



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

Summary Response to 2021 Draft Priority Habitat Map Comments

August 1, 2021

In accordance with the Massachusetts Endangered Species Act, M.G.L. c. 131A (MESA) and its implementing regulations (321 CMR 10.00), beginning on May 3, 2021, the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries and Wildlife (Division) commenced a 60-day comment period for the public to review and submit comments on the proposed updated Priority Habitat map. The public comment period ended on July 3rd, 2021. A total of 92 commenters submitted 105 comments via the online viewer email, and mail. The comments submitted covered multiple topics at various locations across the Commonwealth.

One (1) of the comments received questioned why the 2021 draft Priority Habitat map differed from the 2017 map. Four (4) comments requested that a location mapped in 2017 and not appearing in the draft 2021 map, be reinstated. Additionally, twenty (20) comments requested expansion of Priority Habitat. Conversely, sixty-five (65) comments were received which requested the removal or reduction of Priority Habitat in nine (9) locations. Finally, a total of ten (10) comments were general in nature and did not address the “physical or biological features of the habitat, or the current scope of the development”, as described in the MESA regulations (321 CMR 10.12(6)(b)).

As stated in the MESA Regulations (321 CMR 10.12), Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species’ listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. After reviewing the content of the submitted comments, the Division has made changes to the Draft 2021 Priority Habitat map at ten (10) locations, including one (1) area where mapping was either added or reinstated and two (2) areas where mapping was reduced or eliminated. In addition, the Division made modifications to mapping at seven (7) locations to ensure the removal of expired rare species observations or to reflect recent changes in habitat (see below). The various reasons for these changes are addressed in detail by topic below.

1. Areas removed in 2021 that were previously mapped in 2017:

- Priority Habitat is eliminated for species removed from the MESA List. Since 2017 there have been five (5) species removed from the MESA List.
- Priority Habitat is removed if it was delineated based on observations that have a last observation date older than 25 years (see 321 CMR 10.12(6)(3)). Division staff constantly review and update records and work with conservation partners to renew information on expiring observations.

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- Priority Habitat is refined to exclude areas of existing development. The Priority Habitat map is meant to be viewed at a scale of 1:25,000 and while the Division attempted to remove existing disturbed and developed areas using a combination of tools such as aerial photographs and statewide parcel data, not all development (e.g., single family homes) are removed. It should be noted that the draft 2021 Priority Habitat map was delineated using 2019 aerial photography. For mapped areas where some development still does exist, there are exemptions for certain projects or activities, such as additions to single family homes and the construction of utilities lines within lawfully developed and maintained lawn and landscape areas. For a complete list of exemptions please consult 321 CMR 10.14.
 - Priority Habitat is updated to reflect changes in habitat quality and prioritization of sites based on population viability as well as any changes in mapping approaches. The scientific understanding of the habitat requirements and seasonal movements of many rare species improves with each new study in Massachusetts and through published conservation biology literature. Particularly for Species of Special Concern, the Division excludes sites where the local population has a poor probability of long-term persistence based on the size, condition, and deterioration of local habitat conditions.
2. Areas mapped in 2021 that were previously *not* mapped in 2017:
- New Priority Habitat is *added* when species are added to the MESA List. Since 2017 there have been ten (10) species added to the MESA List.
 - Priority Habitat is added for new observations of state-listed species that were not adequately documented prior to the publication of the previous Natural Heritage Atlas.
 - It should be noted that proposed projects that meet certain permitting milestones prior to being mapped as Priority Habitat may not be subject to MESA review (321 CMR 10.13(2)).
3. Additional reasons for not including/reinstating or removing mapped areas:
- As stated above, Priority Habitat delineation is based on the Best Scientific Evidence available. Several comments suggested that certain locations be mapped as Priority Habitat; however, upon review, it was determined that the Division does not have recent observations of rare species at these locations in the NHESP database. Therefore, mapping such locations would be inconsistent with the MESA Regulations.
 - Beyond the reasons discussed above, some areas identified for possible removal of Priority Habitat were retained since the areas continue to provide suitable habitat based on an evaluation of the aerial imagery and the habitat requirements for the rare species at the site.

The following table contains the summary responses to the 105 public comments received, organized by Town, including a summary explanation of any significant modifications.

Summary Responses to DRAFT 2021 Priority Habitat Public Comments

Town	Comment Topic	No. of Comments	Response
Berkley	General statements on PH map, public comment period, habitats and rare species	1	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat, particularly for records of State-listed Species of Special Concern, based on a variety of factors such as the known population status of a species or the quality of habitat.
Carver	Request for new areas or expansion of existing habitat areas	1	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Chatham	Request for new areas or expansion of existing habitat areas	2	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat, particularly for records of State-listed Species of Special Concern, based on a variety of factors such as the known population status of a species or the quality of habitat.

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Chicopee	Request for new areas or expansion of existing habitat areas	2	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Concord	Request to remove proposed mapped area	1	The Division reviewed the locations and adjusted the mapping where appropriate.
Conway	In support of proposed mapping	2	n/a
Dartmouth	General statements on PH map, public comment period, habitats and rare species	3	The mapping at the referenced location was retained since the area represents the extent of currently appropriate habitat.
Dunstable	Request for new areas or expansion of existing habitat areas	1	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat.
Foxborough	Request for new areas or expansion of existing habitat areas	2	The Division reviewed the locations and adjusted the mapping where appropriate. The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat, particularly for records of State-listed Species of Special Concern.
Georgetown	Request for new areas or expansion of existing habitat areas	1	The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat.

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Great Barrington	General statements on PH map, public comment period, habitats and rare species	2	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Halifax	Request to add previously mapped areas back in	1	Areas of Priority habitat were removed due to species becoming delisted, insufficient information for record acceptance, and changes in mapping guidelines.
Halifax	Why PH changed (removal or expansion) in specific locations	1	Areas of Priority habitat were removed due to expiration of species occurrence data and the Division may choose to not delineate an area as Priority Habitat, based on a variety of factors such as the known population status of a species or the quality of habitat.
Hampden	Request to remove proposed mapped area	1	The Division reviewed the locations and adjusted the mapping where appropriate.
Harvard	General statements on PH map, public comment period, habitats and rare species	1	The Division mapped the extent of currently appropriate habitat.
Harvard	Request for new areas or expansion of existing habitat areas	1	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Huntington	Request for new areas or expansion of existing habitat areas	1	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.

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Middleborough	Request for new areas or expansion of existing habitat areas	3	The Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Middleborough	Request to add previously mapped areas back in	2	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat.
Montague	Request for new areas or expansion of existing habitat areas	1	The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat.
Norton	In support of proposed mapping	1	n/a
Palmer	Request for new areas or expansion of existing habitat areas	1	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat, particularly for records of State-listed Species of Special Concern, based on a variety of factors such as the known population status of a species or the quality of habitat.
Pittsfield	In support of proposed mapping	2	n/a

Town	Comment Topic	No. of Comments	Response
Pittsfield	Request to remove proposed mapped area	57	The mapping at the referenced location was retained since the area continues to provide suitable habitat. Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, and the known status of a population.
Plymouth	General statements on PH map, public comment period, habitats and rare species	2	The Division mapped the extent of currently appropriate habitat.
Stow	Request to add previously mapped areas back in	1	The Division may choose to not delineate an area as Priority Habitat, particularly for records of State-listed Species of Special Concern, based on a variety of factors such as the known population status of a species or the quality of habitat.
Sunderland	Request to remove proposed mapped area	1	The mapping at the referenced location was retained since the area continues to provide suitable habitat. Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, and the known status of a population. The Division followed the Delineation of Priority Habitat and the Public Comment process outlined in the MESA Regulations (see 321 CMR 10.12). There are exemptions for certain projects or activities, including agricultural activities (see 321 CMR 10.14).

Town	Comment Topic	No. of Comments	Response
Sutton	Request to remove proposed mapped area	4	The mapping at the referenced location was retained since the area continues to provide suitable habitat based on an evaluation of the aerial imagery and the habitat requirements for the rare species at the site. Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development.
Townsend	Request for new areas or expansion of existing habitat areas	2	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat based on a variety of factors such as the known population status of a species or the quality of habitat. In addition, for the submitted location the Division does not have any current records of this State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Walpole	Request for new areas or expansion of existing habitat areas	1	The Division mapped the extent of currently appropriate habitat.

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Wareham	Request for new areas or expansion of existing habitat areas	1	Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. The Division may choose to not delineate an area as Priority Habitat, particularly for records of State-listed Species of Special Concern, based on a variety of factors such as the known population status of a species or the quality of habitat. In addition, the Division does not have any current records of State-listed species. Mapping this area would be inconsistent with the MESA Regulations. State-listed species observations may be submitted through the Division's online portal; please visit https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations for access to observation reporting forms.
Williamstown	Request to remove proposed mapped area	1	The mapping at the referenced location was retained since the area continues to provide suitable habitat based on an evaluation of the aerial imagery and the habitat requirements for the rare species at the site. Priority Habitat delineation is based on the Best Scientific Evidence available and takes into consideration numerous factors, including but not limited to, a species' listing status, the nature of the information as it relates to the conservation of the species, the extent and quality of habitat, the known status of a population, and the scope of existing development. In addition, the Priority Habitat map is meant to be viewed at a scale of 1:25,000. For mapped areas where some development exists, there are exemptions for certain projects or activities (see 321 CMR 10.14).
Winthrop	General statements on PH map, public comment period, habitats and rare species	1	The Division mapped the extent of currently appropriate habitat.
	Total Comments	105	