



**US Army Corps
of Engineers**®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: November 14, 2006

Comment Period Ends: December 31, 2006

File Number: NAE-2005-1195

In Reply Refer To: Alan Anacheka-Nasemann, PWS

Or by e-mail: alan.r.anacheka-nasemann@usace.army.mil

**Application for Department of the Army Permit,
Review of a Prospectus for a Wetland Mitigation Bank, and
Announcement of a Public Hearing, Thursday, December 14, 2006, Hanson, MA Town Hall.**

The District Engineer of the U.S. Army Corps of Engineers, New England District has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: Blue Wave Capital, LLC, 137 Newbury Street, Boston, Massachusetts 02116

ACTIVITY: Blue Wave Capital, LLC has applied for a Department of the Army Permit to discharge fill material incidental to excavation, regrading and placement of organic topsoil, and planting of wetland vegetation within the excavated areas to enhance wetland functions and values of approximately 16 acres of degraded wetlands, in order to construct a Wetland Mitigation Bank in the Taunton River, Massachusetts watershed. The wetland mitigation bank is proposed to create approximately 9 acres of new wetlands and enhance approximately 16 acres of existing, degraded wetlands for the purpose of providing compensatory mitigation in advance of discharges (except as noted below) of dredged or fill material permitted within the Taunton River watershed under the Regulatory Program of the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, and also the Massachusetts Wetland Protection Act, administered by the Massachusetts Department of Environmental Protection. The wetlands to be altered consist of approximately 16 acres of existing, abandoned cranberry bogs that are no longer managed for agricultural production, and in which water levels are no longer regularly manipulated to irrigate harvestable crops.

Under Section 404 of the Clean Water Act, applicants for Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate those permitted wetland losses by creating, restoring, enhancing or, in exceptional circumstances, preserving wetlands, on or near the site(s) of impact. The proposed wetland mitigation bank would provide the Corps and the regulated public an additional option for compensatory mitigation of wetland losses.

Applicants proposing to discharge dredged or fill material into waters of the United States, including wetlands, and to compensate for those aquatic resource losses at the mitigation bank, will be subject to the same level of review and scrutiny as other applicants, and will still be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable, in accordance with the U.S. Environmental Protection Agency Guidelines for the Specification of Disposal Sites for Dredged or Fill Material at Title 40 of the Code of Federal Regulations, Part 230. Use of the mitigation bank will be permitted by the Corps only if the Corps determines

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that it is environmentally preferable to on-site mitigation, or if it is appropriate to use a combination of on-site mitigation and the proposed mitigation bank.

Further, Corps authorization for use of the wetland mitigation bank in lieu of on-site mitigation does not supersede any other State or local governmental authority, and it is anticipated that use of the mitigation bank in individual cases will only proceed if all other state and local requirements for use are also met.

Permittees who are permitted to use the mitigation bank to compensate for wetland losses will be required to purchase credits from Blue Wave Capital, LLC. The number and types of credits to be purchased will be determined by the Corps and State and local jurisdictions on a case-by-case basis.

Blue Wave Capital, LLC has requested authorization to sell up to 30% of anticipated credits prior to constructing the mitigation bank, in order to finance its construction. Thereafter, additional credits may be sold only after construction is completed in accordance with the schedule outlined in the Prospectus.

Blue Wave Capital has submitted a report titled, "Taunton River Watershed Pilot Wetlands Mitigation Bank Prospectus" (hereinafter, "Prospectus") for the construction of the mitigation bank. The Corps is hereby seeking comments on the Prospectus as well as the proposed issuance of a Department of the Army Standard Permit for the proposed work. A complete copy of the prospectus is attached to this notice.

In order to ensure sufficient opportunity for public involvement regarding this proposal, the Corps and the Massachusetts Executive Office of Environmental Affairs will jointly hold a **Public Hearing, on December 14, 2006, 7:00 P.M. at Hanson Town Hall, Selectmen's Hearing Room, 542 Liberty Street, Hanson, Massachusetts 02341.** In addition to, or in lieu of, submitting written comments, all interested Federal, State and local agencies, interested public and private organizations and individuals are invited to attend this public hearing. Persons wishing to provide oral comments are required to register prior to the start of the hearing. **Registration begins at 6:00 P.M.; hearing begins at 7:00 P.M.** Time limitations may be imposed on all comments received during the hearing.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in abandoned cranberry bogs within the Massachusetts Division of Fisheries and Wildlife Burrage Pond Wildlife Management Area, off Hawks Avenue, Hanson, Massachusetts. The proposed location on the USGS Hanover quadrangle sheet is at UTM coordinates 4654335 N and 345819 E.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land

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use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. Comments will also be considered pursuant to the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (Federal Register Vol. 60, No. 228, November 28, 1995, pp 58605-58614).

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Alan Anacheka-Nasemann, PWS at (978) 318-8214, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

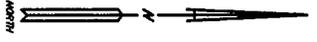
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

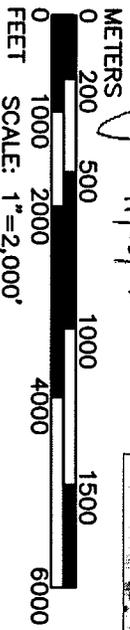
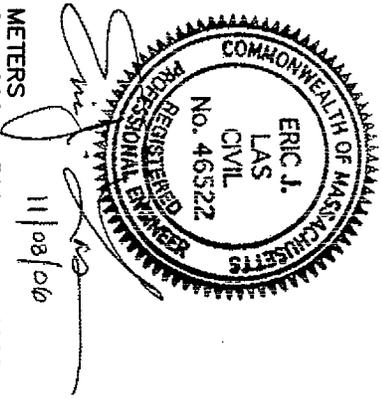
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____



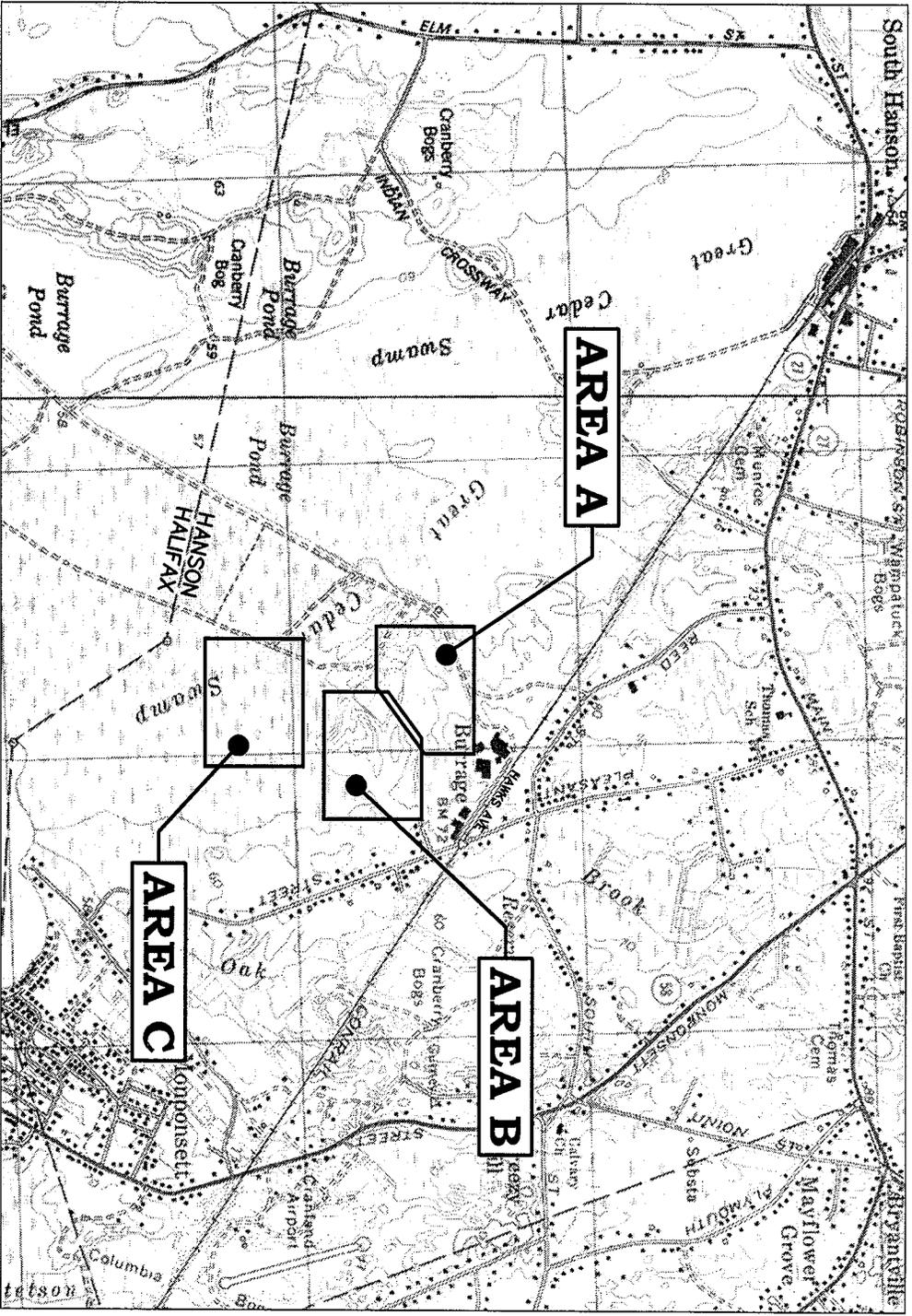
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BEALS AND THOMAS, INC.

Reservoir Corporate Center
 144 Turnpike Road (Route 9)
 Southborough, Massachusetts 01772
 (508) 366-0560



VICINITY MAP
 42°01'43"N, 70°51'35"W
 U.S.G.S. TOWN OF WHITMAN AND TOWN OF HANOVER QUADRANGLES

**WETLAND BANKING PILOT
 VICINITY MAP / SHEET INDEX**

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

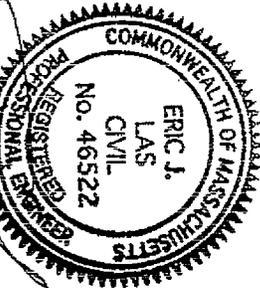
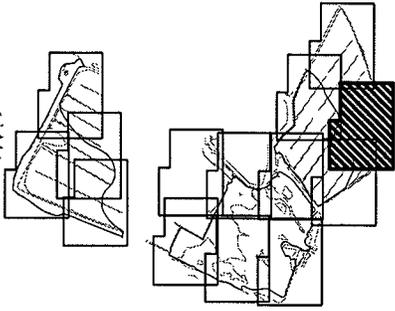
APPLICATION BY:
 BLUE/WAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

SHEET 1 of 26

OWNER:
 MASSACHUSETTS DIVISION OF
 FISHERIES AND WILDLIFE
 MAP 2, LOT 38

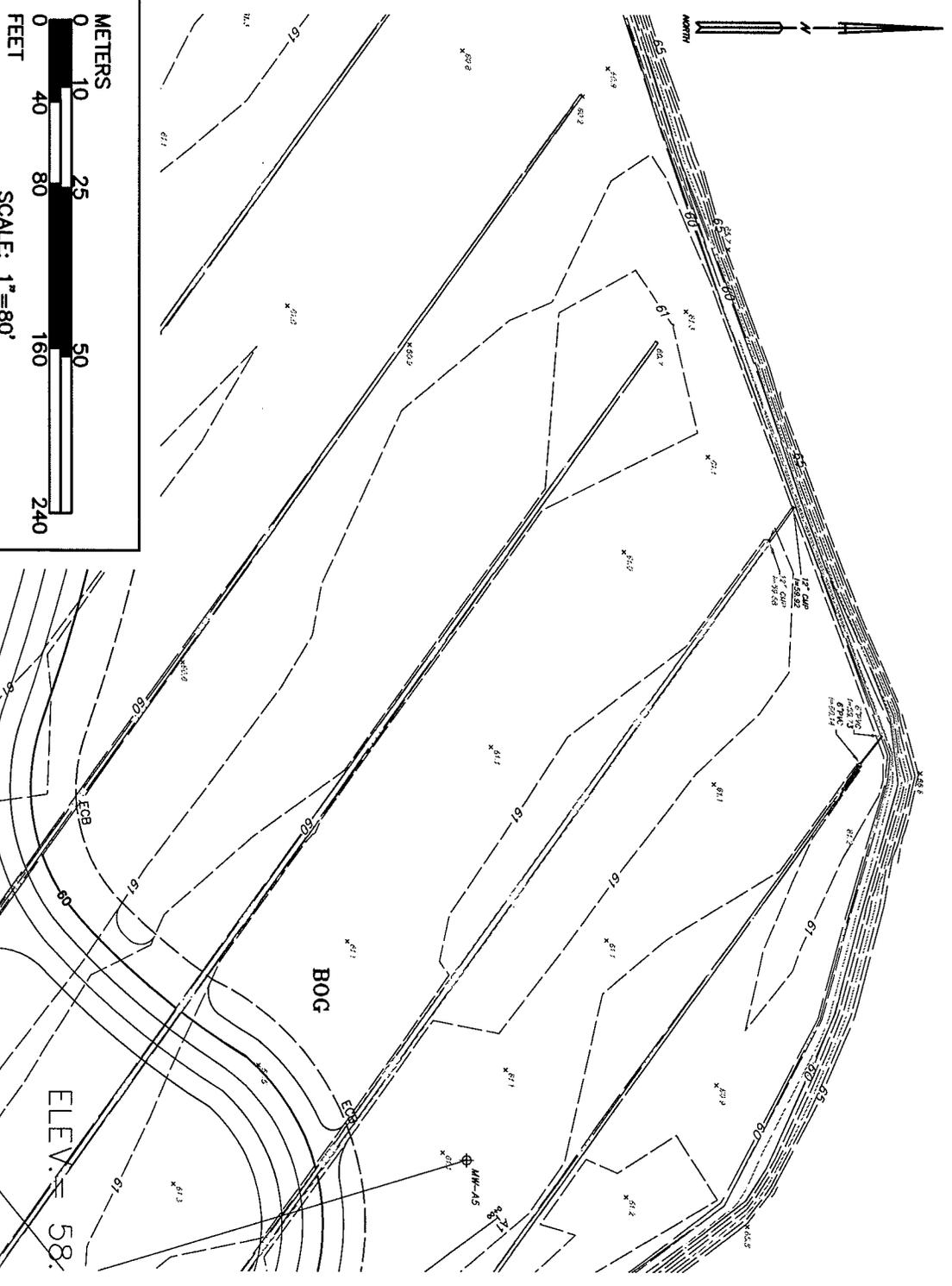
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**WETLAND BANKING PILOT
 PLAN VIEW**

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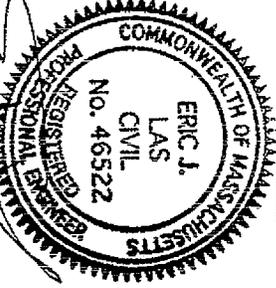
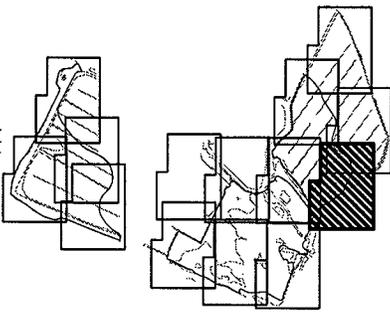
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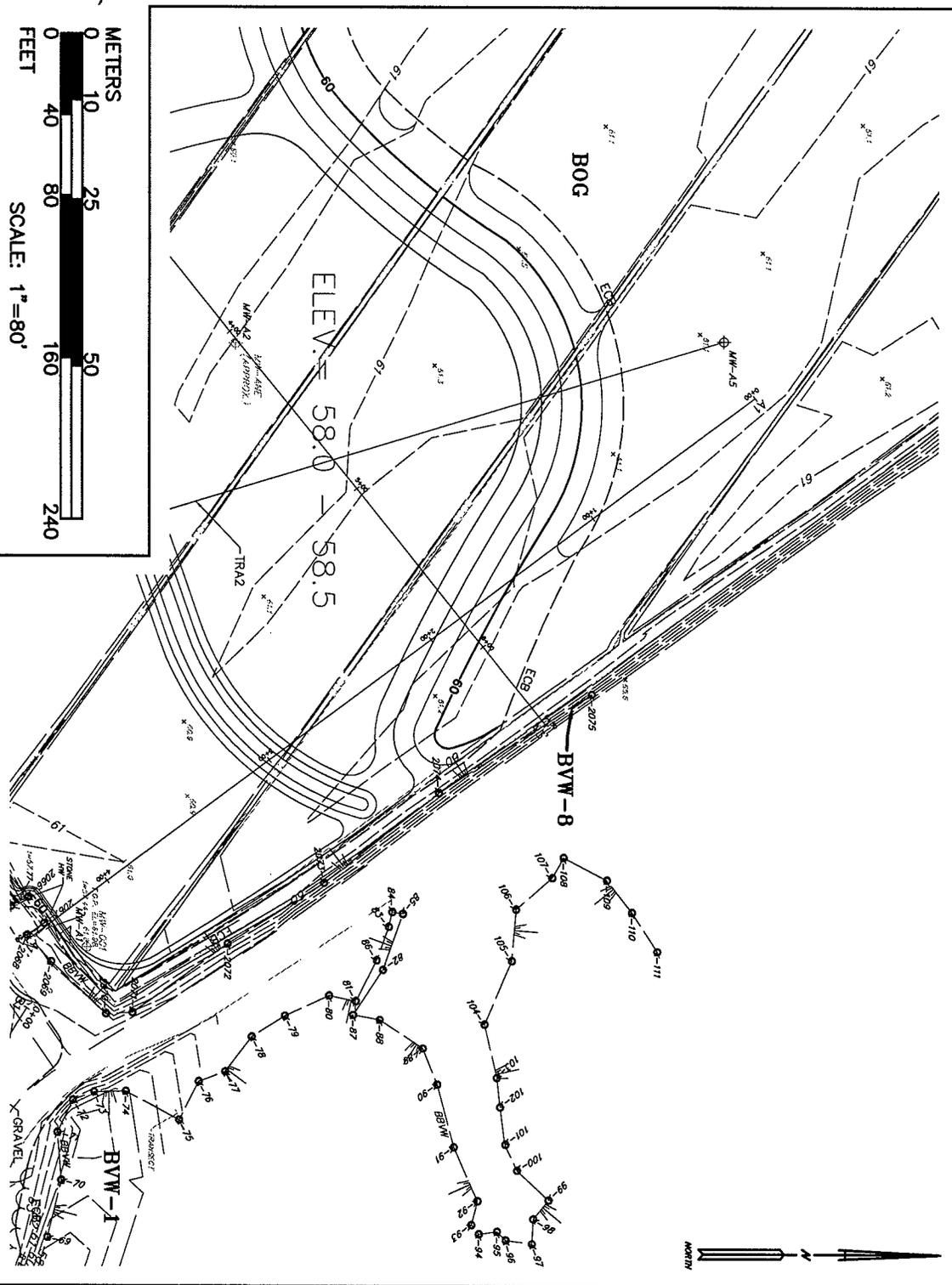
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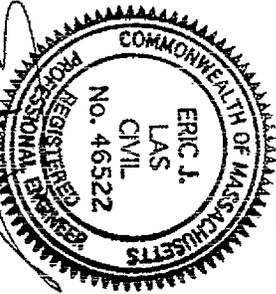
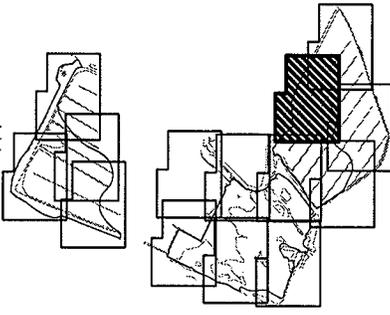
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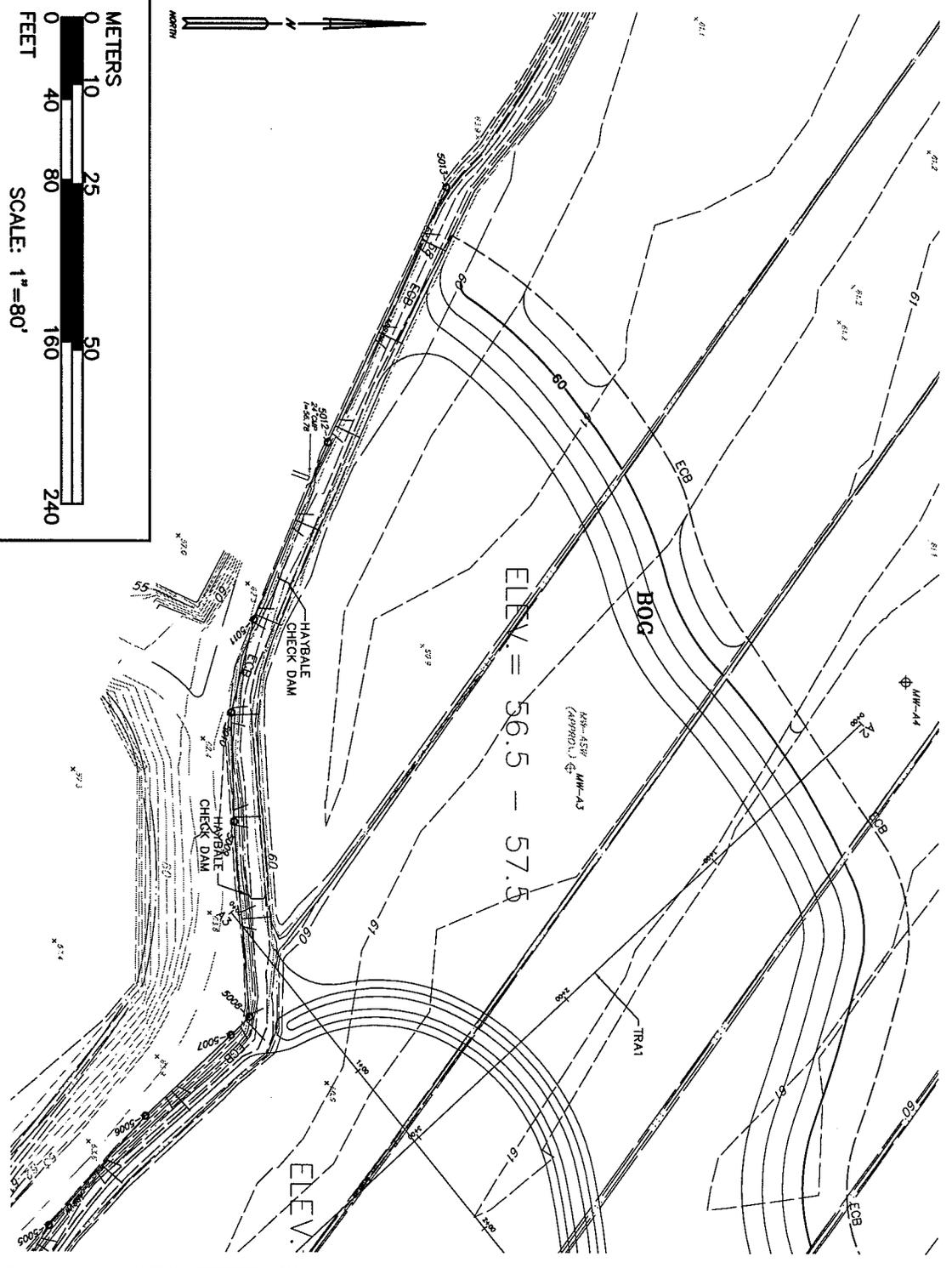
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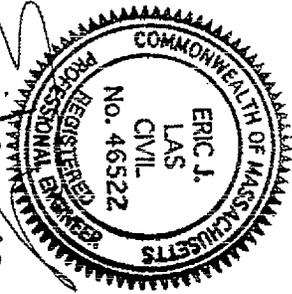
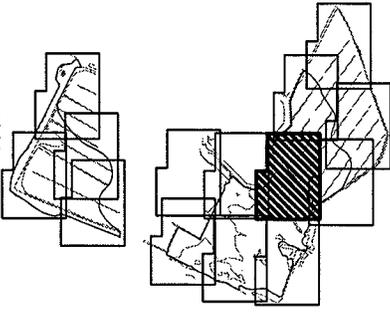
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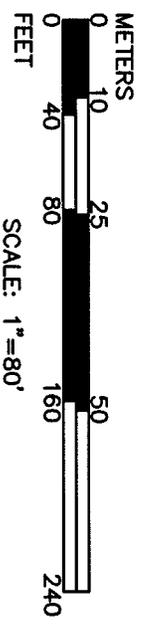
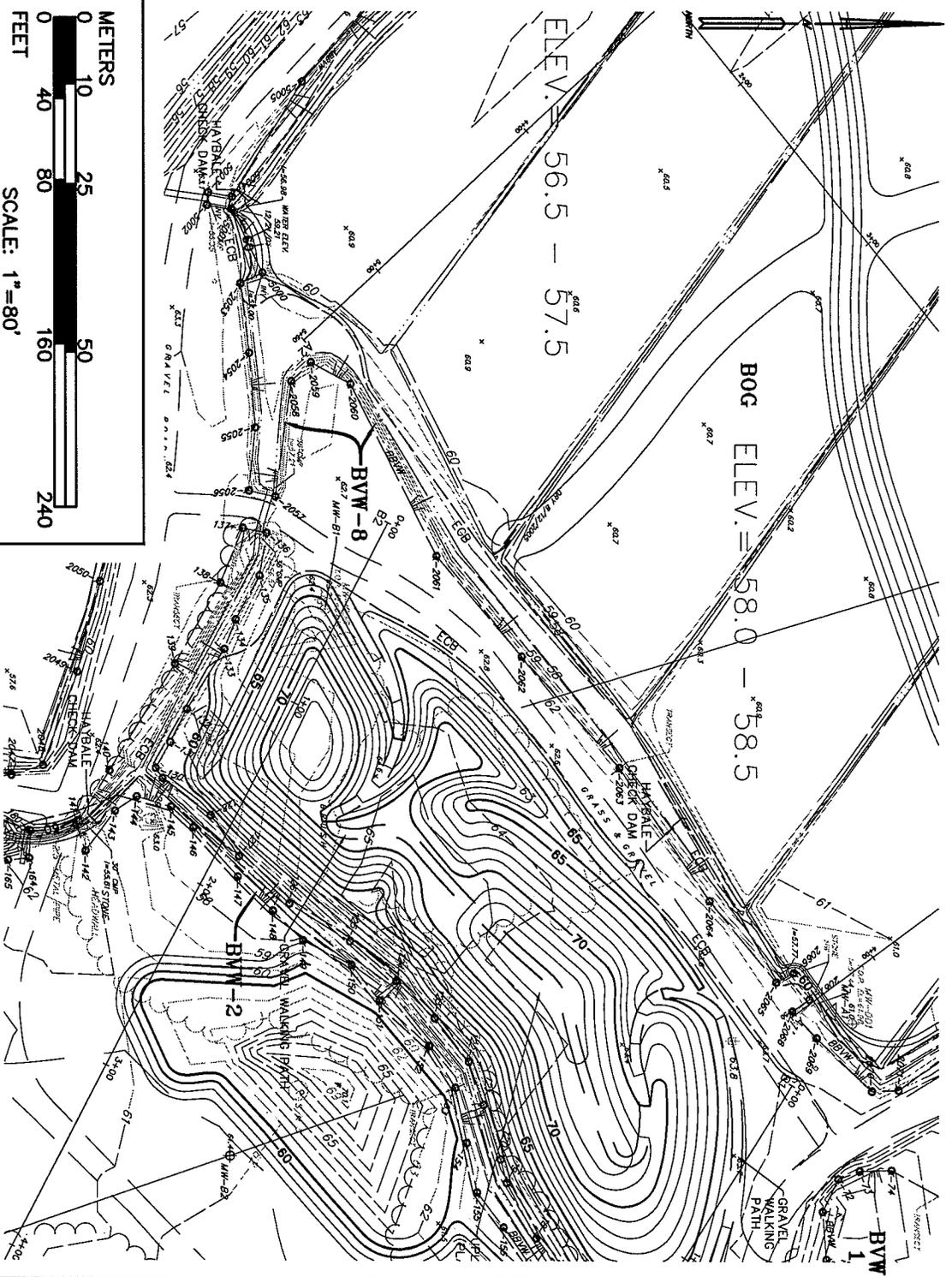
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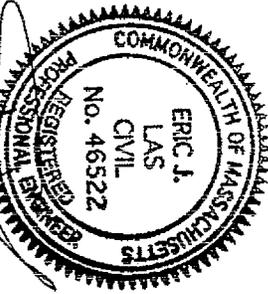
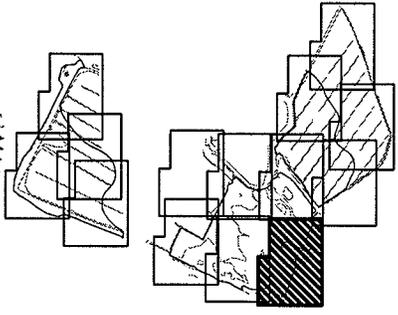
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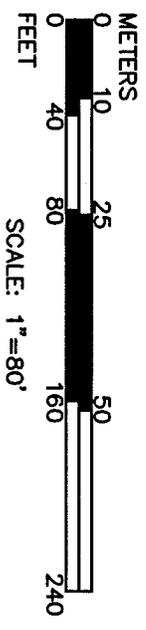
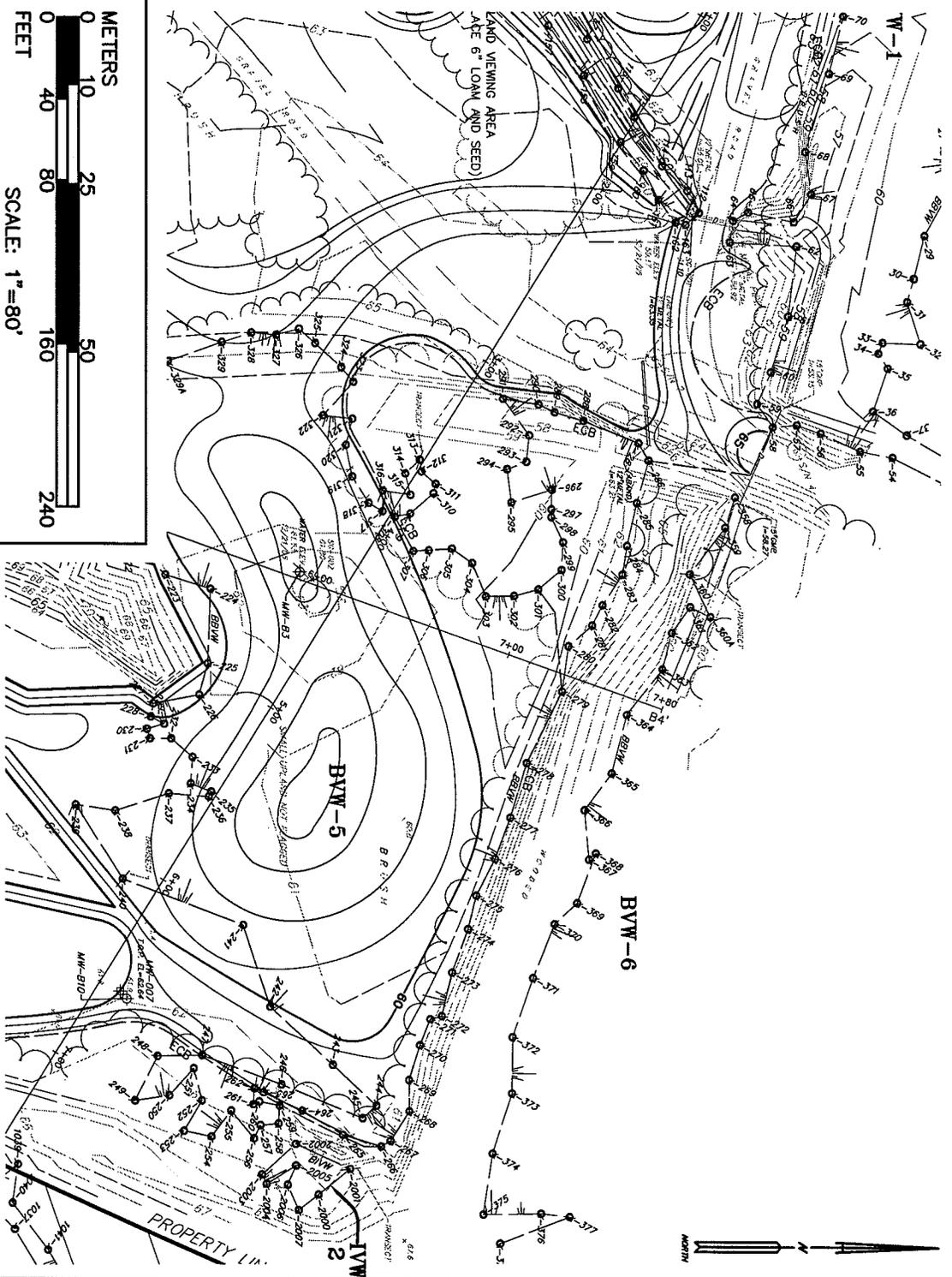
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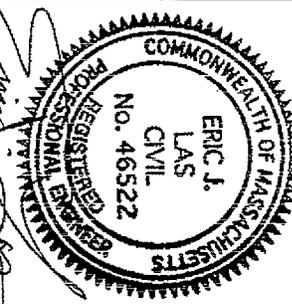
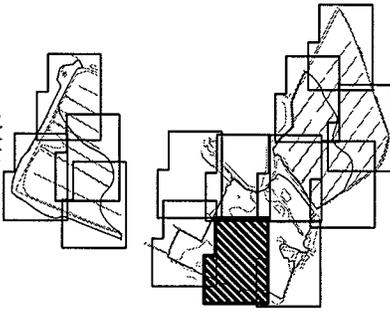
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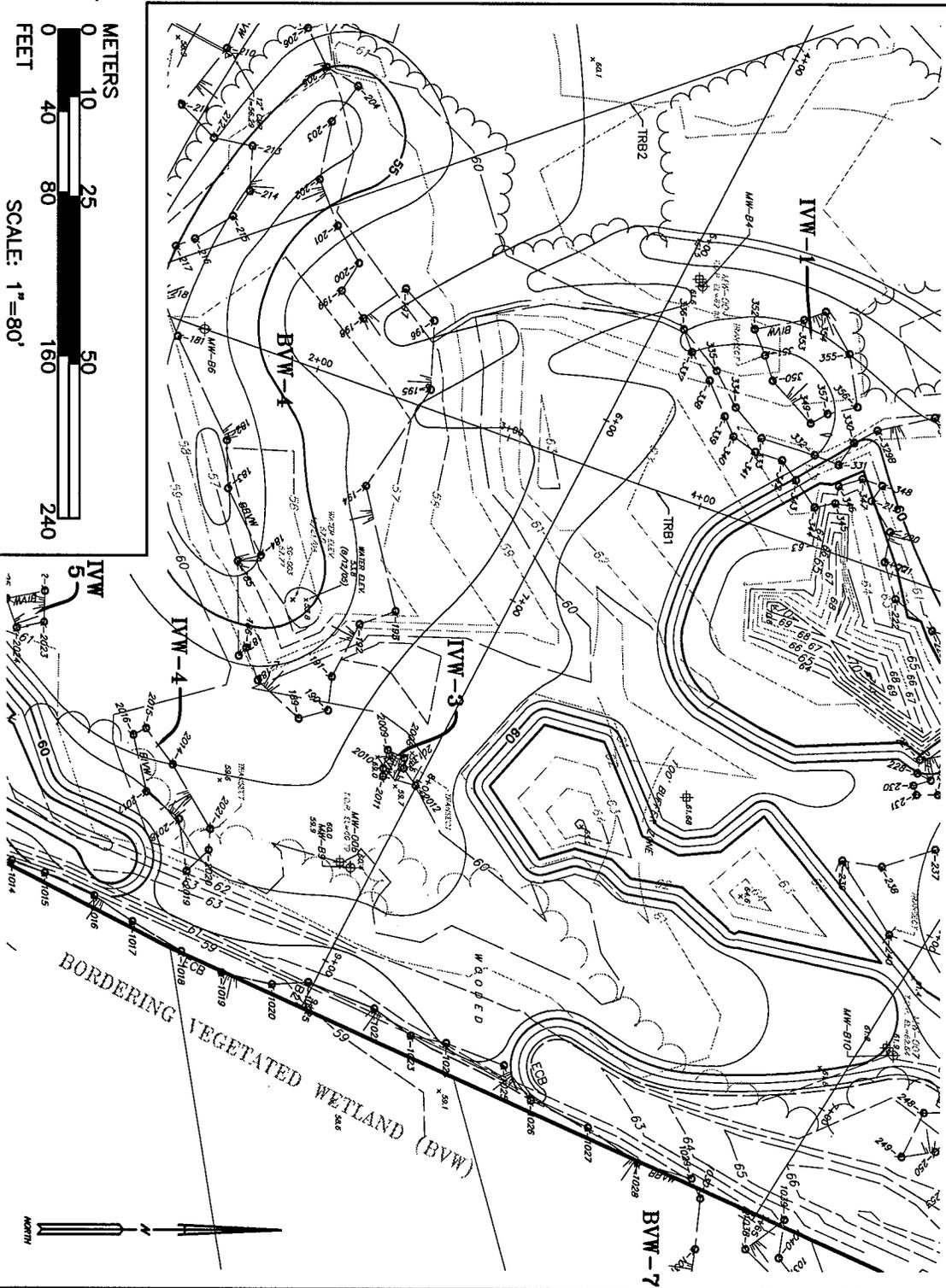


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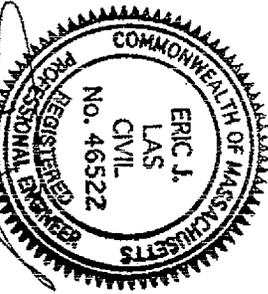
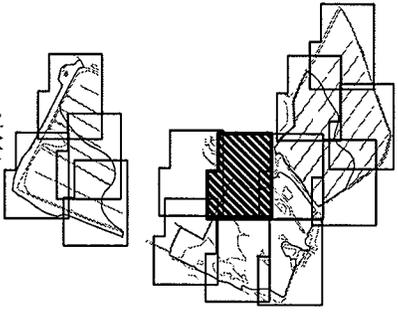
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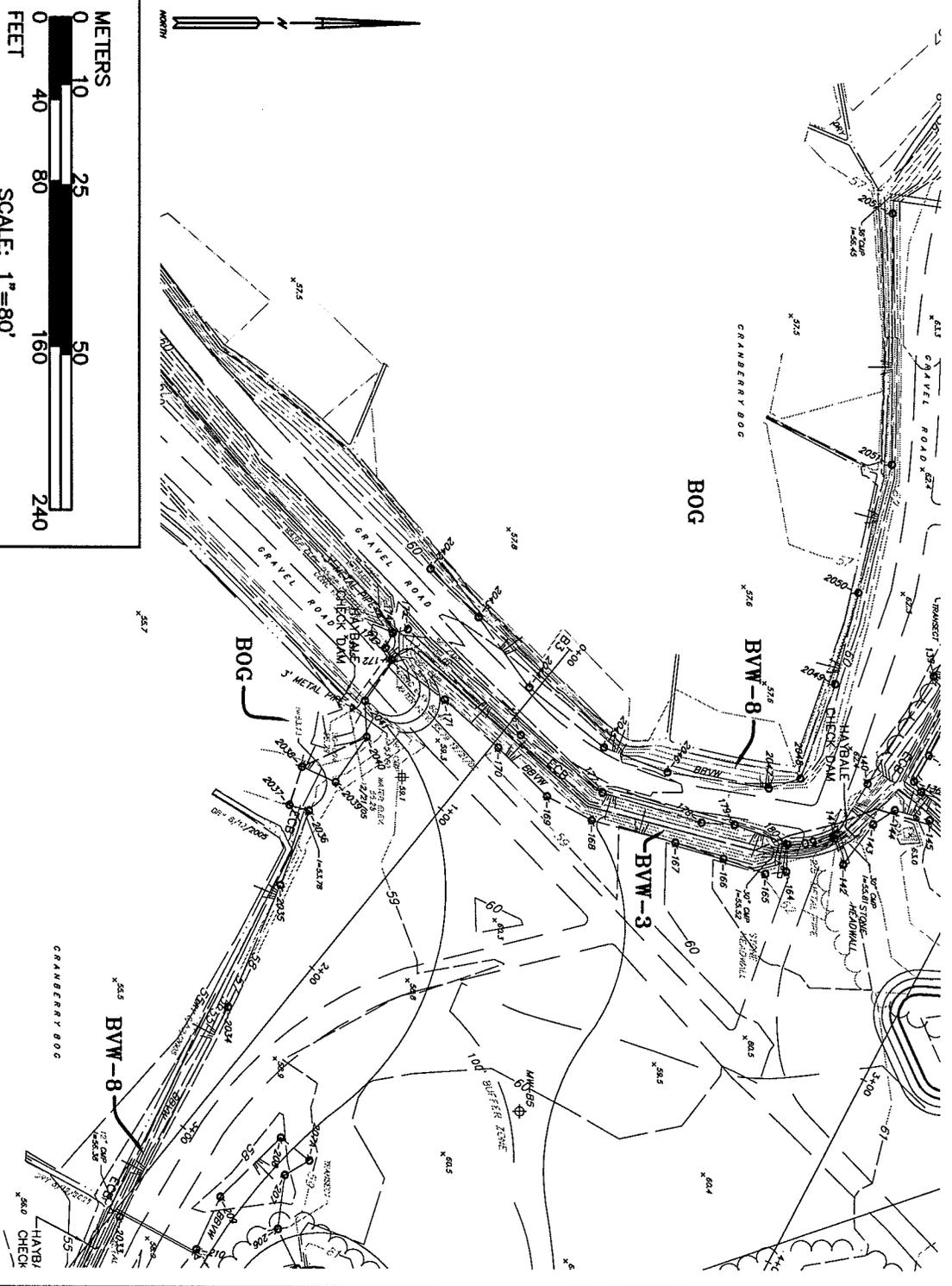
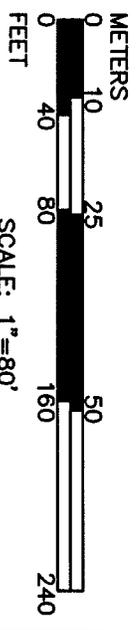
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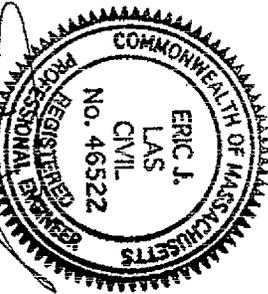
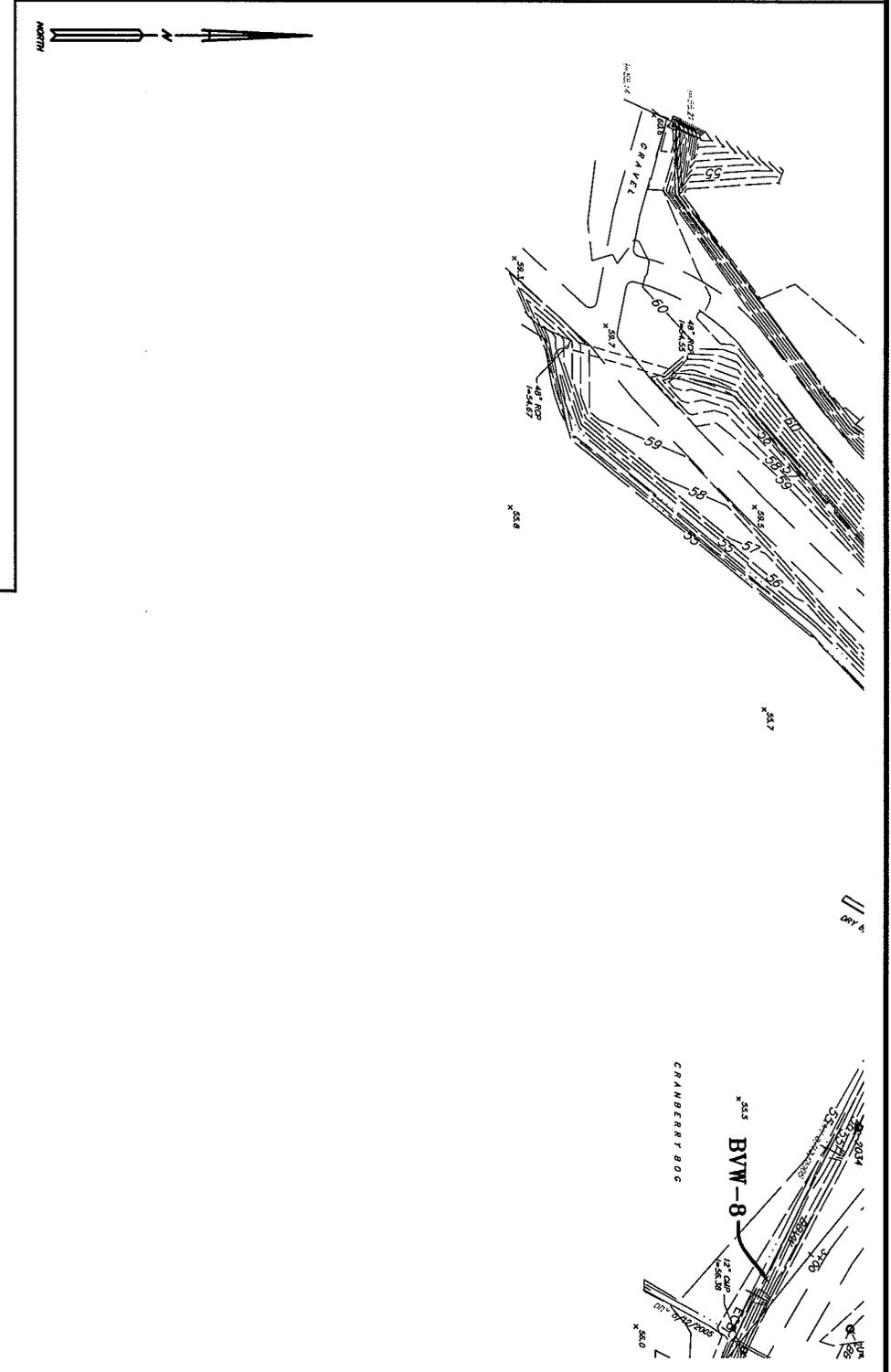
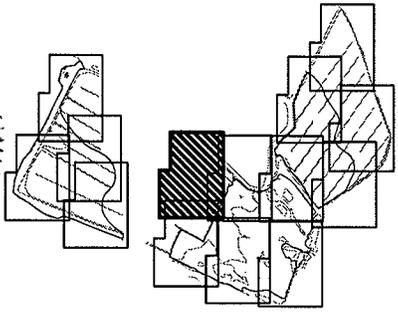
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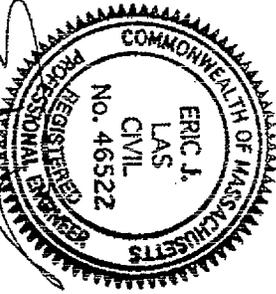
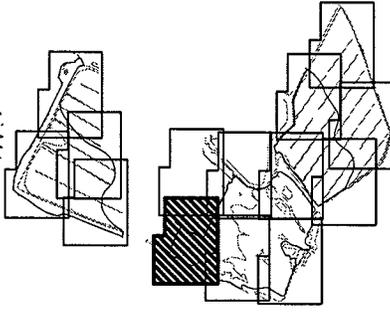
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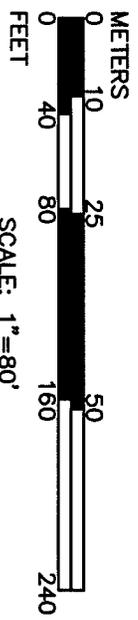
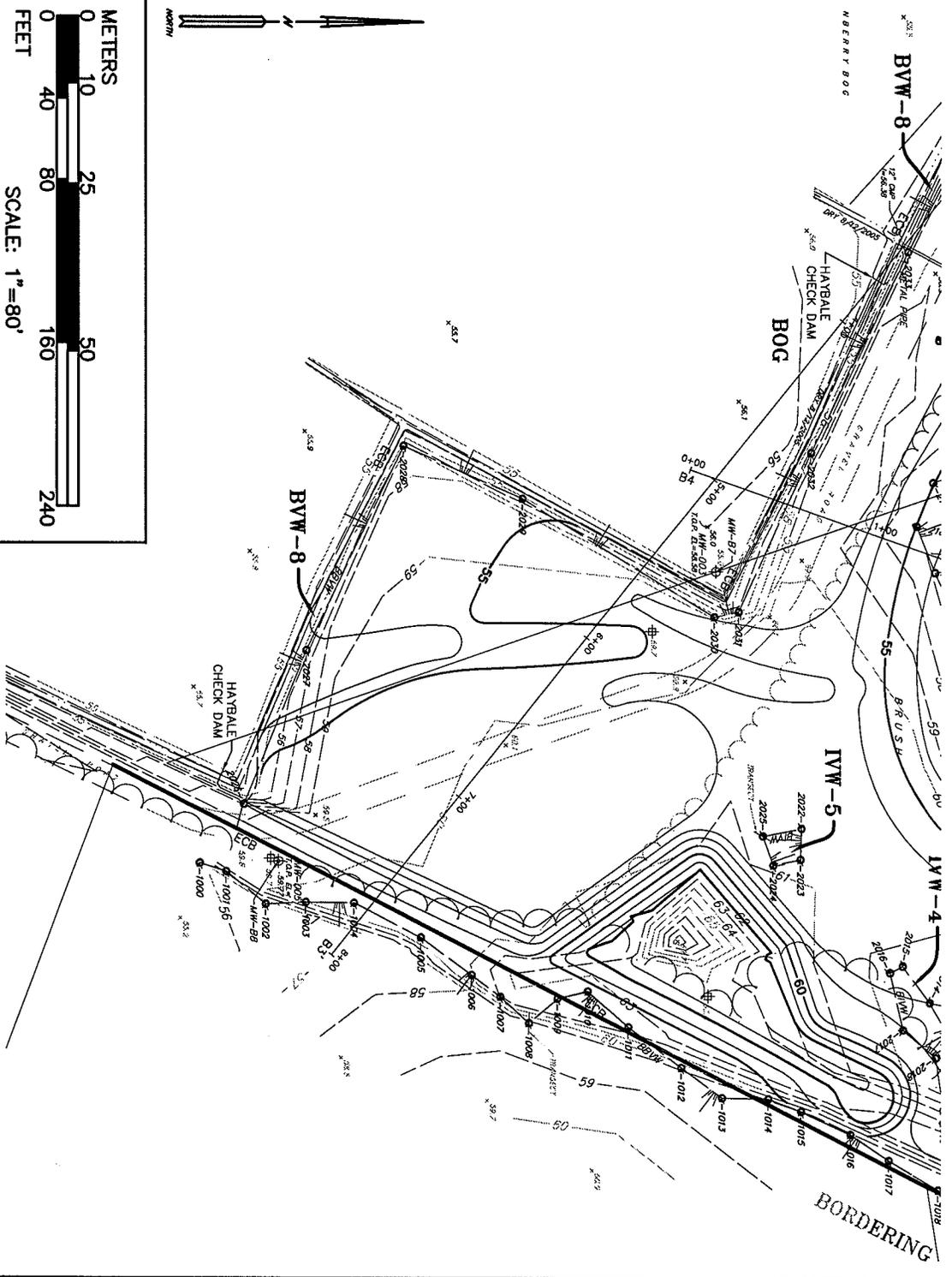
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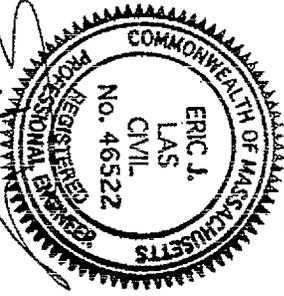
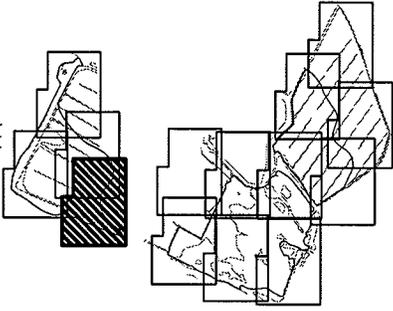
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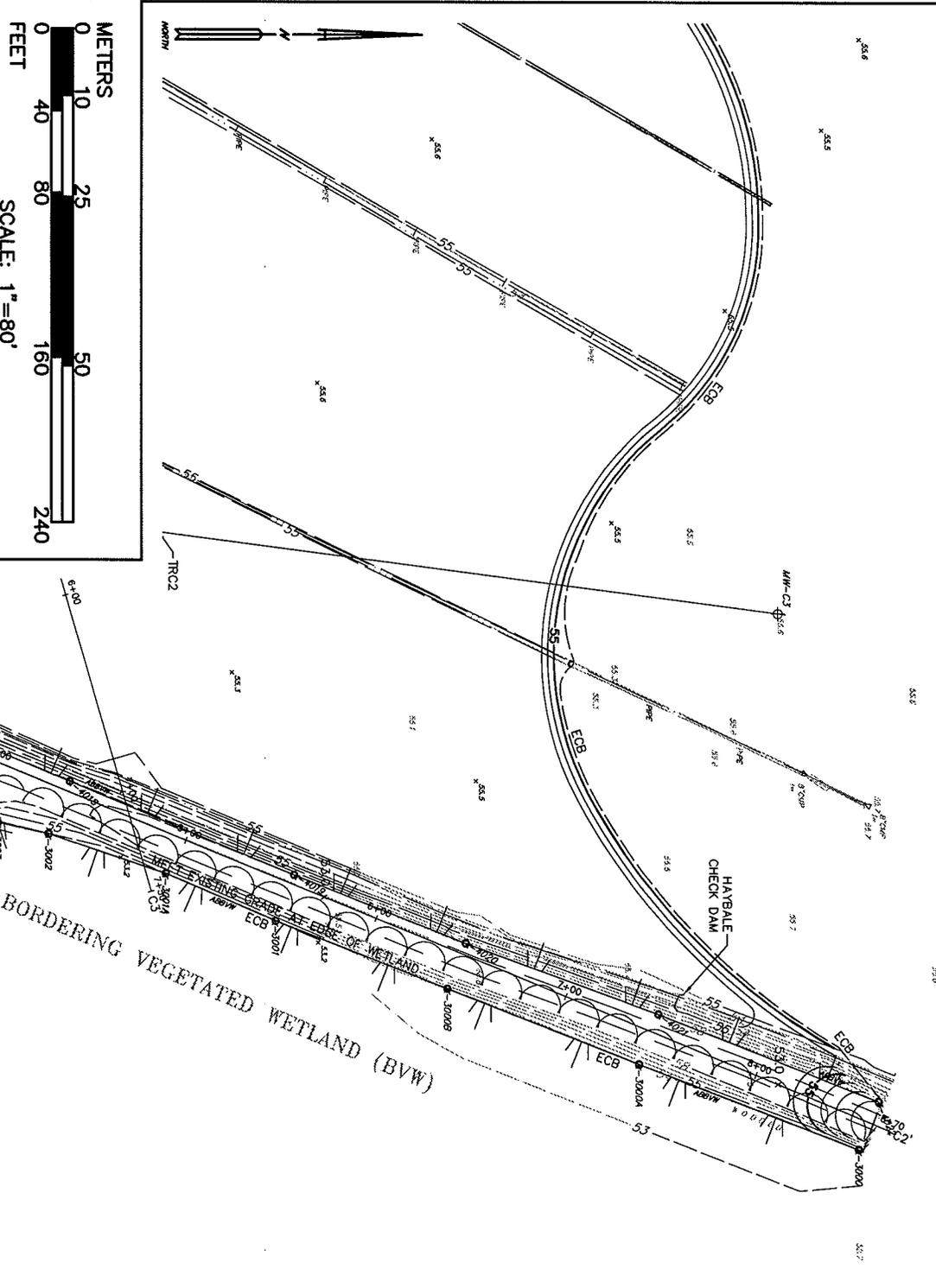
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BEALS AND THOMAS, INC.

Reservoir Corporate Center
 144 Turnpike Road (Route 9)
 Southborough, Massachusetts 01772
 (508) 366-0560



WETLAND BANKING PILOT PLAN VIEW

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

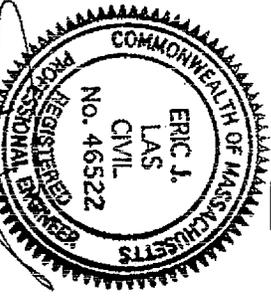
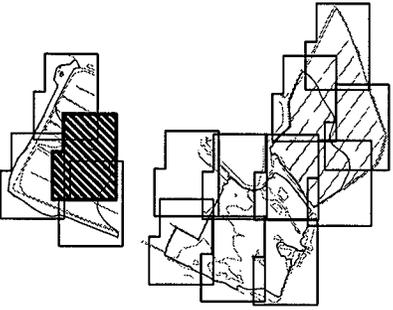
APPLICATION BY:
 BLUEWAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

SHEET 12 of 26

OWNER:
 MASSACHUSETTS DIVISION OF
 FISHERIES AND WILDLIFE
 MAP 2, LOT 38

INDEX MAP:
 NOT TO SCALE

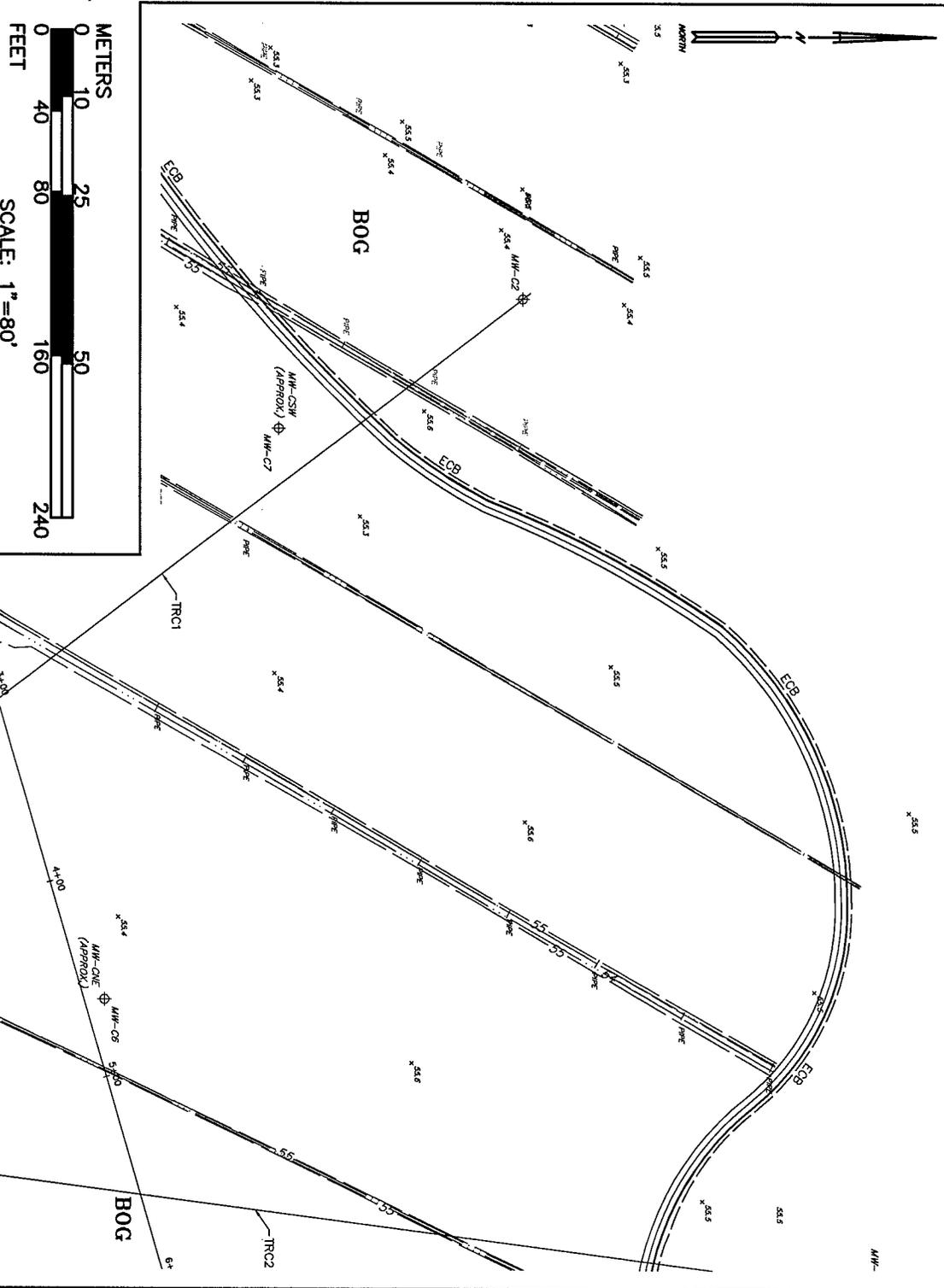


SEE SHEET 20 FOR
 NOTES AND LEGEND

11/08/06

BEALS AND THOMAS, INC.

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WETLAND BANKING PILOT PLAN VIEW

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 TAUNTON RIVER WATERSHED
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 COMMONWEALTH OF MASSACHUSETTS

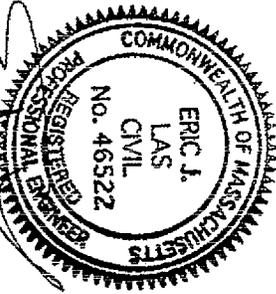
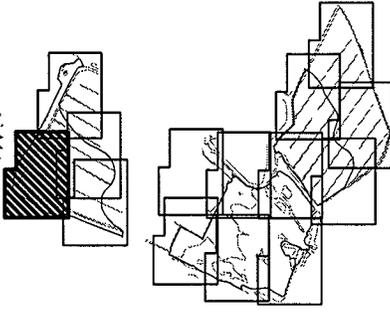
APPLICATION BY:
 BLUEWAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

SHEET 13 of 26

OWNER:
 MASSACHUSETTS DIVISION OF
 FISHERIES AND WILDLIFE
 MAP 2, LOT 38

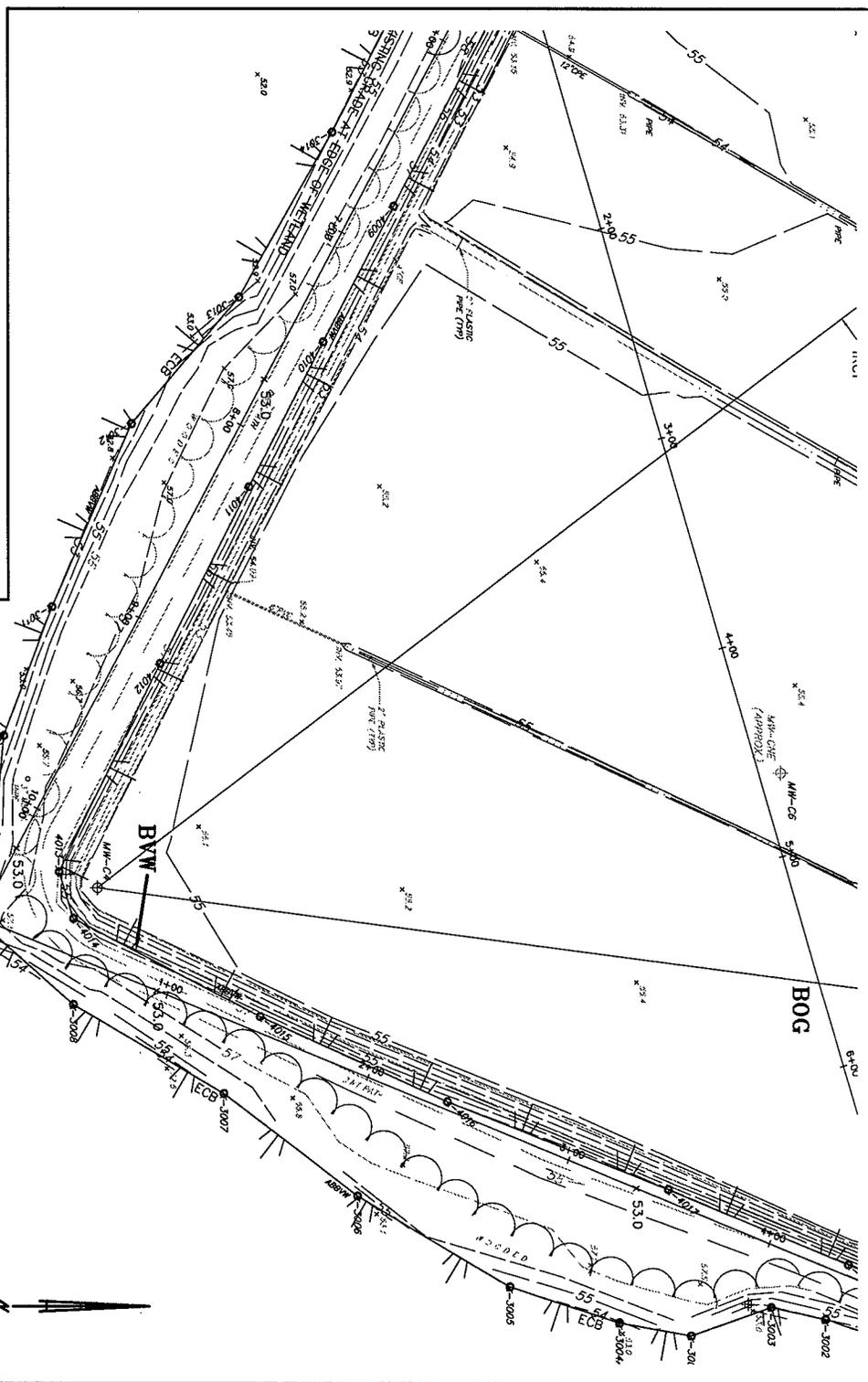
INDEX MAP:
 NOT TO SCALE



11/08/06
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 NOTES AND LEGEND

BEALS AND THOMAS, INC.

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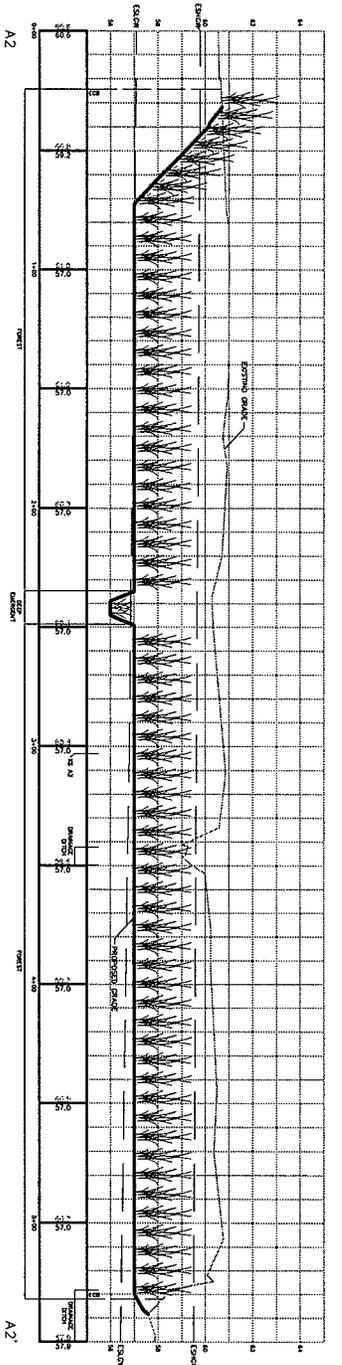
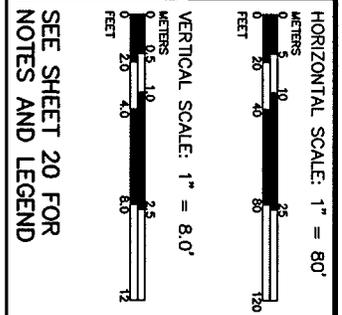
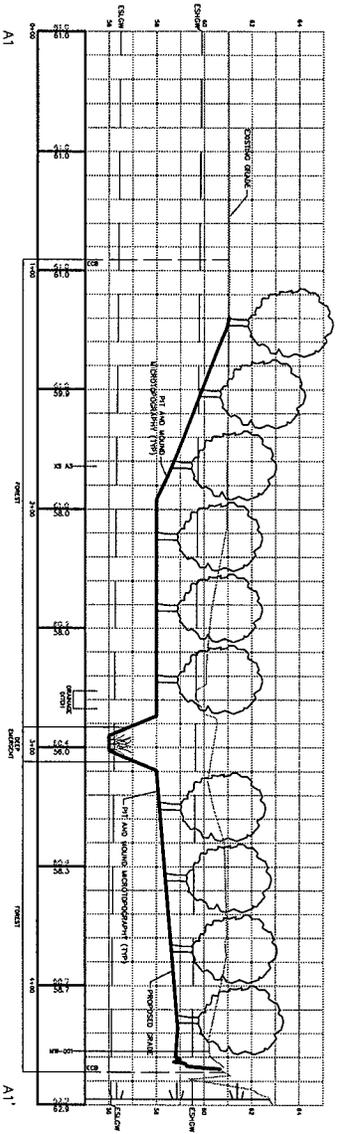
**WETLAND BANKING PILOT
 PLAN VIEW**

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

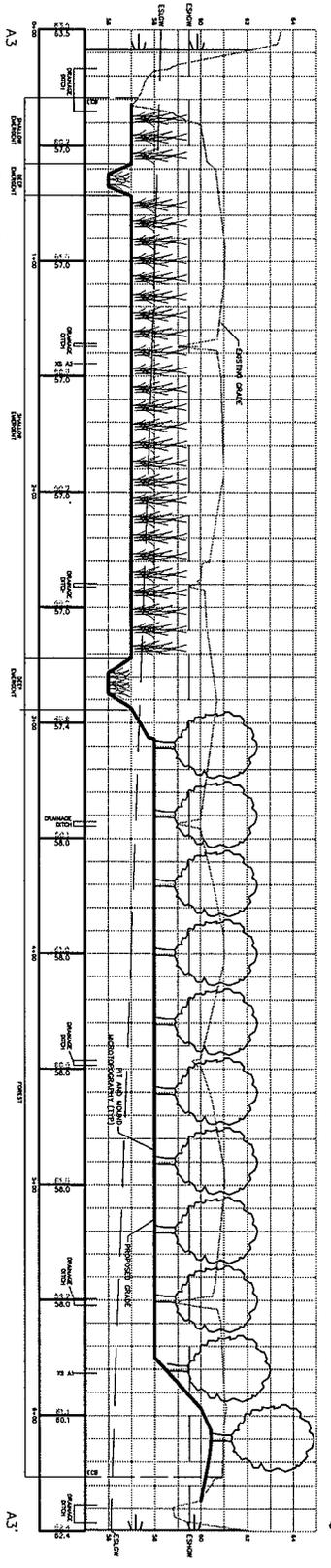
APPLICATION BY:
 BLUEWAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

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COMMONWEALTH OF MASSACHUSETTS
 REGISTERED PROFESSIONAL ENGINEER
 ERIC J. LAS
 L.A.S.
 CIVIL
 No. 46522
 11/08/06



BEALS AND THOMAS, INC.

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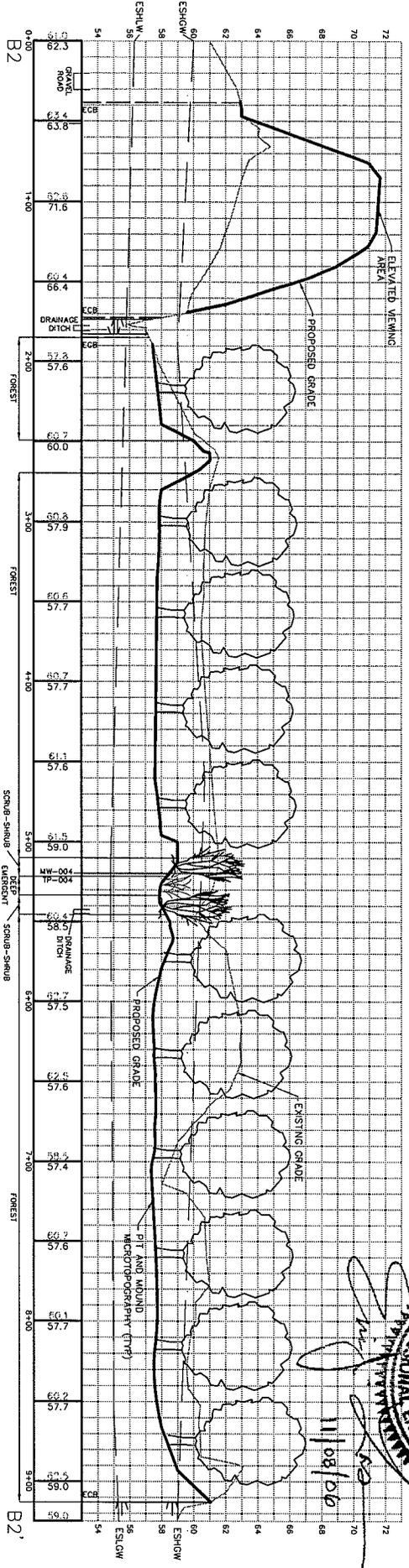
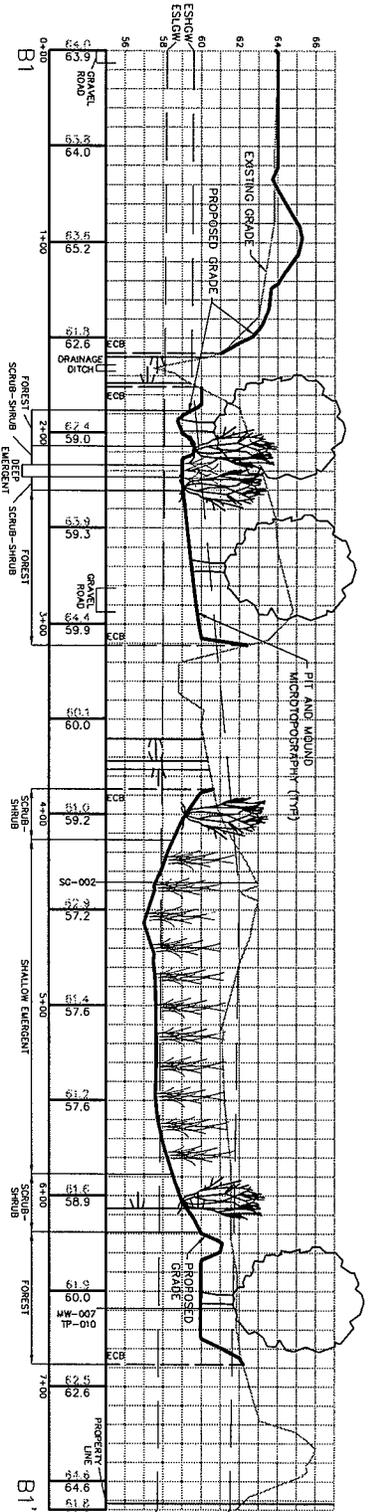
**WETLAND BANKING PILOT
 CROSS SECTION VIEW: AREA A**

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
 BLUEWAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

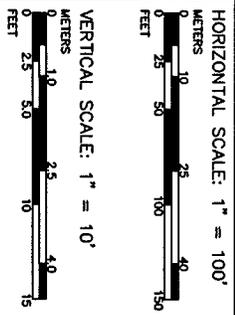
DATE: 11/08/06

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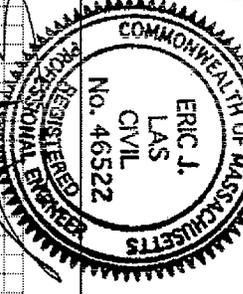


AREA B: CROSS-SECTION B1

AREA B: CROSS-SECTION B2



SEE SHEET 20 FOR NOTES AND LEGEND



11/08/06

BEALS AND THOMAS, INC.

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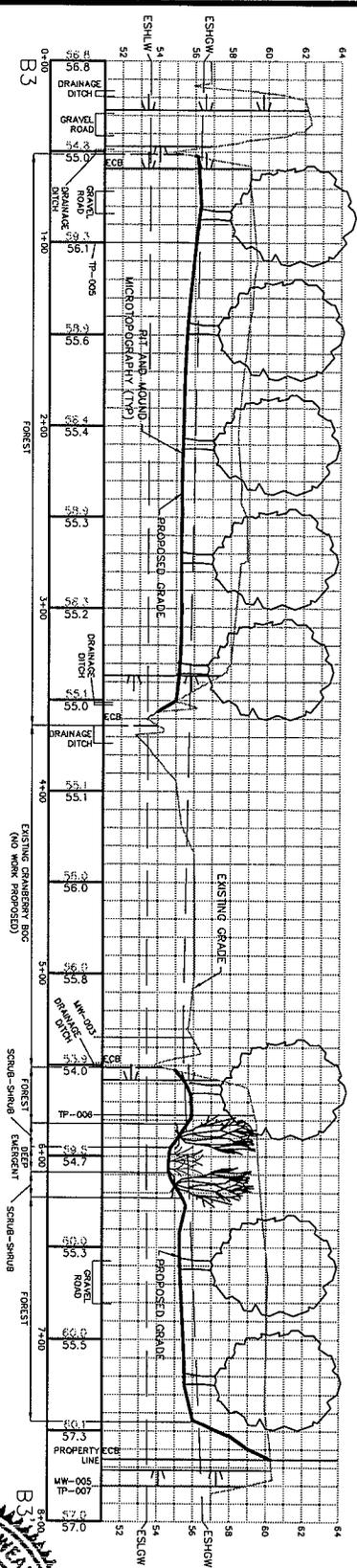
**WETLAND BANKING PILOT
 CROSS SECTION VIEW: AREA B**

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

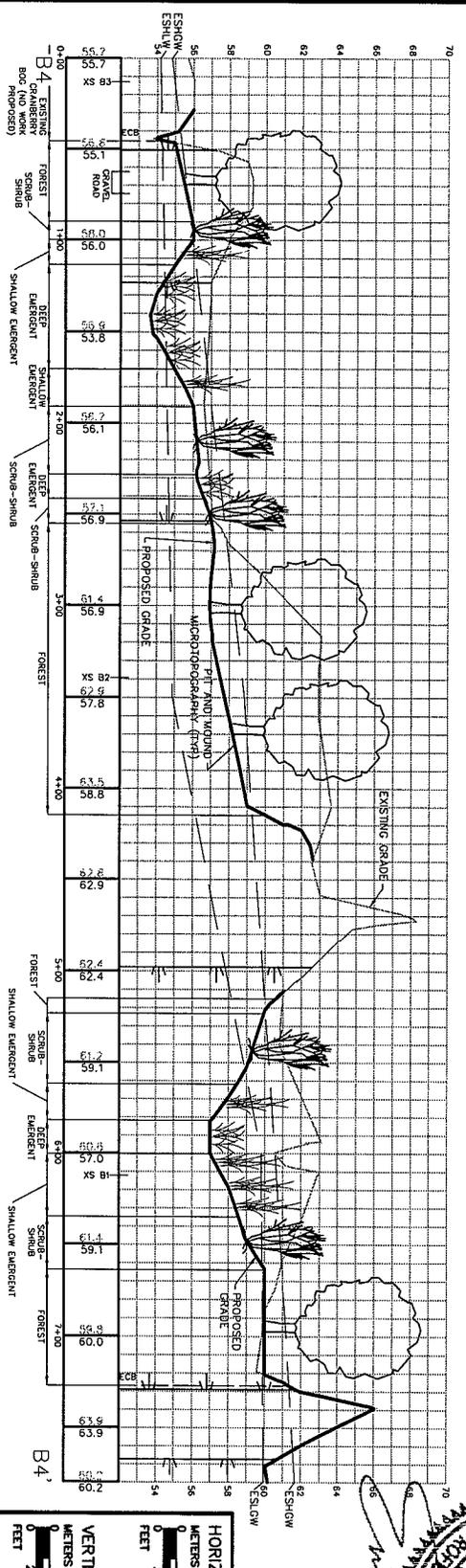
APPLICATION BY:
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 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

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AREA B: CROSS-SECTION B3



AREA B: CROSS-SECTION B4

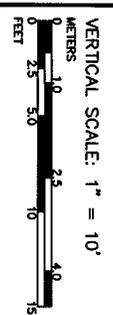
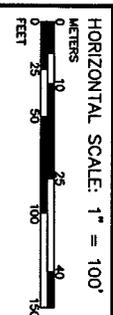
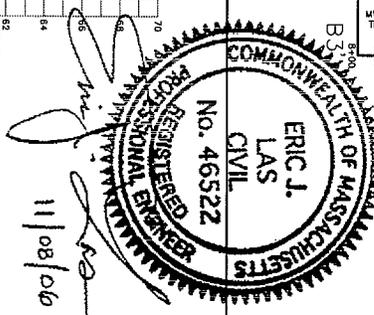
BEALS AND THOMAS, INC.

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WETLAND BANKING PILOT CROSS SECTION VIEW: AREA B

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

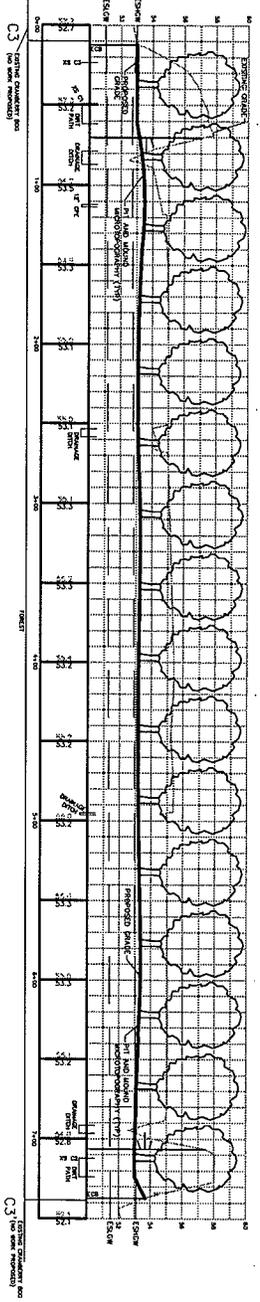
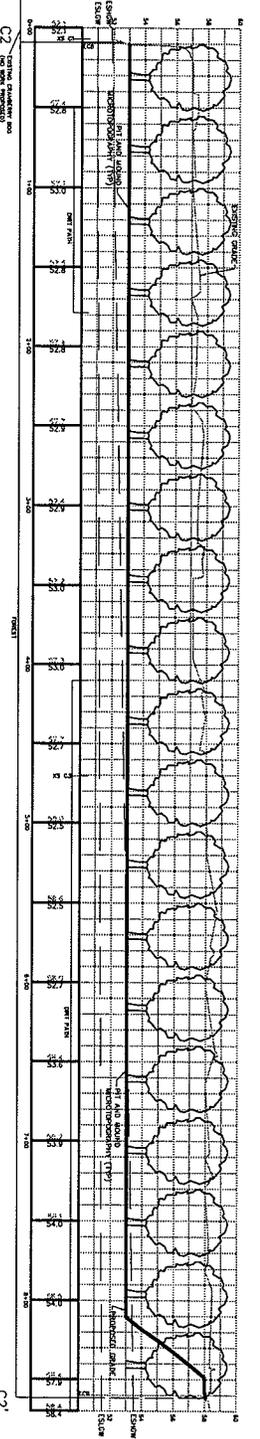
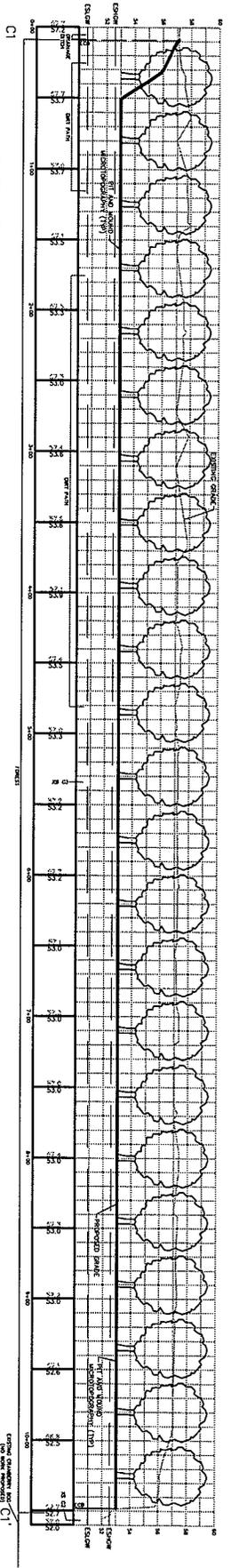
APPLICATION BY:
 BLUEWAVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS



SEE SHEET 20 FOR
 NOTES AND LEGEND

DATE: 11/08/06

SHEET 18 of 26



ERIC J. LAS CIVIL No. 46522 REGISTERED PROFESSIONAL ENGINEER COMMONWEALTH OF MASSACHUSETTS

11/08/06

HORIZONTAL SCALE: 1" = 120'
 METERS 0 30 60 120 180
 FEET 0 30 60 120 180

VERTICAL SCALE: 1" = 12'
 METERS 0 1.2 3.0 4.8
 FEET 0 3.0 6.0 12 18

SEE SHEET 20 FOR NOTES AND LEGEND

BEALS AND THOMAS, INC.

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WETLAND BANKING PILOT CROSS SECTION VIEW: AREA C

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
 BLUEVAIVE STRATEGIES, LLC
 137 NEWBURY STREET
 BOSTON, MASSACHUSETTS

DATE: 11/08/06

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AREA A PLANTING TABLE

WETLAND TYPE	COMMON NAME	LATIN NAME	WETLAND INDICATOR STATUS*	SIZE	NO. SPECIMENS PLANTED
Forested	Red Maple	Acer rubrum	FAC	18 - 24"	535
Forested	Tupelo	Nyssa sylvatica	FACW+	18 - 24"	268
Forested	Eastern Hemlock	Tsuga canadensis	FACU**	18 - 24"	268
Forested	Inkberry	Ilex glabra	FACW-	18 - 24"	180
Forested	Winterberry	Ilex verticillata	FACW+	18 - 24"	180
Forested	High Bush Blueberry	Vaccinium corymbosum	FACW-	18 - 24"	180
Forested	Cinnamon Fern	Osmunda cinnamomea	FACW	plug	130
Shallow Emergent	Natural Revegetation				
Deep Emergent	Natural Revegetation				

* BASED ON "NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: MASSACHUSETTS 1988"

**LISTED AS A WETLAND INDICATOR IN THE WETLANDS PROTECTION ACT

AREA C PLANTING TABLE

WETLAND TYPE	COMMON NAME	LATIN NAME	WETLAND INDICATOR STATUS*	SIZE	NO. SPECIMENS PLANTED
Forested	Red Maple	Acer rubrum	FAC	18 - 24"	938
Forested	Grey Birch	Betula populifolia	FAC	18 - 24"	469
Forested	Atlantic White Cedar	Chamaecyparis thyoides	OBL	18 - 24"	938
Forested	Green Ash	Fraxinus pennsylvanica	FACW	18 - 24"	469
Forested	Tupelo	Nyssa sylvatica	FACW+	18 - 24"	469
Forested	Swamp White Oak	Quercus bicolor	FACW+	18 - 24"	469
Forested	Speckled Alder	Alnus rugosa	FACW+	18 - 24"	623
Forested	Silky Dogwood	Cornus amomum	FACW	18 - 24"	623
Forested	High Bush Blueberry	Vaccinium corymbosum	FACW-	18 - 24"	623
Forested	Jack-in-the-pulpit	Arisaema triphyllum	FACW-	plug	157
Forested	Boneset	Eupatorium perfoliatum	FACW+	plug	157
Forested	Royal Fern	Osmunda regalis	OBL	plug	157

* BASED ON "NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: MASSACHUSETTS 1988"

NOTE: PROPOSED PLANTINGS MAY BE GROUPED AT THE DISCRETION OF THE WETLAND SPECIALIST IN ORDER TO CREATE VARIOUS COVER TYPES.

BEALS AND THOMAS, INC.

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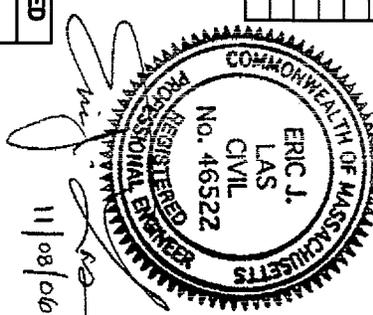
WETLAND BANKING PILOT PLANTING TABLES

WETLAND BANKING PILOT
TAUNTON RIVER WATERSHED
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEWAVE STRATEGIES, LLC
137 NEWBURY STREET
BOSTON, MASSACHUSETTS

DATE: 11/08/06

SHEET 20 of 26



AREA B PLANTING TABLE

WETLAND TYPE	COMMON NAME	LATIN NAME	WETLAND INDICATOR STATUS*	SIZE	NO. SPECIMENS PLANTED
Forested	Red Maple	Acer rubrum	FAC	18-24"	1385
Forested	Tupelo	Nyssa sylvatica	FACW+	18-24"	693
Forested	Eastern Hemlock	Tsuga canadensis	FACU**	18-24"	693
Forested	Indeberry	Ilex glabra	FACW-	18-24"	463
Forested	Winterberry	Ilex verticillata	FACW+	18-24"	463
Forested	High Bush Blueberry	Vaccinium corymbosum	FACW-	18-24"	463
Forested	Cinnamon Fern	Osmunda cinnamomea	FACW	18-24"	350
Scrub-Shrub	Speckled Alder	Alnus rugosa	FACW+	18-24"	69
Scrub-Shrub	Silky Dogwood	Cornus amomum	FACW	18-24"	69
Scrub-Shrub	Red-osier Dogwood	Cornus sericea	FACW+	18-24"	69
Scrub-Shrub	Indeberry	Ilex glabra	FACW-	18-24"	69
Scrub-Shrub	Winterberry	Ilex verticillata	FACW+	18-24"	69
Scrub-Shrub	Swamp Azalea	Rhododendron viscosum	OBL	18-24"	69
Scrub-Shrub	Black Willow	Salix nigra	FACW+	18-24"	69
Scrub-Shrub	High Bush Blueberry	Vaccinium corymbosum	FACW-	18-24"	69
Scrub-Shrub	Southern Arrow-wood	Viburnum dentatum	FAC	18-24"	69
Shallow Emergent	Marsh Marigold	Caltha palustris	OBL	PLUG	334
Shallow Emergent	Bearded Sedge	Carex comosa	OBL	PLUG	334
Shallow Emergent	Fox Sedge	Carex vulpinoidea	OBL	PLUG	334
Shallow Emergent	Bonaset	Eupatorium perfoliatum	FACW+	PLUG	334
Shallow Emergent	Soft Rush	Juncus effusus	FACW+	PLUG	334
Shallow Emergent	Cardinal Flower	Labella cardinalis	FACW+	PLUG	334
Shallow Emergent	Hard-stem Bulrush	Scirpus atrovirens	OBL	PLUG	334
Shallow Emergent	Green Bulrush	Scirpus cyperinus	FACW+	PLUG	334
Shallow Emergent	Woodgrass	Scirpus validus	OBL	PLUG	334
Shallow Emergent	Soft Stem Bulrush	Scirpus torreyana	FACW	PLUG	334
Shallow Emergent	Steeple-bush	Acorus calamus	OBL	PLUG	600
Deep Emergent	Sweet Flag	Atisma plantago-aquatica	OBL	PLUG	600
Deep Emergent	Water Plantain	Cephalanthus occidentalis	OBL	PLUG	600
Deep Emergent	Burtonbush	Iris versicolor	OBL	PLUG	600
Deep Emergent	Blue Flag Iris	Peltandra virginica	OBL	PLUG	600
Deep Emergent	Arrow Arum	Sagittaria latifolia	OBL	PLUG	600
Deep Emergent	Broadleaf Arrowhead	Zizania aquatica	OBL	PLUG	600
Deep Emergent	Wild Rice				

* BASED ON "NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: MASSACHUSETTS 1988"
 **LISTED AS A WETLAND INDICATOR IN THE WETLANDS PROTECTION ACT

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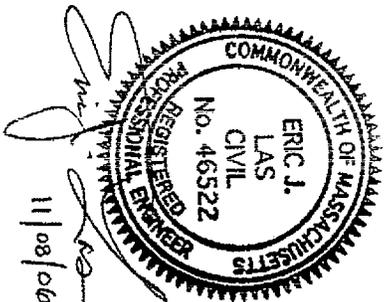
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WETLAND BANKING PILOT
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APPLICATION BY:
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 157 NEWBURY STREET
 BOSTON, MASSACHUSETTS

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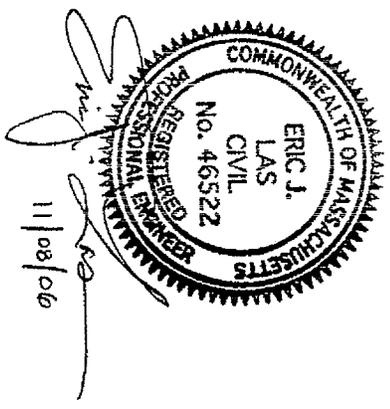
LEGEND:

	DRAINAGE PIPE
	HEAD WALL
	MONITORING WELL
	TEST PIT
	STAFF GAUGE
	TREE LINE
	LOCATION OF ISOLATED VEGETATED WETLAND
	LOCATION OF BOUNDARY OF BORDERING VEGETATED WETLAND
	LOCATION OF APPROXIMATE BOUNDARY OF BORDERING VEGETATED WETLAND
	DEP BWV / ACOE TRANSECT
	100' BUFFER ZONE
	MINOR CONTOUR
	MAJOR CONTOUR
	SPOT ELEVATION
	EDGE OF WATER
	ABANDONED CONCRETE
	CORRUGATED METAL PIPE FOUND
	TOP OF PIPE ELEVATION
	REINFORCED CONCRETE PIPE
	STONE BOUND
	IRON PIN/IRON PIPE
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED SPOT ELEVATION
	EROSION CONTROL BARRIER (LIMIT OF WORK)

ESLOW	ESTIMATED SEASONAL HIGH GROUNDWATER
ESLOW	ESTIMATED SEASONAL LOW GROUNDWATER
MW-C2	PROPOSED MONITORING WELL
TRE2	VEGETATIVE TRANSECT

NOTES:

- 1) SURVEY BY ZEISS ELTA TOTAL STATION.
- 2) ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- 3) FIELD WORK PERFORMED ON OR BY AUGUST 2005 AND NOVEMBER 2006.
- 4) EXISTING TOPOGRAPHIC INFORMATION OBTAINED FROM THE FOLLOWING PLANS:
 - AREA A) PLAN ENTITLED "TOPOGRAPHIC PLAN" PREPARED BY BEALS AND THOMAS, INC., SCALE 1"=40', DATED 4/4/2006, REVISED 11/8/2006.
 - AREA B) PLAN ENTITLED "TOPOGRAPHIC PLAN" PREPARED BY BEALS AND THOMAS, INC., SCALE 1"=40', DATED 9/8/2005, REVISED 4/4/2006, REVISED 11/8/2006.
 - AREA C) PLAN ENTITLED "TOPOGRAPHIC PLAN" PREPARED BY BEALS AND THOMAS, INC., SCALE 1"=40', DATED 4/4/2006, REVISED 11/8/2006.
- 5) 62,140 CY AGRICULTURAL SAND AND BURIED ORGANICS (WITHIN CRANBERRY BOGS) TO BE DREDGED WITHIN EXISTING WETLANDS ON THE PROJECT SITE. REFER TO PROPOSED GRADING MATERIAL WILL BE REUSED ON SITE WITHIN THE ELEVATED WETLAND AREA AND STORED APPROPRIATELY IN OTHER UPLAND AREAS. DREDGED ORGANICS WILL BE REUSED WITHIN PROPOSED WETLANDS. THE NET DREDGED VOLUME (ACCOUNTING FOR BACKFILL WITH APPROPRIATE WETLAND SUBSTRATE) TOTALS 59,250 CY.
- 6) EROSION CONTROL BARRIER CONSISTING OF SILT FENCE AND STAKED HAYBALES WILL BE PLACED BETWEEN STOCKPILES, DISPOSAL AREAS AND WETLAND RESOURCE AREAS.
- 7) 700,700 SF OF EXISTING WETLAND WILL BE ENHANCED. 404,800 SF OF WETLAND WILL BE CREATED FROM EXISTING UPLAND.



THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION UNTIL ISSUED FOR CONSTRUCTION BY BEALS AND THOMAS, INC. BEALS AND THOMAS, INC. SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTORS EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPIING, RECORDING OR OTHERWISE WITHOUT THE PRIOR WRITTEN PERMISSION OF BEALS AND THOMAS, INC. EXCEPT THAT ANY REGULATORY AUTHORITY MAY REPRODUCE AND TRANSMIT COPIES AS REQUIRED IN CONJUNCTION WITH PERFORMANCE OF OFFICIAL BUSINESS UNDER ITS JURISDICTION. ANY MODIFICATIONS TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF BEALS AND THOMAS, INC. SHALL RENDER IT INVALID AND UNUSABLE.

BEALS AND THOMAS, INC.
 Reservoir Corporate Center
 144 Turnpike Road (Route 9)
 Southborough, Massachusetts 01772
 (508) 366-0560

WETLAND BANKING PILOT
 TAUNTON RIVER WATERSHED
 PLYMOUTH COUNTY
 COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEWAVE STRATEGIES, LLC
 157 NEWBURY STREET
 BOSTON, MASSACHUSETTS

**WETLAND BANKING PILOT
 LEGEND, NOTES AND DETAILS**

DATE: 11/08/06

SHEET 22 of 26

ADDITIONAL NOTES:

GENERAL NOTES

THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY CONSTRUCTION PERMITS. THE CONTRACTOR SHALL ALSO PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE SAME, AND COORDINATE WITH THE ENGINEER AND ARCHITECT AS REQUIRED.

CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.

LIMIT OF WORK SHALL BE EROSION CONTROL BARRIERS, LIMIT OF GRADING, SITE PROPERTY LINES, AND/OR AS INDICATED ON DRAWINGS.

PORTIONS OF THE ROADWAY AND ROADSIDE AREA DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO THEIR CONDITIONS PRIOR TO DISTURBANCE.

ANY ALTERATION TO THESE DRAWINGS MADE IN THE FIELD DURING CONSTRUCTION SHALL BE RECORDED BY THE CONTRACTOR ON RECORD DOCUMENTS.

ANY AREA OUTSIDE THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO COST TO OWNER.

EXISTING TREES AND SHRUBS OUTSIDE THE LIMITS OF GRADING SHALL BE REMOVED ONLY UPON PRIOR APPROVAL OF THE OWNER.

PROTECT EXISTING PROPERTY MONUMENTS AND ADJUTING PROPERTIES DURING CONSTRUCTION ACTIVITIES.

SOIL COMPACTION BY HEAVY MACHINERY SHOULD BE AVOIDED. WHERE SOILS HAVE BEEN COMPACTED BY HEAVY MACHINERY, DISKING WILL BE UNDERTAKEN TO LOOSEN THE SOIL SURFACE.

WETLAND CONSTRUCTION GUIDELINE

FLAG OR STAKE LIMITS OF WETLAND CREATION/ENHANCEMENT AREA.

OVER EXCAVATE AND REMOVE SOIL TO 12" BELOW FINAL GRADE ELEVATIONS AS NOTED. TO ACHIEVE FINAL GRADE, BACKFILL OVER EXCAVATION WITH TOPSOIL AS SPECIFIED BY THE WETLAND SCIENTIST. PEAT SOILS ENCOUNTERED DURING EXCAVATION MAY BE LEFT IN PLACE OR REUSED. IF TEMPORARY STOCKPILING OF WETLAND SOIL IS NECESSARY, MATERIAL MUST BE COVERED TO PREVENT LEACHING, MOISTURE LOSS AND SEDIMENT TRANSPORT.

EROSION CONTROL BARRIERS AS SPECIFIED ARE TO BE MAINTAINED THROUGHOUT AND FOLLOWING THE CONSTRUCTION PERIOD UNTIL THE WETLAND CREATION/ENHANCEMENT AREA BECOMES STABILIZED AND THEIR REMOVAL HAS BEEN AUTHORIZED BY THE WETLAND SPECIALIST OR CONSERVATION COMMISSION. DILAPIDATED HAY BALES AND/OR SILT FENCE SHALL BE REPLACED AS REQUIRED TO MAINTAIN THE INTEGRITY OF THE BARRIER.

WETLAND CONSTRUCTION GUIDELINE CONT.

UPON APPROVAL BY THE WETLAND SPECIALIST, PLANT SPECIFIED TREE, SHRUB AND/OR HERBACEOUS WETLAND PLANTINGS WITHIN THE DESIGNATED AREA(S) AS NOTED. FOLLOWING PLANTING, PLACE WETLAND SEED MIX THROUGHOUT THE WETLAND REPLACEMENT AREA AS SPECIFIED. SPACING OF WETLAND PLANTINGS AND SEEDING APPLICATION RATES SHALL BE DETERMINED BY THE WETLAND SPECIALIST. PRIOR TO PLANTING OR SEEDING, THE WETLAND SPECIALIST MUST APPROVE THE PLANT MATERIALS AND SEED MIXES.

WETLAND PLANTING AND SEEDING WILL PREFERABLY OCCUR DURING THE SPRING PLANTING PERIOD. DEVIATIONS FROM THE PLANTING SCHEDULE AND/OR APPROVED PLANTING LIST MUST BE APPROVED IN ADVANCE BY THE WETLAND SPECIALIST.

THE WETLAND REPLACEMENT AREA SHALL BE EVALUATED IN ACCORDANCE WITH THE FINAL MONITORING PLAN ACCEPTED BY THE CONSERVATION COMMISSION.

INCORPORATED BY REFERENCE ARE THE PROVISIONS OF THE SUBJECT ORDER OF CONDITIONS ISSUED BY THE CONSERVATION COMMISSION.

ANY PLANT INVASIVE SPECIES ENCOUNTERED DURING SITE PREPARATION AND EXCAVATION ARE TO BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION.

ALL PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERMEN, INC.

NO PLANT SHALL BE PLANTED BEFORE ACCEPTANCE OF FINE GRADING.

ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL ACCEPTANCE.

PEAT AND ORGANIC MATERIAL STRIPPED FROM ABANDONED BOGS ARE TO BE PROPERLY STOCKPILED AND USED FOR PREPARATION OF PROPOSED WETLAND AREA.

WETLAND CONSTRUCTION GUIDELINE CONT.

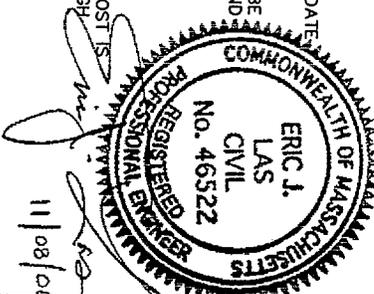
MANMADE TOPSOIL SHALL CONSIST OF A MIXTURE OF EQUAL VOLUMES OF ORGANIC AND MINERAL MATERIALS. WELL-DECOMPOSED CLEAN LEAF COMPOST IS THE PREFERRED SOIL AMENDMENT TO ACHIEVE THESE STANDARDS, ALTHOUGH OTHER SOIL AMENDMENTS MAY ALSO BE USED.

SOIL AMENDMENTS SHALL BE CLEAN AND FREE OF WEED SEEDS.

TOPSOIL TO BE USED WITHIN PROPOSED SCRUB-SHRUB AND FORESTED AREAS SHOULD HAVE ABOUT 12% ORGANIC CARBON.

TOPSOIL WITHIN PROPOSED EMERGENT WETLANDS SHOULD HAVE BETWEEN 4-6% ORGANIC CARBON.

NATURAL TOPSOIL PROPOSED TO BE USED FOR THE CREATION/ENHANCEMENT AREAS SHALL CONSIST OF AT LEAST 4-12% ORGANIC CARBON.



BEALS AND THOMAS, INC.

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Southborough, Massachusetts 01772
(508) 366-0560

**WETLAND BANKING PILOT
LEGEND, NOTES AND DETAILS**

WETLAND BANKING PILOT
TAUNTON RIVER WATERSHED
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEVAIVE STRATEGIES, LLC
137 NEWBURY STREET
BOSTON, MASSACHUSETTS

DATE: 11/08/06

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ADDITIONAL NOTES:

WETLAND CONSTRUCTION GUIDELINE CONT.

IRRIGATION EQUIPMENT MUST BE REMOVED AND IRRIGATION DISCONTINUED NO LATER THAN THE END OF THE SECOND GROWING SEASON.
MULCH BALLED AND BURLAPED OR CONTAINER-GROWN TREES AND SHRUBS IN A 3' DIAMETER CIRCLE APPROXIMATELY 2" DEEP.
MULCH BARE-ROOT WOODY PLANTINGS IN AN 18" DIAMETER CIRCLE APPROXIMATELY 2" DEEP.

TO REDUCE THE IMMEDIATE THREAT AND MINIMIZE THE LONG-TERM POTENTIAL OF DEGRADATION, THE SPECIES INCLUDED ON THE INVASIVE PLANT SPECIES LIST IN TABLE 4 OF THE NEW ENGLAND DISTINCT MITIGATION PLAN GUIDANCE SHALL NOT BE INCLUDED AS PLANTING STOCK IN THE OVERALL PROJECT. ONLY PLANT MATERIALS NATIVE AND INDIGENOUS TO THE REGION SHALL BE USED. SPECIES NOT SPECIFIED IN THE MITIGATION PLAN SHALL NOT BE USED WITHOUT PRIOR WRITTEN APPROVAL FROM THE CONSERVATION COMMISSION AND THE US ARMY CORPS OF ENGINEERS.

DURING PLANTING, A QUALIFIED WETLAND PROFESSIONAL MAY RELOCATE UP TO 50% OF THE PLANTS IN EACH COMMUNITY TYPE IF AS-BUILT SITE CONDITIONS WOULD POSE AN UNREASONABLE THREAT TO THE SURVIVAL OF PLANTINGS INSTALLED ACCORDING TO THE PLAN. THE PLANTINGS SHALL BE RELOCATED TO LOCATIONS WITH SUITABLE HYDROLOGY AND SOILS WHERE APPROPRIATE STRUCTURAL CONTEXT WITH OTHER PLANTINGS CAN BE MAINTAINED.

A SUPPLY OF DEAD AND DYING WOODY DEBRIS SHALL COVER AT LEAST 4% OF THE GROUND THROUGHOUT THE CREATION/ENHANCEMENT SITES AFTER COMPLETION OF THEIR CONSTRUCTION. THESE MATERIALS SHOULD NOT INCLUDE THE SPECIES SHOWN ON THE LIST OF INVASIVE SPECIES (TABLE 4) IN THE NEW ENGLAND DISTINCT MITIGATION PLAN GUIDANCE.

SCATTERED VARIOUS SIZED BOULDERS MAY BE PLACED WITHIN THE CREATION/ENHANCEMENT AREAS AT THE DISCRETION OF THE WETLAND SPECIALIST.

ALL PROPOSED WETLAND AREAS WILL BE SEEDED WITH AN APPROPRIATE SEED MIX AS DETERMINED BY THE WETLAND SCIENTIST AND APPROVED BY THE CONSERVATION COMMISSION.

GRADING AND DRAINAGE NOTES

UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES. ARE APPROXIMATE AND ASSUMED. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "DIG SAFE" AT 1-888-344-7233 TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES SHALL BE THE CONTRACTOR'S RESPONSIBILITY. NO EXCAVATION SHALL BE DONE UNTIL UTILITY COMPANIES ARE PROPERLY NOTIFIED IN ADVANCE.

ALL WORK PERFORMED AND ALL MATERIALS FURNISHED SHALL CONFORM WITH THE LINES, GRADES AND OTHER SPECIFIC REQUIREMENTS OR SPECIFICATIONS OF THE TOWN OF HANSON DPW.

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GRADING AND DRAINAGE NOTES CONT.

THE CONTRACTOR SHALL VERIFY EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES, AS REQUIRED. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED TO THE OWNER AND ENGINEER FOR RESOLUTION.

THE CONTRACTOR SHALL PROTECT ALL UNDERGROUND DRAINAGE, SEWER AND UTILITY FACILITIES FROM EXCESSIVE VEHICULAR LOADS DURING CONSTRUCTION. ANY DAMAGE TO THESE FACILITIES RESULTING FROM CONSTRUCTION LOADS WILL BE RESTORED TO ORIGINAL CONDITION.

THE CONTRACTOR SHALL REMOVE ALL EROSION CONTROL BARRIERS AFTER REVEGETATION OF DISTURBED AREAS AND AFTER APPROVAL OF THE CONSERVATION COMMISSION AND WETLAND SPECIALIST.

GRADING AND DRAINAGE NOTES CONT.

EXCAVATION REQUIRED WITHIN THE PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO THE OWNER.

STOCKPILED TOPSOIL SHALL BE PLACED NEATLY IN AN AREA INDICATED BY THE OWNER AND SHALL NOT EXCEED 4' IN HEIGHT.

REMOVE ALL ROCKS AND DEBRIS FROM SOIL SURFACE AND GRADE TO AN EVEN SURFACE.

PIT AND MOUND TOPOGRAPHY, NOT TO EXCEED 30" ELEVATION CHANGE, TO BE INCORPORATED AT THE DIRECTION OF THE WETLAND SPECIALIST, NOT TO EXCEED 25% OF THE PROPOSED FORESTED WETLAND AREAS.

EROSION CONTROL AND SEDIMENTATION NOTES

AN EROSION CONTROL BARRIER SHALL BE INSTALLED ALONG THE EDGE OF PROPOSED WORK AS INDICATED IN THE PLAN PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OPERATIONS.

ANY SEDIMENT TRACKED ONTO PUBLIC RIGHT-OF-WAYS SHALL BE SWEEP AT THE END OF EACH WORKING DAY.

ALL STOCKPILE AREAS SHALL BE LOCATED WITHIN THE LIMIT OF WORK LINE AND STABILIZED TO PREVENT EROSION.

ALL DEBRIS GENERATED DURING SITE PREPARATION ACTIVITIES SHALL BE LEGALLY DISPOSED OF OFF-SITE.

SITE ELEMENTS TO REMAIN MUST BE PROTECTED FOR DURATION OF PROJECT.

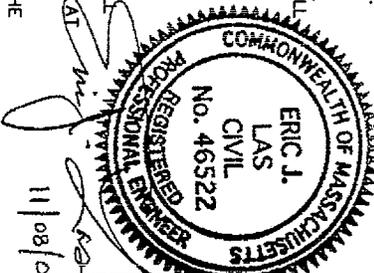
**WETLAND BANKING PILOT
LEGEND, NOTES AND DETAILS**

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WETLAND BANKING PILOT
TAUNTON RIVER WATERSHED
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEWAVE STRATEGIES, LLC
137 NEWBURY STREET
BOSTON, MASSACHUSETTS



ADDITIONAL NOTES:

EROSION CONTROL AND SEDIMENTATION NOTES CONT.

ALL TOPSOIL ENCOUNTERED WITHIN WORK AREA SHALL BE STRIPPED TO ITS FULL DEPTH AND STOCKPILED FOR REUSE. EXCESS TOPSOIL SHALL BE DISPOSED OF ON-SITE AS DIRECTED BY OWNER. TOPSOIL PILES SHALL REMAIN SEGREGATED FROM EXCAVATED SUBSURFACE SOIL MATERIALS.

ADDITIONAL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.

ALL POINTS OF CONSTRUCTION EGRESS OR INGRESS SHALL BE MAINTAINED TO PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADS.

TEMPORARY DIVERSION DITCHES, PERMANENT DITCHES, CHANNELS, EMBANKMENTS AND ANY DENuded SURFACE WHICH WILL BE EXPOSED FOR A PERIOD OF ONE MONTH OR MORE SHALL BE CONSIDERED CRITICAL VEGETATION AREAS. THESE AREAS SHALL BE MULCHED WITH STRAW. MULCH SHALL BE SPREAD UNIFORMLY IN A CONTINUOUS BLANKET OF SUFFICIENT THICKNESS TO COMPLETELY HIDE THE SOIL FROM VIEW.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A DAILY BASIS DURING CONSTRUCTION TO ENSURE THAT CHANNELS, DITCHES AND PIPES ARE CLEAR OF DEBRIS AND THAT THE EROSION CONTROL BARRIERS ARE INTACT.

CONTRACTOR SHALL PROVIDE DUST CONTROL FOR CONSTRUCTION OPERATIONS AS APPROVED BY OWNER.

DUST SHALL BE CONTROLLED BY SPRINKLING OR OTHER APPROVED METHODS AS NECESSARY, OR AS DIRECTED BY THE OWNER OR HIS REPRESENTATIVE.

HAYBALE CHECK DAMS SHALL BE PROVIDED AROUND ALL EXISTING DRAIN INLETS PRIOR TO CONSTRUCTION ACTIVITIES AND AROUND ALL PROPOSED DRAIN INLETS TO CONTROL SILTATION.

EXTREME CARE SHALL BE EXERCISED SO AS TO PREVENT ANY UNSUITABLE MATERIAL FROM ENTERING THE WETLANDS.

CLEAN AND MAINTAIN EROSION CONTROL BARRIER AS REQUIRED DURING CONSTRUCTION OPERATIONS TO ENSURE ITS CONTINUED FUNCTIONALITY.

TEMPORARY DEVICES AND STRUCTURES TO CONTROL EROSION SEDIMENTATION IN AND AROUND MITIGATION SITES SHALL BE PROPERLY MAINTAINED AT ALL TIMES. THE DEVICES AND STRUCTURES SHALL BE DISASSEMBLED AND PROPERLY DISPOSED OF NO LATER THAN NOVEMBER 1 THREE FULL GROWING SEASONS AFTER PLANTING, BARKING OTHER NOTICE FROM THE CONSERVATION COMMISSION OR WETLAND SPECIALIST. SEDIMENT COLLECTED BY THESE DEVICES WILL BE REMOVED AND PLACED UPLAND IN A MANNER THAT PREVENTS ITS EROSION AND TRANSPORT TO A WATERWAY OR WETLAND.

IF CIRCLING OF A SITE WITH EROSION CONTROL MEASURES IS NECESSARY, EITHER GAPS OR OVERLAPS WITH INTERVENING SPACE BETWEEN THE EROSION CONTROL MEASURES WILL BE PROVIDED TO FACILITATE WILDLIFE MOVEMENT.

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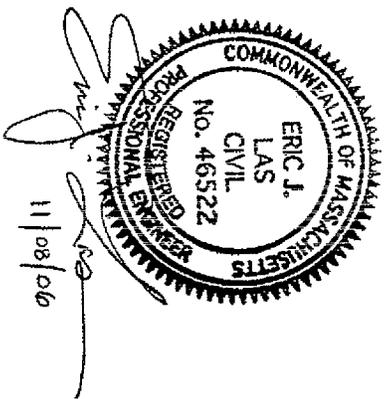
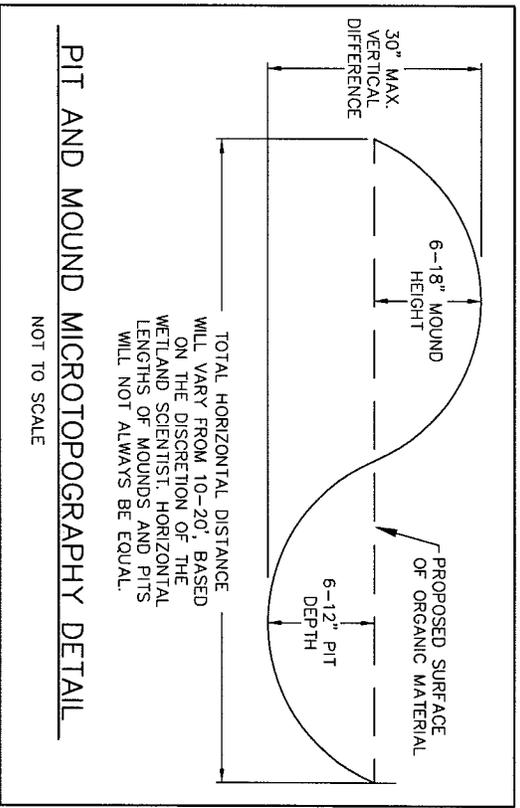
**WETLAND BANKING PILOT
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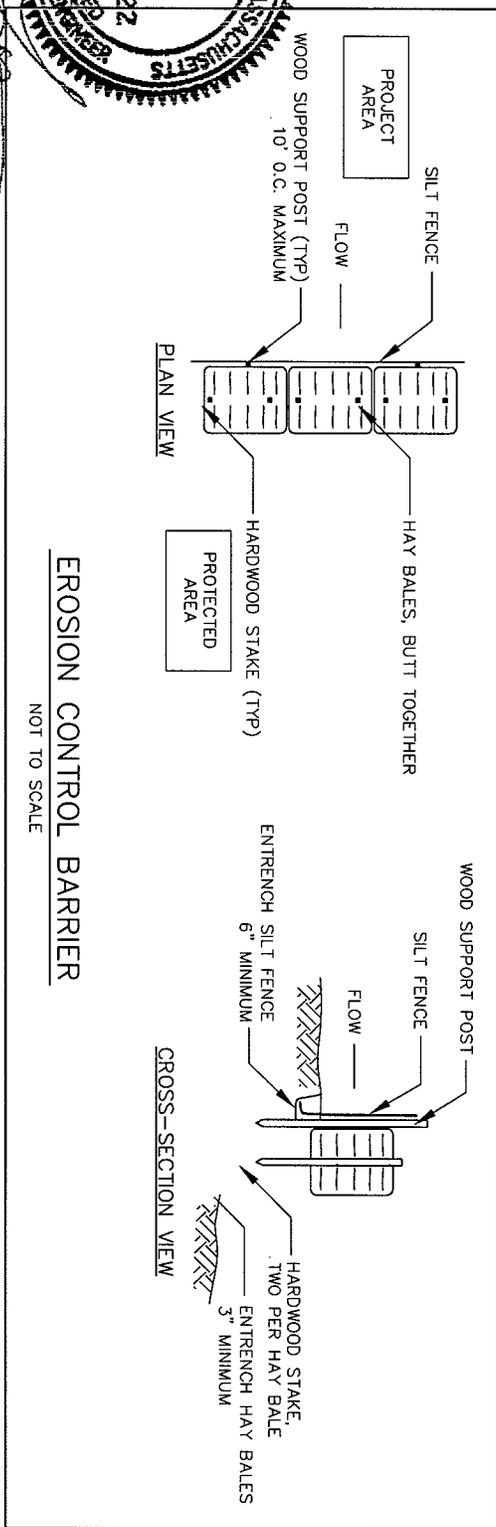
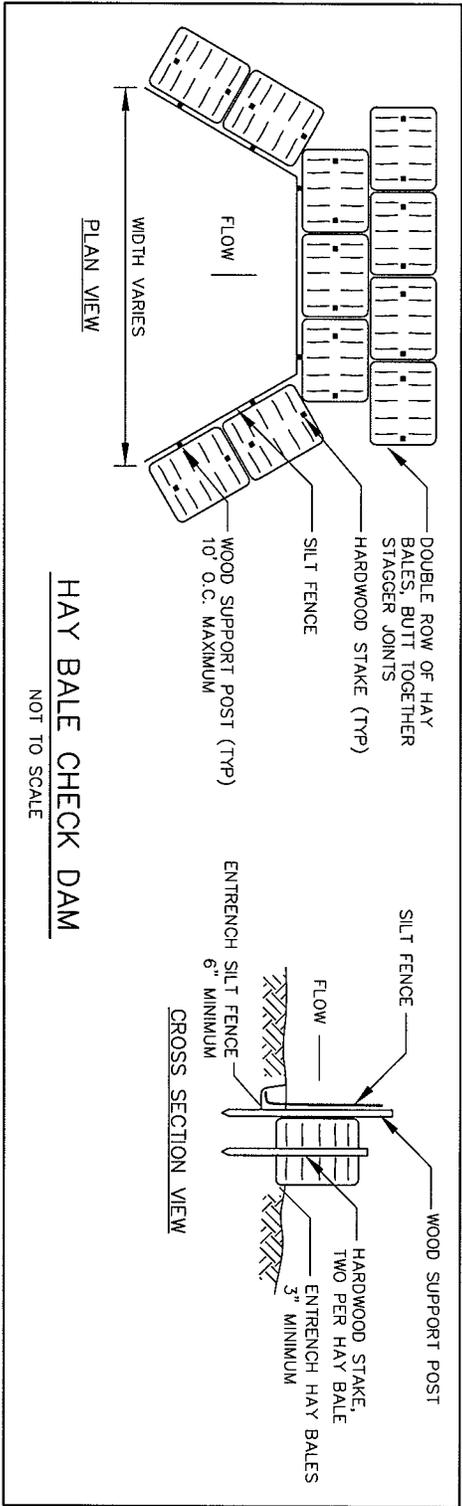
WETLAND BANKING PILOT
TAUNTON RIVER WATERSHED
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COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEVAVE STRATEGIES, LLC
137 NEWBURY STREET
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DATE: 11/08/06

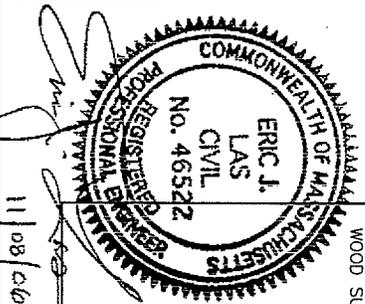
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**WETLAND BANKING PILOT
LEGEND, NOTES AND DETAILS**

WETLAND BANKING PILOT
TAUNTON RIVER WATERSHED
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

APPLICATION BY:
BLUEVALE STRATEGIES, LLC
137 NEWBURY STREET
BOSTON, MASSACHUSETTS

DATE: 11/08/06

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TAUNTON RIVER WATERSHED PILOT WETLANDS MITIGATION BANK PROSPECTUS

Sponsor:
BlueWave Capital, LLC
137 Newbury Street
Boston, Massachusetts 02116
617-266-0505

November 9, 2006

1.0 SUMMARY

Ownership	BlueWave Capital LLC
Type of Bank	Pilot/Multi-Client
Purpose of Bank	The purpose of the Bank is to replace the wetland functions that will be unavoidably lost as a result of activities authorized under the Clean Water Act and/or Massachusetts Wetlands Protection Act or activities that are the subject of an enforcement action.
Location	Hanson, Massachusetts (off Hawks Avenue, with the focus area within the property identified as Hanson Assessors Map 2 Lot 38)
Land Use	The site is located within the Burrage Pond Wildlife Management Area
Delineated Wetlands on Site	16.2 acres
Site Description	The focus area consists of an area of disturbed wetlands and uplands (Area B) and portions of adjacent abandoned cranberry bogs (Areas A and C). The site contains sparsely vegetated uplands, manmade channels and marginal wetlands, as well as more valuable emergent and wooded wetlands that will not be disturbed by the proposed work.
Mitigation Bank Goals and Objectives	The goals of the bank are to achieve greater efficiency in wetlands permitting, enhance environmental outcomes associated with wetlands enforcement options and provide improvement in multiple functions and values attributable to wetlands in the Taunton River watershed
Service Area	Taunton River watershed

2.0 INTRODUCTION

Section 89 of Massachusetts Acts Chapter 291, enacted on August 10, 2004, directed the Executive Office of Environmental Affairs (EOEA) and the Executive Office of Transportation (EOT) to establish a pilot wetlands mitigation bank in the Taunton River Watershed for the purpose of mitigating the wetlands impacts of transportation, other public works projects and projects requiring wetlands variances, permits and Orders of Conditions within the Taunton River Watershed. To allow for the creation of a pilot wetlands bank without substantial use of public resources, the Chapter 291 enabling legislation anticipated that the Commonwealth would partner with a private entrepreneur to create the pilot bank. In March 2005, following a competitive procurement process by EOEA, BlueWave Capital LLC was selected by the Commonwealth to fulfill this role. Since that time, BlueWave and its consultant team have worked closely with EOEA to identify a site for, and forge a consensus on the operation of, a pilot wetlands mitigation bank in the Taunton River Watershed.

To further the process of creating the Pilot Bank, a Mitigation Banking Review Team (“MBRT”) has been established pursuant to Chapter 291 and the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks published in the Federal Register (volume 60, number 228) on November 28, 1995. The MBRT includes representatives of state and Federal agencies and the public. State agencies represented are the Massachusetts Executive Office of Environmental Affairs, Department of Environmental Protection, Division of Fisheries and Wildlife, Executive Office of Transportation and Wetlands Restoration Program/ Coastal Zone Management. Federal agencies represented are the U.S. Fish and Wildlife Service, Environmental Protection Agency and Army Corps of Engineers. Appointed members of the public represent the National Association of Industrial and Office Properties, a resident of the Taunton River watershed and environmental advocacy organizations.

In accordance with the Federal Guidance, this Prospectus has been prepared and is being submitted to the New England District, US Army Corps of Engineers and the MBRT.

3.0 THE BANK SPONSOR AND CONSULTANT TEAM

In order to create Massachusetts’ first wetlands mitigation bank, BlueWave Capital LLC has assembled the following Bank Sponsor and consulting team:

BlueWave Capital LLC – Part of the strategic consulting firm of BlueWave Strategies that provides capital and strategic expertise to help clients meet complex regulatory challenges and capitalize on environmental opportunities. BlueWave was selected in a competitive process to be EOEA’s lead consultant and to serve as the Bank Sponsor.

Beals and Thomas, Inc. – A multidisciplinary consulting firm that provides engineering, design, planning, wetlands construction and surveying services in support of the

development and conservation of land and water resources. Beals and Thomas has the lead responsibility for site selection, developing a site restoration plan, and conducting wetlands construction and activities.

Teal Partners – An advisory firm that specializes in wetlands and coastal ecology planning, design, research, monitoring and adaptive management. John Teal and Susan Peterson are working to develop a long-term monitoring plan and adaptive management strategies.

SumCo Eco-Contracting – A firm that provides full-service wetlands contracting from excavation and wetlands soils to revegetation and invasive species control. SumCo is tasked with providing wetlands consulting and construction management services to ensure that the wetlands bank provides the functions and values of natural wetlands systems.

Cleaves and Company – A firm that relies on public and private sector environmental incentives to create economic value for property owners and developers. The company uses existing regulatory mandates to develop business opportunities with the goal of benefiting the environment. Its founder and President, Bob Cleaves, created the first wetlands mitigation bank in New England.

4.0 ANTICIPATION OF NEED

The need for this pilot wetlands mitigation bank was established by Section 89 of Massachusetts Acts Chapter 291, enacted on August 10, 2004. This statute directed the Executive Office of Environmental Affairs (EOEA) and the Executive Office of Transportation (EOT) to establish a pilot wetlands mitigation bank in the Taunton River Watershed for the purpose of mitigating the wetlands impacts of transportation, other public works projects and projects requiring wetlands variances, permits and Orders of Conditions within the Taunton River Watershed. The pilot bank, then, is needed to allow the Commonwealth to create a working pilot to better understand how best to implement wetlands mitigation banking, an important regulatory option which various federal and state agencies have been trying to implement in Massachusetts for many years.

Some of the demand for mitigation credits will come from jurisdictional resource impacts associated with development of transportation infrastructure in southeastern Massachusetts. The Executive Office of Transportation is in the process of developing an inventory of projects planned by agencies under its jurisdiction, including the Massachusetts Highway Department, and estimating the amount of jurisdictional wetlands resources that could potentially be impacted by those projects.

Finally, the Department of Environmental Protection (DEP) has aggressively pursued enforcement actions under the Wetlands Protection Act in the Taunton River Watershed and throughout Massachusetts. Demand for credits may also be generated by such

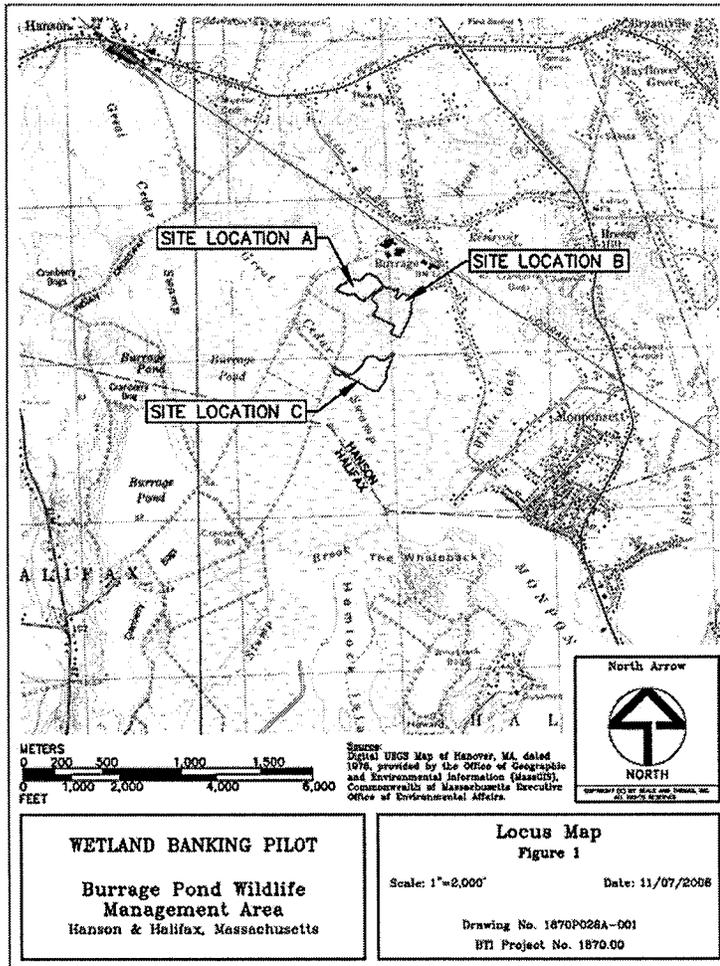
enforcement activity, with violators often seeking to provide Special Environmental Projects as part of necessary requirements to settle cases involving wetlands violations.

5.0 SITE CHARACTERISTICS

5.1 SITE LOCATION

The proposed banking site is located within the Taunton River Watershed (as required by the enacting legislation) at the northern extent of the Burrage Pond Wildlife Management Area, off Hawks Avenue in Hanson (Plymouth County) Massachusetts (Figure 1). The focus area lies within the property identified as Hanson Assessors Map 2 Lot 38.

Figure 1



BEALS AND THOMAS, INC.

Current conditions at the 1,700± acre Burrage Pond Wildlife Management Area result from decades of cranberry bog establishment, maintenance and management, and this past land use has formed the existing conditions within the northern focus area, as well.

The focus area consists of disturbed uplands and wetlands (Area B), plus portions of adjacent abandoned cranberry bogs (Area A, west of Area B, and Area C, south of Area B). Upon completion of the project, approximately 9.3 acres of disturbed upland area are expected to become wetland, and 16.1 acres of disturbed wetland area (abandoned bogs and marginal vegetated wetlands likely created during cranberry bog operations) are intended to be enhanced.



Area B: Photograph key- see pictures on the next page



Photograph No. 1
187000PH125



Photograph No. 2
187000PH112



Photograph No. 3
187000PH113



Photograph No. 4
187000PH115



Photograph No. 5
187000PH116



Photograph No. 6
187000PH119



Photograph No. 7
187000PH120



Photograph No. 8
187000PH122

5.2 SITE DESCRIPTION

The focus area includes historic cranberry bogs to the south and west of the disturbed upland area, the commuter rail line/Hawks Avenue to the north, and forested wetland to the east. The site contains sparsely vegetated uplands, manmade channels and marginal wetlands (i.e. minimal hydrology and/or colonized by invasive species and abandoned bogs), as well as more valuable emergent and wooded wetlands that will not be disturbed by proposed work. The on-site cranberry bogs appear to be transitioning to an upland condition, despite some remnant wetland vegetation; the fact that historically water had to be pumped to these bogs in order to maintain the cranberry crop supports this theory.

With the exception of some spoils mounds remaining from the site's cranberry harvesting use, the topography of the area is generally flat due to its geologic history of being a glacial lake basin.

5.3 HYDROLOGY

The floodwater storage capacity of the site has not been determined quantitatively, as proposed work will result in an overall increase in on-site flood storage capacity by the simple fact that 9.3 acres of upland that has little flood storage capacity at present will be converted to wetland. Additionally, the project area was chosen, in part, due to its location at the northern end of the Burrage Pond Wildlife Management Area property and the fact that it does not influence, and is not influenced by, the remainder of the property.

Creation of the wetland bank can therefore be undertaken with confidence that it will not fail due to, nor will it affect, future management activities undertaken by the Division of Fish and Game for the overall property. Agreements will be put in place between the Bank Sponsor and the Division of Fisheries and Wildlife in order to ensure that future site management activities by DFW will not adversely affect the wetlands created, restored and enhanced by the pilot Bank.

5.4 FEDERAL JURISDICTIONAL WETLAND RESOURCE AREAS

Representatives of Beals and Thomas, Inc. delineated on-site wetland resource areas during August, September, October, and November of 2005. Vegetated wetlands were delineated using pink and black striped flagging where woody vegetation was present, and using pink wire flags where no woody vegetation was present. Flags were placed within sight distance from one to the next. Additionally, soil samplings associated with transects are not marked in the field as they were located to either side (upland vs. wetland) of a wetland flag, and are shown on the attached plan. Wetland boundaries were established in accordance with the provisions of the Wetlands Protection Act (the Act) as well as the 1987 Corps of Engineers Wetland Delineation Manual based upon the plant community, soils, hydrology, and other contributing factors, including topography. All wetland and bank flags related to this filing have been GPS located and plotted. Wetlands delineation forms are being submitted with the accompanying application for a Section 404 permit.

A brief synopsis of each Federal jurisdictional resource area type occurring on the site is provided below. More detailed information regarding various wetlands and the delineation (including data forms documenting the delineation) has been submitted as part of the Clean Water Act section 404 permit application submitted with this Prospectus. The bordering vegetated wetlands, land under water bodies and isolated vegetated wetlands described below have been determined by the New England District to be regulated by the ACOE as waters of the United States pursuant to Federal regulations at 33 C.F.R. 328.3. The Clean Water Act does not give the Corps the authority to regulate Bank or Buffer Zone areas regulated under the Massachusetts Wetlands Protection Act.

Bordering Vegetated Wetland (310 CMR 10.55)

Bordering Vegetated Wetland (BVW) includes forested swamps to the east and northwest of the site as well as emergent marshes associated with the channel running east/west to the north of the project area and with the southern portion of the channel running north/south through the approximate center of the project area. There are also several marginal wetland areas that appear to have been created during cranberry bog operations, but that are associated with a small intermittent stream and are therefore considered bordering. Additionally, although portions of the historic cranberry bogs appear to be transitioning to an upland condition, they are being considered wetland for the purpose of this submission.

Land Under Water Bodies and Waterways (310 CMR 10.56)

Land Under Water Bodies and Waterways is associated with the various intermittent streams and man-made irrigation ditches on-site. The “Environmental Handbook for Massachusetts Conservation Commissioners” as revised in September 2000 indicates that the mean annual low flow level of an intermittent stream is considered to be at an elevation just above the bottom of the channel. LUW therefore consists of a narrow strip at the bottom of the streambed. On-site LUW is associated with the intermittent stream connecting BVWs 4 and 5, as well as with the stream within BVW 2. The former stream bottom is vegetated and does not appear to experience frequent flow (flow may be blocked by a filled crossing area), while the latter stream bottom consists of soil and flows more frequently. The latter was also analyzed for perennial status, however was confirmed intermittent. LUW is also associated with the manmade irrigation canals within the historic bogs, as these canals qualify as intermittent streams. Because LUW lies within the confines of another resource area (i.e. Bank and/or BVW), it was not delineated separately.

Isolated Vegetated Wetland

Four Isolated Vegetated Wetlands (IVW) occur on-site. With the exception of IVW 2, these areas lack significant vegetation and are extremely marginal in nature.

6.0 PROPOSED RESTORATION PLAN

The proposed work entails the creation and enhancement of wetland areas. There are three contiguous project areas where work is proposed: Areas A, B, and C. Areas A and C are former cranberry bogs, where existing wetlands will be enhanced to a more natural condition. Area B is a disturbed upland area that will be converted to wetland. In addition, existing upland sand track roads that occupy the perimeter of Area C will be removed to create new wetlands.

Generally, wetland creation/enhancement in the non-bog upland portion of the site will be accomplished via excavation and re-grading, installation of appropriate wetlands substrate (soils), and planting. The wetland enhancement within the Area C bog will be accomplished by stripping the sand layer and planting. Any usable organics that are encountered will be left in place. Similarly, the bog in Area A will be excavated to elevations similar to adjacent wetlands and planted; subsurface data indicate that a suitable organic substrate exists below the sand layer of this bog.

Upon completion of the work, the hydrology within the bog areas will be enhanced such that emergent marshes exhibiting a diverse assemblage of herbaceous wetland species will be present in Area A, along with planted forested areas in Areas A and C. A stream channel is also proposed within Area A.

A portion of Area C will be planted as an Atlantic white cedar swamp in order to recreate the historic wetlands previously present within this locale. Work may be phased such that, within Area C, the white cedar area is created first. Plantings in Area C will be undertaken to avoid shading impacts to cedar saplings (i.e., red maple and proposed shrub plantings may not be planted during the same season as the cedar; this will afford the latter a "head start" so that the cedar saplings will be less likely to suffer mortality due to shading by the more vigorous growing species). Additionally, micro (pit and mound) topography as well as larger somewhat elevated "islands" will be incorporated into the grading in order to further mimic natural white cedar wetlands.

Work within Area B will result in a mix of forested, scrub-shrub shallow emergent, and deep emergent wetlands, including a stream channel. The substrate if this stream may be comprised of rocks and gravel where feasible, in order to increase the diversity of habitat available on-site. The creation of these wetland areas will also enhance currently degraded wetland areas located within this upland area. In all cases, elevations for new or enhanced wetlands areas will be such that they will be fed by groundwater. However, water within the intermittent stream running through the central part of the site will be redirected to a new stream channel established through the approximate center of the site in order to supplement groundwater inputs. Tables 1 and 3 below provide species lists proposed as appropriate for each wetland type. Refer to the plans for specific locations and densities of proposed planting, as well as for proposed elevations.

The permit application accompanying this Prospectus includes more detailed information (eg species lists proposed for each type of wetland area proposed). The table below summarizes the types of wetlands that would be created/enhanced in each of the three work areas.

Proposed Wetlands By Area and Type

Location	Deep Emergent	Shallow Emergent	Scrub-Shrub	Forested	Upland	Total
Area A	0.25	3.78	0	2.68	0	6.70
Area B	0.75	0.66	1.03	6.93	1.37	9.37 (excludes Upland)
Area C	0	0	0	9.37	0	9.37

Existing stockpiles within Area B will be left in place, and in some cases supplemented with sand, in order to maintain or provide turtle breeding habitat. Additionally, because Burrage Pond Wildlife Management Area is subject to frequent recreational use, a large elevated viewing area is proposed for the western portion of the site. A path will lead from the entrance of the site to the top of the hill, and will facilitate wildlife observation across the entire property due to the open vista. The sand track road currently leading from the parking area to the Environmental Police Headquarters will remain in place in order to maintain access to the remainder of the property.

A general work sequence for each work area is outlined below:

Area A

- Strip sand using track-mounted excavators
- Move excavated sand to elevated viewing area or stockpile areas using dump trucks
- Rough grade exposed organic soils
- Fine grade exposed organic soils
- Plant species as indicated on plans

Area B

- Grub work area
- Excavate to sub-grade with bulldozers
- Transport excavated upland soils to stockpile areas
- Place organic material
- Fine grade to create microtopography
- Plant species as indicated on plans

Area C

- Strip sand using track mounted excavators
- Move sand excavate to elevated viewing area or stockpile areas using dump trucks
- Leave any organics encountered within the bog area in place

- Remove sand track road and rough grade
- Add suitable organic material to creation areas as indicated on plans
- Fine grade to create microtopography
- Plant species as indicated on plans

In all cases, areas depicted as proposed wetlands on the attached plans either (1) occur within \pm 1 foot of the high groundwater present during the growing season as ascertained through monitoring wells; and/or (2) are existing wetlands whose hydrology will be enhanced by lowering their elevation.

The following table lists the proposed impacts to wetlands. As previously mentioned, although portions of the proposed work will occur within wetlands, the Project will result in a net improvement over existing conditions within on-site wetlands.

Summary of existing and proposed conditions.

Area	Existing Conditions	Area to be impacted	Area to be Enhanced	Area to be Created	Total Area Upon Completion
A	292,060	292,060	292,060	30	292,090
B	84,110	84,110	84,110	321,250	405,360
C	324,530	324,530	324,530	83,470	408,000
TOTAL	700,700	700,700	700,700	404,750	1,105,450

7.0 THE PILOT BANK PROPOSAL

7.1 BANK GOALS AND OBJECTIVES

The purpose of the Bank is to replace the chemical, physical, and biological wetland functions that will be unavoidably lost in the Taunton River Watershed as a result of activities authorized by permit from the U.S. Army Corps of Engineers (“ACOE”) under Section 404 of the Clean Water Act and/or activities authorized under the Massachusetts Wetlands Protection Act, Massachusetts General Laws chapter 131, section 40 (“Massachusetts Act”) or activities that are the subject of an enforcement action by any local, state or federal agency enforcing local, state or federal wetlands laws (including the potential purchase of Bank Credits as part of a Supplemental Environmental Project in connection with such an enforcement action). As specified in Chapter 291, one priority for the Bank is the restoration of previously degraded wetlands.

The goals of the bank are to achieve greater efficiency in wetlands permitting, enhance environmental outcomes associated with wetlands enforcement options and provide improvement in multiple functions and values attributable to wetlands in the Taunton River watershed, including but not limited to:

- Improvement of water quality;
- Opportunity to restore previously altered wetlands;
- Improvement of biological and ecological diversity;
- Wildlife habitat;
- Creation of and improvement in opportunities for public access and recreation;
- Bank stabilization;
- Stream restoration and riparian enhancement; and
- Groundwater recharge

7.2 GEOGRAPHIC SERVICE AREA

The bank’s service area is the Taunton River watershed, as defined by the regulations issued pursuant to the Interbasin Transfer Act and codified in 313 Code of Massachusetts Regulations section 4.

7.3 OWNERSHIP OF BANK LANDS

The Bank site is owned by the Commonwealth of Massachusetts through its Division of Fisheries and Wildlife (“DFW”) and is protected by Article 97 of the Amendments to the Massachusetts Constitution as required by Chapter 291. DFW shall retain ownership of the Bank site throughout the entire Bank Operational Life and shall serve as the Long Term Steward responsible for ownership and long-term management of the Bank site after the conclusion of the Bank

Operational Life. The Bank Sponsor and DFW will execute a written agreement that sets out the responsibilities of both parties with respect to the Bank site.

7.4 DEFINITIONS

Agreement: The Memorandum of Agreement among the Bank Sponsor, Executive of Environmental Affairs and Executive Office of Transportation required to create the Bank pursuant to Chapter 291.

ACOE: The New England District of the US Army Corps of Engineers.

Bank: The Taunton River Pilot Wetlands Mitigation Bank, defined in Chapter 291 as a single wetlands bank developed through a public/private partnership in a single designated watershed for the purpose of assessing the effectiveness of wetlands banking as a regulatory tool to mitigate environmental impacts associated with construction activities.

Bank Operational Life: The period of time during which the terms and conditions of the Mitigation Banking Instrument are in effect.

Bank Sponsor: The entity responsible for assuring the success of the restoration, creation and enhancement of wetlands at the Bank site and the sale of Credits from the Bank, which is BlueWave Capital LLC.

Chapter 291: Section 89 of Chapter 291 of the Acts of 2004, signed into law on August 10, 2004, which requires establishment of the Bank.

Credit: as defined in Chapter 291, a unit of trade representing the increase in the ecological value of the Bank site, as measured by acreage, functions or some other assessment method.

DEP: Massachusetts Department of Environmental Protection.

Federal Guidance: The Federal Guidance for the Establishment, Use and Operation of Mitigation Banks published in the Federal Register (volume 60, number 228) on November 28, 1995.

Growing Season: The portion of the calendar year from May 1 through October 31.

Long Term Steward: The entity responsible for long-term management of the wetlands created, restored and/or enhanced by the Bank following completion of the Bank Operational Life, which is the Commonwealth of Massachusetts through its Division of Fisheries and Wildlife.

Mitigation Banking Instrument: A legal document memorializing federal and state agency concurrence on the objectives and administration of the Bank, signed by the Bank Sponsor and the state and federal regulatory and resource agencies represented on the Team.

Restoration Plan: The plan required by Chapter 291 specifying the work that will be conducted to create, restore and/or enhance wetlands in order to establish the Bank.

Team: The wetlands mitigation banking review team established by subsection (f) of Chapter 291 and required under the Federal Guidance.

7.5 METHODS FOR PURCHASE AND SALE OF CREDITS

7.5.1 Generation of Credits

The number of Credits generated by the Bank shall be finally determined by ACOE and DEP upon approval of the Restoration Plan and signing of the Mitigation Banking Instrument. The methodology used to assign Credits shall be as follows:

- For each acre of wetlands created or restored by the Restoration Plan, one Credit shall be assigned; and
- For each acre of wetlands enhanced by the Restoration Plan, one-third of one Credit shall be assigned.

The approximate acreage of wetlands creation and enhancement for the Bank would be as follows:

Type of Credit Generating Activity	Creation (acres)	Enhancement (acres)
Area A	0	6.7
Area B	7.37	2.0
Area C	1.92	7.45
Total	9.29	16.15
Credits Generated	9.3 credits	5.38 credits

7.5.2 Availability of Credits

Chapter 291 provides that a portion of the Credits from the Bank shall be available for banking and trading purposes upon approval of a Restoration Plan by appropriate regulatory agencies. Credits are proposed to become available for sale by the Bank once DEP and ACOE have certified in writing that the applicable performance standards have been met, based on each agency's determination that the Bank Sponsor has demonstrated that the completed work meets the performance instruments in the Mitigation Banking Instrument. The currently proposed schedule for release of credits is as follows:

7.5.2.1 Thirty (30) percent of the total Credits to be approved after DEP and ACOE certify that:

- A Restoration Plan has been approved by DEP and ACOE;
- The Restoration Plan has received all necessary permits from appropriate local, state and federal regulatory agencies and
- Financial assurance mechanisms required under Section 8 have been established

7.5.2.2 An additional thirty (20) percent of the total Credits to be approved after DEP and ACOE certify that:

- Construction has been completed in accordance with plans and specifications included in the Restoration Plan and Mitigation Banking Instrument; and
- One Growing Season has passed since completion of construction and the annual monitoring demonstrates that the Bank meets the success criteria specified in the Monitoring Plan and Mitigation Banking Instrument.

7.5.2.3 An additional twenty (20) percent of the total Credits will be approved after DEP and ACOE certify that two Growing Seasons have passed since completion of construction and the monitoring demonstrates that the Bank meets the success criteria specified in the Monitoring Plan and Mitigation Banking Instrument.

7.5.2.4 An additional twenty (20) percent of the total Credits to be approved after DEP and ACOE certify that three Growing Seasons have passed since completion of construction and the monitoring demonstrates that any required remedial actions have been taken and the Bank meets the success criteria specified in the Monitoring Plan and Mitigation Banking Instrument.

7.5.2.5 The final ten (10) percent of the total Credits to be approved after DEP and ACOE certify that five Growing Seasons have passed since completion of construction and the monitoring demonstrates that any required remedial actions have been taken and the Bank meets the success criteria specified in the Monitoring Plan and Mitigation Banking Instrument.

7.6 PERFORMANCE STANDARDS

7.6.1 Performance Standards

The Mitigation Banking Instrument will include a detailed Monitoring Plan for monitoring the success of the Restoration Plan and for adaptive management and other remedial action in response to the monitoring results. Performance standards will be included in this Monitoring Plan. A draft of the Monitoring Plan has been submitted as an attachment to the accompanying Section 404 permit application.

7.6.2 Failure to Achieve Performance Standards

Either DEP or ACOE may take actions including suspending the sale of Credits and/or

requiring implementation of remedial actions if monitoring indicates that any performance standard is not being met in any portion of the Bank.

In the event of catastrophic acts of nature, such as but not limited to prolonged drought, which interfere with the sponsor's ability to fulfill the terms of the Instrument, DEP and ACOE may require implementation of remedial actions and may suspend sale of Credits until additional remediation of the Bank is accomplished.

As provided in the Monitoring Plan, ACOE and DEP shall have the authority to determine what remedial actions should be taken, with the advice of other parties to the Instrument.

Any failure by the Bank to achieve performance standards shall not affect the regulatory obligations of any Credit purchaser with respect to compensatory mitigation that was to be achieved through the purchase of Credits.

7.7 FINANCIAL ASSURANCES

The Bank Sponsor shall establish provide financial assurances acceptable to DEP and ACOE as provided in this section.

7.7.1 Financial Assurance for Bank Construction

Before the initial sale of credits permitted under Section 5(b)(i), the Bank Sponsor shall post a performance bond in an amount determined by ACOE and DEP to reflect cost estimates for the creation, restoration and/or enhancement of wetlands equivalent to the number of Credits that will be debited from the Bank as well as a contingency for remedial actions and monitoring for the first year of Bank operations. Until such time as construction is completed, the Bank Sponsor shall annually provide ACOE and DEP with proof that all payments on the Performance Bond have been made.

Alternatively, ACOE and DEP may allow the initial credit sale to proceed upon their determination that sufficient alternative financial assurances have been provided by the Bank Sponsor.

7.7.2 Maintenance, Monitoring and Remedial Action Fund

Eight (8) percent of the cash proceeds from each Credit transaction shall be placed in a separate escrow account to be called the Maintenance, Monitoring and Remedial Action Fund. Money from this Fund may be used to provide for the expenses incurred in connection with implementation of the Monitoring Plan required by section 7(a), for required maintenance activities and/or for any remedial action required by DEP and/or ACOE in response to any failure to meet performance standards.

Funds shall be released to the Bank Sponsor as necessary order to cover the expected costs of monitoring, maintenance and/or remedial activities. Any funds that are not expended in a given year shall remain in the Fund for distribution in subsequent years. Any funds remaining in the Fund at the conclusion of the Bank Operational Life shall be transferred to the Long Term Maintenance Fund.

7.7.3 Long-Term Maintenance Fund

Two (2) percent of the cash proceeds from each Credit transaction shall be placed in a separate escrow account to be called the Long-Term Maintenance Fund. This account shall be transferred to the Long Term Steward at the conclusion of the Bank Operational Life. Before such transfer, ACOE and DEP shall agree upon a realistic estimate of the costs for long-term maintenance. If available funds in the Long-Term Maintenance Fund do not cover such estimate, either (i) additional funds shall be added to the Long-Term Maintenance Fund by the Bank Sponsor or other source before the transfer to the Long Term Steward takes place or (ii) the Long Term Steward shall execute a binding agreement to make up any deficit in the long-term maintenance costs.

7.7.4 Additional Financial Assurances

DEP and ACOE may require an increase in the amount of the performance bond and/or the escrow funds set aside as financial assurances if either agency determines that, due to changes in circumstances or updated cost estimates, the financial assurances provided for the Mitigation Banking Instrument will not be sufficient to provide for required construction, monitoring, maintenance and remedial actions.

7.8 LONG-TERM MANAGEMENT AND MAINTENANCE

7.8.1 Responsibilities of the Bank Sponsor During the Bank Operational Life

During the Bank Operational Life, the Bank Sponsor is responsible for completing any necessary remedial actions to correct failures to meet the performance standards set forth in the Monitoring Plan and Mitigation Banking Instrument. As provided in the previous section, the Bank Sponsor will provide the necessary financial assurances to allow ACOE and DEP to undertake any such measures which the sponsors fails or unable to implement.

The Bank Operational Life ends when:

- Credits have been exhausted or banking activity is voluntarily terminated with written notice by the Bank Sponsor to the ACOE and DEP; and
- ACOE and DEP have determined that the debited Bank meets all performance standards required to be met prior to transfer to the Long Term Steward.

7.8.2 Responsibilities of the Long Term Steward

Once the ACOE and DEP determine that the Bank Operational Life is ended, the Long Term Steward is responsible for maintenance and monitoring of the Bank site and for enforcing any applicable restrictions on activities that could adversely affect the created, restored and/or enhanced wetlands at the Bank site. The Long Term Steward shall make use of the funds included in the Long Term Maintenance Fund, and other funds as necessary, to carry out these responsibilities.

8.0 REQUEST FOR AUTHORIZATION TO PROCEED

BlueWave Capital LLC hereby requests authorization from the New England District of the U.S. Army Corps of Engineers Chair to proceed with the development of the Taunton River Pilot Wetlands Mitigation Bank located in Hanson, Massachusetts. The sponsor also requests that ACOE designate the Wetlands Mitigation Banking Review Team that has been meeting pursuant to Chapter 291 as the Mitigation Banking Review Team for purposes of compliance with the federal guidance, to assist the Bank Sponsor in developing a consensus Mitigation Banking Instrument which meets the needs of regulatory agencies governing environmental impacts in the Commonwealth of Massachusetts.