

Appendix 4.15-A

Threatened and Endangered Species Agency Correspondence



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, Director

1/8/2009

Lisa Standley
Vanasse Hangen Brustlin, Inc.
PO Box 9151
101 Walnut St
Watertown MA 02471

RE: Project Location: South Coast Rail (New Bedford/ Fall River Commuter Rail Extension)
Town: Various
NHESP Tracking No.: 98-3735

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program ("NHESP") of the MA Division of Fisheries & Wildlife for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **within** *Priority Habitat* (PH) and *Estimated Habitat* (EH) as indicated in the *Massachusetts Natural Heritage Atlas* (13th Edition). Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

Priority Habitat 1392 (PH 1392) and *Estimated Habitat 59* (EH59):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Ambystoma laterale</i>	Blue-Spotted Salamander	Amphibian	Special Concern
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 1392 (PH 1392):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Lycopus rubellus</i>	Gypsywort	Plant	Endangered

Priority Habitat 1421 (PH 1421) and *Estimated Habitat 36* (EH36):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Enallagma recurvatum</i>	Pine Barrens Bluet	Damselfly	Threatened
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern
<i>Pseudemys rubriventris pop 1</i>	Northern Red-Bellied Cooter	Reptile	Endangered
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 1421 (PH 1421):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Bird	Threatened
<i>Eleocharis tricostata</i>	Three-Angled Spike-Sedge	Plant	Endangered
<i>Sabatia kennedyana</i>	Plymouth Gentian	Plant	Special Concern

www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891

An Agency of the Department of Fish and Game

Priority Habitat 1349 (PH 1349) and Estimated Habitat 1 (EH 1):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Lithophane viridipallens</i>	Pale Green Pinion Moth	Butterflies and Moths	Special Concern
<i>Papaipema sulphurata</i>	Water-Willow Stem Borer	Butterflies and Moths	Threatened
<i>Synurella chamberlaini</i>	Coastal Swamp Amphipod	Crustacean	Special Concern
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 1093 (PH 1093) and Estimated Habitat 951 (EH 951):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Callophrys hesseli</i>	Hessel's Hairstreak	Butterflies and Moths	Special Concern
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern
<i>Somatochlora linearis</i>	Mocha Emerald	Dragonfly	Special Concern
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 620 (PH 620) and Estimated Habitat 545 (EH 545):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Ambystoma opacum</i>	Marbled Salamander	Amphibian	Threatened

Priority Habitat 1297 (PH 1297) and Estimated Habitat 1077 (EH 1077):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Callophrys hesseli</i>	Hessel's Hairstreak	Butterflies and Moths	Special Concern

Priority Habitat 12 (PH 12) and Estimated Habitat 73 (EH 73):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened

Priority Habitat 12 (PH 12):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Scirpus longii</i>	Long's Bulrush	Plant	Threatened

Priority Habitat 236 (PH 236) and Estimated Habitat 121 (EH 121):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened

Priority Habitat 1158 (PH 1158) and Estimated Habitat 372 (EH 372):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
* <i>Data Sensitive Species</i>			Endangered

Priority Habitat 1158 (PH 1158):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Panicum rigidulum</i> ssp <i>pubescens</i>	Long-Leaved Panic-Grass	Plant	Threatened

Priority Habitat 298 (PH 298) and Estimated Habitat 198 (EH 198):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 1439 (PH 1439) and Estimated Habitat 948 (EH 948):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern

Priority Habitat 1239 (PH 1239):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Panicum rigidulum ssp pubescens</i>	Long-Leaved Panic-Grass	Plant	Threatened

Priority Habitat 261 (PH 261) and Estimated Habitat 153 (EH 153):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 229 (PH 229) and Estimated Habitat 111 (EH 111):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
* <i>Data Sensitive Species</i>			Endangered
* <i>Data Sensitive Species</i>			Endangered

Priority Habitat 454 (PH 454) and Estimated Habitat 350 (EH 350):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Ambystoma opacum</i>	Marbled Salamander	Amphibian	Threatened

Priority Habitat 451 (PH 451) and Estimated Habitat 328 (EH 328):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened

Priority Habitat 282 (PH 282) and Estimated Habitat 179 (EH 179):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

Priority Habitat 924 (PH 924) and Estimated Habitat 753 (EH 753):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Sterna hirundo</i>	Common Tern	Bird	Special Concern
<i>Sterna dougallii</i>	Roseate Tern	Bird	Endangered

Priority Habitat 926 (PH 926) and Estimated Habitat 755 (EH 755):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Sterna hirundo</i>	Common Tern	Bird	Special Concern
<i>Sterna dougallii</i>	Roseate Tern	Bird	Endangered

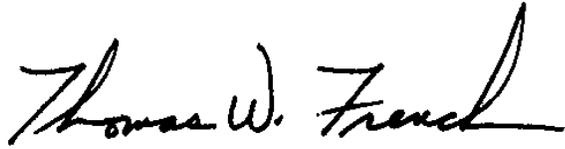
Priority Habitat 1196 (PH 1196):

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Scirpus longii</i>	Long's Bulrush	Plant	Threatened

The species listed above are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). * These species are considered "Sensitive Species". They are highly susceptible to collection and are therefore of high concern to Natural Heritage. Information about these species (including presence/absence) can not be released to anyone (especially including release to third parties or published) unless such release is agreed to in writing by the Natural Heritage Program (See Massachusetts Public Records law: M.G.L. chapter 66 section 17D). Fact sheets for most state-listed rare species can be found on our website (www.nhesp.org).

This evaluation is based on the most recent information available in the NHESP database, which is constantly being expanded and updated through ongoing research and inventory. If you have any questions regarding this letter please contact Amy Coman, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "French".

Thomas W. French, Ph.D.
Assistant Director



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

JAN 12 2009

Lisa Standley
Vanasse Hangen Brustlin, INC.
101 Walnut Street
P.O. Box 9151
Watertown, Massachusetts, 02471-9151

Dear Ms. Standley,

This is in response to your letter dated December 4, 2008 regarding the Executive Office of Transportation and Public Works (EOT) proposed project to provide transportation from Boston to the cities of Fall River and New Bedford, Massachusetts. Five alternatives are being proposed. One alternative would require the reconstruction of freight rail bridges across the Taunton River in Taunton. Vanhassen Hangen Brustlin, INC. (VHB) has requested information on the presence of any species listed as threatened or endangered and any species of special concern by NOAA's National Marine Fisheries Service (NMFS).

No species listed by NMFS, inclusive of shortnose sturgeon, are present in the Taunton River. Atlantic sturgeon, however, are known to be present primarily during the summer months (i.e. June) at the mouth of the Taunton River, with occasional sturgeon occurring farther upstream. Atlantic sturgeon are considered a Candidate Species as NMFS has initiated a status review for this species to determine if listing as threatened or endangered under the ESA is warranted. A status review report was completed by the status review team in February 2007. NMFS is currently reviewing the report and other available information to determine if listing under the ESA is warranted. To date, our knowledge indicates that, although the Taunton River doesn't support a spawning population of Atlantic sturgeon, the system is used as a nursery area for Atlantic sturgeon (Burkett and Kynard 1993)¹. Juvenile and sub-adult Atlantic sturgeon two years of age and older have been documented within this river system and it is believed that juveniles remain in riverine and estuarine habitats for 1-6 years (Smith 1985)². Although Atlantic sturgeon are known to be present in the Taunton River, as noted above the species generally occurs at the mouth of the river and as such, it is unlikely for Atlantic sturgeon to occur in the vicinity of your proposed project. As a result, no further coordination with NMFS



Protected Resources Division on the effects of the project on listed species is necessary. Should you have any questions about these comments please contact Danielle Palmer at (978)281-9300 ext. 6518 or by e-mail (Danielle.Palmer@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Colligan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

¹Burkett, C. and B. Kynard. 1993. Sturgeons of the Taunton River and Mt. Hope Bay: Distribution, habitats and movements. Final Report for Project AFC-24-1. Massachusetts Division of Marine Fisheries, Boston, MA. 13 pp.

²Smith, T. I. J. 1985. The fishery, biology, and management of Atlantic sturgeon, *Acipenser oxyrinchus*, in North America. *Environmental Biology of Fishes* 14(1): 61-72.

Transportation
Land Development
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February 4, 2009

Vanasse Hangen Brustlin, Inc.

Ref: 10111.00
Anthony Tur
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, Massachusetts 03301

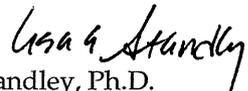
Re: Request for Rare Species Information
South Coast Rail Project

Dear Mr. Tur,

The Executive Office of Transportation and Public Works (EOT) is proposing a transportation project to provide public transportation between Boston to the cities of Fall River and New Bedford within the Commonwealth's South Coast region. The South Coast Rail project is undergoing a joint state (MEPA) and federal (NEPA) environmental review process. An Environmental Notification Form (ENF) was submitted for review under MEPA on November 17, 2008. As noted in the ENF, there are five alternatives being proposed. One of the alternatives (Alternative 2 – Through Middleborough, Option 2B Simple) would cross a Priority Habitat polygon (PH 1421) from Natural Heritage Endangered Species Program (NHESP) (see attached graphic). This polygon includes the federally-endangered Plymouth redbelly turtle (*Pseudemys rubriventris bangsi*), which is listed by the NHESP as the Northern red-bellied cooter (*Pseudemys rubriventris*).

The attached graphic shows the area in which the track reconstruction could be required if Alternative 2 was selected as the preferred alternative. Please review the enclosed graphic at your earliest convenience, and provide information on the Northern red-bellied cooter or other federally-threatened and endangered species that may be affected and located adjacent to the Middleborough Secondary right-of-way. If you have any questions or require additional information, please do not hesitate to contact me at (617) 924-1770 or by email at lstandley@vhb.com.

Very truly yours,
VANASSE HANGEN BRUSTLIN, INC.


Lisa Standley, Ph.D.
Chief Environmental Scientist

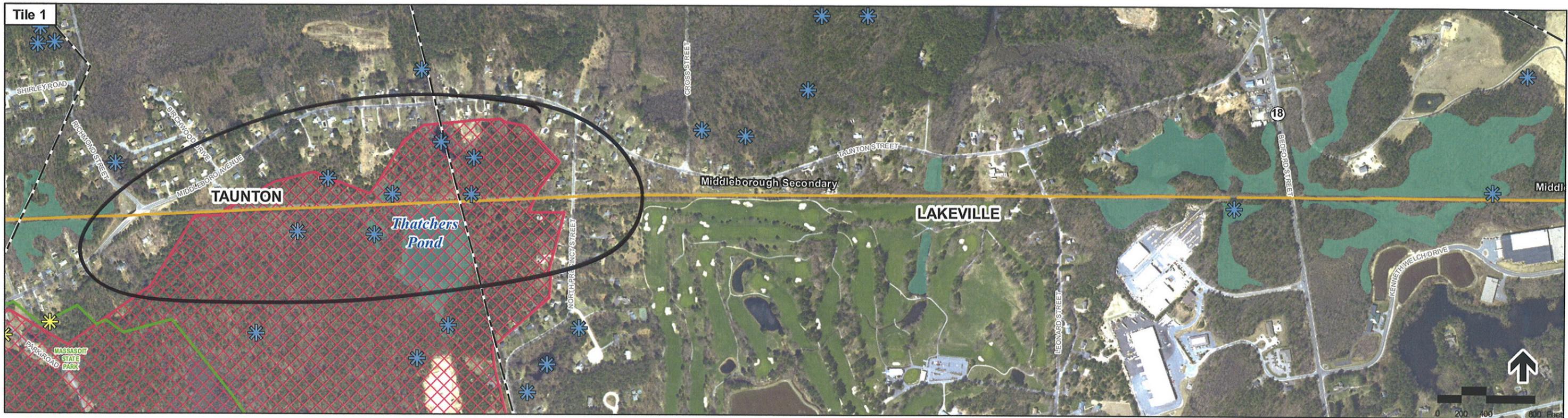
Attached: Map of Middleborough Secondary

CC: Kristina Egan, EOT

101 Walnut Street, P.O. Box 9151
Watertown, Massachusetts 02471-9151

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email: info@vhb.com
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- Legend**
- MBTA Commuter Rail Station
 - Proposed Stations
 - MBTA Commuter Rail
 - Proposed Alternative
 - - - Town Boundaries
 - Intermittent Stream
 - Perennial Stream
 - Water Bodies
 - Public Open Space
 - DEP Wetlands (Modified by VHB 2008)
 - NHESP Certified Vernal Pools
 - NHESP Potential Vernal Pools
 - NHESP BioMap Core Habitat
 - NHESP Living Waters Core Habitat
 - Southeast Massachusetts BioReserve

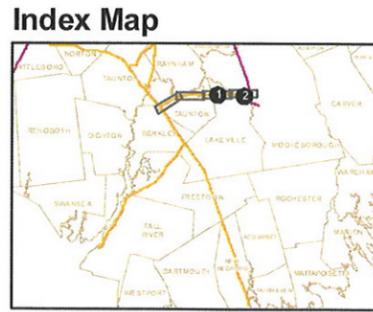


Figure 2-4b
Middleborough Alternative
Middleborough Secondary
Biodiversity

Source: MassGIS, VHB
 Prepared by: VHB

Printing Date: 1/16/2009
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