



**US Army Corps
of Engineers**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: January 15, 2019
Comment Period Ends: February 14, 2019
File Number: NAE-2007-02926
In Reply Refer To: Joshua Helms
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The District Engineer is soliciting comments on three projects which have applied for funding through the Commonwealth of Massachusetts Department of Fish and Game (MA DFG) In-lieu Fee ("ILF") program. The Department of Fish and Game is the sponsor of the Massachusetts ILF Program which serves as an alternative form of compensatory mitigation for aquatic resource impacts. The Massachusetts ILF program is authorized by the New England District, Army Corps of Engineers (the "Corps"). A copy of the signed ILF agreement entitled "Commonwealth of Massachusetts Final In-Lieu Fee Program Instrument" dated May 23, 2014, includes details about the ILF Program goals and objectives in general and can be found at the following link:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CTILFProgramInstrument.pdf>

The Massachusetts ILF Program accrues funds from in-lieu fee payments made by Corps permittees as mitigation for their permitted impacts. These funds are being used for mitigation projects proposed by DFG's Divisions and programs based on the project evaluation and selection process in the Instrument. These proposed mitigation projects are for the preservation, restoration and/or enhancement of wetland and watercourse resources and associated upland buffers in the Commonwealth of Massachusetts.

The Addendum to this Public Notice includes Project Fact Sheets with a summary and locus map for the three applications:

- 1) Nemasket River Preservation Project, Middleboro MA, Coastal-South Service Area, proposed funding - \$405,000;
- 2) Town Farm Road Preservation Project, Ipswich MA, Coastal-North Service Area, proposed funding - \$40,000;
- 3) Williams River Preservation Project, West Stockbridge MA, Berkshire-Taconic Service Area, proposed funding \$13,447.

The funds currently available for projects in the MA ILF Program Service Areas are:

Berkshire / Taconic Service Area	\$13,447
Connecticut River Service Area	\$17,737
Coastal Central Service Area	\$516,149
Coastal North Service Area	\$1,072,807
Coastal South Service Area	\$1,102,418
Quabbin / Worcester Plateau Service Area	\$0.00

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties on MA DFG's proposed mitigation projects. Any comments received will be provided to the MA DFG for its review and consideration. The Corps, in consultation with MA DFG and the Interagency Review Committee, will make the final decision whether to approve the proposed mitigation projects. To make this decision, the Corps will consider comments received in response to this Public Notice to assess impacts of the proposed mitigation projects on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat ("EFH").

The District Engineer has made a preliminary determination that the proposed projects will have no adverse effects on EFH. Therefore, no further consultation with the National Marine Fisheries Service regarding EFH is necessary at this time.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed projects 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).

ENDANGERED SPECIES CONSULTATION

The Corps has reviewed the proposed projects for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

COASTAL ZONE MANAGEMENT


The Commonwealth of Massachusetts has an approved Coastal Zone Management Program. Coastal Zone Management consistency will be required for some of the individual proposals and by this public notice we are requesting the state provide any applicable comments at this time.

PUBLIC COMMENT

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 Josh Helms at (978) 318-8211, if calling from within Massachusetts, or at (800) 343-4789 or (800) 362-4367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the projects. Requests for a public hearing shall specifically state the reasons for requesting a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

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.

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Jennifer McCarthy
Chief, Regulatory Division

If you would prefer not to continue receiving Public Notices by email, 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: _____
PHONE: _____

Public Notice Addendum – Proposed MA DFG ILF Projects (January 2019)

The Massachusetts Department of Fish and Game (DFG), sponsor of the Massachusetts In-Lieu Fee (ILF) Program, is currently proposing three preservation projects for ILF funding. The Project Fact Sheets, included in this Addendum to the Public Notice, provide a locus map, proposed funding amount, and a summary of each project and its aquatic resource benefits.

DFG solicited project ideas and pre-proposal information from its Division of Fisheries and Wildlife Land Protection Program. Full proposals were subsequently requested for three of the initial 35 projects identified. The ILF team at DFG, which includes representatives from its Commissioner's Office, Division of Fisheries and Wildlife, Division of Marine Fisheries, and Division of Ecological Restoration, evaluated each of the proposed ILF projects based on its alignment with MA ILF program selection criteria outlined in the MA ILF Program Instrument, which include consideration of the following.

1. The project's ability to meet multiple objectives;
2. The project's support of, or compatibility with, broader conservation or management objectives and the surrounding landscape;
3. The project's likelihood of success;
4. The mitigation project's location in relation to the Service Area where aquatic resource impacts occur; and
5. Cost of implementing and maintaining the project.

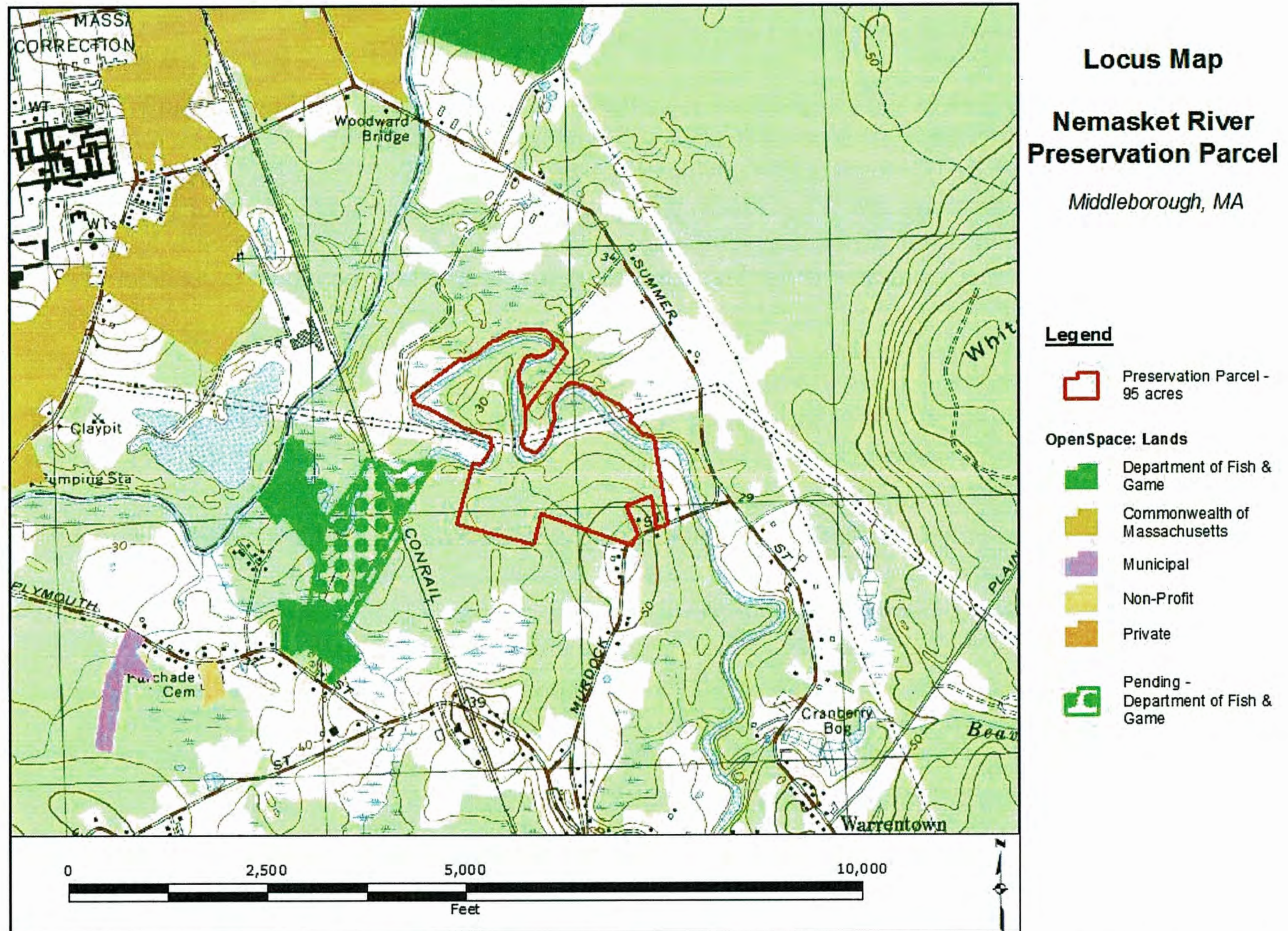
The three projects currently proposed by DFG, and included in this Public Notice for comment, are:

- Nemasket River Preservation Parcel, Middleborough MA
- Town Farm Road Preservation Project, Ipswich MA
- Williams River Preservation Project, West Stockbridge MA

Please see the Project Fact Sheets below for locus maps and summary information.

Nemasket River Preservation Parcel - Middleborough, MA

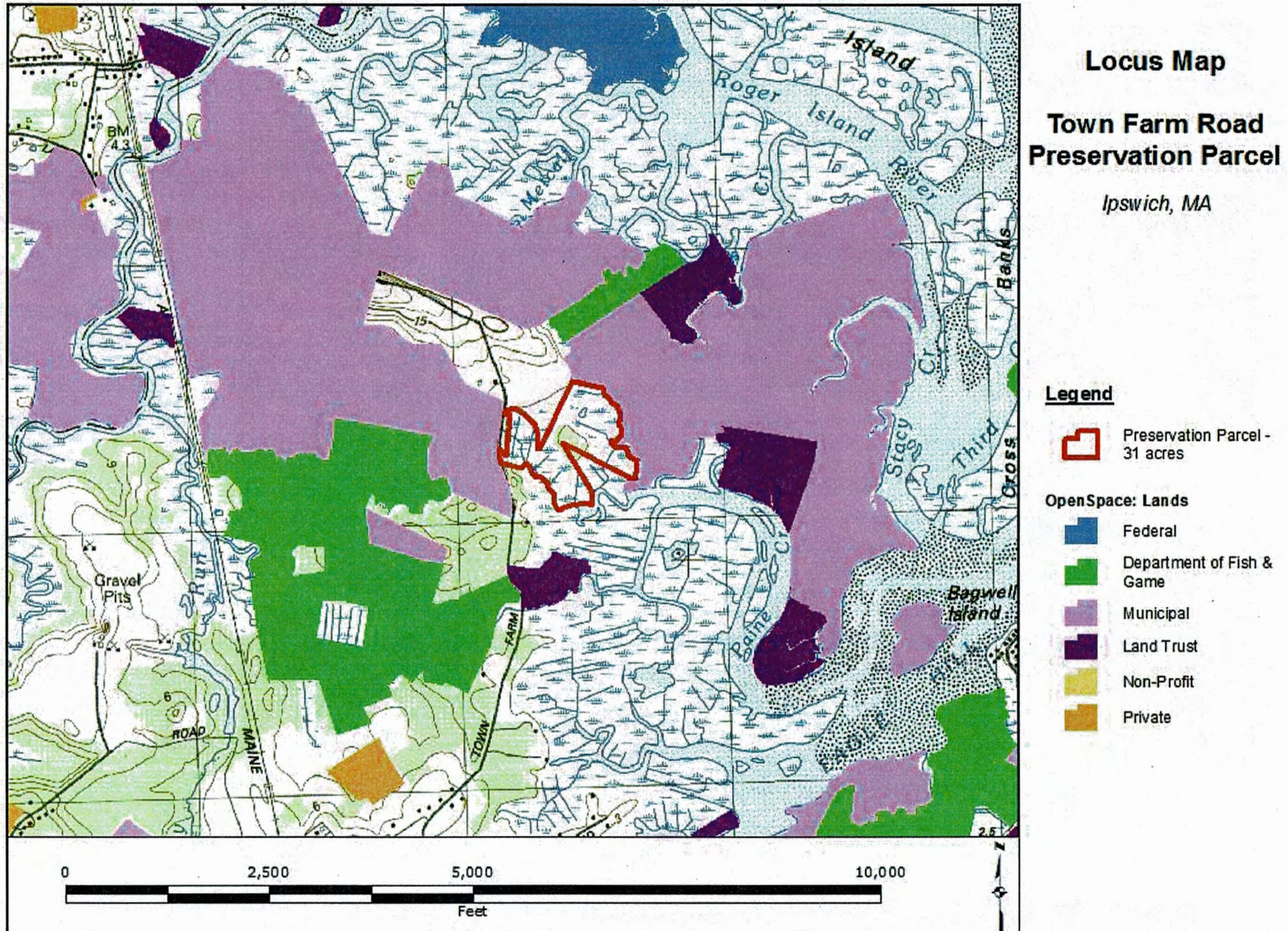
Proposed ILF Funding \$405,000
ILF Service Area Coastal-South Service Area
Project Location Murdock Street, Middleborough MA (Lat/Long -70.931154, 41.9335165)



Project Summary The Department of Fish and Game/Division of Fisheries and Wildlife (DFG/DFW) Land Protection Program is requesting \$405,000 In Lieu Fee Program funds for the fee interest acquisition of a 95-acre property, comprising two parcels (90 acres and 5 acres), located off Murdock Street in Middleborough, MA. This property, which is under threat of development, includes over a mile of frontage on the Nemasket River in the upper Taunton River watershed and contains BioMap2 Aquatic Core, Wetlands Core, and Species of Conservation Concern Core, as well as substantial upland buffers to these resources. The site is of significance for connectivity, ecological integrity, and climate change resiliency; it is identified as a BioMap2 Critical Natural Landscape (CNL) Landscape Block¹, a DEP Important Habitat², and a TNC resilient site³. The property has the potential for as many as 13 house lots. Permanent protection of this 95-acre property will preserve important high quality palustrine wetland and riverine resources in the Coastal South Service Area. Eversource has a power line easement which crosses the property. Vegetation is managed in accordance with Eversource's Five-Year Vegetation Management Plan for Central, Eastern, and Southeastern Massachusetts 2018-2022, which was developed with input from DFG's Natural Heritage and Endangered Species Program.

Town Farm Road Preservation Parcel - Ipswich MA

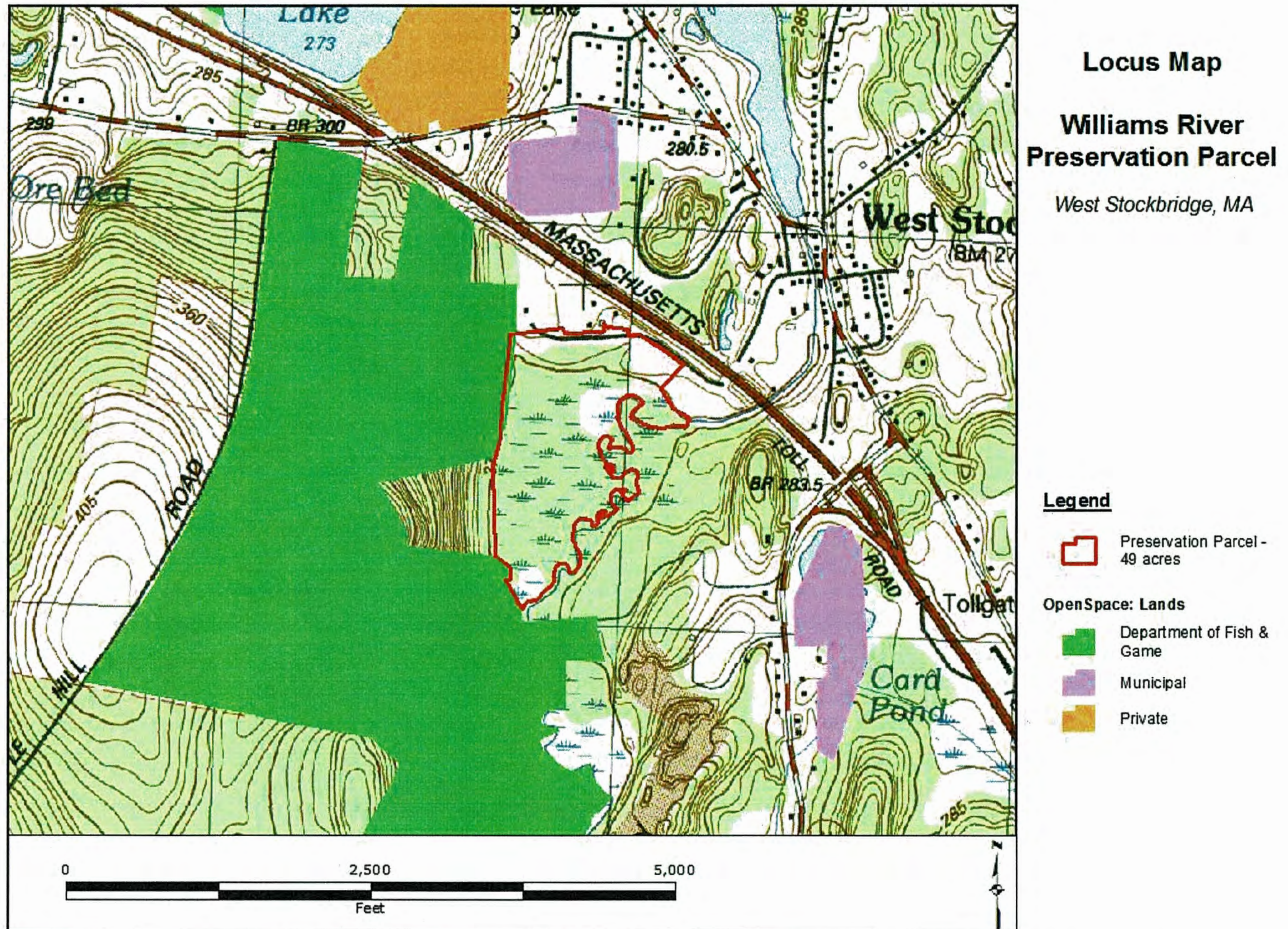
Proposed ILF Funding \$40,000
ILF Service Area Coastal-North Service Area
Project Location 171 Town Farm Road, Ipswich, MA (Lat/Long: 42.7120765,-70.840616)



Project Summary The Department of Fish and Game/Division of Fisheries and Wildlife (DFG/DFW) Land Protection Program is requesting \$40,000 in In Lieu Fee Program funds for the fee interest acquisition of a 31-acre parcel, located on Town Farm Road in Ipswich, MA. This property provides an important connection between protected areas owned by the Ipswich Conservation Commission and the Essex County Greenbelt Association. It is also in close proximity to over 165 acres of land and salt marsh owned by DFW. This 31-acre parcel contains 2 acres of coastal woodland and approximately 29 acres of estuarine intertidal wetland resources. The parcel also includes frontage on Town Farm Road, with a small gravel parking area. Without permanent protection, this parcel is at risk of degradation by clearing of maritime shrub and coastal forest for a house or cabin on the upland island. The property is located within the Parker River watershed and the Great Marsh Area of Critical Environmental Concern (ACEC). It is identified as BioMap2 Aquatic Core habitat, Priority Natural Communities Core habitat, Species of Conservation Concern Core habitat¹. The parcel is also mapped as BioMap2 Critical Natural Landscape (CNL) Landscape Block and Aquatic Buffer, as well as Tern Foraging Habitat. In addition, it contains DEP Important Habitat² and is identified as an important Coastal Adaptation area. Although not part of the current proposal, there is potential for future salt marsh restoration on this property.

Williams River Preservation Parcel - West Stockbridge, MA

Proposed ILF Funding \$13,447
ILF Service Area Berkshire/Taconic Service Area
Project Location Moscow Road, West Stockbridge, MA (Lat/Long: -73.374,42.3316)



Project Summary The Department of Fish and Game/Division of Fisheries and Wildlife (DFG/DFW) Land Protection Program is requesting \$13,447 in In Lieu Fee Program funds for the fee interest acquisition of a 49-acre property, located off Moscow Road in West Stockbridge, MA. This property is adjacent to the DFW Maple Hill Wildlife Management Area and includes approximately $\pm 5,000$ feet of frontage on the Williams River and 38 acres of freshwater wetlands. The property is under threat of development, with 500 feet of frontage on Moscow Road and potential for residential housing lots. The Williams River, which is a major tributary of the Housatonic River, is an identified Coldwater Fisheries Resource. Wetlands on-site are identified as BioMap2 Wetlands Core habitat¹. The Williams River preservation parcel is of significance for connectivity, ecological integrity, and climate change resiliency; it is identified as BioMap2 Critical Natural Landscape Upland Wetland Buffer, a DEP Important Habitat², and a TNC resilient site³. Acquisition and management of this parcel by DFW would ensure the preservation of these aquatic resources and ± 10 acres of upland buffer.

¹ [BioMap2](#) is designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *Core Habitat* identifies key areas to ensure the long-term persistence of species of conservation concern, exemplary natural communities, and intact ecosystems across the Commonwealth. *Critical Natural Landscape* identifies larger landscape areas that are better able to support ecological processes, disturbances, and wide-ranging species.

² Developed by UMass, the Massachusetts Ecological Integrity Maps (IEI) are based on a computer software program and a method to prioritize land for conservation based on the assessment of ecological integrity for ecological communities (e.g., forest, shrub swamp, headwater stream). Using the IEI values, the MassDEP maps of Habitat of Potential Regional or Statewide Importance ([MassDEP Important Habitats](#)) depict areas representing 40% of the landscape with the highest wildlife habitat value.

³ [The Nature Conservancy's Resilient Sites for Terrestrial Conservation](#) project identifies the areas estimated to be the most climate resilient for each of 62 characteristic environments in Eastern North America.