



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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April 21, 2023

Val Shvetz
80 River Road
South Hadley, MA 01075

Applicant: Val Shvetz
Project Location: 80 River Rd, South Hadley (Connecticut River between Cove Island Road and River Street)
Project Description: Installation of a dock; Construction of raised walkway to access dock
MA DEP Wetlands No.: 288-0477
NHESP Tracking No.: 21-40412

Dear Ms. Shvetz:

The Natural Heritage & Endangered Species Program and the Fisheries Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") previously received a Notice of Intent in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58(4)(b) & 10.59; WPA). The Division also received the MESA Review Checklist and supporting documentation for review as required by the MA Endangered Species Act Regulations (321 CMR 10.18, MESA). Pursuant to MESA, the Division determined that the file was incomplete 321 CMR 10.18 and required submission of additional information (determination letter dated April 11, 2022).

In 2022, a botanical survey was completed by Dr. Bryan Connolly consistent with Division requirements. On March 31, 2023, a license agreement was submitted between the Applicants and Holyoke Gas and Department (fee owner). The submission of these items along with updated plans entitled SITE PLAN IN SOUTH HADLEY, MA dated March 8, 2022, no revisions; prepared by Michael Mocko Environmental Consultant, 1 sheet) completed the MESA filing associated with this site and proposed project.

Based on the information provided and the information contained in our database, the Division has determined that this project, as currently proposed, **must be conditioned** to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). **To avoid a prohibited Take of state-listed species, the conditions attached to this letter must be met.**

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

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When filing under the MA Wetlands Protection Act for any Notice of Intent, Request for Determination of Applicability or associated renewal, extension, or amendment of the Wetland Protection Act Orders of Conditions, **the Applicant must also submit that filing to the Division** to evaluate whether the project will result in adverse effects to the Resource Area Habitat of state-listed wildlife. A renewal, extension or amendment of any Order of Conditions or other permit under the WPA does not renew, extend or amend this MESA authorization.

This determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at (508) 389-6356, misty-anne.marold@mass.gov.

Sincerely,

A handwritten signature in cursive script, reading "Everose Schlüter".

Everose Schlüter, Ph.D.
Assistant Director

CC: South Hadley Conservation Commission
Michael Mocko, Mocko Environmental Consulting

Attachment: List of conditions

LIST OF CONDITIONS

MA Division of Fisheries & Wildlife
Natural Heritage and Endangered Species Program

Applicant: Val Shvetz
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Project Description: Construction of a raised walkway to access a dock; installation of a dock
MA DEP Wetlands No.: 288-0477
NHESP Tracking No.: 21-40412
Approved Plan: **SITE PLAN IN SOUTH HADLEY, MA and dated March 8, 2022 (no revisions; prepared by Michael Mocko Environmental Consultant, 1 sheet; scale 1"=20')**

To avoid a prohibited Take of state-listed species, the Applicant must comply with the following condition(s):

1. **Limit of Work.** All work shall conform to the approved plan; however, small shifts in the ground-contact elements are permitted under the advice of qualified botanists (Condition 2) to avoid direct impacts to state-listed plants. In such a case, updated plans shall be submitted to the Division noting the area(s) of change.
2. **Delineate and Avoid Cattail Sedge (*Carex typhina*).** The Applicant shall engage with a qualified botanist to locate Cattail Sedge and develop a plan to avoid impacts to individual plants during installation of the raised walkway and dock. Depending on the time of year, the botanist can elect to avoid all members of the genus if the specific characteristics for species identification are unavailable.
 - a. The candidate botanist must submit a survey protocol to the Division for review and approval.
 - b. The survey protocol shall include details such as timing of the survey and sufficient information about the botanical/taxonomic criteria so as to clearly differentiate this species from other similar species.
 - c. Any state-listed plants encountered must be delineated and avoided. Impacts to habitat shall be minimized.
 - d. The survey report, reporting positive or negative finding (aka 'fail to find') shall be submitted to the Division as outlined in the survey guidelines reporting all state-listed and watch-listed species. Please note that survey data must be submitted via the Heritage Hub (<https://www.mass.gov/info-details/overview-of-the-heritage-hub>) within 10 days of the completion of the survey.

Note: If the Applicant elects to work with Dr. Connolly again, we have his survey protocol on file from 2022 and he could proceed to implement the same methods for the required delineation and avoidance.

3. **Recordation.** *No later than 30 days after the installation of the raised boardwalk or dock*, the Applicant shall record both of the following in the Registry of Deeds so as to become a record part of the chain of title:
 - a. this determination letter, and
 - b. the plan (with any updates/notes about shifting in ground contact elements as allowed in Condition 1).

Within 30 days of recordation, the Applicant shall provide the Division with written proof of said recordation.

4. **Authorization Duration.** This authorization is valid for five (5) years from the date of issuance.
5. **Compliance Report.** Within thirty (30) days of the completion of work or as otherwise approved by the Division, the Applicant shall submit written confirmation to the Division documenting compliance with the conditions outlined herein, including representative photographs.