes. These natural communities are reference ecosystems that represent Cloverdale Conservation Land's likely composition prior to invasive species infestations and habitat degradation.

More information is available at the following Natural Heritage and Endangered Species Program website:

Shallow emergent marsh: <https://www.mass.gov/doc/shallow-emergent-marsh-0/download>

Deep emergent marsh: <https://www.mass.gov/doc/deep-emergent-marsh-0/download>

## Treatment Methods and Schedule

### 2023

- Task 1. Permitting. This project falls under the jurisdiction of the Wetlands Protection Act (WPA). Therefore, a Notice of Intent (NOI) or Request for a Determination of Applicability (RDA) would need to be filed with the Littleton Conservation Commission and with the Massachusetts Department of Environmental Protection (DEP). This task should be conducted by the Town of Littleton.
- Task 2. Prep cut. November/December 2023 or dormant season 2024. *Phragmites* must be prep cut with brush saws in order to prepare the site for a more effective and efficient initial foliar application.

### 2024

- Task 3. Initial foliar treatment & select hand wiping. June. Foliar treatment to all *Phragmites* within the management area. Select hand wiping may be necessary in some locations to preserve native vegetation.
- Task 4. Follow up foliar treatment & select hand wiping. September. Follow up foliar treatment and select hand wiping to all *Phragmites* within the management area.

### 2025

- Task 5. Follow up foliar treatment & select hand wiping. June. Follow up spot foliar and select hand wiping to any resurgent *Phragmites* growth within the main management area.
- Task 6. Follow up foliar treatment & select hand wiping. September. Follow up spot foliar and select hand wiping to any new *Phragmites* growth within the management area.

### 2026

- Task 7. Follow up foliar treatment & select hand wiping. Summer. Follow up spot foliar and select hand wiping to any new *Phragmites* growth within the main management area.

## Monitoring & Reporting

Objective: 80% (or better) *Phragmites* control resulting from 2024 series of treatments; 90% resulting from 2025 follow-up methods; and 95% control from 2026 follow-up treatment. The results of treatments each year should be monitored over the course of the project.

The project manager will install permanent photo monitoring points before work begins in order to quantify/measure success and keep the project accountable to the stated success criteria.

The monitoring and reporting schedule will be as follows:

- Baseline conditions monitoring: Before phragmites herbicide work in June 2024 (Year 1)
- Land Management Records to be submitted in July 2024
- Photo monitoring (Year 2) in June 2025
- Monitoring report submitted before the end of the year 2025
- Photo monitoring (Year 2) in June 2026
- Monitoring report submitted before the end of the year 2026
- Photo monitoring (Year 2) in June 2027
- Final monitoring report submitted before the end of the year 2027

## Stewardship & Maintenance

*Phragmites* management requires a serious commitment and will need to be ongoing in order to protect your investment in management. To keep the *Phragmites* out of the area for the long term it will be necessary to watch the area closely by scouting for new patches and individual plants, even after the 3 years of treatment. Options for managing *Phragmites* after the initial three years usually consist of hand pulling, spot herbicide spraying, and/or cutting.

This plan has been prepared by:



Adriana Hughes.  
Associate Project Manager

Adriana Hughes has worked with LSI since March 2023. She is knowledgeable in botany, best management practices for invasive species and wildlife conservation. She has a BS in Wildlife and Conservation Biology (University of Rhode Island). She has 5 years of experience working in ecology including 2 years working solely in invasive plant management.

Reviewed and approved 6/28/2023 by:

**Chris Polatin** Digitally signed by Chris Polatin  
Date: 2023.07.19 10:00:05 -0400

Christopher Polatin, M.S., CERP  
Principal & Restoration Ecologist



**Attachment B**  
**Scope of Work**



## LAND STEWARDSHIP, INC.

September 24<sup>th</sup>, 2023

Amy Green  
Town of Littleton Conservation Commission  
63 Great Rd.  
Littleton MA 01460

### **INVASIVE PLANT MANAGEMENT– *Phragmites* Management. Cloverdale Conservation Land, Littleton, MA**

Invasive plant management services associated with common reed (*Phragmites australis*) are proposed at Cloverdale Conservation Land. The Cloverdale Conservation Area is located on Great Road (Rt. 119) in Littleton, MA, approximately 2 miles southeast of the downtown Littleton area (Figure 1). LSI's Chris Polatin and Adriana Hughes visited the site on 6/21/23 to assess the site conditions that inform this proposal. Approximately 1.5 acres of phragmites is proposed for management (Figure 1). All work will be done to the specifications outlined in our management plan entitled Invasive Plant Management Plan – Phragmites Management. Cloverdale Conservation Land. Littleton, MA dated 6/28/2023.



Figure 1. Map displaying *Phragmites* patches proposed for management.

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## Permitting

As the project areas fall under the jurisdiction of the Wetlands Protection Act (WPA), a Notice of Intent (NOI) must be filed with the Littleton Conservation Commission and with the Massachusetts Department of Environmental Protection (DEP).

## Treatment Methods and Schedule

2023/2024

- Task 1. Permitting Support. This project falls under the jurisdiction of the Wetlands Protection Act (WPA). Therefore, a Notice of Intent (NOI) or Request for a Determination of Applicability (RDA) will need to be filed with the Littleton Conservation Commission and with the Massachusetts Department of Environmental Protection (DEP). The Town of Littleton has requested our support in this process. This support includes attending two Conservation Commission meetings, and consulting with the Town on management methods, herbicides, and project details as needed. \$600.00

2024

- Task 2. Prep cut. Dormant season 2024. Late Winter/Early Spring. *Phragmites* must be prep cut with brush saws in order to prepare the site for a more effective and efficient initial foliar application. \$10,200.00
  - *Monitoring - Drone.* We will fly a drone over the site to capture a macro view of the phragmites management areas before cutting and treatment. This imagery will serve as the baseline monitoring conditions prior to treatment.
- Task 3. Initial foliar treatment & select hand wiping. June. Foliar treatment to all *Phragmites* within the management area. Select hand wiping may be necessary in some locations to preserve native vegetation. \$11,400.00
  - *Monitoring.* Baseline photo-monitoring points will be established, and initial site conditions will be recorded. Monitoring points will be placed in several of the phragmites patches to provide detailed photos of the changes to the site over time.
- Task 4. Follow up foliar treatment & select hand wiping. September. Follow up foliar treatment and select hand wiping to all *Phragmites* within the management area. \$3,900.00

2025

- Task 5. Follow up foliar treatment & select hand wiping. June. Follow up spot foliar and select hand wiping to any resurgent *Phragmites* growth within the main management area. \$3,000.00
  - *Monitoring.* Photo-monitoring data will be collected, stored and processed.
- Task 6. Follow up foliar treatment & select hand wiping. September. Follow up spot foliar and select hand wiping to any new *Phragmites* growth within the management area. \$2,400.00

2026

- Task 7. Follow up foliar treatment & select hand wiping. Summer. Follow up spot foliar and select hand wiping to any new *Phragmites* growth within the main management area. \$2,400.00
- Task 8. Follow up foliar treatment & select hand wiping. Summer. Follow up spot foliar and select hand wiping to any new *Phragmites* growth within the main management area. \$1,800.00
  - *Monitoring.* Photo-monitoring data will be collected, stored and processed.
- Task 8. Final Report. November. We will prepare a final project monitoring report and submit to the Littleton Conservation Commission in support of a Certificate of Compliance to close out the project. \$2,400.00

**Total Estimated Budget:**

**\$38,100.00**

2027 & Beyond

Continued annual stewardship treatments will be necessary to manage new phragmites growth. We can work with you to develop a stewardship plan and assist with treatments as needed. The cost for LSI to perform annual stewardship will be between \$800 - \$1,200/year to maintain the site at 95% phragmites control. This stewardship task can be performed in a variety of ways. We can help you plan for this in the future.

## **Monitoring & Reporting**

Objective: 80% *Phragmites* control resulting from 2024 series of treatments; 90% resulting from 2025 follow-up methods; and 95% control from 2026 follow-up treatment. The results of treatments each year will be monitored over the course of the project.

The project manager will install permanent photo monitoring points before work begins in order to quantify/measure success and keep the project accountable to the stated success criteria.

The monitoring and reporting schedule will be as follows:

- Baseline conditions monitoring: Before phragmites herbicide work in June 2024 (Year 1)
- Land Management Records to be submitted in July 2024
- Photo monitoring (Year 2) in June 2025
- Monitoring report submitted before the end of the year 2025
- Photo monitoring (Year 3) in June 2026
- Monitoring report submitted before the end of the year 2026
- Photo monitoring (Year 4) in June 2027
- Final monitoring report submitted before the end of the year 2027

## **Quality Assurance and Reporting**

I will serve as project manager for your project and will be your point of contact. I will inspect all crew work firsthand to make sure that the treatment was well executed, thorough and effective. I will keep you informed of our schedule and progress. Our crew leaders use smart phones to submit daily work logs with photos and GPS to demonstrate areas completed. Upon completion of each task, we will prepare a land management record which will summarize work completed each day (crew, weather, hours worked, herbicide used, herbicide amount and notes).

## **Payment Schedule**

We will provide you an invoice within one week of task completion. The land management record will follow within two weeks of task completion. Payment is due upon receipt of invoice unless other arrangements have been agreed upon.

To retain the services listed above, please return a signed copy of this proposal to the address below.

Signature

Date

If you have any questions, please call me at 413-863-6333 or email me at [chris@landstewardshipinc.com](mailto:chris@landstewardshipinc.com).

Sincerely Yours,

**Chris Polatin**

Digitally signed by Chris Polatin  
Date: 2023.09.24 12:48:05 -04'00'

Christopher Polatin, M.S., CERP  
President & Senior Restoration Ecologist



We maintain the following insurance policies:

- General liability
- Workers' compensation
- Auto

We will provide a certificate of insurance at your request.

*About Land Stewardship, Inc.*

Our team members are thoroughly trained in ecological restoration techniques and best management practices, wetlands identification, and invasive/native plant identification. We all have at least an undergraduate education in a natural resource field, while others hold master's degrees in environmental science. We maintain pesticide applicator licenses (Massachusetts and other New England states) and have obtained or are working to obtain certificates in Invasive Plant Management through UMASS Extension.

Our company supports the Society for Ecological Restoration and the North American Invasive Species Management Association as our professional organizations. These affiliations provide us with standards for practice, educational opportunities, professional certification, a code of ethics, inspiration, and a community of scientists and practitioners to engage with in order to represent best practices in our field.

**Attachment C**  
**Notice of Intent Forms**



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

MassDEP File Number

Littleton  
City or Town

## Project Type

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



Check the Ecological Restoration type that applies:

- ☐ 1. Dam Removal
- ☐ 2. Freshwater Stream Crossing Repair and Replacement\*
- ☐ 3. Stream Daylighting
- ☐ 4. Tidal Restoration
- ☐ 5. Rare Species Habitat Restoration
- ☐ 6. Restoring Fish Passageways

### Eligibility Criteria:

- ☒ I am applying for a Restoration Order of Conditions and meet the General Eligibility Criteria [310 CMR 10.13(1)] as described in Section C1 and the Additional Eligibility Criteria for this Ecological Restoration Project type [310 CMR 10.13(2) through (7)] as described in Section C2.
- ☒ This Notice of Intent includes the required supporting documents as specified in [310 CMR 10.11, 10.12] and outlined in Appendix 1 and Appendix 2 respectively. The NOI also includes a signed Certification of Eligibility in Section G. Signatures and Submittal Requirements.

## A. General Information

### 1. Project Location:

Great Road

a. Street Address

Littleton

b. City/Town

01460

c. Zip Code

Latitude and Longitude\*:

U02

f. Assessors Map/Plat Number

d. Latitude

e. Longitude

32-0 and 32-116

g. Parcel/Lot Number

### 2. Applicant:

Amy

a. First Name

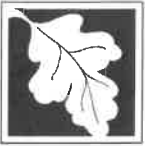
Green

b. Last Name

Littleton Conservation Department, Conservation Agent

c. Organization

\* If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.



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Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## A. General Information (cont.)

Great Road

d. Street Address

Littleton

e. City/Town

978-540-2428

h. Phone Number

i. Fax Number

MA

f. State

01460

g. Zip Code

agreen@littletonma.org

j. Email Address

3. Property Owner (required if different from applicant): ☐ Check and attach list if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

4. Representative (if any):

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form): Category 2 - \$500

Fee Exempt

a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid

6. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

30676

c. Book

b. Certificate # (if registered land)

023 and 020

d. Page Number

7. Project Narrative: Describe the project's ecological restoration goals and how it furthers at least one of the interests of the Wetland Protection Act (WPA) M.G.L. c. 131, § 40.

Management of the invasive species *Phragmites australis* that currently exists in multiple small patches on the Conservation Land before it degrades the habitat value; restoration of native plant species



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Bureau of Resource Protection – Wetlands Program

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## B. Resource Area Impacts (Temporary & Permanent)

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

1. ☒ **Inland Resource Areas:** (See 310 CMR 10.54-10.58)

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	60,000 (temp) 1. square feet	60,000 (restoration) 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	
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 inland or coastal</b>	
	2. Proposed alteration of the riverfront area:	
		a. total square feet

2. ☐ **Coastal Resource Areas:** (see 310 CMR 10.25-10.35)

Check all that apply below. **For coastal riverfront area, see B.1.f. above.**

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach**	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes**	1. square feet	2. cubic yards dune nourishment

\*\* Note: No armoring of a Coastal Dune or Barrier Beach is permitted.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## B. Resource Area Impacts (Temporary & Permanent) (cont.)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
3. <input type="checkbox"/> Restoration/Enhancement		
In addition to the square footage that has been entered in Section B1.b for BVW and B 2.h for Salt Marsh above, please enter the additional amount here for restoration/enhancement.		
no additional		
a. Identify the appropriate resource area(s) type/name		Square feet or linear feet
b. Identify the appropriate resource area(s) type/name		Square feet or linear feet

## C. Ecological Restoration Project Description

- Check each box below to confirm that the project complies with each Eligibility Criteria required to obtain a Restoration Order of Conditions and provide the appropriate documentation.
  - ☒ This project will have no short term or long-term adverse effects on Estimated Habitat sites of Rare Species located within resource areas that may be affected by the project or will be carried out according to a habitat management plan approved by NHESP.
  - ☒ The project avoids and minimizes adverse impacts to Resource Areas and the interests identified in the WPA, without impeding the achievement of the ecological restoration goals
  - ☒ The project will utilize best management practices to prevent and minimize adverse impacts to Resource Areas and the WPA interests.
  - ☒ This Project will cause NO significant adverse effects on the interests of flood control and storm damage prevention in relation to the built environment (i.e., the project will not result in a significant increase in flooding or storm damage affecting buildings, wells, septic systems, roads or other man-made structures or infrastructure) and documentation on how this is achieved.



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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## C. Ecological Restoration Project Description (cont.)

- ☐ If the Project involves the dredging of 100 cubic yards of sediment or more or dredging in an ORW, a 401 Water Quality Certification is required and attached. Requires a 401 Water Quality Certification.
  - ☒ The Project will not substantially reduce the capacity of a Resource Area to serve the wildlife habitat functions identified in 310 CMR 10.60(2). A project will be **presumed** to meet this eligibility criteria if the NOI will be carried out in accordance with any Time of Year (TOY) restrictions or other conditions recommended by the DMF for coastal waters, and by the DFW for inland waters in accordance with 310 CMR 10.11(3), (4) and (5). A NOI for an Ecological Restoration Project that meets the requirements of 310 CMR 10.12(1) and (2) it **is exempt from performing a wildlife habitat evaluation**.
  - ☐ If the project involves work on a **stream crossing**, the stream crossing has been designed in accordance with 310 CMR 10.24(10) for work in coastal resource areas and 310 CMR 10.53(8) for work in inland resource areas, as applicable. See additional requirements below for Freshwater Stream Crossing Repair and Replacement Projects.
  - ☒ The project will not result in a discharge of dredged or fill material within 400 feet of the high water mark of a Class A surface water (exclusive of its tributaries) unless the project is conducted by a public water system under 310 CMR 22.00 or a public agency or authority for the maintenance or repair of existing public roads or railways in accordance with 314 CMR 4.06(1)(d)1.
  - ☒ The project will not result in a discharge of dredged or fill material to a vernal pool certified by the Massachusetts Division of Fisheries and Wildlife (DFW).
  - ☒ The project will not result in a point source discharge to an Outstanding Resource Water.
  - ☒ The project will not involve the armoring of a Coastal Dune or Barrier Beach.
  - ☒ Describe in detail the project plan for invasive species prevention and control.
  - ☒ Provide any TOY restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4) and (5) with attached copies of their written determinations.
  - ☐ If the project involves the construction, repair, replacement or expansion of infrastructure, a proposed operation and maintenance plan is provided to ensure that the infrastructure will continue to function as designed;
2. Check each box as appropriate to confirm that the project complies with the Eligibility Criteria required for this Ecological Restoration Project type.

### Dam Removal

- ☐ The Ecological Restoration Project is a dam removal project. The project meets the eligibility criteria set forth in 310 CMR 10.13(1)(d).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## C. Ecological Restoration Project Description (cont.)

- ☐ The Project is consistent with the MassDEP guidance entitled *Dam Removal and the Wetlands Regulations*, dated December 2007, and meets the eligibility criteria set forth in 310 CMR 10.13(1).
- ☐ The Project is NOT consistent with MassDEP's guidance entitled *Dam Removal and the Wetlands Regulations*, dated December 2007 and meets the eligibility criteria set forth in 310 CMR 10.13(1).
- ☐ The project will not involve the removal of a dam that was constructed or is managed for flood control by a municipal, state or federal agency.
- ☐ The project will not adversely impact public water supply wells or water withdrawals permitted or registered under the Water Management Act, M.G.L. c. 21G, and 310 CMR 36.00 within the reach of the stream impacted by the impoundment.
- ☐ The project will not adversely impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.
- ☐ The project provides for the removal of the full vertical extent of the dam such that no remnant of the dam will remain at or below the streambed as determined prior to commencement of the dam removal project, or if such determination cannot be made at that time, as determined during construction of the project.
- ☐ The project provides for the removal of enough of the horizontal extent of the dam such that after removal no water will be impounded during the 500 year flood event.
- ☐ The project will not involve a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license.
- ☐ The applicant has obtained from the Department of Conservation and Recreation Office of Dam Safety a written determination in accordance to the General Applicability requirements prior to submitting this NOI.
- ☐ If the project is exempt from the requirement to obtain a license or permit under 310 CMR 9.05(3)(n), the project will not have an adverse effect on navigation or on any docks, piers or boat ramps authorized under 310 CMR 9.00.

### Freshwater Stream Crossing Repair and Replacement (310 CMR 10.13(3))

- ☐ The Ecological Restoration Project is a freshwater stream crossing repair or replacement project. In addition to the eligibility criteria set forth in 310 CMR 10.13(1), the project meets all of the following eligibility criteria that will meet the MA Stream Crossing (SC) Standards that is completely described below or in the attached:
  - ☐ The width of the structure will be at least 1.2 times bankfull width to facilitate the movement of fish and other aquatic organisms and wildlife species that may utilize riparian corridors.
  - ☐ The structure will be an open-bottom span where practicable or if an open-bottom span is not practicable, the structure bottom will be embedded in a substrate that matches the substrate of the stream channel and that shall be designed to maintain continuity of aquatic and benthic elements of the stream including appropriate substrates and hydraulic characteristics within the culvert (water depths, slope, turbulence, velocities, and flow patterns).



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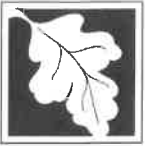
Littleton  
City or Town

## C. Ecological Restoration Project Description (cont.)

- ☐ The structure will have an Openness Ratio of at least 0.82 feet, or as close to 0.82 feet as is practicable.
- ☐ The project includes considerations for site constraints in meeting the SC standards, undesirable effects or risk in meeting the standard, the environmental benefit of meeting the standard compared to the cost in evaluating:
  - ☐ The potential for downstream flooding
  - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
  - ☐ Potential for erosion and head-cutting;
  - ☐ Stream stability;
  - ☐ Habitat fragmentation caused by the crossing;
  - ☐ The amount of stream mileage made accessible by the improvements;
  - ☐ Storm flow conveyance;
  - ☐ Engineering design constraints specific to the crossing;
  - ☐ Hydrologic constraints specific to the crossing;
  - ☐ Impacts to wetlands that would occur by improving the crossing;
  - ☐ Potential to affect property and infrastructure; and
  - ☐ Cost of replacement.

### Stream Daylighting

- ☐ The Ecological Restoration Project is a stream daylighting project. In addition to the eligibility criteria set forth in 310 CMR 10.13(1), the project meets all of the following eligibility criteria and is completely described narrative below/attached:
  - ☐ The project will meet the applicable performance standards for Bank, 310 CMR 10.54, and Land Under Water Bodies and Waterways, 310 CMR 10.56. As set forth in 10.12(3), a person submitting a Notice of Intent that meets the requirements of 310 CMR 10.12 (1) and (2) for a stream daylighting project is exempt from the requirement to perform a wildlife habitat evaluation in accordance with 310 CMR 10.60, notwithstanding the provisions of 310 CMR 10.54(4)(a)5., 310 CMR 10.56(4)(a)4., and 310 CMR 10.60.
  - ☐ To the maximum extent practicable, the project is designed to include the revegetation of all disturbed areas with noninvasive indigenous species appropriate to the site.



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## C. Ecological Restoration Project Description (cont.)

### Tidal Restoration Project (310 CMR 10.13(5))

- ☐ The Ecological Restoration Project is a Tidal Restoration Project designed to restore tidal flow that has been restricted or blocked by a man-made structure. In addition to the eligibility criteria set forth in 310 CMR 10.13(1), the project meets all of the following eligibility criteria that is completely described below or in the attached:
  - ☐ If the project will involve work in a Coastal Dune and/or a Coastal Beach, the project meets the applicable performance standard(s) at 310 CMR 10.27 and/or 10.28.
  - ☐ The project will not include a new or relocated tidal inlet/breach through a Barrier Beach or additional armoring of a Barrier Beach, but may include the modification, replacement or enlargement of an existing culvert or inlet through a Barrier Beach.
  - ☐ The project will not involve installation of new water control devices (i.e., tide gates, flash boards and adjustable weirs) or a change in the management of existing water control devices, when the existing or proposed function of said devices is to prevent flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.
  - ☐ The project's physical specifications are compatible with passage requirements for diadromous fish runs identified at the project location by the Division of Marine Fisheries.
  - ☐ Did the project include considerations for site constraints in meeting the SC standards, undesirable effects or risk in meeting the standard, the environmental benefit of meeting the standard compared to the cost in evaluating:
    - ☐ The potential for downstream flooding
    - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
    - ☐ Potential for erosion and head-cutting;
    - ☐ Stream stability;
    - ☐ Habitat fragmentation caused by the crossing;
    - ☐ The amount of stream mileage made accessible by the improvements;
    - ☐ Storm flow conveyance;
    - ☐ Engineering design constraints specific to the crossing;
    - ☐ Hydrologic constraints specific to the crossing;
    - ☐ Impacts to wetlands that would occur by improving the crossing;
    - ☐ Potential to affect property and infrastructure; and



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## C. Ecological Restoration Project Description (cont.)

☐ Cost of replacement.

### Rare Species Habitat Restoration (310 CMR 10.13(6))

- ☐ The Ecological Restoration Project is a Rare Species habitat restoration project. In addition to the eligibility criteria set forth in 310 CMR 10.13(1), the project meets all of the following eligibility criteria that is completely described below or in the attached:
- ☐ The project is exempt from review under 321 CMR 10.00 as a project that involves the active management of Rare Species habitat for the purpose of maintaining or enhancing the habitat for the benefit of Rare Species. A project that involves the active management of Rare Species habitat and is exempt from review under 321 CMR 10.00 may include without limitation the mowing, cutting, burning or pruning of vegetation or the removal of exotic or invasive species.
  - ☐ The project is carried out in accordance with a Habitat Management Plan that has been approved in writing by the Natural Heritage and Endangered Species Program and submitted with this Notice of Intent.

### Restoring Fish Passageways (310 CMR 10.13(7))

- ☐ The Ecological Restoration Project involves the restoration or repair of a fish passageway as identified by the Division of Marine Fisheries in its Marine Fisheries Technical Reports, TR 15 through 18, dated 2004. In addition to the eligibility criteria set forth in 310 CMR 10.13(1), the project meets all of the following eligibility criteria that is completely described below or in the attached:
- ☐ Proof of submission of a Fishway Permit Application to the Division of Marine Fisheries, pursuant to M.G.L. c. 130, §§ 1 and 19, and 322 CMR 7.01(4)(f) and (14)(m); and
  - ☐ The fish passageway will be operated and maintained in accordance with an Operation and Maintenance Plan approved by the Division of Marine Fisheries.

## D. Other Applicable Standards and Requirements

A person submitting a Notice of Intent for an Ecological Restoration Project that meets the requirements of 310 CMR 10.12(1) and (2) and that contains either a written determination from the Natural Heritage Endangered Species Program (NHESP) that the project will have no short or long term adverse effects on the habitat of the local population of state-listed species, or a Conservation and Management Permit issued by NHESP pursuant to the Massachusetts Endangered Species Act (MESA) Regulations at 321 CMR 10.00 for the project, or a habitat management plan for the project approved in writing by NHESP, will be deemed to have satisfied the requirements in 310 CMR 10.37 and 310 CMR 10.59 of sending the Notice of Intent for the same project for a determination by NHESP. For the purposes of this guidance, the "same project" means either there have been no changes to the project reviewed by NHESP in making its determination or that any subsequent changes to the project since the initial review by NHESP have been reviewed and approved in writing by NHESP.



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## D. Other Applicable Standards and Requirements (cont.)

Compliance with the above NHESP-related requirements may be demonstrated by providing the following applicable documentation. See Appendix 1 for a complete description of these requirements. Check the applicable box below.

- ☒ The project is not within Estimated Habitat of State-Listed Rare Wetlands Wildlife as shown on the most recent Estimated Habitat Maps of State-Listed Rare Wetlands Wildlife published by the Natural Heritage and Endangered Species Program.
  - ☐ The NHESP has issued the attached written determination that the project will have no short or long term adverse effects on the habitat of the local population of state-listed species.
  - ☐ The NHESP has issued the attached written approval of the attached habitat management plan for this project, which makes it an eligible Rare Species habitat restoration project under 310 CMR 10.13(6).
  - ☐ The NHESP has issued pursuant to the MESA Regulations at 321 CMR 10.00 the attached Conservation and Management Permit for this project.
  - ☐ There have been no changes to the project reviewed by NHESP in making its determination, or if so, any subsequent changes to the project have been reviewed and approved in writing by NHESP and attached hereto.
1. 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 written determination to either:
- |   |  |
|---|--|
| South Shore – Cohasset to Rhode Island border, and the Cape & Islands:<br>Division of Marine Fisheries –<br>South Coast Field Station<br>Attn: Environmental Reviewer<br>836 South Rodney French Blvd<br>New Bedford, MA 02744<br>Email: <a href="mailto:DMF.EnvReview-South@state.ma.us">DMF.EnvReview-South@state.ma.us</a> | North Shore – Hull to New Hampshire border:<br>Division of Marine Fisheries –<br>North Shore Field Station<br>Attn: Environmental Reviewer<br>30 Emerson Avenue<br>Gloucester, MA 01930<br>Email: <a href="mailto:DMF.EnvReview-North@state.ma.us">DMF.EnvReview-North@state.ma.us</a> |
|---|--|
2. 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).
- b. ACEC
3. 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



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## D. Other Applicable Standards and Requirements (cont.)

4. 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
5. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
  - a. ☐ Yes ☒ No

If 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:

☐ Proprietary BMPs are included in the Stormwater Management System.
6. ☐ If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan has been submitted to ensure that the infrastructure will continue to function as designed.
7. ☐ The project involves the dredging of 100 cubic yards or more of sediment, or dredging of any amount in an Outstanding Resource Water, and a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00 is attached.
8. ☐ The Ecological Restoration Project involves work on a stream crossing. Sufficient information has been provided to demonstrate that the design meets the requirements in 310 CMR 10.24(10) for work in coastal resources, and 310 CMR 10.53 (8) for work in an inland resource area.

## E. Additional Information

Check each box for required documents that are attached to this Notice of Intent (NOI). See instructions for details.

1. ☒ Maps and Plans identifying the location of proposed activities relative to the boundaries of each affected resource area [<http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/nwi.html>]
2. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

3. ☐ Attach proof of Natural Heritage and Endangered Species Program written determination, if needed.
4. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries Time of Year written determination, if needed.



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## E. Additional Information (cont.)

5. ☐ Attach NOI Wetland Fee Transmittal Form.
6. ☐ Attach Stormwater Report, if needed.

## F. 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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor Name on Check: First Name

7. Payor Name on Check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

MassDEP File Number

Littleton  
City or Town


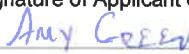

## G. Signatures and Submittal Requirements

### Certification of Ecological Restoration Project Notice of Intent

I hereby certify under penalties of perjury that the **Ecological Restoration Project Notice of Intent application meets the Eligibility Criteria set forth in 310 CMR 10.13**. I also certify that I am familiar with the information contained in this Notice of Intent application and that the accompanying plans, documents, and supporting data are to the best of my knowledge and belief true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

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.

<p> 1. Signature of Applicant or Authorized Agent</p>	<p> 2. Printed Name of Applicant or Authorized Agent</p>	<p> 3. Date</p>
<p>4. Signature of Property Owner (if different)</p>	<p>5. Date</p>	
<p>6. Signature of Representative (if any)</p>	<p>7. Date</p>	

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 6) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application

### 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:

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.



Massachusetts Department of Environmental Protection  
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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 1: Ecological Restoration Notice of Intent (WPA 3a) - Required Actions (310 CMR 10.11)

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

- ☒ **Environmental Monitor /Massachusetts Environmental Policy Act (MEPA)**  
<http://www.mass.gov/eea/agencies/mepa/submitting-notice-to-the-environmental-monitor.html>
- ☒ Submit written notification at least 14 days **prior** to the filing of a Notice of Intent (NOI) to the *Environmental Monitor* for publication. A copy of the written notification is attached and provides at minimum:
  - ☐ A brief description of the proposed project.
  - ☐ The anticipated NOI submission date to the conservation commission.
  - ☐ The name and address of the conservation commission that will review the NOI.
  - ☐ Specific details as to where copies of the NOI may be examined or acquired **and** where to obtain the date, time, and location of the public hearing.
- ☐ **Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review**
  - ☐ Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.
  - ☐ Supplemental Information for Endangered Species Review has been submitted.
    1. ☐ Percentage/acreage of property to be altered:
      - a. Within Wetland Resource Area \_\_\_\_\_ Percentage/acreage
      - b. Outside Wetland Resource Area \_\_\_\_\_ Percentage/acreage
    2. ☐ Assessor's Map or right-of-way plan of site
    3. ☐ 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.
    4. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)
    5. ☐ Photographs representative of the site
    6. ☐ MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhESP/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/mesa/mesa_fee_schedule.htm))



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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 1: Ecological Restoration Notice of Intent (WPA 3a) - Required Actions (310 CMR 10.11)

Make check payable to "Commonwealth of Massachusetts - NHESP" and mail to NHESP:

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

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

- a. ☐ Vegetation cover type map of site
- b. ☐ Project plans showing Priority & Estimated Habitat boundaries

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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

- 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.

### ☐ **Estimated Habitat Map of State-Listed Rare Wetlands Wildlife**

If a portion of the proposed project is 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), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review>

- ☐ A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:
  - ☐ Project will NOT impact an area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.
  - ☐ Project will impact an area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP's written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:
    - ☐ Date of the map: \_\_\_\_\_



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Bureau of Resource Protection – Wetlands Program

# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 1: Ecological Restoration Notice of Intent (WPA 3a) - Required Actions (310 CMR 10.11)

- ☐ If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- ☐ That if the project alters Resource Area(s) within the habitat of a Rare Species:
  - ☐ The Rare Species is identified;
  - ☐ NHESP's recommended changes or conditions necessary to ensure that the project will have **no** short or long term adverse effect on the habitat of the local population of the Rare Species is provided; **or**
  - ☐ An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:  
Natural Heritage & Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

### ☐ Division of Marine Fisheries

- ☐ If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011  
<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/MADMFT R-47.pdf>].
- ☐ Obtain a DMF written determination stating:
  - ☐ The proposed work does NOT require a TOY restriction.
  - ☐ The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- ☐ If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004:  
<http://www.mass.gov/eea/agencies/dfg/dmf/publications/technical.html>]



Massachusetts Department of Environmental Protection  
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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 1: Ecological Restoration Notice of Intent (WPA 3a) - Required Actions (310 CMR 10.11)

- ☐ Obtain a DMF written determination stating:
  - ☐ The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
  - ☐ The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.

Send the request for a written determination to:

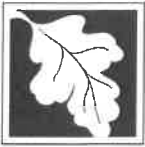
South Shore – Cohasset to Rhode Island  
border, and the Cape & Islands:  
Division of Marine Fisheries –  
South Coast Field Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd  
New Bedford, MA 02744  
Email: [DMF\\_EnvReview.South@state.ma.us](mailto:DMF_EnvReview.South@state.ma.us)

North Shore – Hull to New Hampshire border:  
  
Division of Marine Fisheries –  
North Shore Field Station  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF\\_EnvReview.North@state.ma.us](mailto:DMF_EnvReview.North@state.ma.us)

- ☐ **Division of Fisheries and Wildlife** – <http://www.mass.gov/eea/agencies/dfg/dfw/>
  - ☐ Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will **not** occur between May 1 and August 30.
    - ☐ Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.
      - ☐ The proposed work does NOT require a TOY restriction.
      - ☐ The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.
- ☐ **MassDEP Water Quality Certification**
  - ☐ Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.
  - ☐ This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).
- ☐ **MassDEP Wetlands Restriction Order**

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)?

☐ Yes    ☐ No



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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 1: Ecological Restoration Notice of Intent (WPA 3a) - Required Actions (310 CMR 10.11)

☐ Department of Conservation and Recreation

**Office of Dam Safety**

- ☐ For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.

**Areas of Critical Environmental Concern (ACECs)**

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

☐ Yes      ☐ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations).



Massachusetts Department of Environmental Protection  
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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 2: Ecological Restoration Notice of Intent (WPA 3a) - Minimum Required Documents (310 CMR 10.12)

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

- ☒ This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to insure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

- ☒ Description of the project's ecological restoration goals;
- ☒ The location of the Ecological Restoration Project;
- ☒ Description of the construction sequence for completing the project;
- ☒ A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.
- ☒ 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.) is attached with documentation methodology.
- ☒ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared by

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- ☒ If there is more than one property owner, attach a list of these property owners not listed on this form.
- ☒ Attach NOI Wetland Fee Transmittal Form.
- ☒ An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;
- ☒ A plan for invasive species prevention and control;



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# WPA Form 3A - Notice of Intent for an Ecological Restoration Project

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## Appendix 2: Ecological Restoration Notice of Intent (WPA 3a) - Minimum Required Documents (310 CMR 10.12)

- ☐ The Natural Heritage and Endangered Species Program written determination in accordance with 310 CMR 10.11(2), if needed;
- ☐ Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
- ☒ Proof that notice was published in the *Environmental Monitor* as required by 310 CMR 10.11(1);
- ☐ A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
- ☐ If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
- ☐ If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
- ☐ If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
- ☐ If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
- ☐ This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
- ☒ Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### Eligibility Checklist

MassDEP File Number

Document Transaction Number

Littleton

City/Town

This Ecological Restoration Limited Project Eligibility Checklist guides the applicant in determining if their project is eligible to file as an Inland or Coastal Ecological Restoration Limited Project (310 CMR 10.53(4) or 310 CMR 10.24(8) respectively). These criteria must be met when submitting the Ecological Restoration Limited Project Notice of Intent to ensure that the restoration and improvement of the natural capacity of a Resource Area(s) to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

#### 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.

#### Regulatory Features of All Coastal and Inland Ecological Restoration Limited Projects

- (a) May result in the temporary or permanent loss of/or conversion of Resource Area: An Ecological Restoration Limited Project that meets the requirements of 310 CMR 10.24(8) may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
- (b) Exemption from wildlife habitat evaluation: A NOI for an Ecological Restoration Limited Project that meets the minimum requirements for Ecological Restoration Projects and for a MassDEP Combined Application outlined in 310 CMR 10.12(1) and (2) is exempt from providing a wildlife habitat evaluation (310 CMR 10.60).
- (c) The following are considerations for applicants filing an Ecological Restoration Limited Project NOI and for the issuing authority approving a project as an Ecological Restoration Limited Project:
- ☐ The condition of existing and historic Resource Areas proposed for restoration.
  - ☐ Evidence of the extent and severity of the impairment(s) that reduce the capacity of the Resource Areas to protect and sustain the interests identified in M.G.L. c. 131, § 40.
  - ☐ The magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40.
  - ☐ The magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas that may be modified, converted and/or lost and the interests for which said Resource Areas are presumed significant in 310 CMR 10.00, and the extent to which the project will:
    - a. avoid adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that can be avoided without impeding the achievement of the project's ecological restoration goals.
    - b. minimize adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that are necessary to the achievement of the project's ecological restoration goals.
    - c. utilize best management practices such as erosion and siltation controls and proper construction sequencing to avoid and minimize adverse construction impacts to resource areas and the interests identified in M.G.L. c. 131, § 40.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8))

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Littleton

City/Town

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as a Coastal Ecological Restoration Limited Project. (310 CMR 10.24(8)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

#### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects

Notwithstanding the requirements of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and the Wildlife Habitat evaluations in 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.24(8)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in the WPA M.G.L. provided that the project meets all the requirements in 310 CMR 10.24 (8).

- ☒ The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.24(8)(e)].
  - ☐ Tidal Restoration.
  - ☐ Shellfish Habitat Restoration.
  - ☒ Other Ecological Restoration Limited Project Type.
- ☒ The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - ☐ Protection of public or private water supply.
  - ☐ Protection of ground water supply.
  - ☒ Flood control.
  - ☒ Storm damage prevention.
  - ☐ Prevention of pollution.
  - ☐ Protection of land containing shellfish.
  - ☐ Protection of fisheries.
  - ☒ Protection of wildlife habitat.
- ☐ If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will not have any adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

#### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects (cont.)

- ☐ If the project is located in a Coastal Dune or Barrier Beach, the project avoids and minimizes armoring of the Coastal Dune or Barrier Beach to the maximum extent practicable.
- ☐ The project complies with all applicable provisions of 310 CMR 10.24(1) through (6) and 310 CMR 10.24(9) and (10).

#### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- ☐ This Ecological Restoration Limited Project application meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.24(8)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below.

##### ☐ Tidal Restoration Projects

- ☐ A project to restore tidal flow that will not significantly increase flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.

##### ☐ Shellfish Habitat Restoration Projects

- ☐ The project has received a Special Projects Permit from the Division of Marine Fisheries or, if a municipality, has received a shellfish propagation permit.
- ☐ The project is made of cultch (e.g., shellfish shells from oyster, surf or ocean clam) or is a structure manufactured specifically for shellfish enhancement (e.g., reef blocks, reef balls, racks, floats, rafts, suspended gear).

##### ☐ Other Ecological Restoration Projects that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).

- ☐ Restoration, enhancement, or management of Rare Species habitat.
- ☐ Restoration of hydrologic and habitat connectivity.
- ☐ Removal of aquatic nuisance vegetation to impede eutrophication.
- ☐ Thinning or planting of vegetation to improve habitat value.
- ☐ Fill removal and re-grading.
- ☐ Riparian corridor re-naturalization.
- ☐ River floodplain re-connection.



# **WPA Form 3 – Notice of Intent**

## **Appendix A: Ecological Restoration Limited Project Checklists**

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

### **Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)**

#### **Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types**

- ☐ In-stream habitat enhancement.
- ☐ Remediation of historic tidal wetland ditching.
- ☐ Eelgrass restoration.
- ☐ Invasive species management.
- ☐ Installation of fish passage structures.
- ☐ Other. Describe: \_\_\_\_\_
- ☐ This project involves the construction, repair, replacement or expansion of public or private infrastructure (310 CMR 10.24(9)).
  - ☐ The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
  - ☐ The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- ☐ This project proposes to replace an existing stream crossing (310 CMR 10.24(10)). The crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI. The crossing type:
  - ☐ Replaces an existing non-tidal crossing that is part of an Anadromous/Catadromous Fish Run (310 CMR 10.35)
  - ☐ Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.
- ☐ At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been considered site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
  - ☐ The potential for downstream flooding;
  - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
  - ☐ Potential for erosion and head-cutting;
  - ☐ Stream stability;
  - ☐ Habitat fragmentation caused by the crossing;
  - ☐ The amount of stream mileage made accessible by the improvements;
  - ☐ Storm flow conveyance;



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

#### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- ☐ Engineering design constraints specific to the crossing;
- ☐ Hydrologic constraints specific to the crossing;
- ☐ Impacts to wetlands that would occur by improving the crossing;
- ☐ Potential to affect property and infrastructure; and
- ☐ Cost of replacement.

### Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as an Inland Ecological Restoration Limited Project. (310 CMR 10.53(4)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

#### General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:

- ☒ The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.53(4)(e)].
  - ☐ Dam Removal
  - ☐ Freshwater Stream Crossing Repair and Replacement
  - ☐ Stream Daylighting
  - ☐ Tidal Restoration
  - ☐ Rare Species Habitat Restoration
  - ☐ Restoring Fish Passageways
  - ☒ Other (describe project type): Invasive Species Management



# **WPA Form 3 – Notice of Intent**

## **Appendix A: Ecological Restoration Limited Project Checklists**

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

### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

#### **General Eligibility Criteria for All Inland Ecological Restoration Limited Projects**

- ☒ The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - ☐ Protection of public or private water supply
  - ☐ Protection of ground water supply
  - ☐ Flood control
  - ☐ Storm damage prevention
  - ☐ Prevention of pollution
  - ☐ Protection of land containing shellfish
  - ☐ Protection of fisheries
  - ☒ Protection of wildlife habitat
- ☐ If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will have no adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.
- ☐ The project will be carried out in accordance with any time of year restrictions or other conditions recommended by the Division of Marine Fisheries for coastal waters and the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3).
- ☐ If the project involves the dredging of 100 cubic yards of sediment or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification has been applied for or obtained.
- ☐ The project complies with all applicable provisions of 310 CMR 10.53(1), (2), (7), and (8).



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## **Appendix A: Ecological Restoration Limited Project Checklists**

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

### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

#### **Additional Eligibility Criteria for Specific Inland Ecological Restoration Limited Project Types**

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- ☒ This project application meets the eligibility criteria for Ecological Restoration Limited Project in accordance with [310 CMR 10.53(4)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below:

☐ **Dam Removal**

- ☐ Project is consistent with MassDEP's 2007 Dam Removal Guidance.

☐ **Freshwater Stream Crossing Repair and Replacement.** The project as proposed and the NOI describes how:

- ☐ Meeting the eligibility criteria set forth in 310 CMR 10.13 would result in significant stream instability or flooding hazard that cannot otherwise be mitigated, and site constraints make it impossible to meet said criteria.
- ☐ The project design ensures that the stability of the bank is NOT impaired.
- ☐ To the maximum extent practicable, the project provides for the restoration of the stream upstream and downstream of the structure as needed to restore stream continuity and eliminate barriers to aquatic organism movement.
- ☐ The project complies with the requirements of 310 CMR 10.53(7) and (8).

☐ **Stream Daylighting Projects**

- ☐ The project meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.53(4)(a) through (d)] and as proposed the NOI describes how the proposed project meets to the maximum extent practicable, consistent with the project's ecological restoration goals, all the performance standards for Bank and Land Under Water Bodies and Waterways.
- ☐ The project meets the requirements of 310 CMR 10.12(1) and (2) and a wildlife habitat evaluation is not included in the NOI.

☐ **Tidal Restoration Project**

- ☐ Restores tidal flow.
- ☐ the project, including any proposed flood mitigation measures, will not significantly increase flooding or storm damage to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.



# **WPA Form 3 – Notice of Intent**

## **Appendix A: Ecological Restoration Limited Project Checklists**

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

### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

- ☒ **Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.53 (4) (a) through (d).

☐ Restoration, enhancement, or management of Rare Species habitat.

☒ Restoration of hydrologic and habitat connectivity.

☐ Removal of aquatic nuisance vegetation to impede eutrophication.

☐ Thinning or planting of vegetation to improve habitat value.

☐ Riparian corridor re-naturalization.

☐ River floodplain re-connection.

☐ In-stream habitat enhancement.

☐ Fill removal and re-grading.

☐ Flow restoration.

☐ Installation of fish passage structures.

☒ Invasive species management.

☐ Other. Describe: \_\_\_\_\_

- ☐ This project involves the construction, repair, replacement or expansion of public or private infrastructure. (310 CMR 10.53(7))

☐ The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.

☐ The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.

- ☐ This project replaces an existing stream crossing (310 CMR 10.53(8)). The crossing type:

☐ Replaces an existing non-tidal crossing designed to comply with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI.

☐ Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.



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Bureau of Resource Protection - Wetlands

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**Appendix A: Ecological Restoration Limited**  
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Eligibility Criteria - Inland Ecological Restoration Limited Project (310**  
**CMR 10.53(4)) (cont.)**

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- ☐ At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
  - ☐ The potential for downstream flooding;
  - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
  - ☐ Potential for erosion and head-cutting;
  - ☐ Stream stability;
  - ☐ Habitat fragmentation caused by the crossing;
  - ☐ The amount of stream mileage made accessible by the improvements;
  - ☐ Storm flow conveyance;
  - ☐ Engineering design constraints specific to the crossing;
  - ☐ Hydrologic constraints specific to the crossing;
  - ☐ Impacts to wetlands that would occur by improving the crossing;
  - ☐ Potential to affect property and infrastructure; and
  - ☐ Cost of replacement.



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**Project Checklists**

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

**Required Actions (310 CMR 10.11)**

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

☒ **Massachusetts Environmental Policy Act (MEPA) / Environmental Monitor**

<https://www.mass.gov/service-details/the-environmental-monitor>

For Ecological Restoration Limited Projects, there are no changes to MEPA requirements.

☒ Submit written notification at least 14 days prior to the filing of a Notice of Intent (NOI) to the Environmental Monitor for publication. A copy of the written notification is attached and provides at minimum:

- ☒ A brief description of the proposed project.
- ☒ The anticipated NOI submission date to the conservation commission.
- ☒ The name and address of the conservation commission that will review the NOI.
- ☒ Specific details as to where copies of the NOI may be examined or acquired and where to obtain the date, time, and location of the public hearing.

☐ **Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review**

☐ Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.

☐ Supplemental Information for Endangered Species Review has been submitted.

1. ☐ Percentage/acreage of property to be altered:

a. Within Wetland Resource Area

Percentage/acreage

b. Outside Wetland Resource Area

Percentage/acreage

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

3. ☐ 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.

4. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

5. ☐ Photographs representative of the site

6. ☐ MESA filing fee (fee information available at

<https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>)



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## Appendix A: Ecological Restoration Limited Project Checklists

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

### Required Actions (310 CMR 10.11) (cont.)

Make check payable to "Commonwealth of Massachusetts - NHESP" and mail to NHESP:

#### Natural Heritage & Endangered Species Program

MA Division of Fisheries & Wildlife

1 Rabbit Hill Road

Westborough, MA 01581

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

- a. ☐ Vegetation cover type map of site
- b. ☐ Project plans showing Priority & Estimated Habitat boundaries

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, <https://www.mass.gov/service-details/ma-endangered-species-act-mesa-overview>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

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.

#### ☐ Estimated Habitat Map of State-Listed Rare Wetlands Wildlife

If a portion of the proposed project is 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), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <https://www.mass.gov/guides/masswildlife-publications#-massachusetts-natural-heritage-atlas->

☐ A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:

☐ Project will NOT have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.

☐ Project will have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP's written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:

☐ Date of the map: \_\_\_\_\_



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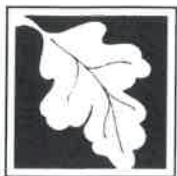
**Required Actions (310 CMR 10.11) (cont.)**

- ☐ If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- ☐ That if the project alters Resource Area(s) within the habitat of a Rare Species:
- ☐ The Rare Species is identified;
- ☐ NHESP's recommended changes or conditions necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the Rare Species is provided; or
- ☐ An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:  
Natural Heritage & Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

☐ **Division of Marine Fisheries**

- ☐ If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011 <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/MA/TR-47.pdf>].
- ☐ Obtain a DMF written determination stating:
  - ☐ The proposed work does NOT require a TOY restriction.
  - ☐ The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- ☐ If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004: <https://www.mass.gov/service-details/marine-fisheries-technical-reports>]
- ☐ Obtain a DMF written determination stating:
  - ☐ The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
  - ☐ The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.



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## Appendix A: Ecological Restoration Limited Project Checklists

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### Required Actions (310 CMR 10.11) (cont.)

Send the request for a written or electronic determination to:

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

Division of Marine Fisheries –  
South Coast Field Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
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 Field Station  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

- ☐ **Division of Fisheries and Wildlife** – <https://www.mass.gov/orgs/division-of-fisheries-and-wildlife>
- ☐ Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will not occur between May 1 and August 30.
- ☐ Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.
- ☐ The proposed work does NOT require a TOY restriction.
- ☐ The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.
- ☐ **MassDEP Water Quality Certification**
- ☐ Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.
- ☐ This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).
- ☐ **MassDEP Wetlands Restriction Order**
- 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)?
- ☐ Yes    ☐ No
- ☐ **Department of Conservation and Recreation**
- Office of Dam Safety**
- ☐ For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.



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**Required Actions (310 CMR 10.11) (cont.)**

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**Areas of Critical Environmental Concern (ACECs)**

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

☐ Yes

☐ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or  
MassDEP Website for ACEC locations).

Name of ACEC

**Minimum Required Documents (310 CMR 10.12)**

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

- ☒ This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to ensure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

- ☒ Description of the project's ecological restoration goals;
- ☒ The location of the Ecological Restoration Project;
- ☒ Description of the construction sequence for completing the project;
- ☒ A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.
- ☒ 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.) is attached with documentation methodology.
- ☐ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared by

c. Signed and Stamped by

d. Final Revision Date

e. Scale

Invasive Plan Management Plan-Land Stewardship Inc

9-24-2023

f. Additional Plan or Document Title

g. Date

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

- ☐ Attach NOI Wetland Fee Transmittal Form.



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Project Checklists**

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**Minimum Required Documents (310 CMR 10.12)**

Provided by MassDEP:

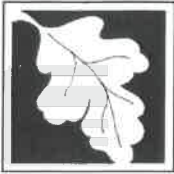
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- ☐ An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;
- ☒ A plan for invasive species prevention and control;
- ☐ The Natural Heritage and Endangered Species Program written determination in accordance with 310 CMR 10.11(2), if needed;
- ☐ Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
- ☒ Proof that notice was published in the Environmental Monitor as required by 310 CMR 10.11(1);
- ☒ A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
- ☐ If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
- ☐ If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
- ☐ If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
- ☐ If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
- ☐ This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
- ☐ Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.



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## Appendix A: Ecological Restoration Limited Project Checklists

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

### Certification that the Ecological Restoration Project Meets the Eligibility Criteria

I hereby certify under penalties of perjury that the Ecological Restoration Project Notice of Intent application does not meet the Eligibility criteria for an Ecological Restoration Order of Conditions set forth in 310 CMR 10.13, but does meet the Eligibility Criteria for a Ecological Restoration Limited Project set forth in 10.24(8) or 10.53(4) whichever is applicable. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Signature of Applicant or Authorized Agent

AMY GREEN CONSERVATION AGENT  
Printed Name of Applicant or Authorized Agent

11-13-2023  
Date

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 2) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

**Waiver Request Form****First Name\***

Amy

**Last Name\***

Green

**Date\***

11/13/2023

**Map/Lot\***

U02-32-0 and U02-32-116

**Project Address\***

TOWN OF LITTLETON CONSERVATION

**Project purpose and need\***Management of invasive pant species *Phragmites australis*

In order to request a waiver, this provides a guidance for required information

**Attach additional text, plans, photos, or graphics if needed**

Choose File No file chosen

**What specific action(s) is the waiver being asked for?\***

Control of invasive plant with boundaries of Bordering Vegetated Wetlands

**How is the action(s) in the public interest, necessary to prevent a safety hazard or water dependent?\***The project will protect the wetland functions and values in the *Phragmites* stands, and stop the spread and impacts to adjacent wetland functions and values**How is the action(s) consistent with the intent and purpose of the bylaw?\***Control of the *Phragmites* will protect the wetland functions and values**Existing and proposed site conditions (ie, impervious, lawn & disturbed areas) (square feet;show on plan)\***

Area is emergent marsh

**Existing and proposed distances of land uses from wetland resource areas (show on plan)\***

0 feet

**Analysis of less environmentally damaging practicable alternative\***

See attached NOI text

**Proposed short term and long term protection of wetland resource areas\***

There will be no soil disturbance

**Is the site in a Zone I, II, or III (groundwater) or Zone A, B, or C (surface water) water supply area\***

No

**Are there critical, unique, or sensitive resource areas in the area (ie, NHESP mapped habitat, vernal pools, unusual wetland types, cold water fisheries, outstanding resource waters, core habitat, conservation land, etc); show on plan\***

No

**Other factors for consideration**

This is an Ecological Restoration Project

**Electronic Signature Agreement\***

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

☒ I agree.

**Electronic Signature**

Amy Green

**Project\***

Cloverdale Phragmites Control

**Attachment D**  
**Public Notice Information**

# NOTIFICATION TO ABUTTERS

## Notice of Intent

### Modification for Virtual Meetings

*Under MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and mailed, certified mail return receipt requested, to all abutters at their mailing addresses shown on the most recent Town Assessor's records as well as the owner (if not applicant).*

In accordance with the MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw Chapter 171-2D, you are hereby notified of a public hearing on the matter described below:

- A. The applicant has filed a Notice of Intent with the Littleton Conservation Commission for work in an area subject to protection under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw.
- B. The name of the applicant is Amy Green, Conservation Agent
- C. The address of the land where the activity is proposed is Cloverdale Conservation Land, Great Road
- D. The work proposed is control of invasive Phragmites australis
- E. Copies of the filing may be examined at the Conservation Commission office at 37 Shattuck Street Monday through Thursday; 9:00 – 1:00 (please call first to ensure the Conservation Agent is available and not out on site visits). The office phone number is 978-540-2428.
- F. Copies of the filing may be obtained electronically from (check one) the ☒ applicant or ☐ the applicant's representative by calling \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ during the following times: ☐ see above \_\_\_\_\_
- G. The public hearing will be held on November 28, 2023. Information regarding the date and time of the public hearing may be obtained from the Littleton Conservation Commission (see contact info at the end of this notice).
- H. Notice of the public hearing, including date and time will be published at least five business days in advance in a paper of local circulation. The agenda, noting times will be posted at Town Hall and at <https://ma-littleton.civicplus.com/AgendaCenter/Search/?term=&CIDs=13,&startDate=&endDate=&dateRange=&dateSelector=> at least 48 hours in advance of the meeting. It is currently anticipated that this meeting will be held entirely remotely, pursuant to "An Act Relative to Extending Certain

State of Emergency Accommodations” (July 16, 2022) and the extension of that Act through March 21, 2025. If the meeting is held remotely, instructions for remote viewing of, and participation in, the meeting will be included in the agenda and may also be obtained from the Littleton Conservation Commission.

You may contact the Littleton Conservation Commission staff ([Conservation@littletonma.org](mailto:Conservation@littletonma.org); 978-540-2428), or the Massachusetts Department of Environmental Protection/ Central Region (508-792-7650) at 8 New Bond Street, Worcester, MA 01606) for information about this application

## AFFIDAVIT OF SERVICE

*Under Massachusetts Wetlands Protection Act and the Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and submitted with the Notice of Intent, Abbreviated Notice of Resource Area Delineation or Request for Determination of Applicability.*

I, Amy Green, Conservation Agent (name of applicant or representative) certify under the pains and penalties of perjury that on 11-14-2023 (date) I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, DEP requirements for Abutter Notification and with the Littleton Wetlands ByLaw 171-2.D in connection with the following matter:

*A (choose one of below)*

       Abbreviated Notice of Resource Area Delineation

       Request for Determination of Applicability

  X   Notice of Intent / Abbreviated Notice of Intent

       Request for Amended Order of Conditions (MADEP File # 204-      )

has been filed under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw by Amy Green Conservation Agent (name of applicant) with the Littleton Conservation Commission on 11-14-2023 (date) for the property located at Cloverdale Conservation Land, Great Road (address of land where work is proposed).

The list of abutters with their addresses and a copy of the Notification Abutter form as sent to the abutters is attached to this Affidavit of Service.

Amy G

Name

11-14-2023

Date



Littleton Conservation Commission  
P.O. Box 1305  
37 Shattuck Street  
Littleton, MA 01460  
Phone: 978 540-2428      FAX: 978 952 2321  
E-Mail: [agreen@littletonma.org](mailto:agreen@littletonma.org)

**Notice for Ecological Restoration Limited Project  
Per 310 CMR 10.11**

**For Publication in the Environmental Monitor**

Notification Date:      November 7, 2023

Project:                      Cloverdale Phragmites Management

Location:                    Great Road, Littleton

Expected NOI Submission:  
November 28, 2023

Conservation Commission:  
Amy Green, Conservation Agent  
Littleton Conservation Commission  
37 Shattuck Street  
Littleton, MA 01460  
(978) 540-2428  
[agreen@littletonma.org](mailto:agreen@littletonma.org)

Description:                Proposed project will manage a series dense, currently discrete stands of common reed (*Phragmites australis*) at the Cloverdale Conservation Land on Great Road. The total area is approximately 1.5 acres. Besides the loss of habitat and constrictions of water flow in the *Phragmites* stand itself, the stand also threatens to spread into the remainder of the extensive emergent marsh. The recommended treatments will cover a minimum of two years and include a preparatory cut and foliar and hand wiping.

Public Hearing:            The public hearing date, time and location will be available on the Conservation Commission website:  
<https://www.littletonma.org/conservation>

Documentation:            Copies of the NOI may be acquired from the Littleton Conservation Commission at the address and number above.



**TOWN OF LITTLETON  
BOARD OF ASSESSORS**

P.O. BOX 1305  
LITTLETON, MA 01460  
(978) 540-2410  
FAX: (978) 952-2321

Date: November 13, 2023

Re: Certified List of Abutters Conservation Commission

Applicant: Amy Green

Name of Firm: Town of Littleton Conservation Commission

Mailing Address 37 Shattuck Street, Littleton, Ma 01460

**Subject Parcel Location: Great Road**

**Subject Parcel No.: U02 32 0 and U02 32 116**

**Subject Owner Name: Town of Littleton Conservation Commission**

M.G.L. Chapter 131: Section 40 ..... "Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one hundred feet of the property line of the land where the activity is proposed, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. When a notice of intent proposes activities on land under water bodies and waterways or on a tract of land greater than 50 acres, written notification shall be given to all abutters within 100 feet of the proposed project site. For the purposes of this action, "project site" shall mean lands where the following activities are proposed to take place: dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways and the installation of drainage, sewerage and water systems, and "land under water bodies and waterways" shall mean the bottom of, or land under, the surface of the ocean or an estuary, creek, river stream, pond or lake. When a notice of intent proposes activity on a linear shaped project site longer than 1,000 feet in length, notification shall be given to all abutters within 1,000 feet of the proposed project site. If the linear project site takes place wholly within an easement through another person's land, notice shall also be given to the landowner. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission." .....

**I hereby certify the attached list of abutter (s) as stated in the M.G.L. Chapter 131, Section 40.**

Number of Abutter(s) 28 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:

A handwritten signature in blue ink, reading "April Iannacone", is written over a horizontal line.

*April Iannacone, Assistant Assessor*

25 MANNION PL BEAN ADAM D BEAN MARCELA J 25 MANNION PL LITTLETON, MA 01460	R01 1 0 LUC: 101	20 SURREY RD <del>LITTLETON TOWN OF P O BOX 1305 LITTLETON, MA 01460</del>	U01 32 97 LUC: 936	OFF DROVER LN DICARLO JAMES A DICARLO MARY LOU 5 DROVER LN LITTLETON, MA 01460	U02 32 117 LUC: 130
56 GREAT RD CUPP GERALD M CUPP LISA A 198 SHADYSIDE AVE CONCORD, MA 01742	R01 2 1 LUC: 0718	18 SURREY RD DWIVEDULA SASHANKA MADALA SRAVANTHI 18 SURREY RD LITTLETON, MA 01460	U01 32 98 LUC: 101	GREAT RD <del>LITTLETON TOWN OF CONSERVATION COMMISSION P O BOX 1305 LITTLETON, MA 01460</del>	U02 32 5A LUC: 932
15 MANNION PL FEEHAN JAMES E FEEHAN BONNIE J 15 MANNION PL LITTLETON, MA 01460	R01 3 0 LUC: 101	16 SURREY RD KOLUKULA ANAND KOLUKULA USHA 16 SURREY RD LITTLETON, MA 01460	U01 32 99 LUC: 101	GREAT RD <del>LITTLETON TOWN OF CONSERVATION COMMISSION P.O BOX 1305 LITTLETON, MA 01460</del>	U02 32 6A LUC: 932
14 SURREY RD NAMDURI HARIBABU NAMDURI KAVITHA 14 SURREY ROAD LITTLETON, MA 01460	U01 32 100 LUC: 101	5 DROVER LN DICARLO JAMES A DICARLO MARY LOU 5 DROVER LN LITTLETON, MA 01460	U02 23 0 LUC: 101	GREAT RD <del>LITTLETON TOWN OF CONSERVATION COMMISSION P.O. BOX 1305 LITTLETON, MA 01460</del>	U02 32 7A LUC: 932
12 SURREY RD BENTLEY CHRISTOPHER R BENTLEY TIARRA W 12 SURREY RD LITTLETON, MA 01460	U01 32 101 LUC: 101	17 GRIST MILL RD EISENLORD STEPHEN MICHAEL EISENLORD JESSICA ELEANOR 17 GRIST MILL RD LITTLETON, MA 01460	U02 24 0 LUC: 101	7 DROVER LN ENIGMA FAMILY TRUST TRUSTEE PILLAI BRYAN K 7 DROVER LANE LITTLETON, MA 01460	U02 32 91 LUC: 101
10 SURREY RD <del>LITTLETON TOWN OF P.O. BOX 1305 LITTLETON, MA 01460</del>	U01 32 102 LUC: 936	15 GRIST MILL RD MORINE MARK R MORINE DEBORAH L 15 GRIST MILL RD LITTLETON, MA 01460	U02 25 0 LUC: 101	9 DROVER LN PADAMATI SASIDHAR PADAMATI LAVANYA B 9 DROVER LANE LITTLETON, MA 01460	U02 32 92 LUC: 101
79 GRIST MILL RD MEHTA VIVEK S MEHTA PRATIKSHA B 79 GRIST MILL RD LITTLETON, MA 01460	U01 32 103 LUC: 101	GREAT RD <del>LITTLETON TOWN OF CONSERVATION COMMISSION P.O. BOX 1305 LITTLETON, MA 01460</del>	U02 32 0 LUC: 932	24 SURREY RD <del>LITTLETON TOWN OF P O BOX 1305 LITTLETON, MA 01460</del>	U02 32 95 LUC: 936
81 GRIST MILL RD CARUSO KIMBERLEY A 81 GRIST MILL RD LITTLETON, MA 01460	U01 32 104 LUC: 101	5 OLD FARM RD ADEMA RODI W ADEMA MAUREEN G 5 OLD FARM RD LITTLETON, MA 01460	U02 32 110 LUC: 101	22 SURREY RD <del>LITTLETON TOWN OF P O BOX 1305 LITTLETON, MA 01460</del>	U02 32 96 LUC: 936
83 GRIST MILL RD SLAVINSKY ANTHONY J SLAVINSKY JERILYNN G 83 GRIST MILL ROAD LITTLETON, MA 01460	U01 32 105 LUC: 101	2 OLD FARM RD YURKOVETSKIY ALEKSANDR YURKOVETSKIY ANNA TRS 2 OLD FARM RD LITTLETON, MA 01460	U02 32 115 LUC: 101		
GREAT RD <del>LITTLETON TOWN OF P O BOX 1305 LITTLETON, MA 01460</del>	U01 32 14 LUC: 936	GREAT RD <del>LITTLETON TOWN OF CONSERVATION COMMISSION P.O. BOX 1305 LITTLETON, MA 01460</del>	U02 32 116 LUC: 932		