



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**

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



1. Applicant:

Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____		State _____	Zip Code _____
Phone Number _____		Fax Number (if applicable) _____	

2. Representative (if any):

Firm _____			
Contact Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____		State _____	Zip Code _____
Phone Number _____		Fax Number (if applicable) _____	

## B. Determinations

1. I request the Everytown \_\_\_\_\_ make the following determination(s). Check any that apply:  
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Everytown \_\_\_\_\_  
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

## C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

List adjacent streets, where applicable. Everytown  
Street Address City/Town

From Board of Assessors Parcel/Lot Number  
Assessors Map/Plat Number

b. Area Description (use additional paper, if necessary):

Describe the size of the infestation to be removed, and the type of water body. Include enough information for the Commission to locate the site.

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c. Plan and/or Map Reference(s):

Sketch map or sketch using Google or other base map. Professional preparation is not necessary. Date

Title Date

Title Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Describe the schedule (tentative dates) of control efforts, methods to be used, number of participants and training to be provided to them, equipment to be used, access points, where and how you will dispose of plants (including permission from landowner). How you will avoid individual rosettes from floating away once detached from their roots. Reference DCR's 2007 Standard Operating Procedures for handpulling floating leves species (pp. 20-21). Specify efforts to reduce disturbance of sediment (e.g., leaving roots in the sediment) and of the banks where you will be accessing the water body.

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## WPA Form 1- Request for Determination of Applicability

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

### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Avoiding altering the jurisdictional area "land under waterbodies" is the key provision to consider with hand-pulling. The main concern is disturbing sediment which may settle over a larger area or flow downstream. Showing how you will minimized such alteration will be important.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



# WPA Form 1- Request for Determination of Applicability

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

## D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Attach list of those owning property that extends into the waterbody--available from your assessors office.

Mailing Address

City/Town

State

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

## **Notes on filling out the NOI (Form 3) and Appendix A**

This example is for a mechanical water chestnut harvesting project in inland waters (not coastal).

### **FORM 3—NOTICE OF INTENT**

#### **A—General Information:**

Items 1-5 Provide all information requested. If the waterbody has more than one abutter or owner, you must provide a list of all. Try to find out if property goes to the bank or goes under water. To be on the safe side, if you can't figure it out definitively, treat all abutters as owners and educate them about the project. That way they will know what is going on and the record will be there to prove it. They will likely be very supportive, which can help with securing funding.

#### **B—Buffer Zone & Resource Area Impacts**

The project will mainly take place in the water, which is considered “altering land under water” and on the bank (riverfront area) for access and staging and short-term storage of biomass removed.

c. Land Under Waterbodies and Waterways: Calculate the total area (length x width) in square feet. It may be a very large number!

f(4)a. Riverfront Area: Calculate the width of the staging area x 200 ft.

f(4)b. Width of the staging area x 100 ft.

f(4)c. width x 100 ft. (this might just be the access road, for example)

#### **C—Other Applicable Standards and Requirements**

Skip this section since you will be filling out Appendix A.

#### **D—Additional Information**

Check the box and skip the rest since you will be filling out Appendix A.

### **FORM 3, APPENDIX A—ECOLOGICAL RESTORATION LIMITED PROJECT CHECKLISTS**

You might want to keep a ruler on hand so you can easily keep track of which sub-level each question is at. Some check boxes are just to remind you to do something, while others are for you to confirm some particular information.

#### **Regulatory Features**

Check off (a)-(c).

#### **Eligibility Criteria--Coastal Ecological Restoration Limited Projects (pp. 2-5)**

Fill this section out if you have a coastal project, skip if you have an inland project. The type of project (p. 3-4) is “Other Ecological Restoration Projects,” “invasive species management.”

## **Eligibility Criteria--Inland Ecological Restoration Limited Projects (pp. 5-9)**

Fill this section out if you have an inland project, skip if you have a coastal project.

The type of project (p. 7-8) is “Other Ecological Restoration Projects,” “invasive species management.”

### **Required Actions**

1. MEPA/Environmental Monitor: You must submit a notice to the Environmental Monitor.

2. Mass. Endangered **Species** Act (MESA). Go to the map at:

[http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm)

The areas with YELLOW cross-hatching are the “Priority Habitats of Rare Species.” Under “Active Data Layers” uncheck the box for NHESP Estimated Habitats of Rare Wildlife” (the green cross-hatch) to see the yellow cross-hatching clearly, as the green and yellow overlap in some places. If there is yellow cross-hatching in your project area, you must request a written determination from the NHESP and fill out that section.

3. State-Listed Wetlands Habitat of **Rare Wildlife** (MESA). Go to the same map at:

[http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm)

The areas with GREEN hatching are the “Estimated Habitats of Rare Wildlife.” Under “Active Data Layers” uncheck the box for NHESP Priority Habitats of Rare Species” (the yellow cross-hatch) to see the green cross-hatching clearly. If there is green hatching in your project area, you must request a written determination from the NHESP and fill out that section. When you have received the NHESP letter, use it to select the appropriate boxes.

4. Division of Marine Fisheries

Fill out, if appropriate, if you are working in a coastal waterbody or have migratory fish runs.

5. Division of Fisheries and wildlife

Skip this since water chestnut harvesting should not generate silt and will not be done in the Sept.-April time period.

6. MassDEP Water Quality Certification

Skip this since water chestnut harvesting will not involve dredging.

7. MassDEP Wetlands Restriction Order

Permanent restriction orders were placed on selected wetlands in over 50 communities prior to the Wetlands Protection Act. Here is a list of the towns:

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/communities-with-previously-registered-wetlands.html>.

If your town is listed, ask at your town offices to see the overlay map to check if your project is in a wetland covered by the restriction.

### **Minimum Required Documents**

You should include, where applicable:

A plan for invasive species prevention and control

NHESP written determinations regarding species or habitat, if within a cross-hatched area.

A determination of time of year (TOY) restrictions, if relevant

Proof that the notice was published in the Environmental Monitor

A statement by the applicant that the project meets the Ecological Restoration Project eligibility requirements contained in the Wetlands Protection Act regulations (310 CMR 10.13). That is what Appendix A is intended to determine.

The other boxes refer to projects involving infrastructure, dredging and stream crossings and can be skipped.

The last box: Impact on private water supply wells or surface water withdrawals: Check this box if you are planning a drawdown or herbicide application.

### **Certification**

Sign it.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Everytown (inland)
City/Town

**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.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>123-978 Pond Road</u>	<u>Everytown</u>	<u>00000</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>00</u>	<u>00</u>	
d. Latitude	e. Longitude	
<u>00</u>	<u>00-99</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>abc</u>	<u>abc</u>	
a. First Name	b. Last Name	
<u>Everytown Department of Public Works</u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Company		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>0 (municipal)</u>	<u>0</u>	<u>0</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid





# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Everytown (inland)
City/Town

## A. General Information (continued)

6. General Project Description:

Everywon Public works will contract Superharvesting, Inc. to remove invasive water chestnut from an impoundment on Noname River in Everytown, Mass. using a mechanical weed harvester and handpulling.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

Other Ecological Restoration (invasive species management)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Countyname

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

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

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	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	100,000 1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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 checked="" type="checkbox"/> Riverfront Area	Noname River (inland) 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

<u>4,000</u>	<u>2,000</u>	<u>100</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

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
	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	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project 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)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

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

- b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area \_\_\_\_\_ percentage/acreage

(b) outside Resource Area \_\_\_\_\_ percentage/acreage

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

2.  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 \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
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## C. Other Applicable Standards and Requirements (cont'd)

(c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm)). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) 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/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

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.

3. 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 NOI to either:

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

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
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 Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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

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**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

## C. Other Applicable Standards and Requirements (cont'd)

4. 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). **Note:** electronic filers click on Website.  
 b. ACEC
5. 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
6. 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
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a.  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:  
 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
 2.  A portion of the site constitutes redevelopment  
 3.  Proprietary BMPs are included in the Stormwater Management System.  
 b.  No. Check why the project is exempt:  
 1.  Single-family house  
 2.  Emergency road repair  
 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

## D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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

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## D. Additional Information (cont'd)

3.  Identify 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.), and attach documentation of the methodology.

4.  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

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

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. 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



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Everytown (inland)
City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. 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.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

### 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:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
 c. Check number \_\_\_\_\_ d. Fee amount \_\_\_\_\_

2. Applicant Mailing Address:

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

3. Property Owner (if different):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: \_\_\_\_\_  
 a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
 c. 1/2 Total Fee **plus** \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



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Document Transaction Number

# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

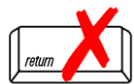
Everytown (inland)
City/Town

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

### Eligibility Checklist

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.



# 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))

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

\_\_\_\_\_  
Everytown (inland)  
City/Town

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 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;



Provided by MassDEP:
MassDEP File Number
Document Transaction Number

# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

Everytown (inland) \_\_\_\_\_  
City/Town \_\_\_\_\_

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 (water chestnut) removal from an impoundment on Noname River



**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.)**

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MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

**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).





# 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.)

#### 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

\_\_\_\_\_  
Everytown (inland)  
City/Town

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.



**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.)**

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

- 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.



Provided by MassDEP:
MassDEP File Number
Document Transaction Number

# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

Everytown (inland) \_\_\_\_\_  
City/Town \_\_\_\_\_

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**  
<http://www.mass.gov/eea/agencies/mepa/submitting-notice-to-the-environmental-monitor.html>

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 [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm))



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

\_\_\_\_\_  
Everytown (inland)  
City/Town

### 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, <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 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: \_\_\_\_\_



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### 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 <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/MADMFTTR-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>]
- 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.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

\_\_\_\_\_  
Everytown (inland)  
City/Town

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

### 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  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
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

- 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.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

\_\_\_\_\_  
Everytown (inland)  
City/Town

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

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

#### 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 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.

XYZ  
a. Plan Title

abc  
b. Prepared by

abc  
c. Signed and Stamped by

00/00/0000  
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.





# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

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

### Minimum Required Documents (310 CMR 10.12)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Everytown (inland)

City/Town

- 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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:
MassDEP File Number
Document Transaction Number

**WPA Form 3 – Notice of Intent**  
**Appendix A: Ecological Restoration Limited Project Checklists**

Everytown (inland)
City/Town

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

xyz

Printed Name of Applicant or Authorized Agent

00/00/0000

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.

**Special Conditions Under  
The State Wetlands Protection Act and  
[municipality] Wetlands Protection Bylaw/Ordinance  
Nuisance Aquatic Vegetation Management Plan  
Within the [waterbody]**

**Final Approved Plans and Other Documents:**

1. *Notice of Intent Application.*
2. [any others]

**Findings of Fact:**

This Order of Conditions (Order) approves Nuisance Aquatic Vegetation Management activities within [jurisdiction]. The Applicant, \_\_\_\_\_, proposes the use of chemical, mechanical, and/or manual management techniques, as described in the Notice of Intent (NOI). The project limits are defined by [describe resource].

The [resource] is an important fresh water habitat for native plant and animal species and is widely used for recreational activities. The project limits are [...].

[History/background]

The Applicant proposes to complete a five-year Nuisance Aquatic Vegetation Management Program within the project limits. The principal objective of the management program is to restore and prolong the use of the [resource] for recreation and as viable habitat for fisheries and wildlife.

**The annual management focus and the determination of a specific management strategy will be predicated upon vegetation survey data that will be collected prior to active management and following each annual effort.** Prior to the commencement of management for each year of this Order, the Commission will review the pre-management survey report and approve a specific treatment method or methods at a public hearing. A combination of techniques including but not limited to chemical, mechanical, or manual removal may be employed. Management options will be decided based on a number of factors, including but not limited to the following:

- distribution and density of target species;
- potential for success with physical removal techniques;
- target species location in relation to environmental and anthropogenic stressors;
- Site constraints and logistics; and
- available budget.

[Herbicide /mechanical harvesting/etc.] is approved by the Commission for the first year of the Nuisance Aquatic Vegetation Management Program to reduce water chestnut density within the [resource].

The proposed removal of invasive plant species through chemical, mechanical, and/or manual methods is considered a “limited project” under the provisions of 310 CMR 10.53(4) and as such allows the Conservation Commission to issue an Order of Conditions for the proposed work to improve the natural capacity of the wetland resource area, Land Under Water-bodies and Waterways (LUW), to protect the interests identified in the state Wetland Protection Act and the [town] Wetlands Protection Bylaw (add citation).

The proposed removal of invasive aquatic plant species through chemical, mechanical, and/or manual methods as described in the NOI will meet the performance standards to protect Land Under Water Bodies and Waterways, as found in 310 CMR 10.56(4), to the extent practicable.

This comprehensive permit will allow lake management contractors, hired by and at the discretion of the Applicant, to utilize chemical, mechanical, and/or manual methods to manage invasive aquatic plant species in the project limits as long as they abide by this Order and adhere to the performance guidelines described in *The Practical Guide to Lake Management in Massachusetts* (Wagner, 2004).

### Approved Alterations within Jurisdictional Areas

Removal of non-native nuisance aquatic vegetation will occur within LUW associated with the [water body]. All impacts to LUW will be temporary in nature.

### Special Conditions

#### General Requirements

20. The **findings of fact** are incorporated as a special condition and given equal status as a special condition of this Order.
21. **All Conditions (Sec. C. above) Under Massachusetts Wetlands Protection Act apply** under the [town] Wetlands Protection Bylaw.
22. The Commission or Agent of the Commission reserves the **right to require additional conditions if deemed necessary** to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00) and/or the [town] Wetlands Protection By-Law (Article V, Section 18), or regulations promulgated thereunder.
23. **This document shall be included in all contracts**, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, **the contractor will be held jointly liable for any violation** of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this order.
24. This Order and a copy of approved Notice of Intent shall be available at the project site during management activities for easy reference.
25. Within thirty (30) days of the issuance of this Order of Conditions, the applicant, project representative, or other applicable party must record the original copy of the Order with the Registry of Deeds. Proof of recording is required to be submitted to the Commission or Agent of the Commission prior to the commencement of work.
26. The Commission and/or its Administrator shall have the right to observe and inspect the operations to evaluate compliance with this Order of Conditions, and may require the submittal of any data necessary for such evaluation.
27. The contractor shall adhere to all *Performance Guidelines* for selected Management Techniques as described in *The Practical Guide to Lake Management in Massachusetts* (Wagner, 2004).

#### Pre & Post Management Survey

28. Contractor shall complete a pre-management and post-management survey annually [too much?]. Surveys shall focus on collecting data necessary for evaluating management effectiveness, non-target species impacts, and future management needs.
29. The pre-management survey shall occur in May of each year of the nuisance aquatic vegetation management program.
30. The post-management survey shall occur in August of each year of the nuisance aquatic vegetation management program.
31. The pre-management survey must include the following at a minimum: Pre-management native and non-native aquatic vegetation survey/map/narrative by qualified personnel, plant biovolume or relative density, species composition, total area proposed for management (acres/sq. feet, etc.), water depths and substrate type, treatment recommendation(s), methodology for disposal of plants (if applicable), contact names and numbers for field staff and manager, and anticipated date(s) for work.
32. The pre-management survey shall be submitted to the Commission and/or its Administrator electronically at least one week prior to the anticipated date(s) for work.

## **For herbicide application**

33. The Applicant's contractor shall provide a copy of the Mass DEP License to Apply Chemicals to the Commission and/or its Administrator prior to any herbicide treatment.
34. A post-management survey of the treated area shall be submitted to the Commission and/or its Administrator electronically for review within 90 days of the conclusion of management efforts for the year. Post-treatment survey must include the following at a minimum: GPS Coordinates of sample location, Water Depth, sediment type, aquatic species present and their relative abundance, total percent of bottom covered, and total plant biomass.
35. If chemical treatments are approved and utilized in a given year of the program, a written report summarizing the chemical treatment operations (areas/acreage treated chemicals and quantity applied, relative effectiveness of treatment) shall be included within the post-management survey report.
36. If mechanical and/or hand-pulling treatment is proposed within a given year of the management program, the contractor shall submit for the Commission and/or its Administrator's review, a plan for off-loading and disposal of non-native plant biomass removed from the River. This plan shall be submitted with the pre-management survey for the given year.

## **Water Quality Sampling**

37. The Applicant shall prepare a water sampling plan for the review and approval by the Conservation Commission at least thirty (30) days prior to any proposed chemical treatment. The plan will outline pre-treatment and post-treatment sample collection locations and sample collection frequencies. Water sampling shall be conducted both within and outside the target treatment area, to evaluate the concentration of the applied chemical in the water column and any migration from the target treatment area. The samples will be tested for the presence of the applied chemical at the state certified laboratory that will guarantee a chemical detection limit of 0.001 mg/L or lower. The Applicant shall include the results of the water sampling, if applicable, in the post-management report to the Commission.

## **Prohibitions and Violations**

38. **If unforeseen problems** occur during construction which may affect the statutory interests of the Wetlands Protection Act, the Bylaw or regulations promulgated thereunder, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its Agent, the Applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.
39. Any **damage** caused as a result of negligence or accident by the contractor to any wetland resource areas, shall be the responsibility of the contractor to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation by the Agent of the Commission.
40. **Work shall be halted** on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions.
41. **Violation of any condition may result in fines** (Section VI of the [town] Wetland Regulations) and other enforcement actions.
42. **Any changes to approved plans desired by the Applicant or Contractor must first be approved by the Conservation Commission or Agent of the Commission.**

43. **Contractor shall limit foliar herbicide applications to dates when no precipitation is forecasted for a minimum of 48 hours following the application.**

#### **Conditions Prior to Activities**

44. The applicant, representative, contractors and sub-contractors associated with this project shall sign an **Order of Conditions Acknowledgement Form**, stating that they have received and understand this Order of Conditions. **This Form shall be submitted to the Commission prior to the start of work.** Should any of the aforementioned parties change after submitting said Form, then a new **Order of Conditions Acknowledgement Form** must be signed and submitted to the Agent of the Commission.
45. Prior to the commencement of any activity on this site, there shall be a **Pre-Construction discussion** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent. Please contact the Conservation Commission office at [phone number] at least seventy-two (72) hours prior to any activity to arrange for the pre-construction discussion. The discussion shall:
- Ensure that the requirements of the Order of **Conditions are understood**; and
  - Check **administrative requirements** (DEP file number sign, recording info, contact information, etc.).
46. The contractor shall provide 48 hours' notice to the Commission and/or its Administrator prior to commencing activities at the Site.
47. Printed posters in English and [language], providing the date of chemical treatment, if applicable, and temporary water use restrictions to be imposed, shall be posted in accordance with Massachusetts State Law.
48. A notification of the anticipated date(s) of any chemical treatment shall be posted in the [local newspaper] a minimum of two days ahead of the anticipated treatment date.

#### **Conditions During Activities**

49. The applicant is responsible **for the containment and proper relocation/disposal** for all unearthed soils, clays and other organic debris associated with this project.
50. Servicing and repair of motorized watercraft shall take place at least 100 feet from the edge of all wetland resource areas. Refueling of motorized watercraft shall take place using standard operating procedures, including reference and adherence to owner's manual for proper refueling procedures.
51. Equipment operators shall be prepared to respond immediately to any accidental releases of fuel, motor oil, aquatic herbicides or other liquids. There shall be absorbent materials available on site at all times for use in containing spills. If an accidental release occurs, the applicant/operator shall immediately notify the state Department of Environmental Protection.

#### **Conditions related to Certificate of Compliance**

52. Upon completion of the work scope, the Applicant/Owner/Assign shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- A completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request);
  - A copy of all final reports completed by the contractor over the course of the permit as required in Special Condition No. 29; and
  - A statement from a lake management professional certifying compliance with the Order of Conditions and detailing any deviations from the approved Order.
53. Once items from 52a. and 52b. are submitted in full compliance, the Applicant, Contractor or Consultant shall schedule a site visit with the Conservation Administrator(s) to verify compliance with this Order of Conditions and affiliated documents.