



**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

June 28, 2012

Tisbury Conservation Commission  
P.O. Box 1239  
Vineyard Haven  
Tisbury MA 02568

Ralph Packer  
Tisbury Wharf Co. Inc  
158 Beach Road  
Tisbury MA 02568

RE:     Applicant:             Ralph Packer  
         Project Location:       158 Beach Road  
         Project Description:    Dredge in Vineyard Haven Harbor for Tisbury Wharf Co., Inc. with  
   upland disposal of spoils  
         DEP Wetlands File No.: 074-0710  
         NHESP File No.:        12-30991

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife received a Notice of Intent with site plans (dated May 9, 2012) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The NHESP also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

#### WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

#### MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, will not result in a prohibited "take" of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the NHESP pursuant to

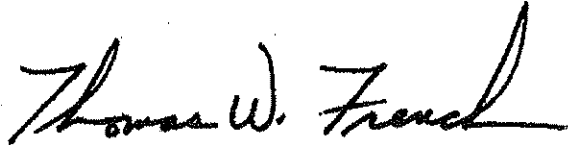
[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891  
*An Agency of the Department of Fish and Game*

the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

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

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, stylized 'T' and 'F'.

Thomas W. French, Ph.D.  
Assistant Director

cc: Reid Silva, Vineyard Land Surveying & Engineering, Inc.  
MA DEP Southeast Region