

Certificate of Inclusion in the Massachusetts Habitat Conservation Plan for Piping Plover Plymouth Beach, Town of Plymouth July 8, 2016

The United States Fish and Wildlife Service ("USFWS") issued to the Massachusetts Division of Fisheries and Wildlife ("DFW") an Incidental Take Permit ("Permit") No. TE01281C-0, on July 8, 2016, for a period of 25 years, pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), as amended, 16 U.S.C. 1539(a)(1)(B). The Permit authorizes the "Take" of piping plover (*Charadrius melodus*) in accordance with the terms and conditions of the Permit, and the Massachusetts Statewide Habitat Conservation Plan ("HCP"). Under the Permit, the Town of Plymouth ("Participant") is authorized to perform covered activities that may result in the "Take" of piping plover, provided such covered activities are conducted in compliance with all applicable terms and conditions of the Permit and the HCP.

As the owner of the property depicted in Figure 1-2 of Exhibit "A", or an entity with written permission to use property including piping plovers or their habitat, attached hereto and incorporated by reference into this Certificate of Inclusion ("COI"), you are entitled to the protection of the Permit for the activities that may result in a Take of piping plover as authorized by the HCP and by DFW in Conservation & Management Permit No. 016-284.DFW, including but not limited to the Impact Avoidance and Minimization Plan and the Mitigation Plan and other exhibits attached thereto (collectively, "CMP"), which DFW has issued to you pursuant to the Massachusetts Endangered Species Act, MGL c. 131A, ("MESA")) and the MESA regulations at 321 CMR 10.00. The CMP and all attachments thereto are depicted at Exhibit "A," attached hereto and incorporated by reference into this COI.

This COI shall be valid for a period of three (3) years from the date signed by the Director of DFW unless otherwise suspended or revoked by DFW for noncompliance. However, plan participants are required to obtain reauthorization from the DFW on an annual basis, prior to carrying out covered activities in a given year. DFW may grant extensions or renewals of this COI or require the submittal of a new application for a COI, including in cases where your request for continued coverage under a COI would exceed the available number of statewide take allowances under the Permit because DFW cannot grant more take exposure allowances than allowable pursuant to the Plan. As set forth in Exhibit "A," DFW reserves the right to unilaterally adjust on an annual basis the amount of take exposure authorized pursuant to this COI.

The undertaking of activities authorized by this COI and the associated CMP does not relieve the Participant of its obligation to comply with any other applicable federal or state law or regulation or municipal bylaw, ordinance or regulation.

In the event the Participant fails to comply with the terms and conditions of the Permit, the HCP or the CMP the Participant shall be subject to enforcement action, including but not limited to, the immediate

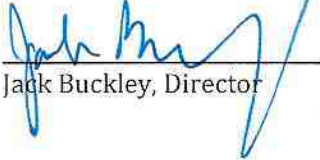
suspension or revocation of the COI and/or the CMP. DFW shall notify the USFWS within 2 business days of DFW's discovery of the infraction, and within 1 business day of its decision to suspend or revoke the COI. Administrative, judicial or other action on the part of DFW does not foreclose the possibility that FWS may seek its own remedy against Participant or DFW.

By signing this Certificate of Inclusion, you signify your election to receive Take Authorization to expose *up to two* Piping Plover broods per year to covered activities under DFW's Permit, subject to the terms and conditions in the Permit and the associated CMP. You also assent to the requirement under both the ESA and MESA, and as explained in the HCP, that beach use and management, excepting the above-listed covered activities, must be comply with the State Guidelines and Federal Guidelines, effective at the time of COI issuance, or as amended during the term of the COI.

This Certificate of Inclusion does not impose additional regulatory control over the signatory nor require the signatory to provide additional information not called for in the HCP, Permit or COI, but instead ensures compliance with 50 Code of Federal Regulations, section 13.25(d).

Coverage under the Permit will become effective upon receipt of the executed COI by DFW and Participant, subject to all requirements of the Plan and COI Attachments. In the event the subject property is sold or leased, the Participant must inform the buyer or lessee of these provisions in writing with a copy to DFW. If the new owner or lessee desires to be covered under the ESA and MESA for piping plover take, it must: assent to the terms of the HCP, Permit, and CMP; demonstrate its financial ability and provide assurances to undertake the IAMP and mitigation plan requirements; demonstrate its eligibility under the provisions of the HCP. Otherwise the Participant should terminate the COI.

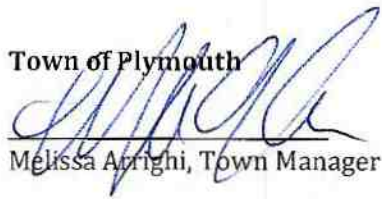
Massachusetts Division of Fisheries and Wildlife



Jack Buckley, Director

July 8, 2016

Town of Plymouth



Melissa Arrighi, Town Manager

7/11/16

Date

EXHIBIT A: Conservation & Management Permit
(Includes Impact Avoidance & Minimization Plan (IAMP) and Mitigation Plan
as attachments)



Town of Plymouth, Massachusetts
Department of Marine and Environmental Affairs

11 Lincoln Street, Plymouth, MA 02360 | 508-747-1620




Agreement for Implementation of Activities Covered Under the Habitat Conservation Plan for Piping Plover on Private Property

I, Susan DeMarzo, the owner of property located on Plymouth Long Beach with Parcel ID 037A-000-0000-004 and street address 322 Ryder Way, will allow the Town of Plymouth's Department of Marine and Environmental Affairs ("Town") to implement the activity "Use of Roads and Parking Lots in the Vicinity of Unfledged Piping Plover Chicks" as described in the Town's Habitat Conservation Plan for Piping Plover Request for Certificate of Inclusion ("Plan") submitted to the Massachusetts Division of Fisheries and Wildlife within the roadway known as Ryder Way, a publicly used and maintained way, that crosses my property.

I understand that the Town is responsible for fully implementing the Plan, including risk minimization measures and mitigation. The Town is responsible for take that occurs as a result of the implementation of the covered activity.

The covered activity may be implemented within the roadway on my property for the period of July 11, 2016 through July 30, 2016. Activities that may occur on my property within the roadway during implementation include unescorted passage of essential and non-essential vehicles, installation of signage relating to the covered activity and traffic management to protect unfledged chicks in or near the road.

If at any time I have questions or concerns regarding the Plan or the implementation of the covered activity, or if I decide to suspend permission to conduct the covered activity, I will contact the Department of Marine and Environmental Affairs at the above address, at 508-747-1620 x201, or kmccall@townhall.plymouth.ma.us.


Signature

Susan DeMarzo
Print Name

July 6, 2016
Date



Town of Plymouth, Massachusetts
 Department of Marine and Environmental Affairs

11 Lincoln Street, Plymouth, MA 02360 | 508-747-1620



Agreement for Implementation of Activities Covered Under the Habitat Conservation Plan for Piping Plover on Private Property

We, Philip and Dawn Stanley, the owners of property located on Plymouth Long Beach with Parcel ID 037A-000-0000-006 and street address 318 Ryder Way, will allow the Town of Plymouth's Department of Marine and Environmental Affairs ("Town") to implement the activity "Use of Roads and Parking Lots in the Vicinity of Unfledged Piping Plover Chicks" as described in the Town's Habitat Conservation Plan for Piping Plover Request for Certificate of Inclusion ("Plan") submitted to the Massachusetts Division of Fisheries and Wildlife within the roadway known as Ryder Way, a publicly used and maintained way, that crosses my property.

I understand that the Town is responsible for fully implementing the Plan, including risk minimization measures and mitigation. The Town is responsible for take that occurs as a result of the implementation of the covered activity.

The covered activity may be implemented within the roadway on my property for the period of July 11, 2016 through July 30, 2016. Activities that may occur on my property within the roadway during implementation include unescorted passage of essential and non-essential vehicles, installation of signage relating to the covered activity and traffic management to protect unfledged chicks in or near the road.

If at any time I have questions or concerns regarding the Plan or the implementation of the covered activity, or if I decide to suspend permission to conduct the covered activity, I will contact the Department of Marine and Environmental Affairs at the above address, at 508-747-1620 x201, or kmccall@townhall.plymouth.ma.us.

Dawn Stanley
Signature

Dawn Stanley
Print Name

July 8, 2016
Date

Phil Stanley
Signature

Phil Stanley
Print Name

7/8/16
Date