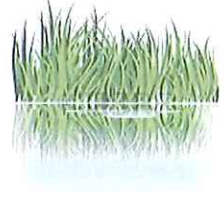


Board

President: Doug Reece
Vice President (Oak Bluffs): Lani Goldthorpe
Vice President (Vineyard Haven): David Hearn
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Membership Secretary: Barbara Kopans



Lagoon Pond Association
PO Box 1978 Tisbury MA 02568
508-693-7258

"Dedicated to improving the quality of the waters and the environment surrounding Lagoon Pond".

November 25, 2019

Secretary Kathleen Theoharides
Executive Office of Energy and Environmental Affairs (EEA)
Attn: Erin Flaherty, MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

Tisbury Board of Selectmen
Tisbury Conservation Commission
P.O. Box 1239
51 Spring Street
Vineyard Haven, MA 02568

Re: MV Shipyard Expansion

Ladies and Gentlemen:

The Lagoon Pond Association (**LPA**) is a non-profit organization formed over 30 years ago with a mission to "protect, preserve and enhance the character of Lagoon Pond and all immediate areas". We submit this letter to voice our extreme concern regarding the potential derogation of the Lagoon Pond waters and surrounding environs in connection with the proposed MV Shipyard Expansion (**Project**).

We have read the Notice of Intent for the Project, listened to and asked questions at a presentation given to the LPA by Philip and James Hale for the Project, attended the Land Use Planning Committee's November 21, 2019 meeting where a revised Project presentation was again given by the Hales, and have read the MV Shellfish Group and Tisbury Shellfish Constable's letters to MEPA and the Martha's Vineyard Commission (**MVC**) relaying their concerns about the Project.

We are very familiar with the Massachusetts Estuary Project (MEP) findings with respect to the Lagoon, the current impaired state of the Lagoon's waters and the state's mandate that the waters be cleaned up on a particular timetable. The LPA has donated thousands of dollars to wastewater treatment programs, shellfish restoration and water quality testing in the Lagoon. We fund the hiring of two local interns to provide more manpower to the shellfish constables in Tisbury and Oak Bluffs during the summer, aiding in the propagation of shellfish and water quality testing. Our Board is comprised of town officials, shellfish constables, fishermen, shellfishermen, businessmen and women and concerned citizens of the towns of Oak Bluffs and Tisbury and we have over 300 member families and businesses.

We have divided our concerns for the Project into three categories, but of course all are interconnected:

Water Quality

- The Project is stated to reduce the nitrogen level in the Pond by reducing impervious and roof runoff, but no calculations have been made regarding anticipated effects of anti-fouling paint on boat bottoms (often containing copper which can be deadly to marine life), inevitable leakage from boats and additional automobiles of oils, toxic wash, gas, degreasers and other chemicals into the water, the construction impact of chemical releases from barges and cranes, dredgers and other equipment used to construct and maintain the Project, illegal dumping and/or overnighting by boaters, additional trash inadvertently or purposely dumped into the water and additional nesting of fecal producing shorebirds on the 70+ new pilings
 - We would suggest that the foregoing concerns far outweigh any nitrogen improvement caused as a byproduct of changing water hitting roofs and then running into the Lagoon into water hitting the ground and then running into the Lagoon. We are also wondering why the nitrogen load at the site is currently 6.68 kg/yr when the annual load limit is 2.80 kg/yr (See DRI #314, MVC Staff Report-2019-11-18)? This, coupled with the stormwater plan violation cited in the MV Shellfish Group letter is very troubling
 - Please see Constable Ewart's letter regarding closure of the Pond around Prime Marina due to fecal contamination; Please also see Constable Ewart's letter and the MV Shellfish Group letter regarding the real threat of closure caused by the implementation of federal regulations (which are implemented on a "one size fits all" basis)
 - The West Arm of the Lagoon is a shallow body of water with a narrow opening to the remainder of the Pond (a footbridge actually used to connect Hines Point to the area near Wind's Up). Toxins released in this area are not easily or thoroughly flushed into the open ocean and may accumulate here over time. Couple that with increased dredging, causing shellfish and other debris to get "caught" in these channels thereby suffocating shellfish, additional impairment or even the death of the Lagoon's shellfish nursery in that area seems inevitable
- The adverse impact on shellfish could extend not only to Lagoon waters but to the entire 6 towns on the Island

- There are two shellfish hatcheries in the Lagoon that supply seed shellfish to all 6 of the Island towns. They are the only shellfish hatcheries on the Island that provide seed for the towns. Any degradation to the Lagoon waters threatens not only the shellfish in the West Arm and the Lagoon itself but threatens the supply for all Island towns as well
- The West Arm is a “shellfish nursery” as well as a home to tautog, winter flounder and channeled whelk. The shellfish industry on the Island has represented up to \$2 million of economics to the Island per year and the channeled whelk industry has brought in up to \$6.3 million. (See Martha’s Vineyard Shellfish Group’s letter.) The Project brings in approximately \$46,000 to Tisbury per year in the form of property taxes and the Hales have said they will make approximately \$243,000 in other contributions to the Island. Of course, the business brings other economics to the Island, and while we don’t know the dollar value of those contributions, we do not believe they outweigh the dollar value of the contributions coming from the shellfish industry on the Island. To harm the Lagoon or its shellfish in any manner as a result of this Project makes no economic sense
- Apart from sewerage, shellfish are one of the best defenses against nitrogen overloading. According to the Woods Hole Oceanographic Institute “An adult oyster can filter up to 50 gallons a day, while large quahogs can clean about 24 gallons of water in the same amount of time.” (See Marine Pollution Bulletin January 2017) To voluntarily destroy any shellfish beds, whether thriving, struggling or improving, is to damage the water quality itself, thereby causing a cycle of decreased water quality, less shellfish and more decreases to water quality
- While we acknowledge and appreciate the Project’s \$2,500 per year for 4 years to go to shellfish programs, the destruction of the beds that have been seeded for years and years and that are thriving and growing cannot be fixed with dollars

Recreation and Safety

- The LPA is concerned that an increase in boats in the West Arm could lead to additional recreational boat traffic and resultant safety concerns in an already crowded Lagoon.
 - There is already a recreational marina in the West Arm that is currently for sale. It has 60 slips for boats and all area around it has been closed to shellfishing on account of fecal coliform in the water
 - MV Shipyard currently has 11 moorings and requests 48 slips, totaling 59 boats
 - Tisbury has registered 35 additional moorings in the West Arm, meaning a capacity of up to **154** boats located at and coming in and out of the narrow opening of the West Arm
 - In addition, there are an undetermined number of moorings off the VH boat ramp
 - In the summer months, boats in the Lagoon pulling water skiers, tubing, wake boarding and the like are a common occurrence due to the protection from the open ocean and relatively calm waters. In addition, the Sailing Camp has young children and others learning to sail in the Lagoon, many with beginner skills. Fishing and shellfishing is also common as are kayaking and paddleboarding. In

recent years kiteboarders have joined the ranks of pleasure seekers in the Lagoon. The LPA has members who have had their properties damaged, recreational activities curtailed and small boats swamped by the waves created by recreational boaters, some of these members calling for speed limits or even a ban on those activities in the Lagoon. Accidents and close calls are not an uncommon occurrence. To add to the number of recreational boats in the Lagoon without also adding additional patrolling and monitoring (of the marinas themselves as well as the Lagoon waters) will surely cause more accidents and close calls, more property damage and more disruption of people shellfishing, swimming or enjoying other activities

- The Hales have said that they expected most boaters would go out under the drawbridge to open water. Because it would be much easier to stay in the Lagoon and enjoy recreational activities there—at least for some of the time, it seems likely that boating traffic on the Lagoon, including the safety hazards and added pollution that are concomitant with it, will increase an already overburdened body of water
- Clean and safe waters are vital to maintaining the tourism industry on the Island
- The entire stretch of Beach Road down through 5 Corners, as everyone knows, has a serious problem with traffic and flooding. The increase in cars and foot traffic in this area will compromise further an already problem area
 - The project will result on an additional 43 parking spaces for a total of 69 parking spaces. Currently, there are 26 spaces with 20 being used by employees. It is inevitable that a marina and new parking lot will add automobile and foot traffic to an already burdened area

Economic Issues

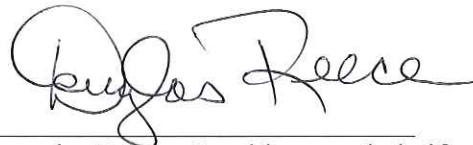
- The LPA is sympathetic to the Hales' desire to adapt their business to address climate change and sea level rise, but the answer to that issue is not to have each business in the waterfront area ad hoc address the concerns in the way each sees fit but to implement a comprehensive plan for the entire waterfront and Beach Road area that rectifies these issues for all of the businesses there and improves the traffic and pedestrian flow in that area
 - The Project has a plan to use dredged sand to raise the site's footprint by 18". Has it been determined whether this will cause the water which would have flowed on to the site to now increase in other areas of Beach Road or on to other properties?
 - The LPA believes the proper location for a marina is in the harbor itself where it will have less effect on the water quality and animal life in the Lagoon. Our understanding is that the Hales have determined this is not possible because of the increased winds and wave action in the harbor
 - The answer, it seems, would be to add protections to the businesses in the harbor and to the harbor itself. Extending jetties and building seawalls (much like that on the North Bluff in Oak Bluffs) would lead to a more comprehensive and long term solution for everyone. Imagine a harborfront where there is an attractive seawall, perhaps a boardwalk which extends around the harbor down to the

Steamship Authority allowing for a more useful waterfront and surrounding area. Current business owners such as the MV Shipyard could expand their business into the harbor area where flushing to the open ocean is constant, shellfishing is not a major activity and water quality is not compromised. The increase in economic activity in that area would surely pay for these improvements very quickly

The Lagoon is sick. This is a fact. The LPA and others have been working tirelessly and have devoted funds and other resources to bring the Pond waters back to healthy levels where eel grass can make a comeback, shellfish and other sea life can proliferate and human beings can enjoy the natural beauty of a treasured space. The LPA is not anti-business. Certainly, we want the Hales to do well, to keep employing Islanders and to adapt to changing business needs. However, we cannot put additional burdens on an already sick patient and expect it to nevertheless get healthy. We cannot sacrifice or compromise our natural resources enjoyed by all to aid a private business. Perhaps there is a marina business model that satisfies all of the LPA's concerns? Perhaps there are innovative marinas or alternative approaches that will actually improve water quality and enhance the habitat of sea life. We are not sure but are willing to work with the MV Shipyard to try to figure it out. In the meantime, we cannot advocate for or sanction the compromise of an impaired natural resource that the LPA has spent so much time, money and effort trying to improve for the sake of all of the Island inhabitants and its visitors.

Sincerely,

Lagoon Pond Association

A handwritten signature in cursive script that reads "Douglas Reece". The signature is written in black ink and is positioned above a horizontal line.

Douglas Reece, President, on behalf
of the Board of Directors