

**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

City/Town \_\_\_\_\_

**A. General Information (continued)**

6. General Project Description:

Invasive & Nuisance Aquatic Plant Management - Activities will include the use of diver-assisted suction harvesting, mechanical harvesting, benthic barriers, and water level drawdown to control invasive and nuisance aquatic plant growth in the lake.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

Other: Removal of aquatic nuisance vegetation to restore aquatic habitat (310CMR 10.53[4][e][5])

2. Limited Project Type \_\_\_\_\_

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Berkshire

a. County \_\_\_\_\_

b. Certificate # (if registered land) \_\_\_\_\_

c. Book \_\_\_\_\_

d. Page Number \_\_\_\_\_

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Lake Garfield, Tyringham Road Monterey 01245  
 a. Street Address b. City/Town c. Zip Code

Latitude and Longitude: 42.18327 -73.1967  
 d. Latitude e. Longitude

N/A N/A  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Justin MaKuc  
 a. First Name b. Last Name

Monterey Select Board, Chair  
 c. Organization

435 Main Rd. PO Box 308  
 d. Street Address

Monterey MA 01245  
 e. City/Town f. State g. Zip Code

413 528-1443 413 528-9452 justin@monterey.gov  
 h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

Commonwealth of MA (Great Pond)  
 a. First Name b. Last Name

\_\_\_\_\_  
 c. Organization

\_\_\_\_\_  
 d. Street Address

\_\_\_\_\_  
 e. City/Town f. State g. Zip Code

\_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Hillary Kenyon  
 a. First Name b. Last Name

Applied Watershed Sciences, LLC  
 c. Company

86 Sherman Street  
 d. Street Address

Norwich CT 06360  
 e. City/Town f. State g. Zip Code

203-848-4610 hillary.kenyon@gmail.com  
 h. Phone Number i. Fax Number j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\_\_\_\_\_  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	26,400 1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet 3,397,680	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

- f.  Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland \_\_\_\_\_
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
  - 100 ft. - New agricultural projects only
  - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4.  Restoration/Enhancement  
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

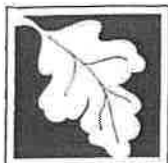
\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings



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### C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a.  Yes  No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area

\_\_\_\_\_ percentage/acreage

(b) outside Resource Area

\_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

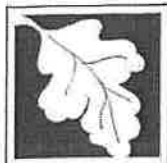
- (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b)  Photographs representative of the site

\* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mass-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





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**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- 
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title \_\_\_\_\_

b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_

d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_

f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

- 5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8.  Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number \_\_\_\_\_ 3. Check date \_\_\_\_\_

4. State Check Number \_\_\_\_\_ 5. Check date \_\_\_\_\_

6. Payor name on check: First Name \_\_\_\_\_ 7. Payor name on check: Last Name \_\_\_\_\_





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Provided by MassDEP:

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### F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant *[Handwritten Signature]*

3. Signature of Property Owner (if different)  
*Hillary Kenyon*

5. Signature of Representative (if any)

2. Date *7/25/23*

4. Date *07-22-2023*

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

**1. Location of Project:**

Lake Garfield, Tyringham Road

a. Street Address

Monterey

b. City/Town

0

c. Check number

d. Fee amount

**2. Applicant Mailing Address:**

Justin

a. First Name

Makuc

b. Last Name

Lake Garfield Working Group of Monterey, MA

c. Organization

Monterey Select Board, Chair

435 Main Rd. PO Box 308

d. Mailing Address

Monterey

e. City/Town

MA

f. State

01245

g. Zip Code

413 528-1443

h. Phone Number

413 528-9452

i. Fax Number

justin@monterey.gov

j. Email Address

**3. Property Owner (if different):**

Commonwealth of MA (Great Pond)

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees (continued)**

<b>Step 1/Type of Activity</b>	<b>Step 2/Number of Activities</b>	<b>Step 3/Individual Activity Fee</b>	<b>Step 4/Subtotal Activity Fee</b>
Control of aquatic vegetation	1	0 (municipal)	0
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			0
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			0
State share of filing Fee:			0
City/Town share of filling Fee:			0
			a. Total Fee from Step 5
			b. 1/2 Total Fee less \$12.50
			c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

**To MassDEP Regional Office (see Instructions):** Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)





# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

### Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Eligibility Checklist

This Ecological Restoration Limited Project Eligibility Checklist guides the applicant in determining if their project is eligible to file as an Inland or Coastal Ecological Restoration Limited Project (310 CMR 10.53(4) or 310 CMR 10.24(8) respectively). These criteria must be met when submitting the Ecological Restoration Limited Project Notice of Intent to ensure that the restoration and improvement of the natural capacity of a Resource Area(s) to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

#### Regulatory Features of All Coastal and Inland Ecological Restoration Limited Projects

- (a) May result in the temporary or permanent loss of/or conversion of Resource Area: An Ecological Restoration Limited Project that meets the requirements of 310 CMR 10.24(8) may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
- (b) Exemption from wildlife habitat evaluation: A NOI for an Ecological Restoration Limited Project that meets the minimum requirements for Ecological Restoration Projects and for a MassDEP Combined Application outlined in 310 CMR 10.12(1) and (2) is exempt from providing a wildlife habitat evaluation (310 CMR 10.60).
- (c) The following are considerations for applicants filing an Ecological Restoration Limited Project NOI and for the issuing authority approving a project as an Ecological Restoration Limited Project:
  - The condition of existing and historic Resource Areas proposed for restoration.
  - Evidence of the extent and severity of the impairment(s) that reduce the capacity of the Resource Areas to protect and sustain the interests identified in M.G.L. c. 131, § 40.
  - The magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40.
  - The magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas that may be modified, converted and/or lost and the interests for which said Resource Areas are presumed significant in 310 CMR 10.00, and the extent to which the project will:
    - a. avoid adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that can be avoided without impeding the achievement of the project's ecological restoration goals.
    - b. minimize adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that are necessary to the achievement of the project's ecological restoration goals.
    - c. utilize best management practices such as erosion and siltation controls and proper construction sequencing to avoid and minimize adverse construction impacts to resource areas and the interests identified in M.G.L. c. 131, § 40.

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects

## (310 CMR 10.24(8))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as a Coastal Ecological Restoration Limited Project. (310 CMR 10.24(8)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects

Notwithstanding the requirements of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and the Wildlife Habitat evaluations in 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.24(8)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in the WPA M.G.L. provided that the project meets all the requirements in 310 CMR 10.24 (8).

- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.24(8)(e)].
- Tidal Restoration.
- Shellfish Habitat Restoration.
- Other Ecological Restoration Limited Project Type.
- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - Protection of public or private water supply.
  - Protection of ground water supply.
  - Flood control.
  - Storm damage prevention.
  - Prevention of pollution.
  - Protection of land containing shellfish.
  - Protection of fisheries.
  - Protection of wildlife habitat.
- 

If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will not have any adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.

## Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects (cont.)

- If the project is located in a Coastal Dune or Barrier Beach, the project avoids and minimizes armoring of the Coastal Dune or Barrier Beach to the maximum extent practicable.
- The project complies with all applicable provisions of 310 CMR 10.24(1) through (6) and 310 CMR 10.24(9) and (10).

### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This Ecological Restoration Limited Project application meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.24(8)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below.
  - Tidal Restoration Projects**
    - A project to restore tidal flow that will not significantly increase flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.
  - Shellfish Habitat Restoration Projects**
    - The project has received a Special Projects Permit from the Division of Marine Fisheries or, if a municipality, has received a shellfish propagation permit.
    - The project is made of cultch (e.g., shellfish shells from oyster, surf or ocean clam) or is a structure manufactured specifically for shellfish enhancement (e.g., reef blocks, reef balls, racks, floats, rafts, suspended gear).
  - Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).
    - Restoration, enhancement, or management of Rare Species habitat.
    - Restoration of hydrologic and habitat connectivity.
    - Removal of aquatic nuisance vegetation to impede eutrophication.
    - Thinning or planting of vegetation to improve habitat value.
    - Fill removal and re-grading.
    - Riparian corridor re-naturalization.
    - River floodplain re-connection.

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## **Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)**

### **Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types**

- In-stream habitat enhancement.
  - Remediation of historic tidal wetland ditching.
  - Eelgrass restoration.
  - Invasive species management.
  - Installation of fish passage structures.
  - Other. Describe: \_\_\_\_\_
- This project involves the construction, repair, replacement or expansion of public or private infrastructure (310 CMR 10.24(9)).
- The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the

- infrastructure will continue to function as designed.
- The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
  - This project proposes to replace an existing stream crossing (310 CMR 10.24(10)). The crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI. The crossing type:
    - Replaces an existing non-tidal crossing that is part of an Anadromous/Catadromous Fish Run (310 CMR 10.35)
    - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.
  - At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
    - The potential for downstream flooding;
    - Upstream and downstream habitat (in-stream habitat, wetlands);
    - Potential for erosion and head-cutting;
    - Stream stability;
    - Habitat fragmentation caused by the crossing;
    - The amount of stream mileage made accessible by the improvements;
    - Storm flow conveyance;

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### **Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)**

#### **Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types**

- Engineering design constraints specific to the crossing;
- Hydrologic constraints specific to the crossing;
- Impacts to wetlands that would occur by improving the crossing;
- Potential to affect property and infrastructure; and
- Cost of replacement.

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### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4))**

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as an Inland Ecological Restoration Limited Project. (310 CMR 10.53(4)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

#### **General Eligibility Criteria for All Inland Ecological Restoration Limited Projects**

Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:



- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.53(4)(e)].
  - Dam Removal
  - Freshwater Stream Crossing Repair and Replacement
  - Stream Daylighting
  - Tidal Restoration
  - Rare Species Habitat Restoration
  - Restoring Fish Passageways
  - Other (describe project type): Invasive and nuisance vegetation control

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### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

#### **General Eligibility Criteria for All Inland Ecological Restoration Limited Projects**

- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - Protection of public or private water supply
  - Protection of ground water supply
  - Flood control
  - Storm damage prevention
  - Prevention of pollution
  - Protection of land containing shellfish
  - Protection of fisheries
  - Protection of wildlife habitat
- If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will have no adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.
- The project will be carried out in accordance with any time of year restrictions or other conditions recommended by the Division of Marine Fisheries for coastal waters and the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3).
- If the project involves the dredging of 100 cubic yards of sediment or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification has been applied for or obtained.
- The project complies with all applicable provisions of 310 CMR 10.53(1), (2), (7), and (8).

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## Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

### Additional Eligibility Criteria for Specific Inland Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This project application meets the eligibility criteria for Ecological Restoration Limited Project in accordance with [310 CMR 10.53(4)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below:
- Dam Removal**
    - Project is consistent with MassDEP's 2007 Dam Removal Guidance.
  - Freshwater Stream Crossing Repair and Replacement.** The project as proposed and the NOI describes how:
    - Meeting the eligibility criteria set forth in 310 CMR 10.13 would result in significant stream instability or flooding hazard that cannot otherwise be mitigated, and site constraints make it impossible to meet said criteria.
    - The project design ensures that the stability of the bank is NOT impaired.
    - To the maximum extent practicable, the project provides for the restoration of the stream upstream and downstream of the structure as needed to restore stream continuity and eliminate barriers to aquatic organism movement.
    - The project complies with the requirements of 310 CMR 10.53(7) and (8).
  - Stream Daylighting Projects**
    - The project meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.53(4)(a) through (d)] and as proposed the NOI describes how the proposed project meets to the maximum extent practicable, consistent with the project's ecological restoration goals, all the performance standards for Bank and Land Under Water Bodies and Waterways.
    - The project meets the requirements of 310 CMR 10.12(1) and (2) and a wildlife habitat evaluation is not included in the NOI.
  - Tidal Restoration Project**
    - Restores tidal flow.
    - the project, including any proposed flood mitigation measures, will not significantly increase flooding or storm damage to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.

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**Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

- Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.53 (4) (a) through (d).
  - Restoration, enhancement, or management of Rare Species habitat.
  - Restoration of hydrologic and habitat connectivity.
  - Removal of aquatic nuisance vegetation to impede eutrophication.
  - Thinning or planting of vegetation to improve habitat value.
  - Riparian corridor re-naturalization.
  - River floodplain re-connection.
  - In-stream habitat enhancement.
  - Fill removal and re-grading.
  - Flow restoration.
  - Installation of fish passage structures.
  - Invasive species management.
  - Other. Describe: \_\_\_\_\_
- This project involves the construction, repair, replacement or expansion of public or private infrastructure. (310 CMR 10.53(7))
  - The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
  - The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- This project replaces an existing stream crossing (310 CMR 10.53(8)). The crossing type:
  - Replaces an existing non-tidal crossing designed to comply with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI.
  - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.

---

**Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

- At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
  - The potential for downstream flooding;

- Upstream and downstream habitat (in-stream habitat, wetlands);
- Potential for erosion and head-cutting;
- Stream stability;
- Habitat fragmentation caused by the crossing;
- The amount of stream mileage made accessible by the improvements;
- Storm flow conveyance;
- Engineering design constraints specific to the crossing;
- Hydrologic constraints specific to the crossing;
- Impacts to wetlands that would occur by improving the crossing;
- Potential to affect property and infrastructure; and
- Cost of replacement.

---

## Required Actions (310 CMR 10.11)

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

- Massachusetts Environmental Policy Act (MEPA) / Environmental Monitor**  
<https://www.mass.gov/service-details/the-environmental-monitor>

For Ecological Restoration Limited Projects, there are no changes to MEPA requirements.

- Submit written notification at least 14 days prior to the filing of a Notice of Intent (NOI) to the Environmental Monitor for publication. A copy of the written notification is attached and provides at minimum:
  - A brief description of the proposed project.
  - The anticipated NOI submission date to the conservation commission.
  - The name and address of the conservation commission that will review the NOI.

- Specific details as to where copies of the NOI may be examined or acquired and where to obtain the date, time, and location of the public hearing.
- Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review**
- Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.
- Supplemental Information for Endangered Species Review has been submitted.
  1.  Percentage/acreage of property to be altered:
 

a. Within Wetland Resource Area	up to 78 acres, but avoiding critical habitat within that larger area
b. Outside Wetland Resource Area	Percentage/acreage
  2.  Assessor's Map or right-of-way plan of site
  3.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work.
  4.  Project description (including description of impacts outside of wetland resource area & buffer zone)
  5.  Photographs representative of the site
  6.  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>)

## Required Actions (310 CMR 10.11) (cont.)

Make check payable to "Commonwealth of Massachusetts - NHESP" and mail to NHESP:

**Natural Heritage & Endangered Species Program**  
 MA Division of Fisheries & Wildlife  
 1 Rabbit Hill Road  
 Westborough, MA 01581

7. Projects altering 10 or more acres of land, also submit:
  - a.  Vegetation cover type map of site
  - b.  Project plans showing Priority & Estimated Habitat boundaries

OR Check One of the Following:

1.  Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/ma-endangered-species-act-mesa-overview>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

2.  Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3.  Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

- Estimated Habitat Map of State-Listed Rare Wetlands Wildlife**

If a portion of the proposed project is located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <https://www.mass.gov/guides/masswildlife-publications#-massachusetts-natural-heritage-atlas->

- A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:
  - Project will NOT have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.
  - Project will have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP's written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:
    - Date of the map: \_\_\_\_\_

### Required Actions (310 CMR 10.11) (cont.)

- If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- That if the project alters Resource Area(s) within the habitat of a Rare Species:
  - The Rare Species is identified;
  - NHESP's recommended changes or conditions necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the Rare Species is provided; or
  - An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:  
Natural Heritage & Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

### Division of Marine Fisheries

- If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011 <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/MA/TR-47.pdf>].
- Obtain a DMF written determination stating:
  - The proposed work does NOT require a TOY restriction.
  - The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004: <https://www.mass.gov/service-details/marine-fisheries-technical-reports>]

- Obtain a DMF written determination stating:
  - The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
  - The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.

## Required Actions (310 CMR 10.11) (cont.)

Send the request for a written or electronic determination to:

South Shore – Cohasset to Rhode Island border,  
and the Cape & Islands:  
Division of Marine Fisheries –  
South Coast Field Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore – Hull to New Hampshire border:  
  
Division of Marine Fisheries –  
North Shore Field Station  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

- Division of Fisheries and Wildlife** – <https://www.mass.gov/orgs/division-of-fisheries-and-wildlife>
  - Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will not occur between May 1 and August 30.
    - Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.
      - The proposed work does NOT require a TOY restriction.
      - The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.
- MassDEP Water Quality Certification**
  - Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.
  - This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).
- MassDEP Wetlands Restriction Order**

Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

Yes     No
- Department of Conservation and Recreation**

**Office of Dam Safety**

  - For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.

## Required Actions (310 CMR 10.11) (cont.)

### Areas of Critical Environmental Concern (ACECs)

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

Yes

No

If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations).

Name of ACEC

## Minimum Required Documents (310 CMR 10.12)

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to ensure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

Description of the project's ecological restoration goals;

The location of the Ecological Restoration Project;

Description of the construction sequence for completing the project;

A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.

The method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.) is attached with documentation methodology.

List the titles and dates for all plans and other materials submitted with this NOI.

NOI Project Narrative for Invasive & Nuisance Aquatic Plant Management at Lake Garfield

a. Plan Title

Hillary Kenyon

b. Prepared by

7-22-2023

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

If there is more than one property owner, attach a list of these property owners not listed on this form.

Attach NOI Wetland Fee Transmittal Form.

## Minimum Required Documents (310 CMR 10.12)

An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;

A plan for invasive species prevention and control;

The Natural Heritage and Endangered Species Program written determination in accordance with



- 310 CMR 10.11(2), if needed;
- Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
  - Proof that notice was published in the Environmental Monitor as required by 310 CMR 10.11(1);
  - A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
  - If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
  - If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
  - If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
  - If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
  - This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
  - Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.

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### **Certification that the Ecological Restoration Project Meets the Eligibility Criteria**

I hereby certify under penalties of perjury that the Ecological Restoration Project Notice of Intent application does not meet the Eligibility criteria for an Ecological Restoration Order of Conditions set forth in 310 CMR 10.13, but does meet the Eligibility Criteria for a Ecological Restoration Limited Project set forth in 10.24(8) or 10.53(4) whichever is applicable. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

*Justin Makke*

*1/25/2023*

\_\_\_\_\_  
Printed Name of Applicant or Authorized Agent

\_\_\_\_\_  
Date

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 2) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.



**Notice of Intent Application**  
**Invasive & Nuisance Aquatic Plant Management at Lake Garfield**

**July 2023**

Prepared by: Hillary Kenyon, M.S. Certified Lake Manager#17-07M  
[Hillary.kenyon@gmail.com](mailto:Hillary.kenyon@gmail.com)

Prepared for: Town of Monterey, MA (Applicant)

# Project Narrative

## Project Narrative Contents

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## Introduction

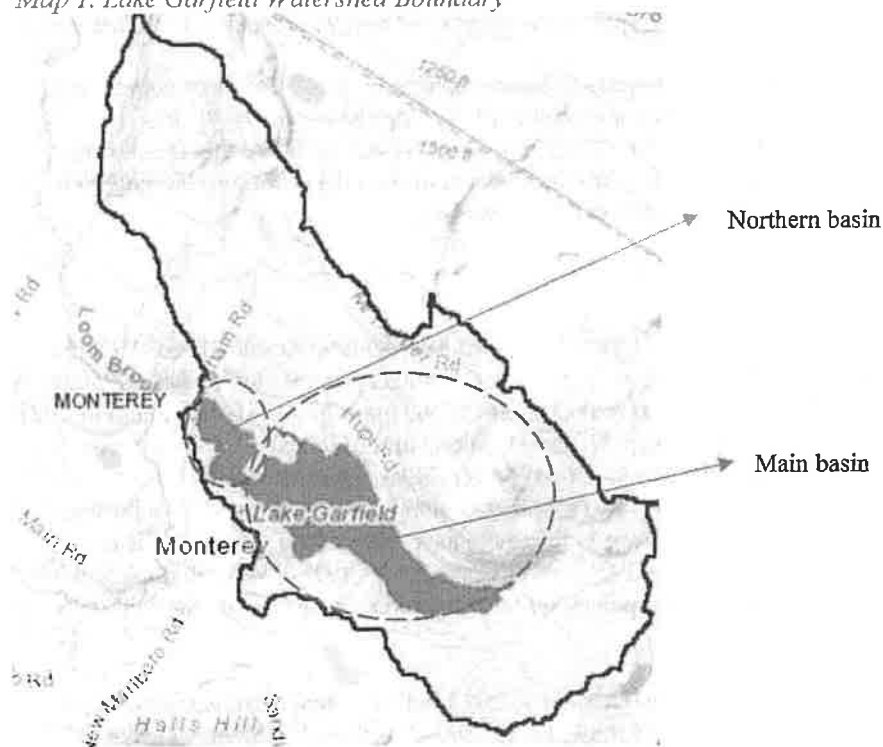
Lake Garfield is located in Monterey, MA. The lake is listed as an “Impaired Waterbody” due to increases in phosphorus, potential cyanobacteria blooms, and low oxygen in deep waters. A phosphorus assessment was completed by Water Resources Services (WRS) in 2018 and indicated the following<sup>1</sup>:

*“The lake covers 97.6 ha (244 ac), although the pond west of Tyringham Road is included in some estimates, increasing total area to 105 ha (262 ac). It provides habitat and recreational opportunity, with a town beach and public boat launch at the northwest end and many private residences along its shore. Lake Garfield achieves a maximum depth of 9.4 m (31 feet), with a total volume estimated at 4.34 million m<sup>3</sup> (3518 ac-ft).”*

The lake hosts a diverse aquatic plant community and a managed inland fishery. There are concerns about increasing prevalence of cyanobacteria blooms and potential worsening water quality over time; Lake Garfield remains a precious natural resource in need of consistent monitoring, management, and protection.

A map of the Lake Garfield watershed (black line) is included below. The outlet of the lake is located at the northwestern side along Tyringham Road. The red dashed circles indicate the major sections of the waterbody, referred to in this document as the northern and main basins.

Map 1. Lake Garfield Watershed Boundary



<sup>1</sup> Phosphorus Loading Assessment for Lake Garfield, Monterey, Massachusetts. WRS, 2018. Project 2016-01/604.

## Historical Aquatic Vegetation Management

The exact date when Eurasian milfoil invaded the lake is unknown. Previous reports by WRS reference that *Myriophyllum spicatum* may have been present in the lake as early as the 1970s, but since early *Myriophyllum* species taxonomy was unsettled, misidentifications were common and it is possible that this information is not entirely accurate. There may have been other native *Myriophyllum* species also present at that time. However, WRS notes that the Lake Garfield community has been practicing winter lake drawdowns for more than 25 years, primarily targeting the control of invasive Eurasian milfoil. Details regarding the historical winter water level drawdowns are not all documented, but significant drawdown activity has the potential to change species composition and distribution of native and invasive aquatic plants. The Lake Garfield Working Group indicates that drawdown has been incredibly successful for Eurasian milfoil control.

Recent aquatic plant management has also focused on diver-assisted suction harvesting (DASH) of invasive Eurasian milfoil. The Wetlands Protection Act permitting documents have been maintained since 2007, with an updated Special Order of Conditions originally filed in 2015 and extended multiple times. Since 2007, all aquatic vegetation work has been permitted through the Monterey Conservation Commission. The 2015 NOI (completed by WRS) indicated that there was, at the time, one large 2-acre patch of Eurasian milfoil in 7-10ft of water, with several scattered milfoil plants and single stems located in various areas around the lake. Plant assessments conducted by WRS from 2013-2019 documented an increase in Eurasian milfoil in the larger lake basin in deeper waters (8-12ft). The 2019 NOI (prepared by WRS) indicates that approximately 10-acres of milfoil was present in 2015, and that DASH efforts in 2015, 2017, and 2018 have effectively reduced the spread and density of milfoil present in some areas.

The 2019 NOI also indicates that Lake Garfield appears to have experienced a shift in plant community based on many years of drawdowns. The state-endangered rare plant, *Potamogeton vaseyi*, was documented in 2006 and then redocumented in 2016. The 2016 survey results indicate this species was found in less than 6ft of water, along the north end of the large basin of the lake – not overlapping with proposed DASH, mechanical harvesting, and benthic barrier locations.

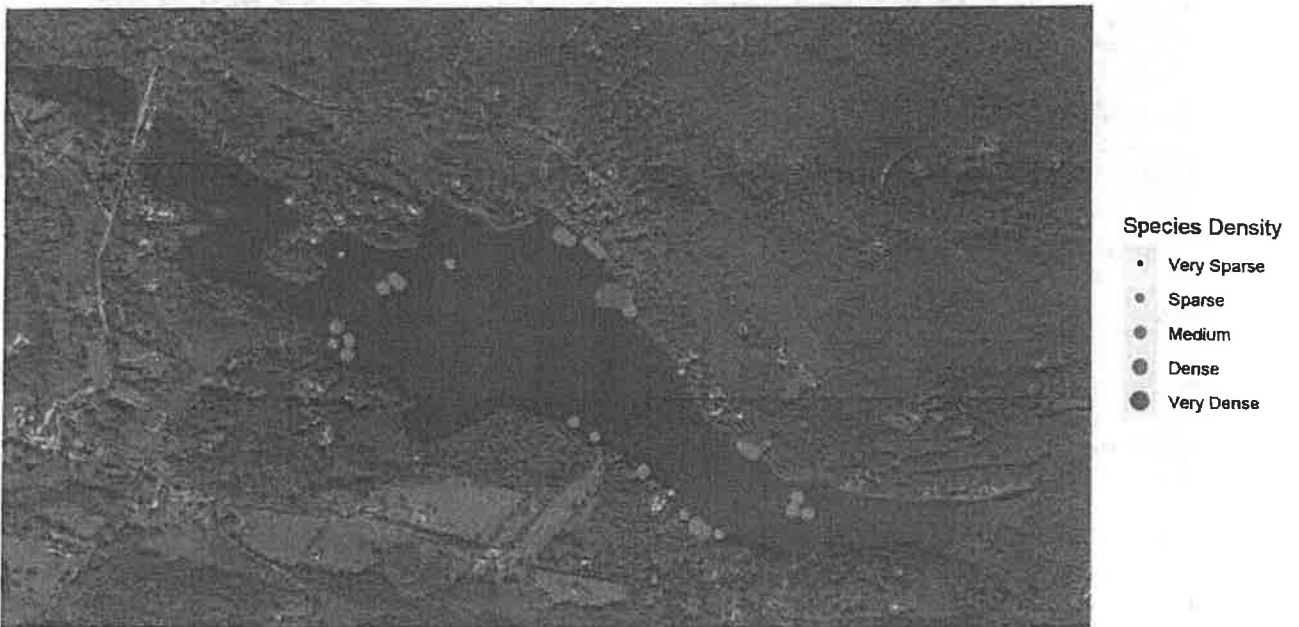
## Existing Conditions

Based on the June 3, 2022 aquatic plant survey performed by Northeast Aquatic Research (NEAR), the estimated coverage of Eurasian milfoil is approximately 3.5 acres, with very small clumps or few single strands found at several additional locations around the perimeter of the main basin. Milfoil found in 2022 ranged in depth from approximately 4.6 to 10ft deep. Of the 3.5 acres, approximately 1.2 acres were considered dense (greater than 60% coverage within the bed) or very dense (greater than 80% coverage) milfoil growth. A map of Eurasian milfoil locations and associated density at each waypoint is provided in Map 2. Note that the size of the waypoints does not indicate the exact size of the patch on this map, it is merely a scale of increasing density (very sparse = 1-9% cover, sparse = 10-19% cover, medium density = 20-59% cover at a given waypoint). Actual milfoil patch and bed sizes were measured using field GPS tracks and field notes.

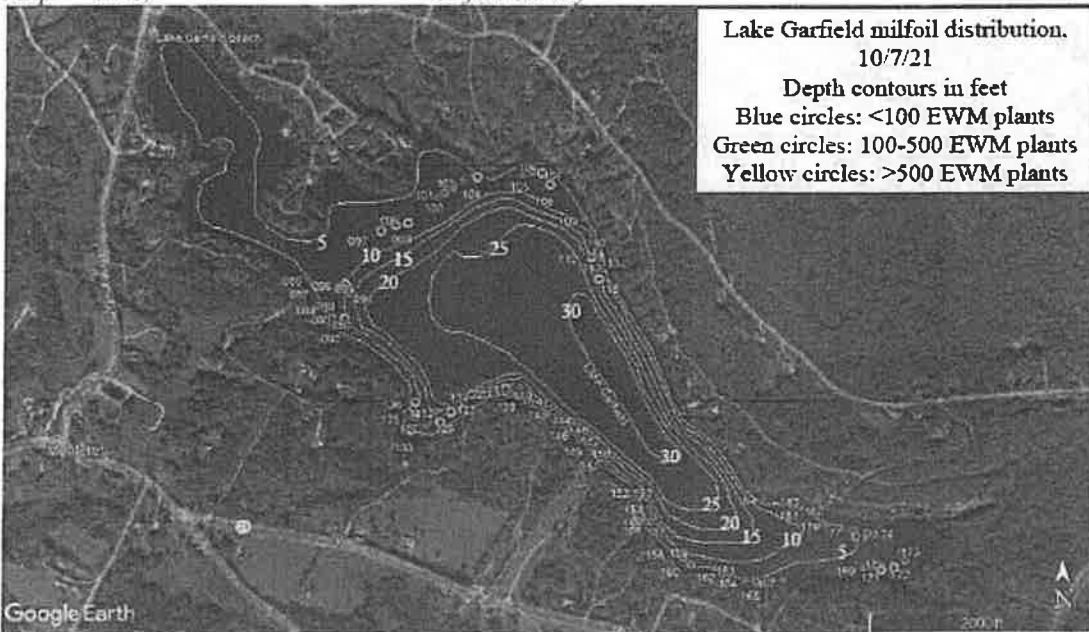
The Eurasian milfoil search conducted by WRS on October 7, 2021 indicates that there was also scattered single plants of Eurasian milfoil between several of the locations found in June 2022 (Map 3). Water clarity was poor during the 2022 survey and it is possible that certain single strands of milfoil were missed or had already been removed via DASH in 2022. The aquatic plant survey was performed during DASH work, and divers had worked approximately 1-2 days in 2022 prior to the survey. Clarity was notably better on the eastern side of the lake at the time of the June 2022 survey, and there were very few aquatic plants present in the southeastern bay at that time. The September 2021 New England Aquatic

Services (NEAS) DASH work was conducted over 71.5hrs, and focused on removing milfoil from the northern half of the main basin. The NEAS 2021 report indicated that DASH covered and removed milfoil from an area of approximately 4.5-acres (Map 4). A total of 541 bags of milfoil were removed at that time (equivalent to 1082 5-gallon buckets of plant material).

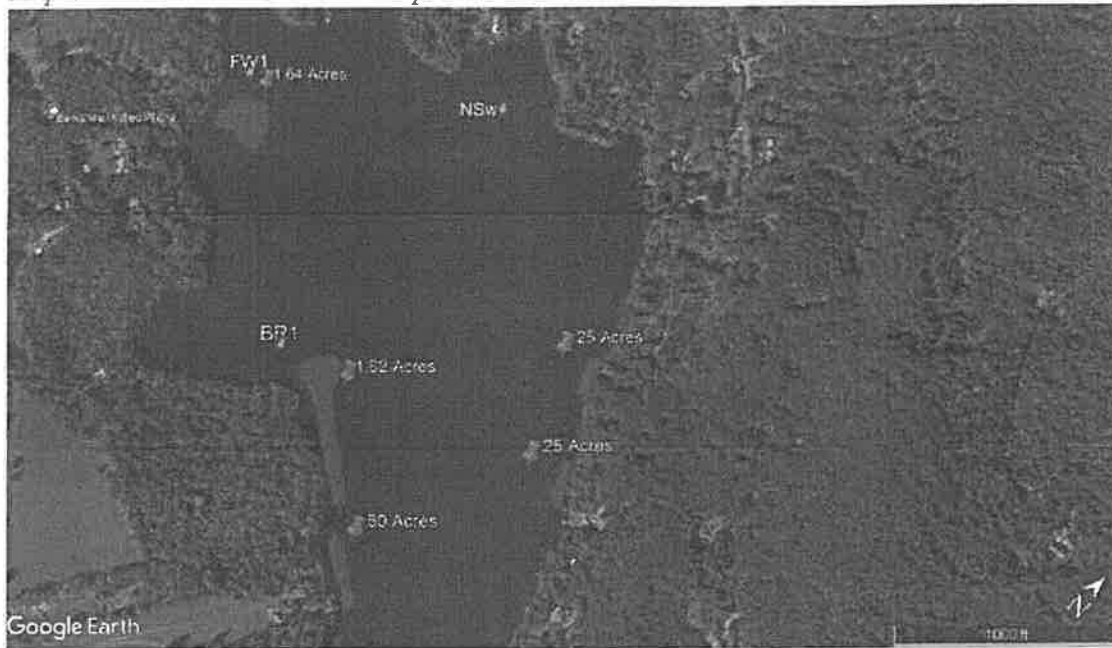
Map 2. NEAR Eurasian milfoil June 2022 Survey Results  
*Myriophyllum spicatum* :: June 3rd, 2022



Map 3. WRS, October 2021 Eurasian milfoil Survey Results



Map 4. NEAS DASH Work Areas September 2021



Invasive Curly-leaf pondweed (*Potamogeton crispus*) was found at two locations in June 2022, overlapping with areas where Eurasian milfoil has been present in recent years, toward the northwest of the main basin (Map 5).

Map 5. NEAR 2022, Invasive Curly-leaf pondweed locations

*Potamogeton crispus* :: June 3rd, 2022





Table 1 presents the list of species located during the 1-day June 3, 2022 NEAR survey. A 2-day survey would have been better able to document the species present in the northern basin, which has a very large littoral zone and needed more time to complete the search of the eastern shore of the northern basin. The central cove on the south side of the main basin along Bracken Brae Drive, pictured below, was unfortunately not surveyed, as the divers were actively harvesting this area at the time of the survey. Additional Eurasian milfoil was documented in this area in October 2021. Several new locations of milfoil were located during the 2022 survey (Map 3).

*Table 1. NEAR June 3, 2022 Species List*

<i>Bidens beckii</i>	<i>Potamogeton perfoliatus</i>
<i>Ceratophyllum demersum</i>	<i>Potamogeton praelongus</i>
<i>Elodea nuttallii</i>	<i>Potamogeton pusillus</i>
<i>Myriophyllum spicatum</i>	<i>Potamogeton robbinsii</i>
<i>Najas flexilis</i>	<i>Potamogeton zosteriformis</i>
<i>Nitella sp.</i>	<i>Ranunculus aquatilis</i>
<i>Nuphar variegata</i>	<i>Sagittaria graminea</i>
<i>Potamogeton amplifolius</i>	<i>Utricularia macrorhiza</i>
<i>Potamogeton crispus</i>	

*Image 1. June 2022 unsurveyed area due to active DASH*



From discussions with Town residents, the density of Large-leaf pondweed (*Potamogeton amplifolius*) in northern basin appears to change from year to year, likely based on the success of the winter water level drawdown. Large-leaf pondweed coverage in the northern basin was considered very dense in large sections during the 2022 survey. Since drawdown for aquatic plant control requires adequate freeze-drying conditions and is not efficient for seed-producing species, Large-leaf pondweed is likely uncontrolled by drawdown in most years. Usually early snow-fall can create insulating conditions that prevent plant desiccation during winter drawdowns. It is also likely that drawdown is more efficient in specific areas of the northern basin. Southern basin was largely absent of aquatic plants at the time of the June 2022 survey.

#### Wetland Resource Areas

A map of the wetland resource areas of Lake Garfield and surrounding area is included below.

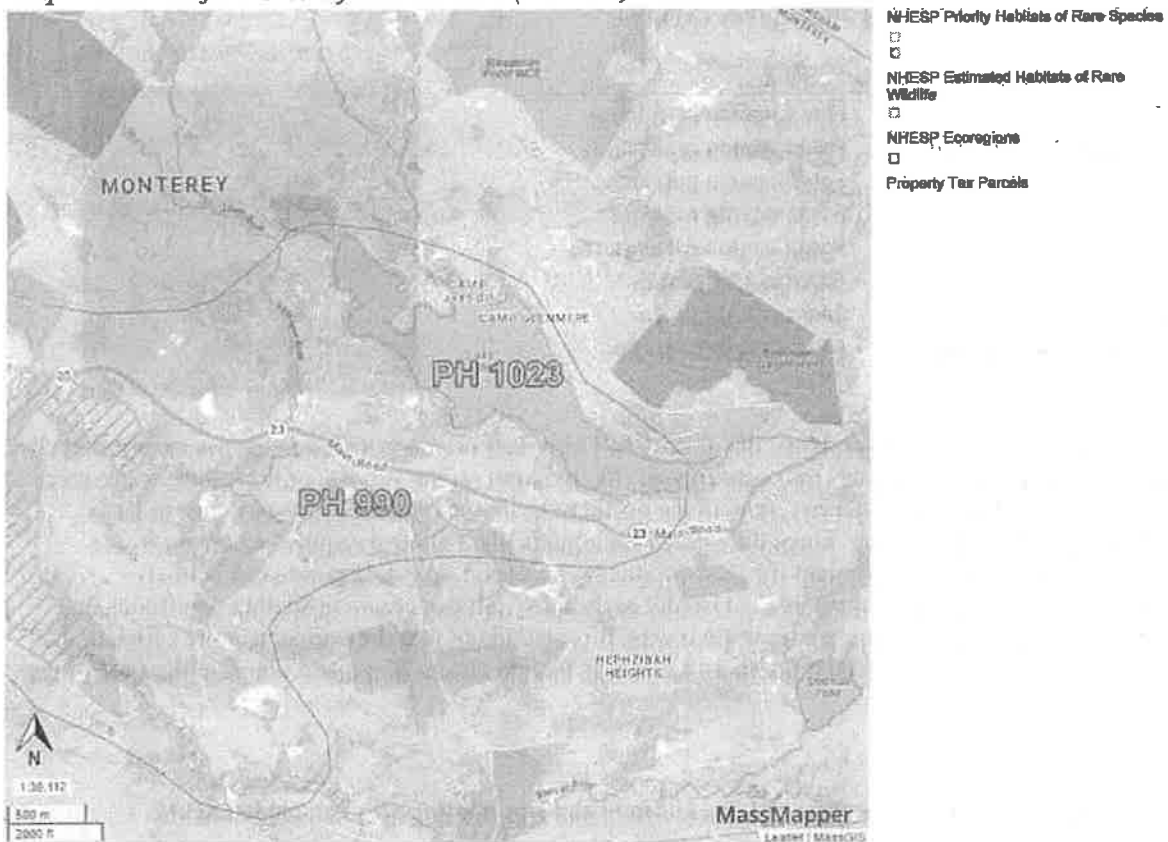
*Map 6. Project MA Wetland Resource Areas*



## Priority Habitat of State-Listed Species

A map of priority habitat of state-listed species is provided below.

Map 7. Lake Garfield Priority Habitat Area (PH 1023)



In a letter dated July 16, 2019, MA NHESP previously approved the use of limited mechanical harvesting and diver-assisted suction harvesting at Lake Garfield, but the department limited the acreage of mechanical harvesting in an unspecified area to about seven acres from September 1 to April 15. At this time the Division requested additional project information and surveys for *Potamogeton vaseyi* with updated maps and consultation with Division staff. Additional information has been included in the Project Description and associated Rare-Plant Species Conservation Plan within Priority Habitat Area.

## Project Description

Over the years, residents of the Town of Monterey have anecdotally documented increasing biomass and prevalence of nuisance aquatic vegetation in Lake Garfield, primarily in the shallow northern basin. The previous NOI from 2019 indicated up to seven acres of mechanical harvesting may be required to manage the dense vegetation, but no formal mechanical harvesting area was specified at that time. Over time, eutrophication of the shallow northern basin will continue to foster growth of high-density aquatic vegetation, primarily Large-leaf pondweed (*Potamogeton amplifolius*). If lake drawdown is not capable of adequately controlling Large-leaf pondweed in the northern basin, an increased area of mechanical harvesting will be necessary into the future in order to maintain the existing habitat and inherent natural resource value. Benefits and details of mechanical harvesting of Large-leaf pondweed is described in the Mechanical Harvesting section of this NOI. The Town of Monterey and the Friends of Lake Garfield have been jointly managing invasive Eurasian milfoil for over two decades. Drawdown has been one of the major methods of invasive species control, but considerable resources have been allocated to DASH, targeting milfoil. Historical records of milfoil coverage are not clear, but it appears that DASH and drawdown have been able to dramatically slow the spread of milfoil over the past eight years. The Town of Monterey and Friends of Lake Garfield would like to proceed with an even more integrated plant management effort. Activity details are proposed below.

### Proposed Activity within Aquatic Plant Management Zones

The total proposed management acreage for this project is up to 78-acres of the littoral zone of Lake Garfield. Proposed project goals are to reduce coverage of invasive and nuisance species, enhance the Lake Garfield resource area, and to prevent the incursion of AIS into the previously documented locations of the state-endangered species *Potamogeton vaseyi*. The primary locations are indicated in Map below. The yellow area in the north basin is the primary proposed location of mechanical harvesting of nuisance vegetation. The dark blue polygons represent areas where invasive Eurasian milfoil was located in 2022. The few invasive Curly-leaf pondweed plants were also found within the northwestern blue polygon. Much of this area only has very sparse or scattered single plant clumps that would need to be removed via DASH. The light blue area indicates locations where Eurasian milfoil plants were found by WRS at the end of 2021 but were not located in 2022. Much of the milfoil present in the light blue polygon areas is also present at very low densities. The actual acreage of activity disturbance will be considerably less than the total proposed area.

Map 8. Proposed Management Activity Zones



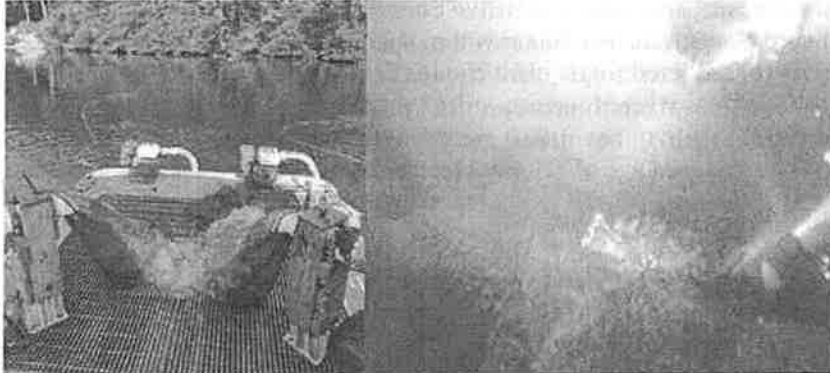
## Diver-Assisted Suction Harvesting (DASH)

Diver-assisted suction-harvesting (DASH) utilizes a suction hose to pump hand-removed plants and roots onto a floating and motorized platform. The removed plants are screened and collected onboard. This method produces some turbidity, but disturbed sediment usually settles within 48 hours. DASH is a commonly used method of control for small to moderate beds of submersed aquatic plants.

DASH has been one of the primary methods of Eurasian milfoil control at Lake Garfield over the past eight years. It has proven very effective at removing small patches or single stems of milfoil in new locations, particularly in steep-sloped areas. While DASH has been able to slow the spread of milfoil and reduce the density of milfoil in several of the well-established beds of the north main basin, DASH has not been able to eradicate this species. The NEAS report does indicate that for the first time in 2021, the divers noticed that native species appear to be recolonizing certain areas where invasive Eurasian milfoil used to be present. The 2022 NEAS report also indicates lower density of Eurasian milfoil in repeatedly harvested areas. This is a positive result of the selective DASH program. However, certain very dense milfoil beds continue to regrow annually and may regain density if not addressed for a single season. Benthic barriers use would enhance this milfoil control project.

The present milfoil coverage where DASH is likely to be used is approximately 2.5-4.5 acres, but should new milfoil patches be located, additional DASH area may be required; hence, a total estimated DASH range of up to 43 acres. This large acreage is proposed simply because the presence of scattered single milfoil plant clumps along the shoreline; actual disturbed area will be considerably less but the management program needs flexibility to be able to allow divers to remove small invasive species clumps before the plants have a chance to develop into larger and more difficult to manage beds.

*Photo 1. DASH unit in operation, (left) plants are bagged and water filtered; (right) divers feed hand-pulled plants into the suction hose*



## Benthic Barriers

Benthic barriers are an effective non-selective plant management method. Barriers are typically made from either a geotextile or plastic tarp-like material. Barriers are strategically placed on the lakebed to cover areas of dense nuisance and/or invasive aquatic plants. The barriers are vented to allow decomposition gases to escape from the sediments, which is a natural phenomenon. Benthic barriers work to limit light penetration, which kills the vegetative part of covered plants. Benthic barriers are appropriate in relatively flat, non-rocky areas. The use of benthic barriers is most common in the 3-12ft depth range. The presence of rocks, boulders, or steep slopes make barriers unable to adequately cover aquatic vegetation, especially if the benthic barrier has a ridged frame. Benthic barrier locations will be marked with latitude and longitude coordinates to ensure the barriers can be retrieved at a later date.

For the Lake Garfield project, benthic barriers are proposed for use on persistent Eurasian milfoil patches that have suitable bottom substrates and have shown high regrowth after DASH in past years. While the total proposed project area for integrated DASH and benthic barrier use is approximately 43-acres, the actual annual use of benthic barriers will not exceed 1-acre total across the lake at any time. The proposed areas where barriers will be used will not overlap with the previously documented range (2016 survey by Padgett and Stockman) of state-endangered *Potamogeton vaseyi*.

The primary target of benthic barrier use will be invasive Eurasian milfoil and invasive Curly-leaf pondweed, as these species tend to grow in monotypic single-species beds in water deeper than 5ft. Prior to placement of benthic barriers, divers and contractors would be briefed on how to identify the state S2 rank species present, *Bidens beckii*, to avoid any potential harm to this species as well.

The exact areas of benthic barriers will change from year to year, as they will be used and then strategically moved to a nearby location to target the remaining edge of a milfoil bed. The use of benthic barriers has the potential to eradicate milfoil in deeper water, and is best used in combination with follow-up DASH work to remove any regrowing stems in subsequent years.

*Photo 2. Example of benthic barriers installation*



## Mechanical Harvesting

Although there are many different types of mechanical harvesting, the type planned for this project is simply an aquatic plant cutting machine. The floating barge machine has a cutting blade that is designed to cut plant stems up to 6ft below the water surface. Cut plants are simultaneously loaded onto a conveyor belt and collected. When the barge is full of plants, it will travel back to the designated off-load site. Mechanical harvesting is most effective when the vast area and density of a particular species is too great for DASH or benthic barrier use. Mechanical harvesting can work well for nuisance Large-leaf pondweed (*Potamogeton amplifolius*) control across up to 35-acres, primarily in the northern basin.

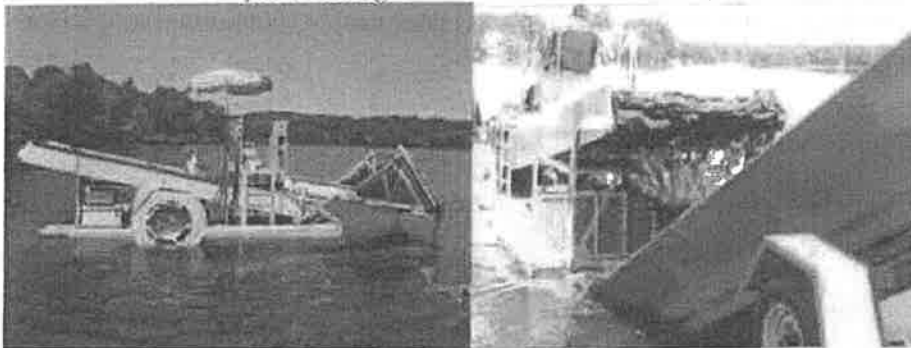
The full 35-acres does not presently require harvesting, but has been included in this project description in order to account for potential increased plant growth in future years, and also to provide room for adaptive management throughout the duration of this project permit.

Dominant species documented in the northern basin in June 2022 were:

*Potamogeton amplifolius*  
*Potamogeton zosteriformis*  
*Potamogeton robbinsii*  
*Potamogeton pusillus*  
*Potamogeton praelongus*

Additionally, this project would like to reserve the ability to use mechanical harvesting on extremely large and dense Eurasian milfoil beds in water greater than 6ft deep in the main basin, if deemed necessary in the future.

*Photo 3. Mechanical plant cutting harvester machine at work (WRS, 2019 NOI)*



## Drawdown

Winter water level drawdown has been practiced at Lake Garfield for over 25 years, as a primary invasive species management technique. Available historical records indicate that drawdown has been very effective in controlling and eradicating invasive Eurasian milfoil from shallow waters. Drawdown tends to be less effective in certain years and in specific littoral zones, due to environmental conditions, but the Lake Garfield Working Group has indicated great success on Milfoil control. Drawdown has not been able to annually control the extremely dense Large-leaf pondweed in the north basin. For that reason, this project will maintain the annual drawdown schedule, but also employ additional methods as part of an integrated nuisance and invasive aquatic plant management program. The Town of Monterey, Lake Garfield Working Group, and Friends of Lake Garfield will commit to tracking water level over the duration of the future drawdowns. Water-level winter drawdown will not be more than 6ft below normal levels, and will likely be less than that in most years.

## Aquatic Plant Surveys to Evaluate Success

Until 2022, aquatic plant surveys at Lake Garfield have been very limited and have been specifically geared towards finding and documenting patches of invasive Eurasian milfoil. A survey conducted by Northeast Aquatic Research, LLC (NEAR) on June 3, 2022 aimed to find and document invasive Eurasian milfoil throughout the lake, while also documenting all native species present in the littoral zone. This survey was conducted over approximately 7hrs on the water and was able to find several new patches of invasive Eurasian milfoil, one new invasive species that had not been formally documented in Lake Garfield (*Potamogeton crispus*, Curly-leaf pondweed), as well as fifteen additional aquatic vegetation species. Divers had apparently reported seeing several Curly-leaf pondweed stems in the past two years, but it was never formally documented until 2022.

The state-endangered *Potamogeton vaseyi* was not found during this 2022 survey. It is possible that increased survey time would be able to locate this species, increasing the survey coverage of the shallow northern basin. The northern shore of the main basin, where this state-endangered plant was previously documented, were searched in 2022. The exact past 2016 locations where this endangered species was located were requested from MA NHESP, and these specific areas will be avoided during all future vegetation management at Lake Garfield. Additional details of the Lake Garfield rare plant conservation plan are included in this NOI. The presence of filamentous green algae and benthic cyanobacteria mats were also documented during the June 2022 survey.

This updated project plan for Invasive & Nuisance Aquatic Plant Management at Lake Garfield includes up to three days of aquatic plant surveying per year, constituting pre- and post- management surveys to evaluate project success. The pre-management survey is intended to be a full-lake all-species survey that adequately covers the entire littoral zone of Lake Garfield. Post-management aquatic plant surveys will focus on areas where management has occurred in that particular year. Varied levels of vegetation management are expected annually for the duration of the project permit, with cycles of reduced management in certain years. If no vegetation management takes place in a given year, a survey will not be required but is still encouraged if Town and resident project funding allows. Since certain species grow earlier or later in the year than others, the timing of DASH, mechanical harvesting, and benthic barrier use may not be consistent from year to year. In each case, however, the allotted survey days will be allocated to provide the best overall plant management information, including additional rare-species searches whenever possible or required by MA DEP NHESP.

Aquatic plant surveys will use a combination of visual assessment, hand-rake and rake-toss verifications, as well as down scanning SONAR imaging throughout the littoral zone. If an invasive species appears absent, or is potentially unable to be located through surface surveying alone in a given year, limited underwater surveying may be used to better document the conditions and growth of invasive species and to guide management actions for that year. Should any new invasive species be located in the lake, additional surveying and methods may be employed to benefit the overall lake management program. Surveying will be done in coordination with MA NHESP.

## Alternatives Analysis

Various alternatives have been reviewed in past Lake Garfield NOI documents. Additional alternatives analysis is provided below. The following will NOT be employed at Lake Garfield.

**Biocontrol** – The two available aquatic plant management options for biological control are Milfoil weevils and triploid Grass carp. Triploid grass carp are illegal in MA, and are controversial in their widespread and non-selective nature of plant eradication. Milfoil weevils have been previously used at Lake Garfield and success was limited. Weevils are no longer commonly used for milfoil control.

**Dredging** – Dredging is extremely cost prohibitive and not feasible across such a large area as the northern basin or in deeper waters of the main basin. Dredging is also not a particularly effective plant management strategy for invasive Eurasian milfoil, which can grow even in relatively hard sandy sediments.

**Herbicides** – Although aquatic herbicides could work very well to control invasive and nuisance species at Lake Garfield, herbicide use is currently not favored by a percentage of the community. The most effective aquatic herbicides for Eurasian milfoil control are flurpyrauxifen-benzyl (ProcellaCOR-EC) and fluridone (Sonar). Both products are systemic herbicides, meaning that they provide multiple years of control. One treatment is usually capable of providing about three years of near complete milfoil control. Both products are also extremely selective in their ability to control Eurasian milfoil without causing harm to other native non-target species. This selectivity comes from extremely low dosages of the products (usually less than 6ppb ProcellaCOR-EC and less than 3ppb fluridone as measured concentrations). Fluridone is a product that has been used in MA for over 20 years, and has an extremely favorable environmental profile. ProcellaCOR-EC was approved more recently, but also has extremely low toxicity and rapid photo-degradation. Fluridone requires long contact time periods, with at least 60 days of measurable product in the water column. Fluridone works best by maintaining concentrations for 90 days. ProcellaCOR-EC, on the other hand, is fast acting and the target milfoil plants uptake the herbicide within 2 days. This rapid treatment and rapid degradation of the ProcellaCOR-EC product makes it more favorable for communities that are hesitant to use herbicidal aquatic plant control methods.

Large-leaf pondweed can be controlled by fluridone at higher concentrations, upwards of 7-12ppb. Large-leaf pondweed is not affected by ProcellaCOR-EC use at low or moderate concentrations. Many other contact treatment herbicides, with typically short-lived seasonal results, are possible but are not presently considered part of the Lake Garfield long term nuisance plant management strategy. Both the rare S2 rank *Bidens beckii* and *Potamogeton vaseyi* are vulnerable to moderate and higher dosage fluridone treatments. ProcellaCOR-EC could be applied in specific locations with minimal drift and would be much less of a concern for the rare and state-endangered plants present in Lake Garfield. However, herbicides are not being considered by the Lake Garfield community at this time.

## Anticipated Impacts

No significant negative impacts are expected from the use of DASH, benthic barriers, or mechanical harvesting with the proposed usage and rare-plant protection strategies in the Project Description. No significant disturbance to the pond bottom is anticipated if management methods are employed in a way consistent with proposed third-party Certified Lake Manager oversight. Mechanical harvesting in the north basin may temporarily disturb bottom sediment if operated in water shallower than 5ft deep, but the anticipated water quality benefits of reducing severe nuisance plant biomass in the north basin are expected to outweigh the drawbacks of any accidental and temporary sediment disturbance. In the case of



mechanical harvesting in water shallower than 5ft deep, extra precaution will be taken to cut plants at least one foot above the sediment surface to avoid disturbances. Positive water quality impacts of removing very dense nuisance vegetation are increased dissolved oxygen at the sediment-water interface and likely reduction in internally-loaded nutrients (phosphorus and nitrogen) from previously anoxic/hypoxic sediments.

Fish and other wildlife are almost always unharmed by mechanical harvesting and DASH, as operators are able to see if an occasional fish was collected accidentally. Operators are able to quickly return any fish to the water, similar to catch and release fishing. The process of mechanical harvesting, DASH, and benthic barrier placements are very slow, allowing ample time for wildlife to swim away. Benthic barriers use will be concentrated in water deeper than 6ft, and barriers will not disturb fish spawning areas, mussel beds, or state-listed species, as divers will be able to ensure barriers are not placed on top of these areas.

Water level drawdown will have impacts to the shoreline aquatic plant community and potentially to wildlife as well. Water level drawdown must be well-controlled and slow enough, to minimize the potential negative impacts to wildlife in the littoral zone, as indicated in the MA General Environmental Impact Report for Eutrophication and Aquatic Plant Management. Water level drawdown has considerably more impact to aquatic plant species that do not reproduce primarily through seeds. The state-endangered *Potamogeton vaseyi* does produce seeds as one of its methods of reproduction, so although drawdown may harm existing populations of this species, it should not be the cause of potential enduring harm if the drawdown occurs after the potential plants are done fruiting and reseeded. This was the previous determination from MA NHESP.

#### Impacts Specific to the Wetlands Protection Act

The following section builds upon findings and interpretations of the MA Practical Guide to Lake Management document, as written originally by WRS in the 2015 and 2019 Lake Garfield NOI. The MA Practical Guide to Lake Management document indicates that the impacts of DASH and mechanical harvesting area as follows:

**Protection of public and private water supply** – Neutral.

**Protection of groundwater supply** – Neutral.

**Storm damage prevention** – Neutral.

**Prevention of pollution** – Generally neutral, but has capability of reducing phosphorus pollution by increasing dissolved oxygen and increasing oxidized sediment area via removal of extremely dense plant growth, primarily in the north basin.

**Protection of land containing shellfish** – Drawdown may impact freshwater mussels if not performed at a sufficiently slow rate.

**Protection of fisheries** – Generally neutral; possible benefit by increasing edge habitat and decreasing extremely dense monotypic stands of nuisance and invasive species. Very dense and single-species stands of aquatic invasive species and/or nuisance species provide poor habitat for fisheries. Management activities proposed should have the added benefit of enhanced fish habitat and will foster the growth of diverse native species at moderate densities. Potential impact related to lower dissolved oxygen under winter ice, but Lake Garfield has considerable volume, so winter oxygen will likely not be an issue despite considerable water-level drawdowns.

**Protection of wildlife** – Potential impacts to state-endangered *Potamogeton vaseyi* exist, but the proposed activities have established a proposed rare-species conservation plan within the larger designated priority habitat area of Lake Garfield. This plan is outlined below. Possible impacts to other littoral zone wildlife.

## Rare-Species Conservation Plan within Priority Habitat Area

The state-endangered *Potamogeton vaseyi* was not located during the June 2022 survey, despite fairly widespread observations of a more common and similar narrow-leaf pondweed species (*Potamogeton pusillus*). Some of the area where *Potamogeton pusillus* was found, overlaps with the area where *Potamogeton vaseyi* was recorded historically, along the northern shallows of the main basin (Map 9). Exact locations of historical *Potamogeton vaseyi* are not known at this time. Despite a visual similarity, however, *Potamogeton pusillus* typically grows in deeper water than where *Potamogeton vaseyi* is most often found. Links to more information and photos of the two species are provided below on the GoBotany website.

<https://gobotany.nativeplanttrust.org/species/potamogeton/vaseyi/>

<https://gobotany.nativeplanttrust.org/species/potamogeton/pusillus/>

A rare MA S2 ranked species, *Bidens beckii* (Water marigold), was found in multiple locations around Lake Garfield during the 2022 survey (Map 10). Although this species is not formally listed as a state-protected special concern, threatened, or endangered species, as of 2022, appropriate conservation measures have been built into the proposed harvesting, DASH, and benthic barrier work. Divers and harvester operators will receive GPS coordinates of the exact locations where this species was found, and mechanical harvesting will be required to leave a 30ft buffer around each waypoint. In the future, if locations of *Bidens beckii* are ever found to overlap with that of invasive species, like Eurasian milfoil or Curly-leaf pondweed, divers will be briefed on how to identify and avoid disturbances to this plant underwater. Annual full-lake all-species surveys will attempt to continue to document the presence of *Bidens beckii* over the future years of plant management.

The primary conservation strategy for state-endangered *Potamogeton vaseyi* is to avoid management in locations where the species has been documented historically. If management along the northeastern shore of the southern basin, within 50ft of the previously documented *P. vaseyi* areas, is deemed important to minimizing spread of the invasive species, only delicate and highly selective diver-harvesting would be used. DASH has the capability of being highly selective, when divers have been appropriately briefed and trained. In the future, it would be ideal if the 2016 locations where the species was found could be marked on a field GPS and avoided during all management activities. Despite this species reproducing via seed spreading, it is common for *Potamogeton vaseyi* to occur in the same locations in a waterbody year over year.

Additional conservation measures include that proposed benthic barriers will only be used on very dense monotypic stands of invasive Eurasian milfoil, most frequently below 6ft deep. DASH efforts will be targeted to Eurasian milfoil control, and this technique has the ability to be very species selective. Divers will be briefed to avoid disturbing narrow-leaf pondweed species that may be present in and around milfoil beds, until positive confirmation of the species is provided by a qualified surveyor.

Mechanical harvesting efforts will be concentrated on Large-leaf pondweed stands across the northern basin, which is not where *Potamogeton vaseyi* was historically located.

Map 9. Locations of common narrow-leaf pondweed species *Potamogeton pusillus*  
*Potamogeton pusillus* :: June 3rd, 2022



- Species Density
- Very Sparse
  - Sparse
  - Medium
  - Dense
  - Very Dense

Map 10. Locations where uncommon MA S2 ranked species *Bidens beckii* occurs in Lake Garfield  
*Bidens beckii* :: June 3rd, 2022



- Species Density
- Very Sparse
  - Sparse
  - Medium
  - Dense
  - Very Dense

## Compliance

The proposed project was designed to improve Lake Garfield. Invasive species and extremely dense nuisance aquatic plant growth are well known to negatively impact water quality and disrupt balance of wildlife habitat and ecology. None of the proposed plant management methods will eliminate the plant community present in Lake Garfield.

## MA Wetlands Protection Act

The objective of this project is to control invasive and extremely dense nuisance aquatic species. No significant negative impacts will occur to the wetland resource area as a result of the proposed management activities. The proposed project and increased ongoing monitoring are expected to enhance the resource area and slow eutrophication. The proposed activities are consistent with guidelines set forth by:

- Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004)
- Guidance for Aquatic Plant Management in Lakes and Ponds: As it relates to the Wetlands Protection Act (April 2004 – DEP Policy/SOP/Guideline #BRP/DWM/WW/G041)
- The Practical Guide to Lake Management in Massachusetts (2004)

This project qualifies as a Limited Project under 310 CMR 10.53(4)(e)5, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication – ecological restoration limited project. We believe that this project also meets all performance standards for Land Under Water projects.

## MA Environmental Policy Act

The proposed project within this NOI complies with the MA Environmental Policy Act (MEPA) and is consistent with the *Generic Environmental Impact Report* and the *Practical Guide to Lake and Pond Management in MA 2004* documents. Proposed management activities do not require individual MEPA review.

## MA Endangered Species Act

The Natural Heritage and Endangered Species Program (NHESP) that implements the MA Endangered Species Act (MESA) indicates that Lake Garfield is considered entirely Priority Habitat (PH1023) for state-endangered *Potamogeton vaseyi*. NHESP has previously reviewed and permitted limited use of mechanical harvesting and DASH in Lake Garfield, in accordance with their determination letter, issued on July 16, 2019 as part of a previous NOI process. This NOI updates the proposed management zones and has been prepared with guidance from NHESP. In order to comply with MESA, a copy of this NOI and associated proposed rare plant conservation plan has been submitted to NHESP for a joint NOI-MESA review, as deemed necessary by the Department.

## Records and Reporting

An annual report by the selected management contractor will be filed annually and forwarded to the Conservation Commission. Separate third-party survey maps and updated recommendations will be filed annually and also sent to the Conservation Commission. NHESP and DEP will be kept informed on all key project happenings and copies of reports will be filed at Monterey Town Hall.

# Attachment A – Notifications

Environmental Monitor  
Abutters Notice  
Abutters Lists



**AGREEMENT FOR AMBULANCE SERVICES**

THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2023, by and between the Town of Monterey, Massachusetts (hereinafter referred to as the "TOWN"), a municipal corporation organized under the laws of the Commonwealth of Massachusetts and Southern Berkshire Ambulance, doing business as (a sole proprietor, partnership, corporation, limited liability company) (hereinafter referred to as "CONTRACTOR"), having its principal place of business at 31 Lewis Avenue, Great Barrington, MA 01230.

**Commented [jm1]:** SBA should weigh in on their classification

In consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

**1. SCOPE OF AGREEMENT:**

In consideration of the compensation set forth herein, CONTRACTOR agrees to provide ambulance service to the TOWN in accordance with all if the provisions of this agreement, including the SPECIFICATIONS FOR PROVISION OF AMBULANCE SERVICE and SCHEDULE OF INSURANCE REQUIREMENTS attached hereto and incorporated herein by reference.

**2. TERM OF AGREEMENT:**

The parties' obligations under this agreement shall commence on July 1, 2023 and continue until June 30, 2024 or until such time as the contract is terminated in accordance with the provisions set forth herein.

**3. COMPENSATION:**

In consideration of the services to be performed by CONTRACTOR, CONTRACTOR shall be paid, according to the timetable, terms and procedures described in Paragraph 4 below, the sum of fifty-one-thousand six-hundred and seventy (\$51,670.00) Dollars.

**4. PAYMENT SCHEDULE AND TIMETABLE:**

Payments by the TOWN for services rendered under this agreement shall be allocated as follows:

Fiscal Year	Total Payment
2024 (July 1, 2023 – June 30, 2024)	\$51,670.00

CONTRACTOR shall provide the TOWN with a written invoice for services rendered on a monthly basis. Each such invoice shall represent charges totaling one twelfth (1/12) of the TOTAL PAYMENT due for the fiscal year in which the services were rendered to the TOWN. All invoices rendered shall be due and payable within thirty (30) days of the invoice date. Payment and performance obligations of the TOWN during fiscal years succeeding fiscal year 2024 shall be subject to extension of this Agreement by the Town and the appropriation or other availability of funds to the TOWN.

**5. CONTRACT DOCUMENTS:**

In the event of a conflict between any of the Contract Documents, the document most favorable to the TOWN, in its sole determination, shall prevail.

**6. SERVICES TO BE PROVIDED:**

CONTRACTOR shall furnish ambulance service as defined in Paragraph 1 of this Agreement, and in the other Contract Documents.

**7. TYPES OF VEHICLES TO BE PROVIDED:**

CONTRACTOR shall make available to the TOWN ambulance of standard make and manufacture, regularly maintained by a qualified mechanic, modern, clean and neat in appearance and fully equipped and maintained in accordance with the standards recommended by Massachusetts General Laws, Chapter 111C, and other federal, state or local laws, bylaws, rules or regulations. All vehicles provided by CONTRACTOR under this agreement shall be equipped with functioning two-way radios which adequately cover the geographical area(s) contemplated by this agreement and shall be compatible with the radios and frequencies utilized by the TOWN's Fire Department, Police Department, and Highway Department.

**8. TRAINED CREWS:**

CONTRACTOR shall at all times utilize crews for the maintenance and operations of the ambulances which crews shall be thoroughly trained in accordance with the recommended standards of the Office of Emergency Medical Services of the Commonwealth of Massachusetts.

**9. TWENTY-FOUR HOUR AVAILABILITY:**

CONTRACTOR shall maintain and provide the TOWN with ambulance service on a Twenty-Four (24) hour basis, seven (7) days per week, Three Hundred and Sixty Five (365) days per year. CONTRACTOR shall maintain such service at 31 Lewis Avenue, Great Barrington, MA 01230 or such other location as approved by the TOWN, at an appropriate level of care and in sufficient quantities so that it will be prepared and able to dispatch ambulances immediately in response to emergency calls.

In the event that the ambulance service cannot be provided to the TOWN by CONTRACTOR due to emergency including, but not limited to, those events specified in the paragraph entitled "Force Majeure", or other circumstances necessitating the deployment of such ambulance service elsewhere, CONTRACTOR shall so notify the Berkshire County Dispatch. Any charge incurred by the TOWN for ambulance service provided by any other ambulance service company shall be paid promptly by CONTRACTOR upon submission by the TOWN of any such invoice to CONTRACTOR.

Commented [jm2]: Need to research this more.

If CONTRACTOR fails to make such payment to the TOWN within thirty (30) days of receipt of the invoice as provided in the foregoing sentence, the TOWN may deduct an amount equal to any such unpaid invoice from funds due to CONTRACTOR pursuant to this Agreement.



**10. STANDBY COVERAGE:**

Upon the request of the Monterey Police and/or Fire Departments, CONTRACTOR will provide ambulance service to stand by at the scene of a structural fire or other emergency, unless said ambulance service is unavailable under the circumstances described in Paragraph #9, in which case the provisions of that paragraph will apply in full.

**11. INSURANCE REQUIREMENTS:**

CONTRACTOR shall maintain insurance for its vehicles and operators of a kind and at the limits shown on the SCHEDULE OF INSURANCE REQUIREMENTS attached hereto and incorporated herein by reference. The Town of Monterey shall be named as an Additional Insured under all such policies except Workers' Compensation, and shall be provided a Certificate of Insurance by CONTRACTOR evidencing such designation at the time of the execution of this Agreement. Insurance for medical payments and malpractice as well as Workers' Compensation shall be maintained, at a minimum, at limits required for such coverage by the Commonwealth of Massachusetts. Certificates attesting to said coverage shall be provided to the TOWN upon execution of this Agreement, and annual thereafter or upon the renewal or modification of any such coverage. All such insurance shall cover the TOWN, its agents, officials and employees over and above the insurance otherwise available to the TOWN or said persons.

**12. INDEMNIFICATION:**

CONTRACTOR shall indemnify and hold harmless the TOWN against any and all liability, loss, damages costs or expenses relating to personal injury, death or property damage which the TOWN may sustain, incur or be required to pay, arising out of or in connection with services performed under this agreement, by reason of any negligent acts, omissions or inactions or willful misconduct of CONTRACTOR, a person employed by CONTRACTOR, or any of its agents or subcontractors.

**13. COLLECTION FROM PRIVATE PARTIES:**

CONTRACTOR shall make specific charges for services rendered to those individuals who actually use the ambulance service on a call basis with both the charge per call and rate per mile billed and collected by CONTRACTOR from the individual ambulance patient. The TOWN shall not be held liable for the non-payment of invoices by private parties.

**14. FINANCIAL REPORTING:**

CONTRACTOR shall provide a quarterly report that details the number of calls, the types of calls, the response times for each call, and an average response time for the quarter. The quarterly report must be submitted within five (5) business days of the end of the quarter, starting with the July-September quarter. CONTRACTOR shall also provide an annual financial report within thirty (30) days of the end of CONTRACTOR's fiscal year.

**15. SERVICE ON CONTRACTOR'S BOARD:**

Commented [DB3]: Justin, I'm not sure what type of annual financial report you want. Of SBA? Of just its dealings with Monterey? An accounting of what SBA charged/collected from third party payers?

Upon request of the TOWN, CONTRACTOR shall permit the TOWN to designate a representative to participate as a full voting member of CONTRACTOR's Board of Directors. Such participation shall continue until termination of this Agreement. TOWN may from time to time designate a different person to participate as the TOWN's representative.

**16. GENERAL LEGAL COMPLIANCE:**

CONTRACTOR agrees to comply with all Federal, State and Municipal laws, ordinances, rules and/or regulations relating to or governing the services provided pursuant to this Agreement, including but not limited to, the requirements of the Health Insurance Portability and Accountability Act ("HIPAA"), including the privacy requirements thereof, labor laws, and those against discrimination, existing or adopted in the future which are applicable at any time to CONTRACTOR pursuant to its obligation during this agreement. CONTRACTOR and any of its subcontractors, agents, servants and/or employees shall obtain, at their sole cost and expense, all required permits, franchises, approvals, licenses and/or certificates necessary for the performance of its obligations pursuant to the Agreement.

**17. NON-ASSIGNMENT OF CONTRACT:**

CONTRACTOR shall not assign or in any way transfer any interest in this Agreement without the prior written consent of the TOWN, which consent may be withheld for any reason.

**18. FORCE MAJEURE:**

Neither party will be liable to the other, or be deemed to be in breach under this Agreement, for any failure to perform including, without limitation, a delay in rendering performance, due to causes beyond its reasonable control, such as an order, injunction, judgment, or determination of any Court of the United States or of the Commonwealth of Massachusetts, an Act of God, war, civil disobedience, extraordinary weather conditions, labor disputes, or shortages or fluctuation in fuel, electric power, heat, light, or air conditioning. Dates or time of performance will be extended automatically to the extent of such delays provided that the party whose performance is affected promptly notifies the other of the existence and nature of such delay. It is agreed, however, that since the performance by CONTRACTOR if this Agreement is imperative to the safety of the general public, continued failure to perform for periods aggregating fourteen (14) days or more, even for causes beyond the control of CONTRACTOR, shall be deemed to render performance impossible, and the TOWN shall thereafter have the right to terminate this Agreement by giving written notice to CONTRACTOR of such termination and specifying the effective date thereof.

**19. TERMINATION OF CONTRACT:**

**A. Termination for Cause:** Subject to the provisions of the Section entitled "Force Majeure", if CONTRACTOR shall fail to fulfill, in a timely and satisfactory manner, its obligations under this Agreement, or if CONTRACTOR shall violate any of the covenants, conditions, or stipulations of this Agreement, then the TOWN shall thereupon have the right to terminate this Agreement by giving written notice to CONTRACTOR of such termination and specifying the effective day thereof.

**B. Termination for TOWN'S or CONTRACTOR'S Convenience:** Notwithstanding any provision of the Agreement to the contrary, the TOWN or CONTRACTOR may terminate this Agreement at any

time for convenience by providing the Other written notice specifying therein the termination date, which date shall not be less than forty-five (45) days after the date of such notice. Upon such termination, CONTRACTOR shall be entitled to compensation for all satisfactory work completed prior to the termination date, as determined by the TOWN, such payment not to exceed the fair value of the services provided hereunder.

**20. CONFLICT OF INTEREST:**

CONTRACTOR agrees to the extent that such law is applicable to the duties it is to perform hereunder, it will comply with the provisions of Chapter 268A of the General Laws concerning conflict of interest. CONTRACTOR covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of service required to be performed under this Agreement.

**21. NOTICES:**

Any notice required or permitted to be given to a party shall be sufficient if given in writing and sent by certified mail addressed as follows:

TO: TOWN

Chair, Select Board  
435 Main Road  
P.O. Box 308  
Town Hall  
Monterey, MA 01245

TO: CONTRACTOR

Southern Berkshire Ambulance  
31 Lewis Avenue  
Great Barrington, MA 01230

**22. INTEGRATION:**

All attachments referred to in this agreement are deemed to be a part of the agreement.

**23. ENTIRE AGREEMENT:**

This agreement, the documents attached hereto, and any documents specified in Section 23 constitute the entire agreement of the parties and any other agreements, written or oral, that may exist are excluded from this agreement.

**24. GOVERNING LAW:**

This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

**25. AMENDMENTS:**

No amendment to this agreement shall be effective unless it is in writing signed by authorized representatives of both parties, and attached hereto.

**26. WAIVERS:**

No covenant, condition, duty, obligation or undertaking contained in or made a part of this agreement shall be waived except by written agreement of the parties and forbearance or indulgence in any form or manner by either party in any regard whatsoever shall not constitute a waiver of the covenant, condition, duty, obligation or undertaking to be kept, performed or discharged by the party to which the same may apply, and notwithstanding any such forbearance or indulgence, the other party shall have the right to invoke any remedy available under this agreement or under law of equity.

\_\_\_\_\_  
On behalf of the Town of Monterey

\_\_\_\_\_  
On behalf of Southern Berkshire  
Ambulance

Name, Title

Name, Title

Commented [jm4]: Need to add for final version

SPECIFICATIONS FOR PROVISION OF AMBULANCE SERVICE

1. CONTRACTOR will respond to every call to Monterey with either an ambulance licensed by Massachusetts Department of Public Health's Office of Emergency Medical Services (DPH-OEMS) to operate at the BLS level, staffed by two Emergency Medical Technician-Basic or an ambulance licensed by DPH-OEMS to operate at the ALS level, staffed by two Emergency Medical Technicians (EMT's). At least one of these EMT's must be an EMT-Paramedic while the other may be an EMT-Basic or EMT-Paramedic. CONTRACTOR shall determine the appropriate level of trained response.
2. At least ninety percent (90 %) of responses shall be no greater than \_\_\_\_\_ minutes \_\_\_\_\_ seconds (\_\_:\_\_), though the TOWN recognizes that consideration for weather and traffic conditions will on occasion make that impossible. Response time shall be calculated by starting at the time PROVIDER is made aware of the need to respond.
3. Vehicles shall meet or exceed the United States Government Department of Transportation Specification KKK-A-1822F, and the specification of M.G.L. c. 111C for Class 1 ambulances. Ambulance equipment operating within TOWN limits shall be properly licensed, registered, and insured in accordance with the laws of the Commonwealth of Massachusetts. CONTRACTOR agrees that the vehicle in service at the TOWN base(s) for calls under this Agreement shall be new (being first registered to CONTRACTOR), and in service shall not exceed 4 years. Vehicles in excess of such years of service shall not be used for this Agreement.
4. CONTRACTOR personnel shall be trained and certified in compliance with all pertinent state and federal regulations to assure appropriate response and treatment of all individuals affected or exposed to a "hazardous material" (as defined by state and federal law, and state and federal regulation). The TOWN and CONTRACTOR shall develop appropriate measures to ensure the protection of the CONTRACTOR's personnel from exposure to hazardous materials when responding to hazardous materials incidents. The CONTRACTOR shall train all responders to a minimum level of Hazardous Material Awareness and complete NIMS and ICS training (minimum 700-100) to a level appropriate to their functional responsibilities while responding to events within the TOWN.

Commented [jm5]: We will need to discuss appropriate staffing level with SBA

Commented [jm6]: We will need to discuss appropriate response time with SBA

5. CONTRACTOR personnel shall not provide any service under this Agreement without first passing a Criminal Offender Record Information (CORI) check and a Sex Offender Registry Information (SORI) check. CONTRACTOR shall provide the TOWN with proof, satisfactory to the TOWN, that each employee, agent, contractor, subcontractor and invitee that represents CONTRACTOR under this Agreement has passed a CORI check and a SORI check. CONTRACTOR shall see to it that no employee, agent, contractor, subcontractor or invitee shall perform any work under this Agreement if the TOWN has objected to such person based upon information contained in a CORI check or SORI check. Notwithstanding the foregoing, CONTRACTOR shall remain liable for the conduct of its employees, agents, contractors, subcontractors and invitees under this Agreement.
6. All records, vehicles or facilities owned and operated by CONTRACTOR related to the performance of this Agreement shall be open for inspection by authorized TOWN officials or an authorized designee to insure compliance with this Agreement.
7. CONTRACTOR agrees that any and all general laws and/or regulations promulgated by the Commonwealth, including its departments and agencies, relative to providing ambulance services, are hereby incorporated into this Agreement by reference, and further agrees to comply with them. If any provision of this Agreement is in conflict with the aforementioned, then the general law or regulation will govern.

## SCHEDULE OF INSURANCE REQUIREMENTS

CONTRACTOR agrees to maintain the types and minimum amounts of insurance coverage listed below:

- Worker's Compensation- Statutory limits based on the laws of the Commonwealth of Massachusetts;
- General Liability (Including Ambulance Attendants Malpractice Insurance)- Bodily injury and property damage of \$5,000,000 each occurrence, and \$10,000,000 aggregate;
- Automobile Liability- combined bodily injury and property damage of \$5,000,000 per accident;
- Excess Liability-Over general liability, including Ambulance Attendant's Malpractice Insurance, and auto liability in an amount not less than \$25,000,000.

The TOWN will be named as an "additionally named insured" on the certificate of insurance.

No cancellation(s) of such insurance, whether by the insurer or by the insured party shall be valid unless written notice thereof by the parties proposing cancellation to the other party and to the TOWN at least fifteen (15) days prior to the intended effective date thereof, which date shall be expressed in said notice, which shall be sent by registered mail, return receipt requested. These provisions shall apply to the legal representative(s), trustee in bankruptcy, receiver, assignee, trustee, and successor(s) in interest of CONTRACTOR.

All insurance coverage shall be at the sole expense of CONTRACTOR and shall be placed with such company as may be acceptable to the TOWN and shall constitute a material part of the Agreement documents. CONTRACTOR shall furnish a Certificate of Insurance to the TOWN to demonstrate that the vehicles used in the TOWN possess the required coverage by the TOWN.

Failure to provide written proof to TOWN and continue in force such insurance as aforesaid shall be deemed a material breach of the Agreement and will constitute sufficient grounds for immediate termination of the same.





CK# 1399  
\$25 7/17/23



### TOWN OF MONTEREY

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

Please review the following checklist when planning a special or theatrical event or when requesting a one day alcohol permit.

Event Checklist: Please check all that apply to your special/theatrical event.

Catered food

If you are service catered food your caterer must apply for a food services permit separately with the Board of Health. If this is a pot luck event and is open to the public event (open to all) you will need a temporary permit from the Board of Health.

Over 50 people

If your event will have more than 50 people you will need to submit an emergency contact sheet and plan along with this application (plain paper, no special format).

Tent or temporary structure larger than 700 sq ft

If you are using a tent or temporary structure you or the tent company will need to file for a building permit with the Building Department (online permitting system)

Parking

If the parking for your event will include street parking, a parking plan must be submitted with your application.

Alcohol

If you are a non-profit you will need to submit a copy of your 501(c)(3). Only non-profits may apply for an all alcohol permit (liquor, wine and beer). All applications for alcohol, beer and/or wine must submit a TIPS certified certificate of the person serving and a copy of your insurance certificate stating "alcohol liability" and list the Town of Monterey as an additional insured on it.  
*Need TIPS + ins cert*

Music

If you will be having music, alcohol and more than 100 people you will need to submit a copy of the Certified Crowd Managers certificate that will be in attendance at the event.

Primary contact information:

Name: Erin Hunt Business Name: Bidwell House Museum

Full mailing address: Po Box 537 Monterey MA 01245

Phone: 413-528-6888 Fax: \_\_\_\_\_

Email: bidwellhms@gmail.com

*I certify that I will be responsible for the proper observance of the laws governing the dispensing of such alcoholic beverages. I hereby swear under the pains and penalty of perjury that the information I have given is true to the best of my knowledge and belief. If your permit(s) are granted they must be visible and on site on the day of your event. Failure to obtain a permit may result in your event being shut down and/or fines as they may be applicable.*

Signature: *[Handwritten Signature]*

Date: 7/14/23

Printed Name: Erin Hunt



## TOWN OF MONTEREY

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

### SPECIAL EVENT/THEATRICAL EVENT AND/OR ONE DAY ALCOHOLIC BEVERAGE LICENSE

This application is subject to any and all laws, regulations, standard, guidelines and policies of the Town of Monterey and any State or federal agency, department or body otherwise having jurisdiction and further subject to the specific terms, conditions and restrictions printed or written herein below or attached.

#### Event Information:

Name of event: Bidwell House Museum Summer Party  
Address of event: 100 Art School Rd Monterey MA 01245  
Date of event: 8/19/23 Start time: 4pm End time: 7pm  
Number of people attending: 150 Distributor: Demaney's

Will you be charging an admission?  yes or no Circle one Music?:  yes or no Circle one

Please check the type of permit(s) you are requesting:

Theatrical Event permit

Beer and wine only permit requested.

All alcohol permit requested. **ONLY NON-PROFIT ORGANIZATIONS MAY APPLY FOR THIS PERMIT. A COPY OF YOUR 501(C)(3) MUST BE SUBMITTED WITH APPLICATION.**

**A COPY OF YOUR INSURANCE CERTIFICATE WHICH MUST STATE ON IT "ALCOHOL LIABILITY" AND BE SUBMITTED WITH THIS APPLICATION**

Description of the event (please include any temporary structures, their size and the company providing the temporary structure(s) in your narrative):

BHM's annual summer party/fundraiser will be held on Bidwell House grounds. Music by Planet Zydeco. Catering by Kate Baldwin - Kate will take care of food service permits, TIPS certificates, alcohol liability, etc. 30x30 tent from Mahauwe - they will take care of building permit.



*Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

*Department of Fire Services*  
*Office of the State Fire Marshal*

## **Certificate of Completion**

*This certifies that*

Kowalski Heather

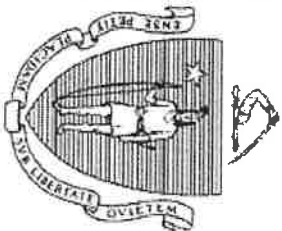
*Successfully completed the Crowd Manager Training Program*  
*In accordance with 527 CMR 1.00:20.1.5.6 - Designation of a Crowd Manager*

Date issued: July 26, 2021

Expires: July 26, 2024

Certificate #: EeG4429ZSSauG6B

**Peter Ostroskey**  
State Fire Marshal



Internal Revenue Service

Department of the Treasury

District  
Director

10 MetroTech Center  
625 Fulton St., Brooklyn, NY 11201

Date: DEC 24 1996

The Bidwell House, Inc.  
Post Office Box 537  
Monterey, MA 01245-0537

Person to Contact:  
Patricia Holub  
Contact Telephone Number:  
(718) 488-2333  
EIN: 22-2864958

Dear Sir or Madam:

Reference is made to your request for verification of the tax exempt status of The Bidwell House, Inc.

A determination or ruling letter issued to an organization granting exemption under the Internal Revenue Code remains in effect until the tax exempt status has been terminated, revoked or modified.

Our records indicate that exemption was granted as shown below.

Sincerely yours,

*(Patricia Holub)*

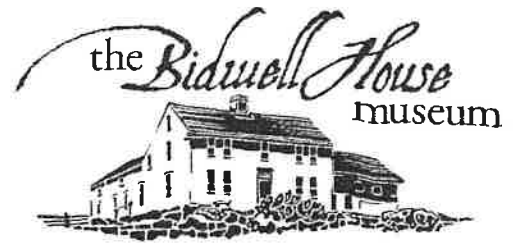
Patricia Holub  
Manager, Customer  
Service Unit

Name of Organization: The Bidwell House, Inc.

Date of Exemption Letter: July 1988

Exemption granted pursuant to section 501(c)(3) of the Internal Revenue Code.

Foundation Classification (if applicable): Not a private foundation as you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.



## **Emergency Contacts for Bidwell Summer Fundraiser**

Event Date: August 19, 2023

### **Diane Austin, Board President**

Home: (617) 247-2596

Home: (413) 623-5825

Email: [dinymarie1@gmail.com](mailto:dinymarie1@gmail.com)

### **Linnea Grealish, Board Vice President**

Home: (413) 528-3892

Cell: (508) 254-5147

Email: [linnea1027@comcast.net](mailto:linnea1027@comcast.net)

### **Franklin Kern, Board Treasurer**

Home: (212) 860-2383

Home: (413) 528-3421

Email: [FRK@rwkm.com](mailto:FRK@rwkm.com)

### **Heather Kowalski, Executive Director**

Home: (413) 551-7522

Cell: (724) 719-8859

Email: [bidwellhouse@gmail.com](mailto:bidwellhouse@gmail.com)

### **Erin Hunt, Administrative Manager**

Cell: (603) 387-9811

Email: [bidwellhm2@gmail.com](mailto:bidwellhm2@gmail.com)

