

DRAFT  
Section 61 Findings  
Natural Heritage and Endangered Species Program  
Massachusetts Division of Fisheries and Wildlife

South Weymouth Naval Air Station Development Project  
Conservation and Management Permit 008-XXX.DFW (321 CMR 10.23)  
**EOEA No. 11085R**

A Conservation and Management Plan for the above-listed project has been prepared in consultation with the Natural Heritage and Endangered Species Program (NHESP), in compliance with applicable performance standards of the Massachusetts Endangered Species Act (MESA) and implementing regulations. Although the project will result in a Take of the Eastern Box Turtle (*Terrapine carolina*), Grasshopper Sparrow (*Ammodramus savannarum*), and Upland Sandpiper (*Bartramia longicauda*), the project meets the standards for issuance of a Conservation & Management Permit pursuant to MESA (321 CMR 10.23)

A Final EIR (EOEA No. 11085R) for the project was found adequate on July 18, 2007. The project and its impacts are as described in that Final EIR. Pursuant to M.G.L. Ch. 30, Sec. 61, the undersigned finds that the applicant has taken all feasible measures to avoid and minimize damage to endangered species and their habitat.

The Eastern Box Turtle is primarily a terrestrial turtle that uses a variety of upland and wetland habitats and at times demonstrates a preference for edge and early successional habitat. Nesting occurs in open, sandy patches exposed to sunlight. The Eastern Box Turtle will travel long distances throughout the year to exploit seasonally available habitats. The Grasshopper Sparrow and Upland Sandpiper are migratory terrestrial birds that nest in large expanses of sparse open grasslands.

The components of the Conservation and Management Permit as drafted in consultation with NHESP staff include:

- Approximately 746 acres of the +/- 1,400 acre property will be protected in perpetuity as open space and State-listed species habitats through the recording of Declarations of Restrictive Covenants and the deed covenants placed on the Public Benefits Conveyance lands by the National Park Service.
- The proponent will construct the East-West Parkway in a manner that prevents Eastern Box Turtles from entering the roadway, and that allows turtles to cross under the roadway at four locations.
- The proponent will monitor the Parkway and Golf Course construction areas prior to, and during construction, to remove Eastern Box Turtles from the construction area.
- Construction staff will be provided information and materials about the likely presence of state-listed species and appropriate responses to any sightings.
- The proponent will implement a habitat enhancement plan within approximately 25.7 acres of turtle nesting habitat in order to optimize conditions for the Eastern Box Turtle.

- The proponent will restore grassland habitat in an acreage to be determined in the Conservation and Management Permit in order to optimize conditions for Grasshopper Sparrow and Upland Sandpiper.
- The proponent will monitor Eastern Box Turtle, Grasshopper Sparrow, and Upland Sandpiper populations for five years post-construction, to assess the effectiveness of mitigation measures.
- The proponent will implement a long-term monitoring and management plan to maintain habitat quality in the Eastern Box Turtle and grassland bird habitat restoration and enhancement areas.
- The proponent will provide funding in an amount to be determined in the final Conservation and Management Permit for Grasshopper Sparrow habitat protection and management.

Thomas W. French, Ph.D.  
Assistant Director

Date: Date X, 2008

Comments on these draft Section 61 Findings should be sent within 21 days (by October 15, 2008) to:

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