



MassWildlife

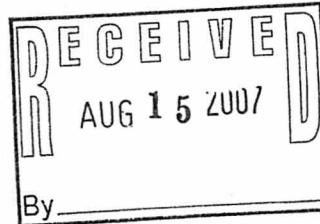
Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

August 9, 2007

YMCA of Martha's Vineyard
P.O. Box 881
Vineyard Haven, MA 02575



RE: Status of Project Review
 Project Location: 111 Edgartown Vineyard Haven Road
 Project Description: Construction of YMCA
 NHESP Tracking No.: 07-22110

To whom it may concern:

The purpose of this correspondence is to provide an update on the Natural Heritage and Endangered Species Program ("NHESP") review of the proposed YMCA in Oak Bluffs, MA. At present, the review of this project is ongoing and a final determination will not be made until all required information has been provided and reviewed by NHESP. Therefore, it is possible that there may be changes to the conditions described below as additional information is reviewed. As you are aware, the proposed development is located within mapped *Priority Habitat* and is therefore subject to review by the NHESP for compliance with the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). The MESA is administered by the NHESP of the MA Division of Fisheries & Wildlife, and prohibits the "take" of state-listed species. The "take" of state-listed species is defined as "in reference to animals, means to harass, harm, pursue, hunt, shoot, hound, kill, trap, capture, collect, process, disrupt the nesting, breeding, feeding or migratory activity or attempt to engage in any such conduct, or to assist such conduct....Disruption of nesting, breeding, feeding or migratory activity may result from, but is not limited to, the modification, degradation or destruction of Habitat." (321 CMR 10.02).

Based on review of the information provided to date and the information currently contained in our database, the NHESP has determined that the property occurs within mapped Priority Habitat of the following state-listed species:

Scientific Name	Common Name	Taxonomic Group	State Status
<i>Catocala herodias gerhardi</i>	Gehard's Underwing Mot	Moth	Special Concern
<i>Stenoporpia polygrammaria</i>	Faded Gray Geometer	Moth	Threatened
<i>Zale sp. 1 nr. lunifera</i>	Pine Barrens Zale	Moth	Special Concern
<i>Eacles imperialis</i>	Imperial Moth	Moth	Threatened

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Division of Fisheries and Wildlife
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 An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

The first three moth species listed above inhabit pitch pine scrub oak barrens and oak woodland habitats on Martha's Vineyard where they feed on oaks (*Quercus spp.*) and scrub oaks (*Quercus ilicifolia*) as caterpillars. The Imperial Moth larvae also live within these habitats and feed primarily on pitch pine (*Pinus rigida*) on Martha's Vineyard.

Based on recent communications between the NHESP and the YMCA of Martha's Vineyard (including a letter and revised plans dated 8/7/07), we understand that the YMCA is making the following project modifications and commitments in order to avoid a "take" of state-listed species:

- The proposed project plan will be revised in accordance with the YMCA letter and sketch plan, dated 8/7/07. These changes include the removal of the basketball court and relocation of both the 16-slot parking to the northwest of the proposed building and the future program expansion space to the west of the building. An engineered plan with these changes shall be submitted to the NHESP for review.
- In order to prevent additional cumulative impacts to endangered species habitat associated with future activities at the project site, the YMCA has agreed to permanently protect as habitat the portion of the leased YMCA property outside of the proposed limit of work. To achieve this goal, a Conservation Restriction approved by the NHESP will be placed over the "open space" portion of the property. We note that the NHESP will need to review a recordable plan showing the boundaries of the open space area, and that this habitat protection will require the participation of the Martha's Vineyard Regional High School, as the fee owner of the property.

In addition, the Martha's Vineyard Regional High School has indicated that there will be future development on the 25.2 acre parcel on which the above project is proposed to be located. The NHESP is concerned about cumulative impacts to the state-listed species and their habitats on this site. Please note that the MESA regulations do not allow project segmentation and state that:

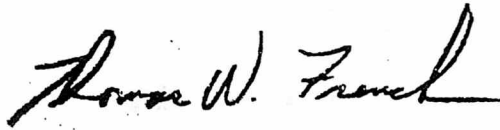
"...the entirety of a proposed Project subject to review, including likely future expansions, shall be considered, and not separate phases or segments thereof. ...Ownership by different entities does not necessarily indicate that two segments or components are separate" (321 CMR 10.16)

The NHESP will agree to review proposed work at this site in phases, provided that a framework is established, and agreed to in advance by all parties, that will adequately address cumulative impacts to endangered species. In order to assure this:

- the NHESP must receive a letter of acknowledgement from the Martha's Vineyard Regional High School indicating that it understands and agrees that review by the NHESP pursuant to MESA of any proposed future development by it, its agents, licensees, lessees or assigns on the 25.2 acre parcel shall take into account the cumulative impacts to state-listed species, including but not limited to those associated with the current YMCA project. This letter of acknowledgment must be received by the NHESP prior to issuance of its final determination for review of the YMCA project.

Provided that the above-listed conditions are met, and relevant details are adequately addressed, the NHESP anticipates being able to issue a "no take" finding for the proposed YMCA project. However, as stated above, the NHESP will not make a final determination until all required filing materials, including the items listed in this letter, are provided to the NHESP by the applicant. As our MESA review is ongoing, **no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the NHESP has made a final determination.** If you have any questions or need additional information, please contact Eve Schlüter, Ph.D., Endangered Species Review Biologist, at (508) 389-6346.

Sincerely,

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

Thomas W. French, Ph.D.
Assistant Director

cc: Martha's Vineyard Regional High School - Property Owner
Stephanie Mashek, Amsler Mashek MacLean, Architects - Representative
Martha's Vineyard Commission