



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, *Director*

October 06, 2009

Three Bays Preservation, Inc
P.O. Box 215
Osterville MA 02655

RE: Project Location: Cotuit Bay Entrance Channel, Barnstable
Project Description: Maintenance dredging of 15,850 cubic yards of clean sand and beneficial re-use as beach nourishment
DEP Wetlands File No.: 003-3743
NHESP File No.: 09-27024

Dear Applicant:

Thank you for submitting the MESA Project Review Checklist, site plans (dated July 1, 2009) and other required materials to the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

It is our understanding that all dredging will occur below mean low tide, and all beach nourishment associated with this project will occur at Dead Neck, i.e. at the eastern end of Dead Neck-Sampson Island, as depicted on Sheet 7, July 1, 2009.

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, **will not result in a prohibited "take"** of state-listed rare species. This determination is a final decision of the Division of Fisheries & Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the NHESP pursuant to the MESA. This project may be subject to further review if no physical work is commenced within three years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Amy Coman, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, North Drive, Westborough, MA 01581, (508) 290-6200, Fax (508) 290-7901

cc: MA DEP Southeast Region
Barnstable Conservation Commission
John O'Dea, Sullivan Engineering, Inc