



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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August 24, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Jennifer Hughes, EEA No. 16736
100 Cambridge Street
Boston, Massachusetts 02114

Project Name: Littleton Water Supply Connection
Proponent: Littleton Electric Light & Water Department
Location: Various- Littleton, Boxborough, Harvard
Project Description: Water pump installation, water main extension
Document Reviewed: Environmental Notification Form
EEA File Number: 16736
NHESP Tracking No.: 23-4202

Dear Secretary Tepper,

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Environmental Notification Form* for the proposed water main work across the towns of Littleton, Boxboro, and Harvard, MA and would like to offer the following comments.

As indicated in the *Massachusetts Natural Heritage Atlas* (15th Edition), portions of the project site are mapped as *Priority and Estimated Habitat* for state-listed species as habitat for the Eastern Meadowlark (*Sturnella magna*), a "Special Concern" species as well as Blanding's Turtle (*Emydoidea blandingii*), species state listed as "Threatened", and Blue-spotted Salamander (*Ambystoma laterale pop. 1*), species state listed as "Special Concern". These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00) and rare wetland wildlife habitat is protected in accordance with the Massachusetts Wetlands Protection Act and its implementing regulations (WPA, 310 CMR 10.58(4)(b) and 10.59).

On May 25, 2023, the Proponent applied for review pursuant to the MESA and the rare wetland wildlife habitat provisions of the WPA. Most of the proposed project will occur within existing, paved roadways or in the adjacent shoulder and likely only to require a state-listed species protection plan. However, the Division required that the applicant provide additional information on June 15, 2023 to clarify some of the limits of work. Of particular focus, is the proposed directional drilling to install the pipe under Beaver Brook just south of Route 2 (Raw Water Plan Cross Country, sheet C103, "DIRECTIONAL DRILLING"). The ENF does not describe any impacts to Land Under Water and Bank for Beaver Brook suggesting that drilling will occur below the river substrate and outside the Banks, but no plan cross-sections are provided nor any details about the depth of drilling. Additionally, the Proponent should provide a contingency plan in the event that a slurry blowout occurs or in which bedrock is hit and directional drilling is determined to be not possible.

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For the majority of the project, we anticipate requiring the development of state-listed protection plans (e.g., include protective sweeps, barriers and time of year restrictions). For the directional drilling under Beaver Brook, we are hopeful that the directional drilling can be conducted as sufficient depth such that impacts to the habitat are avoided. In such a case, we would expect to allow the work to move forward subject to conditions (321 CMR 10.18); therefore, we recommend that the Proponent work with the Division to finalize its plans to avoid, minimize and mitigate impacts to state-listed species sufficient to avoid the necessity of a MESA Conservation and Management Permit (CMP). Should a CMP be required, the Division will refer the Proponent to the MEPA office for consultation prior to issuance of a CMP. Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

The Division will not render a final decision until the MEPA review process and its associated public comment period is complete, and until all required CMP application materials have been submitted to the Division. As the MESA review process is ongoing, no alteration to the soil, surface, or vegetation associated with the proposed Project shall occur until the Division has made a final decision relative to the MESA.

If you have any questions about this letter, please contact Tim McGuire, Endangered Species Review Biologist, at (508) 389-6366 or timothy.mcguire2@mass.gov. We appreciate the opportunity to comment on this project.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: Alexandra Gaspar, Weston & Sampson Engineers, Inc
Littleton Conservation Commission
Harvard Conservation Commission
Boxborough Conservation Commission
DEP Northeast Regional Office, MEPA