Notice of Intent

REPAIRS AND IMPROVEMENTS TO EXISTING MARINE INFRASTRUCTURE, AND CONSTRUCT AN OPERATIONS AND MAINTENANCE FACILITY FOR OFFSHORE WIND SUPPORT

Tisbury Marine Terminal
190 Beach Road, Tisbury, MA

July 2020

Applicant:
Tisbury Marine Terminal, LLC

Prepared by:

Foth

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | 800.668.3220
www.Foth.com
A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City/Town</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>190 Beach Rd</td>
<td>Tisbury</td>
<td>02568</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Latitude and Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>41.455352, -70.594156</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessors Map/Plat Number</th>
<th>Parcel /Lot Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>10</td>
</tr>
</tbody>
</table>

2. Applicant:

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ralph</td>
<td>Packer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City/Town</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tisbury Marine Terminal, LLC</td>
<td>Tisbury</td>
<td>MA</td>
<td>02568</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>508 693-0900</td>
<td><a href="mailto:rmpacker@vineyard.net">rmpacker@vineyard.net</a></td>
<td></td>
</tr>
</tbody>
</table>

3. Property owner (required if different from applicant):

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City/Town</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Email address</th>
</tr>
</thead>
</table>

4. Representative (if any):

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan</td>
<td>Nilson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City/Town</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foth Infrastructure &amp; Environmental, LLC</td>
<td>Marion</td>
<td>MA</td>
<td>02738</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Email address</th>
</tr>
</thead>
<tbody>
<tr>
<td>508-762-0764</td>
<td><a href="mailto:susan.nilson@foth.com">susan.nilson@foth.com</a></td>
<td></td>
</tr>
</tbody>
</table>

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<table>
<thead>
<tr>
<th>Total Fee Paid</th>
<th>State Fee Paid</th>
<th>City/Town Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,550</td>
<td>$2,762.50</td>
<td>$2,787.50</td>
</tr>
</tbody>
</table>
A. General Information (continued)

6. General Project Description:

Tisbury Marine Terminal will maintain and improve the working waterfront infrastructure in order to enhance economic growth and job creation on Martha’s Vineyard. The project includes bulkhead and pier replacements, proposed structures (bulkhead, wave fence and pile supported piers), maintenance and improvements dredging, and site improvements including a building.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

1. ☐ Single Family Home
2. ☐ Residential Subdivision
3. ☒ Commercial/Industrial
4. ☐ Dock/Pier
5. ☐ Utilities
6. ☒ Coastal engineering Structure
7. ☐ Agriculture (e.g., cranberries, forestry)
8. ☐ Transportation
9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County
01485
b. Certificate # (if registered land)
354
c. Book
354
d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.
**B. Buffer Zone & Resource Area Impacts** (temporary & permanent) (cont’d)

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Bank</td>
<td>1. linear feet</td>
<td>2. linear feet</td>
</tr>
<tr>
<td>b. Bordering Vegetated Wetland</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>c. Land Under Waterbodies and Waterways</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td></td>
<td>3. cubic yards dredged</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Bordering Land Subject to Flooding</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>e. Isolated Land Subject to Flooding</td>
<td>3. cubic feet of flood storage lost</td>
<td>4. cubic feet replaced</td>
</tr>
<tr>
<td>f. Riverfront Area</td>
<td>1. Name of Waterway (if available) - specify coastal or inland</td>
<td></td>
</tr>
</tbody>
</table>

2. Width of Riverfront Area (check one):

- [ ] 25 ft. - Designated Densely Developed Areas only
- [ ] 100 ft. - New agricultural projects only
- [ ] 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: square feet

4. Proposed alteration of the Riverfront Area:

- a. total square feet
- b. square feet within 100 ft.
- c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?  
   - Yes  [ ]  No  [ ]

6. Was the lot where the activity is proposed created prior to August 1, 1996?  
   - Yes  [ ]  No  [ ]

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

   **Note:** for coastal riverfront areas, please complete Section B.2.f. above.
B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont’d)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. □ Designated Port Areas</td>
<td>Indicate size under Land Under the Ocean, below</td>
<td></td>
</tr>
<tr>
<td>b. ✓ Land Under the Ocean</td>
<td>69,158</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19,206</td>
<td>2. cubic yards dredged</td>
</tr>
<tr>
<td>c. ✓ Barrier Beach</td>
<td>Indicate size under Coastal Beaches and/or Coastal Dunes below</td>
<td></td>
</tr>
<tr>
<td>d. ✓ Coastal Beaches</td>
<td>6,576</td>
<td>2. cubic yards beach nourishment</td>
</tr>
<tr>
<td></td>
<td>1. square feet</td>
<td>1,284</td>
</tr>
<tr>
<td>e. ✓ Coastal Dunes</td>
<td>29,440</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. square feet</td>
<td>2. cubic yards dune nourishment</td>
</tr>
<tr>
<td>f. □ Coastal Banks</td>
<td>1. linear feet</td>
<td></td>
</tr>
<tr>
<td>g. □ Rocky Intertidal Shores</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>h. □ Salt Marshes</td>
<td>1. square feet</td>
<td>2. sq ft restoration, rehab., creation</td>
</tr>
<tr>
<td>i. □ Land Under Salt Ponds</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>j. ✓ Land Containing Shellfish</td>
<td>51,066</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>k. □ Fish Runs</td>
<td>Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above</td>
<td></td>
</tr>
<tr>
<td>l. ✓ Land Subject to Coastal Storm Flowage</td>
<td>1. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td></td>
<td>41,002</td>
<td>1. square feet</td>
</tr>
</tbody>
</table>

4. □ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW
b. square feet of Salt Marsh

5. □ Project Involves Stream Crossings

a. number of new stream crossings
b. number of replacement stream crossings
C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the Massachusetts Natural Heritage Atlas or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☒ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581
August 1, 2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable.

c. Submit Supplemental Information for Endangered Species Review*

1. ☒ Percentage/acreage of property to be altered:

   (a) within wetland Resource Area 66.5%

   (b) outside Resource Area percentage/acreage

2. ☒ Assessor’s Map or right-of-way plan of site

2. ☒ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☒ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☒ Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.
C. Other Applicable Standards and Requirements (cont’d)

(c) ☒ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to “Commonwealth of Massachusetts - NHESP” and mail to NHESP at above address.

Projects altering 10 or more acres of land, also submit:

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. ☐ Separate MESA review completed. Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

   a. ☐ Not applicable – project is in inland resource area only   b. ☒ Yes ☐ No

   If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

   South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

   Division of Marine Fisheries - Southeast Marine Fisheries Station
   Attn: Environmental Reviewer
   836 South Rodney French Blvd.
   New Bedford, MA 02744
   Email: DMF.EnvReview-South@state.ma.us

   North Shore - Hull to New Hampshire border:

   Division of Marine Fisheries - North Shore Office
   Attn: Environmental Reviewer
   30 Emerson Avenue
   Gloucester, MA 01930
   Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.
C. Other Applicable Standards and Requirements (cont’d)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
   - ☐ Yes ☒ No
   - If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
   - b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
   - ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
   - ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
   - ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
     1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
     2. ☒ A portion of the site constitutes redevelopment
     3. ☐ Proprietary BMPs are included in the Stormwater Management System.
   - ☐ No. Check why the project is exempt:
     1. ☐ Single-family house
     2. ☐ Emergency road repair
     3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☐ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☐ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
D. Additional Information (cont’d)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

   Tisbury Marine Terminal, Shoreline Infrastructure, 7 sheets
   a. Plan Title
   Foth
   b. Prepared By
   Carlos Pena, P.E.
   c. Signed and Stamped by
   As Noted
   d. Final Revision Date
   7/2/2020
   e. Scale
   As Noted
   f. Additional Plan or Document Title
   Project Exhibits
   g. Date
   July 2020

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form


E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

   Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

   1022
   2. Municipal Check Number
   1021
   3. Check date
   7/14/20
   4. State Check Number
   5. Check date
   7/14/20
   Tisbury Marine Terminal LLC
   6. Payor name on check: First Name
   7. Payor name on check: Last Name
F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant
   
2. Date
   
3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the “yes” box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.
# List of Attachments

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment A</td>
<td>Project Narrative</td>
</tr>
<tr>
<td>Attachment B</td>
<td>USGS Map</td>
</tr>
<tr>
<td>Attachment C</td>
<td>Property Data</td>
</tr>
<tr>
<td>Attachment D</td>
<td>FEMA FIRM Map</td>
</tr>
<tr>
<td>Attachment E</td>
<td>Project Plan Set</td>
</tr>
<tr>
<td>Attachment F</td>
<td>MA DEP Release Form</td>
</tr>
<tr>
<td>Attachment G</td>
<td>Historical Permits</td>
</tr>
<tr>
<td>Attachment H</td>
<td>Stormwater Map, Report, and Checklist</td>
</tr>
<tr>
<td>Attachment I</td>
<td>Sediment Transport Study</td>
</tr>
<tr>
<td>Attachment J</td>
<td>Site Photographic Documentation</td>
</tr>
<tr>
<td>Attachment K</td>
<td>Filing Fees</td>
</tr>
<tr>
<td>Attachment L</td>
<td>Abutter Documentation</td>
</tr>
</tbody>
</table>
Attachment A

Project Narrative
PROJECT NARRATIVE
TISBURY MARINE TERMINAL

I. PROJECT INTRODUCTION

The Tisbury Marine Terminal (TMT) is proposing to maintain and improve existing marine infrastructure and construct an Operations and Maintenance Facility (O&M) that can serve as a hub for offshore wind at 190 Beach Road, Tisbury MA (subject property). The subject property is located in Vineyard Haven Harbor (Attachment B) and currently is utilized for the receipt/transfer of materials, cargo and bulk, and storage. The marine terminal also accommodates a variety of land and water based equipment, vessels and barges. The yard at TMT has been in operation since the late 1800s and provides critical and essential services for the entire island of Martha’s Vineyard (MV). To best serve TMT’s interest in being available to support offshore wind opportunities, timely completion of the proposed O&M facility is critical. If the project is permitted and constructed in alignment with the development of the first Lease Area in the Massachusetts/Rhode Island Wind Energy Area, then the Facility will be available to support Operations and Maintenance for the first offshore wind Lessee. The design of the proposed O&M facility will provide a safe accessible berthing area for wind farm support vessels well into the future. The TMT terminal is situated in an ideal location to meet the challenges of offshore wind operations and provide 24/7 support for the wind turbines as it is located within a viable distance to the offshore windfarms. The facility logistics, layout, and operational requirements proposed for this project have been developed using industry standards.

The primary goals/objectives of the proposed project are to:

- Create a centralized control facility that has the unique ability to provide operational and maintenance services for offshore wind farms;
- Reduce global green-house gases by providing O&M services required to support offshore wind farms;
- Economic growth and job creation on Martha’s Vineyard;
- Maintain and improve TMT marine infrastructure; and
- Enhanced public access to the shoreline while maintaining the working waterfront.

The current TMT facility is located within a Waterfront/Commercial zoned district. This zoning allows for industrial uses to occur along the waterfront. Where this designation is only a local zoning regulation, the property owner is considering moving forward with a project initiation request to the Massachusetts Office of Coastal Zone Management (CZM), in coordination with Massachusetts Department of Environmental Protection (DEP), for the area to be authorized as a state Designated Port Area (DPA). The project initiation is the first step in evaluating a DPA designation.

The CZM program has identified DPAs as geographic areas of particular significance to the promotion of commercial fishing, shipping, and other vessel-related activities associated with water borne commerce and the promotion of manufacturing, processing, and production activities reliant
upon marine transportation or the withdrawal or discharge of large volumes of water. CZM recognizes that these water-dependent industrial uses vary in scale and intensity but generally share a need for infrastructure with three essential components: commercial navigation and/or direct utilization of the water, backland space conducive to industrial facilities and operations, and land based transportation and public utility services appropriate for general industrial purposes. (Reference: 301 CMR 25.00 Designation of Port Areas 25.01(2) Purpose)

The DPA designation is being considered for this project as it is consistent with the project goals to preserve and expand water-dependent industrial uses along this portion of Vineyard Haven harbor. It is the only marine industrial site on the island that provides a sizeable volume of receipt/transfer of materials, cargo and bulk, and storage (approximately 100,000 tons annually of freight) and is well suited to be the Operations & Maintenance hub for offshore wind. A DPA designation would affect review of this project with respect to 310 CMR 10.00 Wetlands Regulations, 310 CMR 9.00 Waterways, as well as CZM consistency. These regulations recognize the importance of preserving water-dependent marine industrial uses, in particular within DPAs, and as such provide different performance standards/regulations for resource areas in a DPA. We recognize that the DPA designation may or may not be pursued or achieved for the subject sites. Due to the imminent need for the proposed project, we are proceeding with this NOI based on the current “non-DPA” designation of the site.

II. SITE DESCRIPTION

The project site is located on Martha’s Vineyard at 190 Beach Road, Tisbury, Massachusetts (subject property). The 1.4 acre waterfront site is currently utilized as a commercial dock facility for island commerce and transportation. The subject property is identified by the Tisbury Board of Assessors as Map 10 Lot A-1 and classified as a Waterfront/Commercial Property by the Tisbury Zoning Map (Attachment C, Tisbury Zoning Map, rev. March 2003). The site is located along the eastern shoreline of Vineyard Haven Harbor. The site has an average upland elevation of +6 feet NAVD88 and is in both FEMA flood zones VE (EL. 13) and AE (EL. 10) as indicated by maps 25007C0103J and 25007C0104J effective July 20, 2016 (Attachment D, FEMA FIRM). The subject property is partially located on a barrier beach, which extends along the south side of Vineyard Haven Harbor and Lagoon Pond.

The proposed project is within a variety of coastal resource areas including Coastal Beach, Rocky Intertidal Shore, Land Under the Ocean, Barrier Beach (including Coastal Dune), Land Containing Shellfish, Land Subject to Coastal Storm Flowage, and is also within the 100 foot buffer zone to these resource areas. Other regulated areas within the proposed project area include historically mapped eelgrass and Natural Heritage and Endangered Species Program (NHESP) priority habitat of rare species and estimated habitat of rare wildlife. There is a portion of the NHESP within the proposed Operations and Maintenance facility berthing area and wave fence location as seen in the project plans. NHESP habitat are delineated in OLIVER and shown on project plan set included in Attachment E.

Seaward of the Coastal Beach and below mean low water (MLW) there are mapped areas of eelgrass based upon the most currently available information provided by MassGIS information. On June 7, 2019, an eelgrass survey was conducted to identify/confirm the presence of eelgrass at the project site. The results of this survey did not show any eel grass located within the proposed
project area. Within the Land Under the Ocean (LUO) and Coastal Beach resource areas, available records confirm that improvement and maintenance dredging has occurred at the project site since the 1970’s and as required for safe navigable access for docking and loading/unloading operations.

Desktop research conducted for the subject property showed no recent hazardous material spills. The property is designated as an Activity and Use Limitation (AUL) Area (DEP Release Tacking No.: 4-11082) that consists of four (4) buried tanks that contained petroleum hydrocarbons. None of these tanks is currently in use. Mass DEP last inspected the site in October 2013, and all areas surrounding the AUL were found free of contaminants (Attachment F). There is an existing licensed barge ramp located on the subject property (Attachment G, DPW LIC. No. 5714). Southwest of the barge ramp, along the subject property shoreline, are docking and tie-off locations for vessels along a deteriorating steel sheetpile bulkhead.

The subject property consists of maintained gravel surfaces extending to the edge of the existing steel bulkhead pier and northerly to the sandy coastal beach. The existing steel bulkhead and solid-filled pier are licensed under DPW LIC. No. 5714, and the solid-filled pier, previous location of a fish house, was expanded in 1993 under DPW LIC. No. 2275. Details pertaining to existing licensing information are presented below in Section IV. Site Permitting History. Building structures on the subject property include a one-story commercial warehouse for Tisbury Towing & Transportation Co. (Attachment C, Property Card).

The project site is exposed in the northeast direction to Vineyard Sound making it most vulnerable to coastal storms from this direction also referred to as Nor’Easters. These storm events commonly occur in the winter season and can cause severe erosion and damage along shorelines, especially northeast facing shorelines in Massachusetts. The existing solid-filled pier provide some protection to the subject property shoreline southwest of the solid-filled pier.

III. PROJECT OVERVIEW

The objective of the proposed project is to improve the existing facilities at the subject property to best accommodate future offshore O&M facility operations and improve waterfront access for terminal operations. The subject property shoreline includes two primary sections. The southern section will continue to support current TMT operations and be utilized as a materials, cargo and bulk transfer/storage facility and marine terminal accommodating a variety of land and water based equipment, vessels and barges. The northern section of the site will serve as the new O&M facility for future offshore wind operations. Summarized below are the improvements that are proposed for the project site. An overall proposed site plan is provided in Attachment E.

❖ PROPOSED INFRASTRUCTURE IMPROVEMENTS

TMT Terminal Facility Operations (Southern Section)

Replacement & Realignment of Existing Solid-fill Pier
The existing solid-filled pier is to be replaced with a new steel sheet-pile structure that will include a concrete deck. The new structure will be rotated/realigned slightly from its’ existing location so that it will be perpendicular to the shoreline. The proposed replacement solid-filled pier will be ±110 feet long by ±30 feet wide and have a total footprint area of ±3,330 square feet (SF). The existing solid-fill structure footprint area is approximately ±3,552 SF. Accordingly, installation of the replacement pier structure results in a ±222 SF reduction in total footprint area.
Barge Access & Berthing Area Improvements

The terminal yard at the TMT facility, which has been in operation since the late 1800s, provides critical and essential services for the residents and businesses of Martha’s Vineyard. The terminal operations have a significant impact on transportation not only on island but also on the mainland of Massachusetts. The average annual number of barges that transport materials on and off island equates to approximately 6,600 one-way truck trips that would otherwise be required to take the ferry to/from the island, thereby requiring more ferry trips and adding considerable congestion to the island roads and ferry access roads on the mainland in Woods Hole and Bourne. In addition to barge operations, the terminal typically offloads 50 modular homes at this facility annually.

To improve waterfront access to the project site, the existing barge ramp will be replaced and two (2) new barge ramps will be constructed. Each ramp will be 40 feet long x 20 feet wide (±800 SF each). The ramps will be constructed either primarily landward of the bulkhead within the existing solid fill, each surrounded by a concrete perimeter wall (shown as A1 and A2 on plan sheet 2), or will extend over the water with support/guide piles (shown as B1 and B2 on plan sheet 2). Each barge ramp will have a winch system to adjust the ramp for various loading/unloading operations. The replacement and two new steel barge ramps will allow for increased efficiencies and volume of material transfer at the facility by providing for simultaneous loading and/or unloading operations.

Two berthing areas will be available to support TMT operations on each side of the reconstructed solid-fill pier. The larger of the two berthing areas will support ±210 feet of the working waterfront on the south of the pier and provide access to two of the barge ramps. Three (3) timber dolphin pile clusters will be installed at the southern-most limit of the berth for vessel tie-ups and breasting. A smaller berth will support ±67 LF of the working waterfront on the north side of the pier and provide access to one barge ramp. Three dolphin pile clusters will be installed to separate the TMT and the O&M berthing operations.

Steel Bulkhead Improvements

The existing ±209 LF bulkhead, which presently provides shoreline stabilization to the terminal yard, will be improved by oversheeting with new steel sheet piles supported by grouted soil anchors. A new bulkhead section will also be constructed and extend ±70 LF from the northeast corner of the new solid-fill pier along with a 35 LF return as required to stabilize the berthing area that will service the barge ramp. The bulkheads will be constructed to a proposed top elevation of 6 feet NAVD88.

O&M Facility (Northern Section)

Facility Berthing Area

The proposed improvements to be implemented at the project site to support future offshore wind will include the creation of three (3) additional berths areas as required to accommodate O&M vessels. The berths will be bounded on the southeastern end by the proposed bulkhead extending east / northeast from the existing solid-filled pier. This bulkhead will minimize intertidal dredging that would otherwise be required through the dredging of side slopes needed to create the berths. The bulkhead will also minimize the frequency of required maintenance dredging within the berth areas.
Two (2) of the berths will be approximately ±57 feet wide and the remaining berth will be approximately ±70 feet wide. A floating dock (12’ by 142’) supported by five (5) steel pipe piles that will provide access to the vessels and act as a wave attenuator between berthing areas will separate the two 57-foot wide berthing areas. Three dolphin pile clusters will be installed to separate the smaller berthing area from the larger berthing area. The larger berthing area will also have pile/mooring bollards for the tie-up of vessels. A steel sheet pile wave fence is proposed to be installed at the northeasterly limit of the large berth. The wave fence will extend approximately ±202 LF into the harbor from the face of the proposed bulkhead and provide protection to the berth area from storm-generated waves during high northeast winds and coastal storm events. The wave fence will have a top elevation of ±10 feet NAVD88 and help reduce reflected/refracted waves by utilizing pile-supported sheet piles with deep connecting cavities and framed with a timber cap and fender piles. The steel sheet piles are proposed to be embedded in the existing substrate to maximize effectiveness of the wavebreak and minimize shoaling within the berth area, which will reduce the frequency of required maintenance dredging. A 6-foot wide catwalk to provide access to the vessels will be constructed along the full length of the wave fence to provide crew access.

**New Bulkhead & Fendering System**
The landward side of the O&M berthing areas will be stabilized by a new ±200 LF steel sheet pile bulkhead with an integral fender system. The bulkhead includes 80 LF of “environmental windows”, which are constructed by keeping the top of sheets just above the existing grade resulting in openings that provide water circulation. The bulkhead is a key project component in sustaining safe access and use of the vessel berth areas as it not only minimizes the need for intertidal dredging, but will also function to help reduce the need for future maintenance dredging. Currently, the existing solid-filled pier traps sediment in the areas that are proposed for vessel berths.

**New Pile-supported Pier Deck & Bulkhead**
A new ±30,577 SF pile-supported pier deck will be constructed integral to the new berth bulkhead and tie into the northern shoreline area. A ±35-foot wide concrete deck will be installed immediately behind the bulkhead. This section of the pier will service high capacity live loads of up to 700 pounds per square foot (PSF) and allow for a crawler crane and other offshore wind support equipment and materials to be loaded/offloaded at this location. The concrete pile-supported deck will be supported by (48) 20-inch diameter pipe piles and (4) 20-inch batter piles. The remaining section of the pile-supported operations platform will be utilized for storage of materials and personnel parking and consist of either timber decking which will support up to a maximum live load capacity of 500 PSF, or concrete decking to support up to 700 PSF live load. The new pier deck will have a top finish elevation of 6.0 feet NAVD88 and be supported by (156) piles. The piles can be 12-inch diameter greenheart timber piles if the timber decking is utilized, and if the decking is concrete the piles will be 20-inch diameter with an impact area of approximately 340 SF. Concrete is an alternative to the timber, and will result in a slight change to the design, including the pile size from 12” to 20” diameter piles. Pipe piles may be filled with concrete pending final design analysis. The existing shoreline area adjacent to the new pier deck will be stabilized with a new ±283 LF steel bulkhead.

**Marine Support Building & Access Way**
The proposed O&M marine support building is approximately ±9,511 SF. This key infrastructure will provide material storage for components required for O&M operations as well as crew facilities and
offices. The proposed internal access way located adjacent to the building will allow for access to/from Beach Road for deliveries of materials to the building, which will contain several loading bay areas.

**Public Access**

A new ±800 SF public look-out landing will be constructed immediately east of the new O&M pier deck. This deck will be supported by (15) 12-inch diameter greenheart timber piles. This public access area will provide a viewing area of the harbor as well as a platform for people to congregate off of Beach Road. The structural details of this structure are preliminary; it is anticipated to be a timber, pile-supported platform with ADA accessible 6’ by 6’ platform landing.

**DREDGING**

Dredging is proposed along southern and northern waterfront sections of the property and essential to supporting TMT and O&M operations. Based upon recent bathymetry collected at the project site, current water depths vary from 6 to 8 feet during periods of low tide. The proposed dredging will provide adequate water depth at all tides for the O&M crew transfer vessels (CTV) and service accommodation transfer vessels (SATV). Dredging is proposed to an elevation of -18.4 feet NAVD88 (-17.8 FT MLW) with a 1-foot allowable overdredge (O.D.) to -19.4 feet (-18.8 FT MLW). An estimated ±14,759 CY of sediment is anticipated to be dredged from an overall footprint area of ±42,609 SF, with a typical 3H:1V sideslope where there are no abutting structures within the O&M proposed berthing areas. The dredging to maintain proper depths in the existing operations area is ±28,141 SF, and an estimated ±5,923 CY. Based upon the review of available record documents, some dredging has been previously conducted at the project site within the vicinity of solid-filled pier; however, to properly service the vessel uses at the TMT and O&M facilities, improvement dredging is also required.

Sediment sampling and analyses will be conducted to determine whether sediments are suitable for beneficial reuse as nourishment along local beach areas or if other reuse/disposal alternatives will be required. If dredge sediments can be reused for nourishment, then the initial dredging of the TMT and O&M berths along with sediments that will be available from subsequent 5-10 year maintenance dredging effort will be available to support such efforts. If sediments are not suitable for reuse as nourishment, other options for beneficial reuse will be considered, including but not limited to, unconfined offshore disposal, reuse as daily cover/disposal at MA Landfill, on-site and/or off-site reuse for backfilling/regrading, landscaping and/or soil amendments.

**IV. DESIGN CONSIDERATIONS**

The proposed project facility improvements are designed to minimize potential environmental impacts to the greatest extent practicable while ensuring that the minimum operational requirements of the TMT and offshore wind O&M facilities are achieved. The proposed project design aims to provide a protected working environment for O&M workers and support vessels by providing a safe facility for the loading and unloading of the (CTV) and service accommodation transfer vessel (SATV) and the transient storage and transfer of necessary maintenance materials for the offshore wind farms.

The following criteria were considered during design development of the proposed project:
1. Design the steel sheet pile bulkheads to withstand 50-year storm design waves and coastal flooding. Include appropriate openings in the bulkhead ("windows") to maintain water circulation. Designing for the 100-year storm event is not feasible due to the required increase in elevations not being practicable to tie into existing infrastructure including Beach Road.

2. Design the sheet pile wave fence and pile-supported breakwater to protect the O&M and TMT vessel berths from 50-year storm design storm waves while providing for limited seabed impacts and minimal impacts to water circulation, sediment transport and marine habitats.

3. Design the pile-supported pier deck to provide a minimum live-load capacity of 700 PSF for the concrete deck and 250 PSF to 500 PSF capacity for the timber deck. Further analysis will be performed to determine if the decking will be all concrete with up to 700 PSF load capacity. This NOI includes impacts based on the larger piles to support the all concrete decking option.

4. Design the dredge area and berth dolphins to accommodate the docking and berthing of the CTV and SATV vessels as well as the TMT barges.

V. SITE PERMITTING HISTORY

Table 1 below provides a summary of the permitting history of the project site based upon record information that was available. Details pertaining to the permits listed are provided in Attachment G, or can be provided upon request. The maintenance dredging history includes previously permitted dredging by DPW Permit No. 5714 and No. 2275. The dredging south of the solid-filled pier was previously authorized to a depth of -6.0 feet MLW (-4.7 feet NAVD88). Dredging north of the solid-fill pier (proposed South Pier) was previously authorized under DPW LIC. No. 2275. Permit No. 5714 authorized dredging of approximately 12,000 CY of sediment.

<table>
<thead>
<tr>
<th>Agency</th>
<th>License #</th>
<th>Date</th>
<th>Description of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPW</td>
<td>1990</td>
<td>09/07/1938</td>
<td>Maintain existing dolphins, drive additional piles in an existing pier, and to construct and maintain new dolphins</td>
</tr>
<tr>
<td>DPW</td>
<td>3090</td>
<td>10/21/1948</td>
<td>Construct and maintain, two (2) eleven pile dolphins in Vineyard Haven Harbor</td>
</tr>
<tr>
<td>DPW</td>
<td>3277</td>
<td>11/09/1950</td>
<td>Build two (2) 7-pile dolphins, erect a stone jetty, place riprap and to maintain an existing discharge pipe in Vineyard Haven Harbor</td>
</tr>
<tr>
<td>DPW</td>
<td>3381</td>
<td>09/26/1951</td>
<td>Maintain existing riprap, suction line and two dolphins in Vineyard Haven Harbor</td>
</tr>
<tr>
<td>DPW</td>
<td>5714</td>
<td>04/23/1970</td>
<td>Build and maintain steel bulkhead, riprap and groin, dredge to -6.0’ MLW, and place and maintain fill in Vineyard Haven Harbor</td>
</tr>
<tr>
<td>DEP</td>
<td>2275</td>
<td>05/22/1990</td>
<td>Construct and maintain an addition to an existing solid-fill pier, via the construction of a timber bulkhead, dredging and the placement of backfill, and</td>
</tr>
</tbody>
</table>
VI. AVAILABLE SURVEY INFORMATION

As shown in Table 2 below, bathymetric, topographic and eel grass surveys were performed for the proposed project. The survey data was utilized to establish existing bathymetric and topographic conditions for all proposed work and to confirm the presence/absence of eelgrass within the vicinity of the project site. The data shown on the plans are in reference to the North American Vertical Datum of 1988 (NAVD88). The tidal station used to determine the water levels is NOAA station ID: 8448157 located at Vineyard Haven, Vineyard Haven Harbor, MA.

In support of the Tisbury Marine Terminal project, a Tier-1 SAV underwater video survey was completed to determine the presence or absence of eelgrass and/or widgeon grass beds within the vicinity of the area of impact for proposed work. This on-site survey was conducted on June 7, 2019 to confirm the eelgrass limits in the project area. The survey was performed using guidance provided in Massachusetts Division of Marine Fisheries Technical Report TR-43, “Technical Guidelines for the Delineation, Restoration, and Monitoring of Eelgrass (Zostera marina) in Massachusetts Coastal Water” dated October 2010, and Joint Federal Regulatory Resource Agency Submerged Aquatic Vegetation Survey Guidance for the New England Region (June 21, 2011 Version).

The determination of presence/absence and extent of SAV started with a desktop study and initial site investigation. The desktop study included a review of the MADEP Eelgrass Mapping Project mapped eelgrass beds. The area of concern is mapped as having eelgrass beds located north of the project area in the MassDEP mapped eelgrass limits from 1995 and 2001. The extent of the beds shown in the GIS mapping decreased from the initial mapping in 1995 and subsequent 2001 survey to the latest mapping in 2015-2017, which shows no eel grass within the project vicinity.

The area of the proposed project and surrounding areas were inspected by starting 300 feet beyond the northernmost extent of the project (adjacent to Beach Road) extending south to the existing pier structure approximately 300 feet beyond the project limits. The findings of the ground truth delineation indicate that there are no beds of eelgrass within the survey area, consistent with the 2015-2017 DEP mapped areas.

Table 2: Summary of Field Surveys Performed for Proposed TMT & O&M Facilities
VII. DISCHARGES & SPILL HISTORY

Existing Discharges
A due diligence assessment has been conducted in an effort to identify potential sources of sediment contamination that could have resulted from spill events within the area. There are no known active outfall discharges located within the project area based upon information provided on the Stormwater Map dated 6/9/2017, reference map prepared for the Town of Tisbury by Environmental Partners Group included in Attachment H.

VIII. REQUIRED REGULATORY APPROVALS

Table 3 below lists the regulatory permits and licenses required to complete the proposed improvements at the TMT Facility.

Table 3: Require Regulatory Authorization

<table>
<thead>
<tr>
<th>Agency</th>
<th>Authorization</th>
<th>Permit/File#</th>
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<tbody>
<tr>
<td>Massachusetts Environmental Protection Agency</td>
<td>Certificate of the Secretary</td>
<td>EEA No. 16190 Received 5/29/20</td>
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<tr>
<td>Martha’s Vineyard Commission</td>
<td>Decision of Approval</td>
<td>TBD</td>
</tr>
<tr>
<td>MA Department of Environmental Protection (DEP)</td>
<td>Combined 401 Water Quality &amp; Chapter 91 Waterways License</td>
<td>TBD</td>
</tr>
<tr>
<td>US Army Corps of Engineers</td>
<td>Individual Permit Section 10/404</td>
<td>TBD</td>
</tr>
<tr>
<td>Tisbury Planning Board</td>
<td>Special Permit and Site Plan Review</td>
<td>TBD</td>
</tr>
<tr>
<td>Massachusetts Coastal Zone Management (CZM)</td>
<td>Federal Consistency Certification</td>
<td>TBD</td>
</tr>
<tr>
<td>Tisbury Conservation Commission</td>
<td>Notice of Intent – Order of Conditions</td>
<td>In Process</td>
</tr>
</tbody>
</table>
IX. SEDIMENT TRANSPORT STUDY

In February and March 2020 Applied Coastal performed a sediment transport study for the TMT and proposed O&M facility. The full sediment transport study can be found in Attachment I. The sediment transport study focused on the following main tasks:

- Evaluation of available data sets
- Development of a two-dimensional depth-averaged hydrodynamic, wave, and sediment transport model
- Modification of the existing conditions model to incorporate proposed changes to Packer Facility and run simulations of the alternatives to analyze morphologic changes
- Modifications of the existing conditions model to incorporate changes to the TMT/Packer Facility and run simulations to analyze circulation patterns

Modeling Data Background

The coastal processes were analyzed using Delft3D software in the vicinity of the TMT/Packer Facility. The assessment focused on tidal flow and sediment transport processes. ADCIRC was used to develop the tidal conditions, Delft3D was used to generate the wave conditions at Vineyard Haven Harbor which were then used to develop the model wave conditions. For the modeling it was assumed that the water circulation was more driven by tidal currents and not the waves, therefore the analysis was performed based on tidal currents.

Light Detection and Ranging (LiDAR) survey data collected by the US Army Corps of Engineers (USACE) post Superstorm Sandy (2013-2014), and Foth Infrastructure and Environment (Foth) collected bathymetry data were utilized for the survey within the modeled area. The median grain size of the surficial sediment samples that were collected near the TMT/Packer facility was utilized in the model.

The Hydrodynamic modeling was performed to evaluate the different scenarios to review the circulation patterns that have an impact on the sediment transport. The modeling was performed based on the period from May 6 to June 15 in 2004 as the tide data was available over this period. The wind data utilized in the model was from 2018. The year 2018 was used because it had high winds, and therefore created a more conservative outcome of the model.

Alternatives Analysis

The following are the alternatives that were analyzed in the study:

- Scenario 1: Existing Conditions
- Scenario 2: Full Bulkhead Structures and new solid fill wharf location
- Scenario 3: Full Bulkhead Structures and new solid fill wharf location with a revised bulkhead elevation to within 2 feet above existing grade
• Scenario 4: Full Bulkhead Structures and new solid fill wharf location with a revised bulkhead elevation to within 2 feet above existing grade with a wave fence design allowing for a gap along the sea bed for circulation

• Scenario 5: Full Bulkhead Structures and new solid fill wharf location with a revised bulkhead elevation of -5 feet NAVD88 for 40 feet and -4 feet NAVD88 for an additional 40 feet. This is the Environmental Window Scenario, and is identified as the preferred alternative for water circulation patterns and sediment transport patterns. Scenario 5 is the same as Structural Alternative 4, which was also identified as the preferred alternative.

Scenario 1 provides a base of the water circulation patterns and therefore sediment transport patterns. It is noted that sediment transport generally moves in an east to west direction along the shoreline in this area. By adding the different structures in the other scenarios, the model can demonstrate the expected change in the circulation and therefore the expected change to the sediment transport. Scenario 2 created an increase in velocity along the northwest end of the wave fence during a strong flood tide and decrease within the boat basin, though overall there was generally minimal change from the existing conditions. The wave-induced sediment transport showed minimal change of sediment movement from the existing conditions to the Scenario 2 conditions. There is no change in movement within the basin and no change in the beach elevation within 50 feet of the proposed bulkhead southeast of the mooring area.

The modeling under scenario 3 showed greater changes from the existing conditions than Scenario 2 during strong flooding tide. The modeling showed increased flow velocities along both ends of the wave fence, less impact to water circulation in the berthing areas, and improved flow on the western side of the basin. There was not a significant change during the ebb tide. There is a difference from Scenario 2 to Scenario 3 with the lowering of the bulkhead leading to better circulation.

There was negligible change in sediment transport based on the hydrodynamics, and minimal differences between existing conditions and scenario 3 with the modeling that included the wave conditions. No movement within 50’ of the bulkhead and no difference in the beach transport beyond.

In Scenario 4, the gap between the sea floor and the bottom of the wave fence, thereby allows sediment and water to flow beneath the structure. The hydrodynamic model showed a slight increase in velocity near the northwestern end of the wave fence in flood tide, as seen in the previous scenario. There is some flow into the berthing areas, though not as much as the existing conditions. As in previous scenarios, there is not much difference from existing conditions during the ebb flow. The changes in sediment transport are similar to those in the previous scenarios with no movement 50’ from the bulkhead and same change as the existing conditions.

Scenario 5 is similar to Scenario 3 with the addition of an opening in the bulkhead (“environmental windows”) allowing water flow though the bulkhead. Scenario 5 showed similar results to the previous scenarios with increased velocities around the northwest end of the wave fence during flood tide and similarly there is minimal difference to the existing conditions during ebb tide. Scenario 5 does significantly improve the circulation in the berthing areas in comparison to Scenario 2 (full structures). The hydrodynamic sediment transport was negligible in difference from Scenario
5 to existing conditions. The sediment transport changes were the same as seen in previous scenario modeling with no change within 50 feet of the bulkhead and beyond that the changes were similar to the existing conditions.

Due to the minimal changes over the existing conditions and the circulation within the basin from the openings in the bulkhead, Scenario 5 is the preferred alternative. The scenarios above have shown minimal changes from the existing conditions with the preferred alternative (Scenario 5) showing more circulation within the berthing area than the others. The net sediment transport shown throughout modeling the scenarios with a change from 3.2 cy transport in the west direction to a 0.5 cy transport in the east direction, a change of less than 5 cy over a year.

A more detailed analysis of modeling the water circulation and sediment transport for each scenario can be found in Attachment I.

X. ALTERNATIVES ANALYSIS

A comprehensive alternatives analysis has performed to assess potential options for achieving the project purpose:

To improve and upgrade the existing terminal facility and construct an Operations and Maintenance (O&M) facility to support offshore wind farms, providing a safe working environment for O&M workers and support vessels.

The analysis performed began with the evaluation of the TMT facility in terms of location versus other available options for supporting a new O&M Facility to support offshore wind farms, followed by an evaluation of infrastructure alternatives that are capable of sustaining a 50-year storm event, while minimizing potential impacts to resource areas, sediment transport and water circulation. Since all infrastructure alternatives require dredging to support facility operations, specific potential impacts resulting from dredging have only been evaluated for the preferred infrastructure alternative selected.

Site Location Alternatives

Location Alternative 1: No-Build Alternative
The no-build alternative will result in the continued deterioration of existing marine infrastructure, and in turn, eventually compromise serviceability to support loading/offloading terminal operations which are critical and essential to the entire island of Martha’s Vineyard. The no-build alternative would also result in the construction of the O&M facility on the Massachusetts mainland and not on Martha’s Vineyard since there are no other feasible locations available on-island to support this type of operation. Locating the O&M facility on the mainland will require an alternate operations plan as the distance would preclude daily trips to/from the wind farms and therefore require “hotel style” vessels to support the O&M operations. Since the no-build alternative does not meet the project goals and represents a significant lost opportunity for the economic growth of the island, this option is not being considered.

Location Alternative 2: Off-Site Alternatives (On-island)
The harbors of Oak Bluffs, Edgartown and Menemsha do not have available working waterfront properties with navigable access or the potential for the development/expansion of an existing
marine terminal facility to be qualified for consideration as an alternative site for the O&M facility. The proposed O&M facility has no viable alternative on-island locations.

**Location Alternative 3: Floating Dock System (Island wide)**

In accordance with state Waterway regulations 310 CMR 9.32 Categorical Restrictions on Fill and Structures (1)(a) Tidelands (Outside of ACECs and DPAs), floating structures were briefly considered for the project. However, due to the nature and purpose of the O&M facility and support vessels requiring transfer of crew and materials daily (as weather allows), along with the exposure to storm-driven waves from the northeast, it is not safe, practical or feasible to use floating docks to adequately station and operate a floating O&M facility at the project sites or any other island location.

**Location Alternative 4: TMT Site Redevelopment**

Redevelopment of the existing TMT facility will provide a uniquely qualified site to continue to support terminal operations which service the entire island and the O&M facility to support offshore wind farms. This location is the only viable alternative based upon the following factors:

- **TMT is an existing serviceable marine industrial property that be can be readily developed through improvements to existing infrastructure and site upgrades through construction of new infrastructure;**

- **The project site is in relatively close proximity to the proposed wind farms; and**

- **TMT waterfront is located nearby the existing authorized federal 17-foot deep harbor channel. The proximity to existing, safe, deep water navigability is essential to supporting vessel excursions to/from the wind farms.**

**TMT Infrastructure Alternatives**

A total of four (4) alternatives have been considered for the proposed project. Each alternative is described in detail with a site plan layout provided below. This structural alternatives analysis was conducted prior to performing the Sediment Transport Study, allowing the study to focus on variants of the preferred structural alternative.
Structural Alternative 1: Improvements to Existing and Re-purposed Use of Existing Facility

Structural Alternative 1 includes improvements only to the existing sheetpile bulkhead along the Tisbury Marine Terminal shoreline and the reconstruction/realignment of the existing solid-filled pier and reconstruction of the existing barge ramp located southwest of the solid-filled pier. The proposed improvements will allow current operations to be performed with wind farm O&M needs being supported by the existing berthing area when available. In this capacity, however, Alternative 1 will not fully meet the operational needs of the O&M facility, and therefore, full O&M would not be located at this site.

This alternative does not allow for the expanded use of the existing TMT facility which is necessary to support the increasing need for industrial barge access to the island to import bulk materials, specialty cargo (including modular homes), and other resources and export or haul materials off-island including garbage. Furthermore, this alternative does not provide adequate servicability/capacity to support the use/access needs of the O&M operations associated with offshore wind since the existing industrial shoreline area is continuously in use, and there are no vacant areas for berthing the CTV and SATV vessels concurrent with TMT barges. The O&M operations require the ability to function on an uninterrupted, daily basis. Interference from ongoing daily island commerce at the TMT facility significantly reduces the viability of this alternative. Additionally, O&M operations will require a support building that will include office for personnel and warehouse space for storage equipment and materials. Without a separate O&M facility included as part of this alternative, it will result in these services being provided at an alternative
off-island location, thereby sacrificing jobs and benefits to the year round local economy. Structural Alternative 1 has therefore been eliminated from further consideration as a viable option for the proposed project.

**Structural Alternative 2: Tie-Back Supported Steel Sheet Bulkhead with Solid Fill and Paved Surface**

Structural Alternative 2 considers the use of a tie-back supported steel sheet bulkhead to retain existing fill and proposed areas where solid fill will be placed as required to expand the marine terminal / O&M area including area delineated as Coastal Beach and Land Under the Ocean. The steel bulkhead and solid fill design will support the O&M operational live loads and vessel docking loads. Structurally unsuitable soils will be removed from within the area protected by the bulkhead once it is installed. The unsuitable material excavated on-site will be removed and disposed of at an approved facility, and replaced with structural backfill or suitable dredged sediment. The area will be compacted in lifts and utilities, including the spill prevention and storm water systems, will be installed below finished grade to provide frost protection as well as sufficient cover from the proposed site loadings. These systems will be similar to what is already in place within other areas of the existing marine terminal. The surface of the solid-filled area will be capped with asphalt paving or dense graded aggregate. The finished asphalt pavement would provide a surface that will minimize loss of materials by ensuring that proper environmental controls are in place and a working surface that is suitable for year round conditions. The finished grade(s) of the solid fill can be achieved with relative ease to match existing grade(s) around the perimeter of site to allow for the equipment to traverse and access the site. Structural Alternative 2 is consistent with the adjacent licensed solid fill on the property.
Alternative 2 also proposes a bulkhead extending from the solid fill pier, northeast approximately 255 linear feet. A portion of this bulkhead will include a new barge ramp for the TMT facility and the remaining portion will support the fender system for the O&M facility vessels berthing areas. This bulkhead will serve to reduce shoaling within the berthing areas that will require maintenance dredging to allow for the vessels to safely navigate and dock. The bulkhead will hold the sediment from transporting to the berthing area and support the northwestern end of the concrete pile-supported operations platform. This bulkhead extends to a wave fence at the northeastern end. The wave fence is perpendicular to the bulkhead and extends seaward approximately 202 linear feet. The wave fence works as storm protection for berthed vessels by absorbing and reflecting the storm waves. Within the area of this bulkhead and wave fence is a proposed TMT berthing area and three dredged berthing areas for O&M vessels. The TMT berthing area is 67 feet wide by 165 feet in length. Two of the O&M berthing areas, closest to TMT area, are 57 feet wide by 165 feet in length. The most seaward berthing area is approximately 70 feet wide by 165 feet in length. There are three dolphins of 13 timber piles measuring 4.5’ in overall diameter located between the TMT berthing area and first O&M berthing area. There is a floating dock 142 feet by 12 feet wide proposed between the two smaller O&M berthing areas. This floating dock will act as a wave attenuator between the two areas as well as provide access to the vessels from land by way of a 6 foot by 40 foot gangway. This floating dock will be anchored by five 24 inch pipe piles, and a dolphin pile cluster with 13 timber piles at 4.5 feet overall diameter is proposed just seaward of the floating dock.

To access the additional O&M facility structural features a permeable road will be constructed landward of the proposed solid fill operations platform, and an O&M office and warehouse building will be constructed just landward of the roadway. The proposed O&M building is located on the existing landward area on the property as The Massachusetts Building Code, through reference to ASCE 24-14 -Section 1612.4, requires new building construction to be located landward of the reach of mean high tide. In consideration of the aforementioned MA Building Code statute, design parameters, existing site conditions, proposed uses, required utilities and construction costs, a proposed marine industrial use building structure located on the pier is not a feasible alternative. There is an additional option for two existing buildings located on TMT property located along the south side of Beach Road to be redeveloped into one warehouse for O&M facility use.

An additional barge ramp is proposed to the southwestern side of the TMT property with three dolphin pile clusters of 13 timber piles each, 4.5 feet in overall diameter along the southwestern extent of the TMT property. For access to the proposed barge ramps as well as providing safer navigation to the existing barge ramp to be reconstructed, the TMT area will be dredged to -14 feet NAVD88 with a 1 foot overdredge to -15 feet NAVD88. The dredge area for TMT/Packer is approximately ±28,141 SF and approximately ±5,923 CY are proposed to be dredged. The overall O&M berthing dredge area is ±42,610 SF with a total of approximately ±14,759 CY to be dredged.

For public access, there is a proposed pile-supported lookout located in the east-northeast section of the project area along the north side of Beach Road. The lookout is located over an existing revetment and does not increase the adverse impact to the Barrier Beach. The lookout is a 40’ by 20’ pile-supported structure with minimal impact to waves, littoral movement of sand or impact to the wildlife habitat. This public access feature is included in Alternatives 3 and 4 as well.
Under Alternative 2, a new solid-filled structure will result in impacts to areas delineated as Land Under Ocean and Coastal Beach which include both sub-tidal and intertidal areas. Approximately ±5,800 SF of Coastal Beach and ±17,800 SF of Land Under Ocean resource areas will be adversely impacted by the solid fill in Alternative 2. The direct loss of resource areas from the construction of the proposed solid-fill structure will reduce resource area functions including impacts to the natural movement of shoreline sediments through littoral drift, water circulation and wildlife migration, and loss of wildlife food and habitat area. Based upon the aforementioned environmental impacts when compared to pile supported options, Structural Alternative 2 has been eliminated from further consideration as a viable option for the proposed project.

**Structural Alternative 3: Pile-supported Platform with One Berth and Nearshore Mooring**

Alternative 3 includes installation of a new pile-supported operations platform and the creation of two berthing areas that will be separated by dolphin pile clusters. The berthing area adjacent to the reconstructed solid-fill pier will be utilized by TMT exclusively. The second berth will be situated adjacent to the proposed operations platform and will be available to support the offshore wind O&M facility. The berthing area for the offshore wind vessels will need to be designed to accommodate the larger SATV and include a wave fence for protection against the storm events. Under this alternative, only one vessel can off load or load for the O&M facility operations. The single berthing area would be approximately 70’ wide by 165’ as required to accommodate larger SATV vessels.
The pile-supported operations platform would have concrete decking along the seaward side where the berths are located and heavier operations would occur, and timber on the remaining portion of the operations platform. The pile-supported structure would be similar in size to the solid-filled operations platform presented in Alternative #2 in order to accommodate storage of equipment and/or materials as well as parking for personnel. The concrete portion of the pile-supported operations platform would support a crane to load and unload heavier materials onto the crew boats and/or maintenance vessel. If not actively being loaded/off-loaded, the vessel would be anchored on a nearshore mooring. With only a single berthing area being available to accommodate one vessel at a time at the O&M facility, dredging needs would be reduced.

This alternative includes proposed structures similar to Alternative 2. The bulkhead extending from the TMT solid-filled pier will extend approximately 150 linear feet to the northeast to a wave fence. The proposed wave fence for Alternative 3 is the same wave fence presented in Alternative 2. Alternative 3 includes the two new proposed barges for the TMT facility as well as the dolphins located at the southwestern side of the TMT property as presented in Alternative 2 and the three dolphins presented under Alternative 2 that are located between the TMT berthing area and the O&M berthing area. The O&M office and warehouse building as well as the permeable roadway for O&M facility use as described in Alternative 2 above are included in Alternative 3.

Alternative 3 was not considered viable for the proposed project due to the limitation of having only one berthing area available to support O&M facility operations. The O&M facility is being designed and constructed to initially service an 800 MW to 1,600 MW wind farm in federal waters south of Martha’s Vineyard. Three (3) berths are proposed to optimize the potential usage of the O&M Facility for both scheduled and unscheduled maintenance activities. The industry standard to maintain an 800 MW to 1,600 MW capacity wind farm with a CTV based logistical setup is expected to require 2 CTVs to transport technicians dedicated to regularly scheduled maintenance activities. Meanwhile, a third berth is prepared for increased activities during the summer campaigns and unscheduled activities that inevitably take place over the lifetime of the windfarm and can require a vessels of varying sizes. Ultimately three (3) berths aims to minimize potential downtimes and allows for the regular, effective, and uninterrupted flow of regular maintenance activities. Three (3) berths also allow for the flexibility in the type of vessels as the industry evolves.

**Structural Alternative 4: Pile-supported Operations Platform with O&M Building on Existing Land Area (PREFERRED, SELECTED ALTERNATIVE)**

Alternative 4 provides the required berthing areas are for both the terminal and O&M operations. Alternative 4 is similar to Alternative 2 with the difference in impact area to the coastal resources resulting from a change from a solid-filled structure to a pile supported operations platform. The bulkhead extending from the TMT solid-filled pier will extend approximately 258 linear feet to the northeast to a wave fence. The bulkhead includes 80 linear feet of “environmental windows”, which are constructed by keeping the top of sheets just above the existing grade resulting in openings that provide water circulation. The bulkhead is a key project component in sustaining safe access and use of the vessel berth areas as it not only minimizes the need for intertidal dredging, but will also function to help reduce the need for future maintenance dredging. By incorporating the environmental windows, the extent of dredging (including intertidal) is minimized and water circulation is maintained.
The proposed pile-supported pier structure will include a ±35-foot wide concrete deck immediately behind the berth area. This section of the pier will service high capacity live loads of up to 700 pounds per square foot (PSF) and allow for a crawler crane and other offshore wind support equipment and materials to be loaded/offloaded at this location.

The remaining section of the pile-supported operations platform will be utilized for storage of materials and personnel parking and consist of either timber decking which will support up to a maximum live load capacity of 250 to 500 PSF, or concrete decking to support a 700 PSF live load. The new pier deck will have a top finish elevation of 6.0 feet NAVD88 and be supported by (156) piles. The piles can be 12-inch diameter greenheart timber piles if the timber decking is utilized, and if the decking is concrete the piles will be 20-inch diameter with an impact area of approximately 340 SF. Concrete is an alternative to the timber, and will result in a slight change to the design, including the pile size from 12” to 20” diameter piles. Pipe piles may be filled with concrete pending final design analysis. The existing shoreline area adjacent to the new pier deck will be stabilized with a new ±283 LF steel bulkhead. The pile-supported platform structure reduces the potential environmental impacts in comparison with a solid-filled platform structure. The pile-supported deck will allow for the natural movement of shoreline sediments through littoral drift and water circulation. In addition, areas suitable for wildlife migration, food and habitat will also be preserved.

The proposed wave fence for Alternative 4 is the same wave fence presented in Alternative 2. It will dissipate wave energy within the berthing area and reduce the required frequency of maintenance dredging. The reconstruction of the solid-filled pier will also continue to provide some storm protection to the southern portion of the site.

The upland area that is utilized by equipment and vehicles will require fill to level off the grades, but will not increase above elevation 6 feet NAVD88. This fill may be the dredged material from the project if acceptable fill material, or will be imported. Alternative 4 includes the two new proposed barge ramp options for the TMT facility as well as the dolphins presented in Alternative 2.

The proposed O&M facility building as well as the permeable internal access way will be located within a designated FEMA Floodzone AE 10 feet NAVD88. The proposed O&M facility building will be elevated on 136 12” square piles. A second building is proposed to be placed on the south side of Beach Road where there are two existing structures. Construction of the proposed building as well as rebuilding the two older warehouses will meet the needs of the O&M operations and be beneficial to the aesthetics of the area.

In addition to the dredging and structural features of the proposed project, there is beach nourishment proposed along the Beach Road beach, just seaward of the public lookout along the existing shore normal groin. The nourishment will be placed to an elevation of +4’ NAVD88 and then slope at 1:10 seaward.

Based on a review of alternatives evaluated for the proposed project, Alternative 4 has been selected as the preferred alternative to be advanced. This alternative has the least environmental impacts for the proposed uses while meeting the project purpose. It provides the necessary requirements for an O&M facility to support offshore wind farms, maintain and improve infrastructure supporting existing uses and improve the aesthetics of this portion of the working
waterfront. The proposed site plan and associated typical cross sections for Alternative 4 are provided in Attachment H.

**Table 4: Summary of Resource Area Impacts for Alternative 4**

<table>
<thead>
<tr>
<th></th>
<th>Coastal Beach</th>
<th>Land Under Ocean</th>
<th>Coastal Dune</th>
<th>LSCSF(1)</th>
<th>Land Containing Shellfish</th>
<th>NHESP(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMT Bulkhead (including Return to O&amp;M)</td>
<td>105 LF</td>
<td>209 LF</td>
<td>0</td>
<td>105 LF</td>
<td>314 LF</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>175 SF</td>
<td>350 LF</td>
<td>0</td>
<td>175 SF</td>
<td>525 SF</td>
<td>0</td>
</tr>
<tr>
<td>TMT Dolphin Piles (1 cluster outside dredge area)</td>
<td>0</td>
<td>15 SF</td>
<td>0</td>
<td>0</td>
<td>15 SF</td>
<td>0</td>
</tr>
<tr>
<td>TMT Barge Ramps Winches (proposed)</td>
<td>837 SF</td>
<td>0</td>
<td>1,856 SF</td>
<td>2,693 SF</td>
<td>2,693 SF</td>
<td>0</td>
</tr>
<tr>
<td>Solid-Filled Pier (reconstruction; impacts are calculated as net change from previously constructed)*</td>
<td>0</td>
<td>3,300 SF</td>
<td>0</td>
<td>0</td>
<td>-222 SF</td>
<td>0</td>
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<tr>
<td>Offshore Wind O&amp;M Bulkhead along Berth Area</td>
<td>5 LF</td>
<td>183 LF</td>
<td>0</td>
<td>5 LF</td>
<td>188 LF</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>0.2 SF</td>
<td>8.1 SF</td>
<td>0</td>
<td>0.2 SF</td>
<td>8.1 SF</td>
<td>0</td>
</tr>
<tr>
<td>Offshore Wind O&amp;M Bulkhead (along beach with existing rip rap)</td>
<td>283 LF</td>
<td>0</td>
<td>0</td>
<td>283 LF</td>
<td>283 LF</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>12.2 SF</td>
<td>12.2 SF</td>
<td>0</td>
<td>12.2 SF</td>
<td>12.2 SF</td>
<td>0</td>
</tr>
<tr>
<td>Offshore Wind O&amp;M Access Road</td>
<td>3,112 SF</td>
<td>0</td>
<td>4,338 SF</td>
<td>7,450 SF</td>
<td>4,950 SF</td>
<td>0</td>
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<tr>
<td>Offshore Wind O&amp;M – Wave Fence</td>
<td>0</td>
<td>202 LF</td>
<td>0</td>
<td>0</td>
<td>202 LF</td>
<td>150 LF</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>9 SF</td>
<td>0</td>
<td>0</td>
<td>9 SF</td>
<td>7 SF</td>
</tr>
<tr>
<td>Public Lookout 40’ x 20’ (12” timber piles)</td>
<td>11.8 SF</td>
<td>0</td>
<td>0</td>
<td>11.8 SF</td>
<td>11.8 SF</td>
<td>0</td>
</tr>
<tr>
<td>Timber or Concrete O&amp;M Pile-Supported Deck (156 Piles – 20” dia.)</td>
<td>129 SF</td>
<td>212 SF</td>
<td>0</td>
<td>129 SF</td>
<td>341 SF</td>
<td>0</td>
</tr>
</tbody>
</table>
### XI. DREDGING

Based on the alternative analysis that has been conducted for the proposed project, avoiding dredging is not possible due to inadequate water depths that exist along the shoreline area of the TMT property. In order for vessels to safely maneuver and navigate in and out of the proposed berths, dredging will be required. The dredge areas and depths have been developed based on anticipated barge and vessel beam widths and drafts that will utilize the facility. Mitigation measures to offset potential impacts resulting from dredging are presented in Section XIII.

**Proposed Dredge Footprint & Quantities**

The proposed dredge footprint includes two target depths, both with typical 3H:1V sideslopes where not abutting structures:

<table>
<thead>
<tr>
<th>Description</th>
<th>SF</th>
<th>CY</th>
<th>SF</th>
<th>CY</th>
<th>SF</th>
<th>CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete O&amp;M Pile-Supported Deck (48 Piles)</td>
<td>15</td>
<td>98</td>
<td>0</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>O&amp;M Facility Building (136 Piles)</td>
<td>0</td>
<td>0</td>
<td>136</td>
<td>136</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sediment Fill on Lot to EL. +6 ft NAVD88</td>
<td>0</td>
<td>0</td>
<td>23,110</td>
<td>1,284</td>
<td>23,110</td>
<td>1,284</td>
</tr>
<tr>
<td>TMT/Packer Dredging (-14’ NAVD88 + 1’ OD)</td>
<td>2,068</td>
<td>1,349</td>
<td>26,073</td>
<td>4,574</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>O&amp;M Dredging (-18.4’ NAVD88 + 1’ OD)</td>
<td>216</td>
<td>127</td>
<td>42,393</td>
<td>14,632</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*The solid-filled pier is being reduced in overall size by 252 SF which is within Land Under Ocean. The area will be dredged to -14’ NAVD88 where being removed, then fill placed to top of solid-filled pier elevation, +6’ NAVD88.

(1) LSCSF is Land Subject to Coastal Storm Flowage described in the Assessment of Resource Areas

(2) NHESP is Natural Heritage and Endangered Species Program as described in the Assessment of Resource Areas
• TMT Packer Facility: -14.0 FT NAVD88 (-12.8 FT MLW) with one (1) foot allowable overdredge (O.D.) to -15.0 FT NAVD88 (-13.8 FT MLW).
• O&M Facility: -18.4 feet NAVD88 (-17.2 feet MLW) with one (1) foot allowable overdredge (O.D.) to -19.4 feet NAVD88 (-18.2 feet MLW).

Accordingly, a total estimated volume of ±20,682 CY will be dredged from within an overall footprint area of approximately ±70,750 SF (including O.D.). Consideration has been given to utilizing mechanical and hydraulic dredging methodologies for the proposed project. It is anticipated the the mechanical dredging methods will be utilized. The proposed dredge areas and volumes are summarized in Table 5 below and shown on the plans provided in Attachment E.

Table 5: Dredge Volume Summary

<table>
<thead>
<tr>
<th></th>
<th>TO PROP. GRADE</th>
<th>1-FT ALLOWABLE O.D.</th>
<th>TOTAL EST. VOLUME</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMT Packer Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-14’ NAVD88 (-12.8’ MLW) and O.D. to -15’ NAVD88 (-13.8’ MLW)</td>
<td>4,809 CY</td>
<td>1,114 CY</td>
<td>5,923 CY</td>
</tr>
<tr>
<td>O&amp;M for Offshore Wind</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-18.4’ NAVD88 (-17.2’ MLW) and O.D. to -19.4’ NAVD88 (-18.2’ MLW)</td>
<td>13,117 CY</td>
<td>1,642 CY</td>
<td>14,759 CY</td>
</tr>
<tr>
<td>TOTAL</td>
<td>17,926 CY</td>
<td>2,756 CY</td>
<td>20,682 CY</td>
</tr>
</tbody>
</table>

Dredge sediment reuse/disposal is pending the implementation of an agency approved sediment Sampling and Analysis Plan (SAP). A Sampling and Analysis Plan (SAP) has been submitted to USACE and MADEP 401 Water Quality Certification Program requirements. Individual core samples will be collected from within the dredge footprint at the locations determined approved by federal and state agencies. All sediment cores will penetrate to the proposed maximum 1-foot allowable overdredge depth (O.D.). Sampling will be conducted using a vibracore system mounted on a workboat. Sampling operations will be overseen by a field engineer experienced in dredge sediment sampling to ensure that all cores are collected at the required locations and to the required depths. All sediment cores will be visually inspect cores for stratification and sub-samples will be prepared as required. All field samples will be logged and stored in appropriate containers. Samples will initially be analyzed for grain size distribution to determine if they are suitable for the purpose of beach nourishment (i.e. less than 10% fines passing #200 sieve). Should samples exceed 10% fines content, sediments will be chemically analyzed as required to determine allowable reuse/disposal options for dredge sediments. At this time, the following alternatives are being considered for reuse/disposal of dredge sediments.

Sediment Disposal Alternative 1: On-site Beneficial Re-use

Beach Nourishment: If sediments are deemed suitable, they may be used for nourishment shoreline areas within the project site. Under this option, sediments will remain within the native littoral system and placed along down-drift location(s) from the dredge areas.
**Fill:** Should beach nourishment not be a viable option for sediments, they will be evaluated for on-site reuse as fill.

**Sediment Disposal Alternative 2: Off-site Beneficial Reuse (island wide)**

Beach Nourishment: Due to the dynamic nature of the coastal environment, many beaches on MV’s coast are eroding. Any grain-size compatible sediment may be used for beneficial re-use nourishment for beaches on the Vineyard, including the Eastville Beach. This alternative would not require a substantial effort in trucking and would promote beach use and provide aid to sediment buffer systems such as barrier beaches and developed areas in close proximity to the project site. Other similar areas may be available for nourishment and will be vetted out through the permitting process.

**Fill:** Should beach nourishment not be a viable option for sediments, they will be evaluated for off-site reuse as fill.

**Sediment Disposal Alternative 3: Beneficial Reuse as Daily Cover/Disposal at MA Landfill**

Should the grain-size and chemical analysis determine that the dredged sediments are not suitable for the purpose of beach nourishment (on or off-site), or reuse as fill (on or off-site), they may be used as daily cover or placed at a regulated MA landfill facility. The physical and chemical analyses will be performed as required meet the requirements for daily reuse or landfill disposal as per MA regulations cited under 314 CMR 9.00 and COMM Policy #97-001.

**Sediment Disposal Alternative 4: Unconfined Offshore Disposal**

At this time, available offshore disposal sites within the state of MA are limited to the two sites located in Massachusetts Bay and Cape Cod Bay. Due to the distance of the project site to these areas, it is anticipated that towing fees could exceed transportation fees associated with an upland disposal option(s). However, once sediment testing has been completed, a cost analysis will be performed for all possible reuse/disposal alternatives at which time offshore disposal may be revisited.

**XII. ASSESSMENT OF RESOURCE AREA IMPACTS**

The proposed project is a water-dependent project that has been designed, and will be constructed, using the best available measures to minimize adverse impacts to coastal resource areas. The following coastal wetland resource areas have been identified within the vicinity of the project area: Land Under the Ocean (LUO), Coastal Beach (BE), Barrier Beach (BB), Land Containing Shellfish (LCS), Land Subject to Coastal Storm Flowage (LSCSF), and Habitats of Rare Wildlife (EHRW) as mapped by the MA Natural Heritage and Endangered Species Program (NHESP) effective August 2017. These areas are regulated under the Massachusetts Wetland Protection Act (MA WPA) Regulations 310 CMR 10.00 and the local Tisbury Wetland Regulations, Coastal resource areas impacted by the proposed project are shown on the plans provided in Attachment E.

The proposed project work within these resource areas includes the dredging of materials, rebuilding of the solid-filled pier, oversheeting the existing bulkhead, new steel sheet pile bulkheads, pile cluster dolphins, a steel sheet pile wave fence, barge ramps, and a pile-supported concrete and timber deck
with a sheet pile fender system for the vessel berthing area. Dredging will be performed when marine and wildlife activity is least active and outside the established time of year (TOY) restrictions for all species of concern. Due to schedule constraints, pile driving is proposed to occur outside the TOY restrictions. A summary of potential dredge area impacts to the LUO resource area and Coastal Beach resource areas are presented in Alternative 4 above.

Pursuant to 310 CMR 10.00, the above listed coastal resource areas are to be regulated in order to contribute to the following public interests:

- Protection of public and private water supply
- Protection of ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Protection of land containing shellfish
- Protection of fisheries
- Protection of wildlife habitat

The paragraphs below provide the following:

- Identification and definition of each coastal wetland resource areas to be permanently or temporarily impacted by the proposed project;
- An assessment of the magnitude of potential project impacts on each regulated resource area;
- Discussion on how the proposed project meets the performance standards for each regulated resource area; and
- Proposed mitigation for the potential preferred alternative impacts.

310 CMR 10.04 Definitions

Land Subject to Coastal Storm Flowage means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.

Portions of the subject property are either within a FEMA flood AE (EL 10’) or VE (EL 13’) zones. There are no specific performance standards for Land Subject to Coastal Storm Flowage. For functionality and connections to existing infrastructure such as Beach Rd, the proposed marine structures are not proposed to be constructed at an elevation greater than the flood zones. The warehouse and office building will be constructed in accordance with MA Building Code requirements.

310 CMR 10.25: Land Under the Ocean

(2) Definitions:

Land Under the Ocean means land extending from the mean low water line seaward to the boundary of the municipality’s jurisdiction and includes land under estuaries.

The proposed project contributes to the LOU resource areas as follows:
• **Water Circulation:** Water circulation and potential project impacts are described in the Sediment Transport Study (Attachment I). The preferred structural alternative (#4) is the basis for the modeling of Scenario 5 for water circulation and sediment transport. In general, the existing solid-filled pier at the site impedes the longshore current from continuing west along the property. The proposed project intends to rebuild the solid-filled pier with an adjusted alignment and smaller overall impact area. The replacement pier will continue to be a solid-filled pier and therefore the impact to water circulation will not significantly change. The installation of pile-supported structures will have minimal impact to the water circulation as they allow for water circulation around the piles. The Sediment Transport Study presents scenarios with the wave fence above the seabed (Scenario 4) as well as full depth (Scenario 5). Findings indicate that these scenarios do not result in significantly different results. The environmental window, or openings within the bulkhead (Scenario 5), maintains water circulation throughout the berthing area.

• **Distribution of Sediment Grain Size:** The proposed project will not alter the sediment grain size distribution. The dredging will not significantly alter the sediment quality in the project area.

• **Water Quality:** The review of the grain size data obtained for the proposed project that dredge sediments are primarily comprised of sands with a limited amount of silt/clay. As such, turbidity and the re-suspension of solids is anticipated to be minimal and temporary during dredging. Water quality is anticipated to improve following the completion of dredging since it will also help reduce turbidity over the long term by minimizing the potential for vessel groundings and propeller wash (or scouring).

• **Finfish Habitat:** The proposed dredging operations are not expected to have any significant long-term negative effects on finfish. Dredging will be conducted in accordance with the time of year (TOY) restriction imposed on the project by MA DMF. Consultation with DMF and NOAA NMFS will occur through the state and federal permit processes.

• **Important Food for Wildlife:** No eelgrass beds or other subaquatic vegetation is present within the footprint of the proposed dredging project.

According to 310 CMR 10.25 (3), “improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects”. The proposed dredging effort has been designed to minimize potential impacts to LUO and seagrass to the greatest extent practicable. In addition, potential impacts to LUO have been minimized by reducing the dredge depth to the minimum required to safely accommodate the designated vessels.

**310 CMR 10.27 Coastal Beach**

(2) **Definitions:**
Coastal Beach means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal Beaches extend from the MLW line landward to the dune line, coastal bankline or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.
Proposed work within the coastal beach includes dredging, sheet pile bulkhead, and potential beach nourishment areas. The surplus dredged material (pending grain-size and chemical analysis) will be available for beach nourishment at the adjacent town beach or any permitted beach nourishment areas on Martha’s Vineyard such as nearby Eastville Beach. Future maintenance dredging of the TMT O&M berths will provide a steady source of clean and suitable sand for cyclical beach nourishment of the beaches on Martha’s Vineyard.

As described below, the proposed dredging will not significantly affect the following:

**Storm Damage/Flood Control**
- **Volume (Quantity of Sediments) and Form:** The proposed project, pending sediment approval for beneficial use, will provide nourishment for beaches, which assist in storm damage prevention. The additional sediment from dredging will provide an additional sediment budget for the coastal system and improve its ability to provide a buffer to landward resource areas.

- **Ability to Respond to Wave Action:** The proposed wave fence and the sheet pile fendering system will result in a reduction in wave energies affecting the shoreline.

**Protection of Marine Fisheries or Wildlife Habitat**
- **Distribution of Grain Size:** The project will not significantly alter the sediment grain-size in the project area. Only compatible sediment, matching the existing grain-size distribution, is proposed to be placed along a Coastal Beach.

- **Water Circulation:** The proposed project will maintain water circulation by balancing dredging and bulkheads with “environmental windows” for continual water flow into and out of the berthing areas.

- **Water Quality:** Given the coarse grained nature of the material to be dredged and the limited duration of the proposed dredging, turbidity and the re-suspension of solids are anticipated to be minimal and temporary during the time of dredging. Water quality is anticipated to improve following the completion of dredging since there will be a reduction in turbidity resulting from vessel/float groundings and vessel propeller wash.

- **Relief and Elevation:** The proposed dredging includes a portion of the Coastal Beach resource area for the TMT berthing area. This alteration has been minimized to the greatest extent feasible limiting dredging to the smallest footprint as possible to ensure safe navigation for vessels. The dredging was further minimized by moving the berth areas and bulkheads as far seaward as practical. There is no existing vegetation for wildlife foraging within this beach area; this is an existing marine industrial site.

**Storm Damage Prevention, Flood Control or Protection of Wildlife Habitat**
- **Increasing Erosion:** The proposed project should reduce the Coastal Beach erosion by a reduction in wave energies to the shoreline through the installation of the wave fence and the
sheet pile fendering system. Pending additional grain-size and chemical analysis, the dredged sediment will be beneficially reused along Martha’s Vineyard shorelines.

- **Decreasing Volume:** The volume of the Coastal Beach within the subject property proposed project area will have a decrease that is unavoidable due to the required dredging. With potential beneficial re-use of the sediment, there may be minimal loss of Coastal Beach volume in the vicinity of the proposed project area.

- **Changing Form of Any Coastal Beach or an Adjacent or Downdrift Beach:** If suitable, utilizing dredged materials beneficially to nourish Martha’s Vineyard beaches and thereby change the Coastal Beach form is beneficial as it adds to the littoral drift volume and increases wildlife habitat as well as storm damage prevention and flood-control measures. The proposed dredging of an area of Coastal Beach has been minimized by extending the pile-supported platform further seaward and reducing the area of intertidal dredging required.

**WHEN A COASTAL BEACH IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL, OR PROTECTION OF WILDLIFE HABITAT 310 CMR 10.27(3) THROUGH (7) SHALL APPLY**

As described in the previous statements, the dredging and installation of structures within the Coastal Beach resource area will have minimal impact to the function of the Coastal Beach. If the dredge material is used as nourishment sediment, there will be benefits to the storm damage prevention, flood control and increase in wildlife habitat.

**310 CMR 10.28 Coastal Dunes**

(2) Definitions:

*Coastal Dune* means any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

**WHEN A COASTAL DUNE IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL OR THE PROTECTION OF WILDLIFE HABITAT, 310 10.28(3) THROUGH (6) SHALL APPLY:**

(3) Any alteration of, or structure on, a coastal dune or within 100 feet of a coastal dune shall not have an adverse effect on the coastal dune by:

- (a) affecting the ability of waves to remove sand from the dune;
- (b) disturbing the vegetative cover so as to destabilize the dune;
- (c) causing any modification of the dune form that would increase the potential for storm or flood damage;
- (d) interfering with the landward or lateral movement of the dune;
- (e) causing removal of sand from the dune artificially; or
- (f) interfering with mapped or otherwise identified bird nesting habitat.
The Coastal Dune at the project site is within an industrial area that is currently developed. The proposed project includes a building to be constructed within the Coastal Dune and a permeable access road. The building is proposed to be constructed on piles to reduce impact to the Coastal Dune, and the roadway is to be constructed of permeable materials to reduce the impact. There are pockets of sparse vegetation within the existing Coastal Dune area that will be impacted by the construction. This minimus area is difficult to quantify, an amount can be determined prior to disturbance, and can be included within the mitigation area for the other impacted wetland resource areas. The proposed project does not increase storm damage potential or flood potential. The building constructed on piles allows for movement of sand within the dune, though the dune has no source of sand for washover and no wave impact. The project does not put the landward area at additional risk to flood potential or storm damage impact by removal of any protection feature.

(4) Notwithstanding the provisions of 310 CMR 10.28(3), when a building already exists upon a coastal dune, a project accessory to the existing building may be permitted, provided that such work, using the best commercially available measures, minimizes the adverse effect on the coastal dune caused by the impacts listed in 310 CMR 10.28(3)(b) through (e). Such an accessory project may include, but is not limited to, a small shed or a small parking area for residences. It shall not include coastal engineering structures.

Not applicable.

(5) The following projects may be permitted, provided that they adhere to the provisions of 310 CMR 10.28(3):
   (a) pedestrian walkways, designed to minimize the disturbance to the vegetative cover and traditional bird nesting habitat;
   (b) fencing and other devices designed to increase dune development; and
   (c) plantings compatible with the natural vegetative cover.

The proposed project does not include the above as the primary project components.

(6) Notwithstanding the provisions of 310 CMR 10.28(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.

There are no specified habitat sites of rare species within the Coastal Dune.

310 CMR 10.29 Barrier Beach

(2) Definitions:
   Barrier Beach means a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast. It is separated from the mainland by a narrow body of fresh, brackish or saline water or a marsh system. A barrier beach may be joined to the mainland at one or both ends.

(3) When a Barrier Beach Is Determined to Be Significant to Storm Damage Prevention, Flood Control, Marine Fisheries or Protection of Wildlife Habitat. 310 CMR 10.27 (3) through (6) (coastal
beaches) and 10.28 (3) through (5) (coastal dunes) shall apply to the coastal beaches and to all coastal dunes which make up a barrier beach.

(4) Notwithstanding the provisions of 310 CMR 10.29(3), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species as identified by procedures established under 310 CMR 10.37.

Pertaining to the Coastal Beach portion of the Barrier Beach system, the proposed project will have minimal impact as the proposed project is primarily on existing developed land. There is a proposed pile-supported lookout located in the east-northeast section of the project area along the north side of Beach Road. The lookout is located over an existing revetment and does not increase the adverse impact to the Barrier Beach. The lookout is a 40’ by 20’ pile-supported structure with minimal impact to waves, littoral movement of sand or impact to the wildlife habitat.

The Coastal Beach and Coastal Dune performance standard are addressed in their previous sections.

310 CMR 10.34 Land Containing Shellfish

(2) Definitions:
Land Containing Shellfish means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when such land contains shellfish.

WHEN A RESOURCE AREA, INCLUDING LAND UNDER THE OCEAN, TIDAL FLATS, ROCKY INTERTIDAL SHORES, SALT MARSHES, OR LAND UNDER SALT PONDS IS DETERMINED TO BE SIGNIFICANT TO THE PROTECTION OF LAND CONTAINING AND THEREFORE TO THE PROTECTION OF MARINE FISHERIES, 310 CMR 10.34(4) THROUGH (8) SHALL APPLY:

The proposed project has shellfish suitability and growing area as delineated on the Massachusetts GIS OLIVER website. Through email communication with the Tisbury Shellfish Constable, Danielle Ewart, on July 15, 2019, Foth was informed that the proposed project and dredging are not within the area that people are seen shellfishing except along the edge of Beach Road. A Time of Year (TOY) restriction for the dredging can be included in the conditioning for the project permit and license. A shellfish survey can be completed prior to dredging if required. The Vineyard Haven Harbor shellfishing season is closed May 1 through October 31.

(4) Except as provided in 310 CMR 10.34(5), any project on land containing shellfish...

• Alterations of water circulation The proposed dredging will increase water with additional water column in the berth areas. The pile-supported structures allow for water to circulate under the pile-supported platform, and the environmental window in the bulkhead will continue the flow of water into and out of the berthing area. Also Refer to Attachment I.

• Alterations in relief elevation The dredging will alter the elevations of the Land Under Ocean and Coastal Beach. In some areas, the change is minimal from historic dredging events.

• The compacting of sediment by vehicular traffic There will be no vehicular traffic on sediments.

• Alterations in the distribution of sediment grain-size The proposed project does not change the grain-size distribution.
• **Alterations in natural drainage from adjacent land:** or The proposed project will include grading for the building site and access ways; and not block or cause interruption to natural drainage from adjacent land.

• **Changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.** There are no expected changes in water quality due to the proposed dredging and installation of structures.

(5) **Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on shellfish productivity....**

The proposed project will permanently alter the impact areas. The shellfish within the dredging footprint will be temporarily impacted each maintenance dredge event with shellfish likely to return between dredging cycles.

(6) **In the case of land containing shellfish defined as significant.....**

The proposed project area is delineated as shellfishing area per the OLIVER data, though the Tisbury Shellfish Constable does not have this noted as an area active in shellfishing, as described above. The project proposal includes relocating the shellfish found within the project work limits just prior to the start of construction if required.

(7) **Notwithstanding the provisions of 310 CMR 10.34 (4) through (7), no project may be permitted which will have adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.**

A request will be submitted to determine the species (if any) located in the nearshore area of the proposed project and to determine the conditions for the proposed project to occur.

**Tisbury Wetland Regulations Part II – Regulations for Coastal Wetlands**

Vineyard Haven is part of the larger Town of Tisbury and the wetland resources are protected locally by the Tisbury Wetland Regulations. These regulations fall in line with the State 310 CMR 10 Performance Standards as discussed below.

**Additional Definitions – Section 1.05**

*Barrier Beach:* A narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the direction of the coast, lies predominately within the ten (10) feet elevation contour line; on the ocean side, is characterized by highly permeable soil (typically and, gravel or mixed sand and gravel); is flood prone.....A barrier beach may be joined to the mainland at one or both ends. **Beach Road is exempt from this definition.**

**2.01 Land Under the Ocean**

In addition to the performance standards listed in 310 CMR 10.25 the local regulations and performance standards for Land Under the Ocean (LUO) include the following that are applicable to the proposed project:

*Construction of commercial piers shall not affect sediment transport, and shall not destroy or pollute fisheries and shellfish habitat or nutrient source areas for those resources. No solid-fill piers shall be permitted.*
The proposed project has been analyzed for sediment transport and has minimal change to the transport of sediment, while meeting project goals. The Sediment Transport Study is located in Attachment I. The solid-fill pier portion of the project is replacing an existing solid fill pier with an overall reduction to the impact area.

2.02 Coastal Beach and Tidal Flats

In addition to the regulations and performance, standards listed under 310 CMR 10.27 above, the local regulations and performance standards include the following that pertain to the proposed project:

*Dredging projects in flats must be done in accordance with such procedures as the Commission determines would disturb the absolute minimum amount of habitat possible.*

Proposed project was revised and shifted seaward to reduce the intertidal dredge area to impact.

*No fill shall be placed within 25 feet of a coastal beach. If a project is water dependent, the Commission may allow limited placement of fill after making a written finding that there is no feasible way to avoid filling the beach or within 25 feet of the beach. All possible mitigation measures shall be taken as determined by the Commission to limit the adverse effects of the fill.*

The proposed project includes a proposal to place fill on coastal beaches within the vicinity of the project site as beach nourishment, a beneficial reuse of the materials. Additional sediment testing will be completed prior to placement to determine the compatibility of the sediment.

2.03 Coastal Dunes

In addition to the regulations and performance standards listed under 310 CMR 10.28 above, the local regulations and performance standards include the following that pertain to the proposed project:

*No activity shall be permitted, other than the maintenance and repair of a structure existing on the effective date of these regulations, that will result in construction of a building upon a coastal dune or within 50 feet of any coastal dune.*

The proposed building is within the area designated as Coastal Dune. The proposed building is designed to be constructed on piles to reduce any potential impacts and allow for sediment movement throughout the dune area.

2.04 Barrier Beaches

In addition to the regulations and performance standards listed under 310 CMR 10.29 above, the local regulations and performance standards include the following that pertain to the proposed project:

*When a Barrier Beach or land within 100 feet of a Barrier Beach is determined to be significant to an Interest Protected by the Bylaw, the following regulations shall apply:*
• No coastal revetments or coastal engineering structures of any type shall be constructed, rebuilt or repaired unless they are designed to maintain historic navigational channels using best available measures. **Commerically zoned water dependent properties and uses along Beach Road are exempt.**

Based on this performance standard and project location along Beach Road, the proposed structures are exempt from the no Coastal Engineering Structures on the local level of permitting.

XIII. CONSTRUCTION METHODOLOGY & PROTECTION OF RESOURCE AREAS

The proposed project will consist of the total removal of up to an estimated ± 20,682 CY of sediments from Vineyard Haven Harbor. Mechanical dredging is proposed using a barge-mounted excavator or crane. Excavated sediments will be placed into a scow, offloaded at the project site and either temporarily stockpiled and/or trucked to locations for beneficial re-use if approved based on grain-size and chemical analysis. The marine infrastructure work will be conducted from both a barge mounted and land based crane, which will install the piles. The Contractor shall minimize impacts to coastal resource areas at all times during the proposed work. Potential impacts during construction are further assessed below:

• **Effects on Marine/Wildlife Habitat:** All dredging activities will be performed outside the TOY restriction established by MA DMF. Pile driving will occur during the TOY restriction; however, it is not anticipated to generate turbidity.

• **Effects on Essential Fish Habitat:** The proposed dredging operations are not expected to have any significant long-term negative effects on finfish inhabiting the vicinity of the proposed project in Vineyard Haven Harbor. No eelgrass has been located within the vicinity of the project. Short term and temporary increases in turbidity/suspended solids are anticipated to be minimal and occur during the time of active dredging. Consultation with DMF and NOAA NMFS will occur through the state and federal permit processes.

• **Biological Impacts:** The proposed dredging is not expected to have significant cumulative impacts to the biological resources in the vicinity.

• **Archaeological and Historic Resources:** No historical or archeological resources are expected to be found within the proposed dredging areas. Both the MA Historical Commission (MHC) and MA Board of Underwater Archaeological Resources (MA BUAR) will review this project as part of the USACE permit review process.

• **Air Quality:** No direct or indirect increases or other changes in local or regional air quality are likely to occur with construction of the proposed project.

XIV. PUBLIC BENEFIT AND MITIGATION MEASURES

The proposed project has been designed to minimize the potential impacts to the existing coastal resource areas to the greatest extent possible as discussed in detail in the above Sections of this
narrative. The alternatives analysis describes the various options considered with the focus on avoiding or minimizing potential impacts to resource areas while achieving the project goals. The proposed project will improve existing marine infrastructure and through the proposed expansion to accommodate the offshore wind O&M facility, will provide quality, year round jobs to the island’s economy. In addition, the proposed project improves use, functions and aesthetics of the industrial shoreline area. There is proposed vegetation along the Beach Road side of the proposed building to improve the aesthetics to those traveling along the road. The building architecture has been designed to be the architectural style of the island. The proposed project will improve public access through the proposed outlook area for the public to congregate off the highly travelled Beach Road and gain a view of the harbor.

The areas to be dredged do not contain any eelgrass or other submerged aquatic vegetation, and dredging will be performed during the Time of Year (TOY) restriction to be established by MA DMF. Although a “No Dredge” alternative would result in no environmental impacts, there is a potential for environmental impacts resulting from vessel ground-outs if the existing shoaling is not addressed.

The addition of environmental windows / openings within the bulkhead fender system will allow for water flow from the berthing area to the beach area under the pile-supported platform. These environmental windows benefit the marine life by maintaining water circulation. The Sediment Transport Study finds that the net sediment transport change with the selected alternative is less than 5 cy per year, indicating a minimal impact from the proposed structures and dredging.

The proposed project is located within an area that is delineated as suitable habitat for Quahog, Blue Mussel, and Bay Scallop. The Tisbury Shellfish Constable described the area as not being an area utilized for shellfishing. The proposed project includes piles which have been shown to provide habitat for marine life including shellfish, therefore the project should benefit the shellfish habitat by providing more habitat area. The Tisbury Marine Terminal has contacted the Martha’s Vineyard Shellfish Group (MVSG) and proposed to work in partnership with the MVSG to develop a mitigation action that may be required as part of the state and local permitting process.

XV. Proposed Project Sequencing

The proposed project sequence will depend on required timing for O&M operations, and will generally include the following: Please note that some of the items may be constructed concurrently.

1. Site demolition and preparation.
2. Construct solid-filled pier.
3. Install oversheeting and tie back system.
4. Install bulkhead /fender system.
5. Install bulkhead along Coastal Beach.
6. Construct pile-supported platform.
7. Dredge berth to a depth of -18.4’ NAVD88 with 1’ allowable overdredge.
8. Construct wave fence.
9. Install dolphins (3) to separate TMT operations from O&M.
10. Install (2) dolphins for support of O&M operations.
11. Install support piles (5) and concrete floating dock (12’ x 142’).
12. Construct/repair barge ramps (3) and support piles (4).

13. Construct O&M building and site features on pile foundation.
   (9,511 SF)

XVI. COASTAL ZONE MANAGEMENT CONSISTENCY

The proposed project is consistent with the Coastal Zone Management (CZM) policy as described in the paragraphs below.

COASTAL HAZARD POLICY #1: Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean. The proposed project is located on and adjacent to an existing industrial and commercial facility. As the needs of the island and offshore wind continue to increase the need to have additional commercial and industrial areas for operations and maintenance facilities increase. To reduce impact to coastal resource areas the proposed project is an expansion of an existing industrial area and an upgrade to current use. The existing access to the site will be utilized to access the expanded portion, reducing the impact the proposed project would have at a new site.

COASTAL HAZARD POLICY #2: Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. The proposed dredging activities will not interfere with water circulation or sediment transport within the Vineyard Haven Harbor. The dredging will increase the area for water circulation. Dredge sediments are anticipated to consist of a mix of coarse grained materials, and as such, will settle out of the water column rapidly due to its grain size. Any sediment suspension that occurs during construction will be temporary with no significant impacts to the natural littoral processes. The proposed alterations to the bottom topography will not result in further erosion or flooding hazards. The proposed bulkhead will reduce the littoral transport, though not prevent it with the addition of the environmental window allowing sediment transport when the sediment does build up under the pile-supported pier. The environmental windows allow for water circulation into and out of the berthing area. The existing solid fill pier currently prevents the sediment from moving beyond the area to the southwest.

ENERGY POLICY #1: For coastally dependent energy facilities, assess siting in alternative coastal locations. For non-coastally dependent energy facilities, assess siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating the proposed energy facilities at alternative sites. The proposed marine terminal improvements will support the operations and maintenance activities for offshore wind farms. The O&M facility must be located in the coastal zone to provide vessel access and serve as a transfer point between land and vessels. The alternatives analysis provided highlights that the proposed location is the only on island option for the O&M facility.

ENERGY POLICY #2: Encourage energy conservation and the use of renewable sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth. The proposed marine terminal improvements will support offshore wind farm operations as well as provide a safe berth for support vessels. The offshore windfarm operations will provide autonomy to Massachusetts communities for their energy production and needs, thus reducing
the reliance on fossil fuels. As coastal and ocean areas play an important role in ensuring that Massachusetts meets renewable energy goals through the development offshore wind, the location of terminal in the coastal environment, highlights this need. The location of the terminal in proximity to the windfarms will reduce the amount of fuel needed to access the windfarms and conserve present and future energy.

**GROWTH MANAGEMENT POLICY #1:** Encourage sustainable development that is consistent with state, regional, and local plans and supports the quality and character of the community. The proposed project is consistent with The Island Plan, the Tisbury Master Plan as well as Massachusetts’s efforts to develop alternative renewable energy. By constructing the marine terminal in Tisbury, the project will provide a significant lasting contribution to the Martha’s Vineyard economy and create quality, year round jobs.

**HABITAT POLICY #1:** Protect coastal, estuarine and marine habitats, including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds and other ocean habitats, and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes. The proposed marine infrastructure improvements are within a developed area currently utilized for marine industrial operations. The existing solid-filled pier and bulkhead protect the existing shoreline while provided critical services to the island. Much of the habitat value of underwater areas is attributable to the presence of submerged aquatic vegetation (SAV). There is no existing SAV within the project area. In addition, dredging will be conducted during the Time of Year (TOY) restrictions, when marine activity is low/dormant so that potential impacts are substantially minimized during construction.

**PORTS & HARBORS POLICY #1:** Ensure that dredging and disposal of dredged material minimizes adverse effects on water quality, physical processes, marine productivity and public health and to take full advantage of opportunities for beneficial re-use. The project will utilize the best available methods and equipment to ensure minimum adverse impacts to water quality, physical conditions, marine productivity, and public health. Dredge sediments will be analyzed for grain size distribution and chemical composition to ensure the disposal will be of maximum beneficial re-use or appropriate disposal. Dredging will be conducted outside the Time of Year (TOY) restrictions, when biological activity is low/dormant. Beneficial re-use of dredge sediment for nourishment will be considered for the proposed project.

**PORTS & HARBORS POLICY #4:** For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water’s edge for operational purposes. Improvements and expansion of the marine terminal will enhance the property’s current waterfront use for barge and vessel related activities. The working waterfront / marine industrial use of the property will be improved by expanding the facility to support the O&M for offshore windfarm. This key infrastructure will provide the means for Martha’s Vineyard to be competitive in facilitating support to offshore projects in the future. This property will preserve the Vineyard’s commercial port history into the future through maintaining current terminal operations as well as providing O&M support for offshore wind.
PORTS & HARBORS POLICY #5: Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, redevelopment of urban waterfronts, and expansion of physical and visual access. Although financial or technical assistance from CZM have not been specifically requested for this project, it is consistent with Ports & Harbors Policy #5 in that the proposed project expands an existing water dependent use for marine industrial activities. It is the only site on the island that can provide this expanded use to support the O&M for offshore wind. As mitigation, a public viewing platform is proposed which will improve visual access to the harbor.

PUBLIC ACCESS POLICY #1: Ensure that development (both water-dependent or nonwater-dependent) of coastal site subject to state waterways regulation will promote general public use and enjoyment of the water’s edge, to an extent commensurate with the Commonwealth’s interests in flowed and filled tidelands under the Public Trust Doctrine. The existing and proposed uses are marine industrial water-dependent uses. Public access within the industrial areas presents significant safety hazards. A public viewing platform is proposed which will improve visual access to the harbor and will provide an area for the public to congregate off of Beach Road.

XVII. Vineyard Power

The Vineyard Power Cooperative, a strong advocate for this project, is a member owned 501-c-12 non-profit, that is based on the island of Martha’s Vineyard was formed in November 2009. With a membership base of 1,500 households & businesses, the cooperative aims to keep the benefits and control of our local renewable energy resources within our island community.

Its Mission is to produce electricity from local, renewable resources while advocating for and keeping the benefits within our island community and its Vision is to make the island of Martha’s Vineyard carbon neutral, in domestic electricity, transportation and home heating, by 2050. Community outreach and education has been a primary objective for Vineyard Power since its formation and works to inform the public of state and national renewable energy goals and processes, including the regulatory framework and ensuring that the communities' desired outcomes and concerns are addressed.

One of Vineyard Power’s goals was to develop high quality, year-round job opportunities in a highly seasonal economy by creating an offshore wind hub on the island of Martha’s Vineyard. Developing, constructing, operating, and maintaining an offshore wind project will require workers drawn from a diverse range of occupations that represent a wide distribution of skill and educational levels, ranging from white collar jobs such as environmental scientists and engineers to blue collar jobs such as iron workers, longshoremen, and machine operators. These steady and well-paying jobs will have a significant positive impact on Martha’s Vineyard economy, which experiences severe seasonal fluctuations in employment due to its largely tourism and building trades dependent economy. Adding long-term and high quality year-round employment will significantly increase the number of opportunities for local workers to obtain presently unavailable stable sources of full-time year-round income. During the Operations & Maintenance (O&M) phase, the turbines, foundations, cables, and other components are inspected regularly and any necessary repairs or upkeep are performed.
O&M is the longest phase, extending the full life of a wind farm: approximately 25 years. Accordingly, this phase also provides the longest lasting jobs.

Vineyard Power is assisting a local business, the Tisbury Marine Terminal, in promoting an opportunity for the development of their Vineyard Haven harbor terminal facility as an offshore wind hub in order for the community to capitalize on the opportunity to provide key services to the burgeoning Massachusetts offshore wind industry. This proposed upgrade to the Tisbury harbor is consistent with the town’s strategic objectives of maintaining a working waterfront and improving the Beach Road corridor for both business and recreational uses.

XVIII. SUMMARY

The objective of the proposed project is to improve the existing facilities at the subject property to accommodate barge and vessel operations and loading, utilizing a design to best accommodate wind farm O&M facility operations, and to better utilize its waterfront access for commercial purposes and public benefit. The proposed project presented is the preferred project based on avoiding, minimizing and mitigating for potential impacts. The existing uses at the site, proximity to the offshore wind farm, and benefits to the local economy through quality year round jobs are key differentiators for this project.
Attachment B

USGS Map
Quitclaim Deed

R. M. Packer Co. Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts and having a principal place of business at 188 Beach Road Tisbury, Dukes County, Massachusetts, for consideration paid, grants to Tisbury Marine Terminal LLC, a wholly owned subsidiary of R. M. Packer Co. Inc., organized under the laws of the Commonwealth of Massachusetts with a business address of 188 Beach Road Tisbury, Dukes County, Massachusetts, with quitclaim covenants, the land together with the buildings thereon situated in Tisbury, Dukes County, Massachusetts, known as 190 Beach Road and bounded and described as follows:

Situated in Tisbury aforesaid on the Northerly side of Beach Road, so-called, and bounded and described as follows:

Beginning at a stone bound in the Northerly sideline in the Beach Road leading from Tisbury to Oak Bluffs at a point One Hundred Seventy-five and 8/10 (175.8) feet Southwest from a stone bound which marks an angle in the said Northerly line of said road;

Thence Northwesterly in a straight line to Vineyard Haven Harbor and forming an angle with the One Hundred Seventy-five and 8/10 (175.8) feet line of 88° to the right;

Thence Northeast by said Vineyard Haven Harbor to a line drawn at right angles to Beach Road and passing the Westerly end of the sea wall as now existing and extending from low water mark in Vineyard Haven Harbor to the Southerly bound of said Beach Road leading from Tisbury to Oak Bluffs;

Thence Southwesterly by said South bound of said road to a point directly in line with the point of beginning and the boundary at said Vineyard Haven Harbor;

Thence Northwesterly in a direct line to the point of beginning.

There is excepted from said premises so much thereof as was taken for the layout of Beach Road as a State Highway.

Being the same premises identified as Parcel 2 in a deed dated November 28, 1967, and conveyed by Cape and Vineyard Electric Company to R. M. Packer Co. Inc. and recorded at the Dukes County Registry of Deeds in Book 269 Page 416.

Together with all right and title and interest in and to a wharf and wharf license, No. 3562, granted by the Harbor and Land Commission to Eugene Carpenter dated March 24, 1911 and recorded in said registry in Book 126 Page 172 and shown in Plan Book 5, Page 40 and 41 and to a license from the Commonwealth of Massachusetts, Department of Public Works, No. 3381, to Cape and Vineyard Electric Company dated September 18, 1951 and recorded in said registry in Book 221, Page 201. Said license grants the right to maintain existing riprap, suction lines and two dolphins in Vineyard Haven Harbor.
Said premises are conveyed subject to all other easements and restrictions of record insofar as the same are in force and applicable.

RESERVING HOWEVER, to the Grantor, its successors and assigns, the perpetual right and easement to enter upon to survey and to construct, reconstruct, repair, replace, maintain, operate, inspect, patrol, and remove a line or lines of poles, with wires and cables and all foundations, anchors, guys, and other usual fixtures, equipment, and appurtenances deemed necessary for the transmission and distribution supply of electric energy for lights, heat, power, telephone, telegraph or any other purpose (which line or lines may be erected at the same or different times over, across, under and upon a strip of land eight (8) feet in width, said strip being adjacent to the Northerly line of Beach Road aforesaid and extending from the Easterly line of Parcel 2 (this parcel) herein described in a general Westerly direction over said parcel to land owned by R. M. Packer Co. Inc..

Also the right and easement at any time and from time to time without further payment therefor, to enter upon from Beach Road and pass along said strip of land to and from the adjoining premises for all of the above purposes and the removal of said line or lines together also with the right to install, maintain and replace anchors and guy wires on the land adjacent to and lying outside of said strip as needed to strengthen or support said line or lines. No anchors or guy wire shall be placed more than Nineteen (19) feet from the Northerly sidelines of Beach Road.

Granting, however, to the Grantee the right to cultivate or otherwise use the ground within said strip and right of way provided such use does not interfere with or obstruct the rights herein reserved.

[Signature]
R. M. Packer Co. Inc.

Commonwealth of Massachusetts
Dukes ss.

Then personally appeared this the 31st day of December 2018, the above named Ralph M. Packer Jr., President R. M. Packer Co. Inc. known to me by personal knowledge and acknowledged the foregoing instrument to be his free act and deed.

Julie S. Menton
Notary Public
My commission expires: 6/21/2020

TEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds
**CURRENT OWNER**

<table>
<thead>
<tr>
<th>TOPO</th>
<th>UTILITIES</th>
<th>STRT./ROAD</th>
<th>LOCATION</th>
<th>CURRENT ASSESSMENT</th>
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**SUPPLEMENTAL DATA**

- **COMMERC.**
- **COMMERC.**
- **IND LAND**

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**RECORD OF OWNERSHIP**

- **GIS ID:** M_275658_800940
- **ASSOC PID#**

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**EXEMPTIONS**

- **RES EXEMPT**

**OTHER ASSESSMENTS**

- **PACKER R M CO INC**

**ASSOCIATION RECORD**

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**PREVIOUS ASSESSMENTS (HISTORY)**

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**ASSESSING NEIGHBORHOOD**

- **NBHD SUB**
- **NBHD Name**
- **Street Index Name**
- **Tracing**
- **Batch**

**NOTES**

- **AL SID OVR BR WLS/OCNFRT**
- **OIL TANK YARD**
- **R M PACKER - DENIED 4/14/92, 4/20/93**
- **MISC1=CATWALKS, MISC2=PIPING, MISC3=**

**BUILDING PERMIT RECORD**

- **Permit ID:** 10596
- **Issue Date:** 06/05/2018
- **Type:** Commercial
- **Amount:** 25,000
- **Insp. Date:** 01/01/2016
- **Comments:** INSTALL RADIO UNITS, 6 AT&T WIRELESS ANTENNAS MOUNTED ON BLDG ROOF

**VISIT/CHANGE HISTORY**

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**LAND LINE VALUATION SECTION**

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**Net Total Appraised Parcel Value:** 2,807,400
## Construction Detail

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### Cost/Market Valuation

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## Cost Trend Factor

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## Building Sub-Area Summary Section

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<th>Gross Area</th>
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### Till Gross Liv/Lease Area:

<p>| Till Gross Liv/Lease Area: | 5,700 | 5,700 | 5,700 | 523,773 |</p>
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<th>Bldg #: 1 of 2</th>
<th>Sec #: 1 of 1</th>
<th>Card #: 2 of 3</th>
<th>Print Date: 11/27/2018 09:51</th>
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### Current Owner

<table>
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<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>PACKER R M CO INC</td>
<td>BOX 308</td>
</tr>
<tr>
<td>VINEYARD HAVEN, MA 02568</td>
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### TOPO.

<table>
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### Utilities

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### STRT./ROAD

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### Location

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### Supplemental Data

| Other ID: | 00010A 00000 00001 |

### GIS ID:

| ID: | M_275658_800940 |

### Assoc PID:

| ID: | 1306 |

### Record of Ownership

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### Previous Assessments (History)

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### Other Assessments

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This signature acknowledges a visit by a Data Collector or Assessor.

### Appraised Value Summary

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<td>Appraised XF (B) Value (Bldg)</td>
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<th>Description</th>
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### Visits/Change History

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### Land Line Valuation Section

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<th>S.A.</th>
<th>C Factor</th>
<th>ST. Idx</th>
<th>Adj.</th>
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### Total Card Land Units: 0.00 AC | Parcel Total Land Area: 1.41 AC | Total Land Value: 0
## CONSTRUCTION DETAIL

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## COST/MARKET VALUATION

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### OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

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No Photo On Record

### BUILDING SUB-AREA SUMMARY SECTION

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- **UTILITIES:**
- **STRT./ROAD:**
- **LOCATION:**

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### TOTAL
- **Appraised Value:** 2,807,400
- **Assessed Value:** 2,807,400

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Total: 2,807,400

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### NOTES

- **FUNC:** STRUCT OBSOL
- **ECO:** MARKETABILITY

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### LAND LINE VALUATION SECTION

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Total Card Land Units: 0.00 AC | Parcel Total Land Area: 1.41 AC | Total Land Value: 0
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### BUILDING SUB-AREA SUMMARY SECTION

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<th>Code</th>
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<th>Living Area</th>
<th>Gross Area</th>
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### OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

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### BUILDING SUB-AREA SUMMARY SECTION

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<th>Description</th>
<th>Ttl. Gross Liv/Lease Area</th>
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| Ttl. Gross Liv/Lease Area | 1,860 | 1,860 | 1,860 | 160,606 |

---

**Property Location:** 190 BEACH RD
**MAP ID:** 10/A / 1 / 1
**Vision ID:** 1165
**Bldg Name:**
**State Use:** 310I
**Print Date:** 11/27/2018 09:51
Attachment D

FEMA FIRM Map
Attachment E

Project Plan Set
SECTION 3-1 PROPOSED SITE SECTION

SECTION 3-2 PROPOSED TMT SECTION

SECTION 3-3 PROPOSED PACKER FACILITY SECTION

SECTION 3-4 PROPOSED TMT & MARINE SUPPORT BUILDING SECTION

PERMIT PLAN - NOT FOR CONSTRUCTION
Attachment F

MA DEP Release Form
**A. RELEASE/SITE LOCATION:**

1. Site Name/Location Aid: **RM PACKER OIL CO**

2. Street Address: **OFF BEACH RD**

3. City/Town: **TISBURY, TISBURY**

4. ZIP Code: **025680000**

**B. THIS FORM IS BEING USED TO:** (check all that apply)

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<td><strong>09:00</strong></td>
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<tr>
<td>AM</td>
<td>PM</td>
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2. Record an **Initial Compliance Field Response - Announced.**
3. Record an **Initial Compliance Field Response - Unannounced.**
4. Record a **Compliance Field Response - Announced.**
5. ✔ Record a **Compliance Field Response - Unannounced.**
6. Record a **Field Response - Direct Oversight.**
7. Record a **Follow-up or Other Field Response.**
8. Record a **Follow-up Office Response.**
9. Identify or Update a **PRP or Other Person Associated with Release.** (Fill out Section E)
10. Correct or Add **Data to WSC Database** otherwise not specified on this form. (Record in Section C and, if needed, F)

**C. DESCRIPTION OF ACTIVITIES RECORDED BY THIS FORM:** (If additional lines are needed, record in Section F.)

CONDUCTED AN INSPECTION OF THE ABOVE REFERENCED SITE TO DETERMINE WHETHER OR NOT THE TERMS AND CONDITIONS OF THE AUL WERE BEING ADHERED TO. MR. RALPH PACKER ACCOMPANIED THE WRITER ON THE INSPECTION. AT THE TIME OF THE INSPECTION, THE AREA SUBJECT TO THE AUL WAS OBSERVED TO BE A BULK FUEL STORAGE AREA ENCLOSED BY A CONCRETE BERM. A TOTAL OF 4 TANKS EXIST IN THE BERM AREA. ACCORDING TO MR. PACKER THESE TANKS ARE NO LONGER IN USE. CRUSHED STONE, VEGETATION AND OTHER DEBRIS INCLUDING BUT NOT LIMITED TO TIRES WERE OBSERVED IN THE BERM AREA. MR. PACKER STATED THAT FILL LINES FOR THE TANKS EXIST BELOW GRADE IN THIS AREA, AND THEN RISE ABOVE GRADE TO THE TANKS. SINCE THE TANKS ARE NO LONGER IN USE, A PORTION OF THE LINE LOCATED ABOVE GRADE HAS BEEN REMOVED. MR. PACKER CONFIRMED THAT NO SUBSURFACE WORK HAS BEEN CONDUCTED BELOW GRADE IN THE BERM AREA. THE GRASS STRIP LOCATED SOUTH/SOUTHEAST OF THE BERM AND ABUTTING BEACH STREET WAS ALSO VISUALLY INSPECTED, AND FOUND TO BE FREE OF STAINS.

**D. DEP STAFF AND FORM PREPARER:**

1. DEP Staff: a. Name: **STANLEY LAURA**
2. Preparer Signature: **L. Stanley**
3. Date: **10/15/2013**

b. Check here, if Unassigned (or staff name not applicable).
**E. PRP OR OTHER PERSON ASSOCIATED WITH RELEASE:**

1. Check all that apply:  
   - [ ] a. change in contact name  
   - [ ] b. change of address  
   - [ ] c. new person associated with release

2. Name of Organization: **PACKER OIL CO**

3. Contact First Name: **RALPH**  
   4. Last Name: **PACKER**

5. Street: **PO BOX 308**

6. Title: **PRESIDENT**

7. City/Town: **VINEYARD HAVEN**

8. State: **MA**  
   9. ZIP Code: **025680000**

10. Telephone: **5086930900**  
    11. Ext.:  
    12. FAX:  

13. Relationship of Person to Release:  
   - [ ] a. PRP  
   - [ ] b. Other  
   - [ ] c. Type: **Non-specified PRP**

**F. ADDITIONAL DESCRIPTION:**
Attachment G

Historical Permits
The Commonwealth of Massachusetts

No. 3277.

Whereas, the Cape and Vineyard Electric Company, 

of Barnstable—, in the County of Barnstable—, and Commonwealth aforesaid, has applied to the Department of Public Works for license to build two 7-pile dolphins and to place riprap in Vineyard Haven Harbor, at its property in the town of Tisbury, 

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen— of the town— of Tisbury—; 

Num said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor and Council, authorizes and licenses the said— Cape and Vineyard Electric Company—, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to build two 7-pile dolphins, erect a stone jetty, place riprap and to maintain an existing discharge pipe in Vineyard Haven Harbor, at its property in the town of Tisbury, in conformity with the accompanying plan No. 3277. 

A stone jetty may be built extending into tidewater from the mean high water line and an existing sea wall a distance of 25 feet with a base width of 8 feet, and with side and outer end slopes of 1 horizontally to 1 verti-
tically and coming to a point on top, in the location shown on said plan and in accordance with the details of construction there indicated.

A riprap mound extending into tidewater an average distance of 5 feet may be constructed along the mean high water line near the westerly property line of the licensee a distance of 40 feet, and a similar riprap mound along the mean high water line easterly of the existing pier of the licensee a distance of 190 feet to an angle and a further distance of 40 feet, in the locations shown on said plan and in accordance with the details there indicated.

Said riprap mounds may be constructed with a back slope of 1 horizontally to 1 vertically and with a front slope of 2 horizontally to 1 vertically and coming to a point on top, as shown on said plan and in accordance with the details of construction there indicated.

The licensee is further authorised hereby to extend the easterly riprap mound, as shown on said plan, to join with the sea wall at Beach Road built by the Commonwealth, upon the express condition that proper precaution shall be taken to prevent damage to said sea wall in performing the work.

Two 7-pile dolphins may be constructed in the locations shown on said plan and in accordance with the details of construction there indicated.

An existing 16-inch cold water discharge pipe, extending into tidewater a distance of 10 feet, more or less, from the mean high water line and existing sea wall, may be maintained in the location shown on said plan.

Nothing in this license shall be construed as authorizing any encroachment on land or flats not owned by the licensee without the consent of the owner or owners thereof.

This license is granted subject to the laws of the United States, and upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage into adjacent tidewaters except in conformity with the requirements of the State Department of Public Health and in accordance with all laws or regulations which may be applicable, and that the discharge from said 16-inch pipe shall be controlled in accordance with regulations set forth from time to time by said Department.

The plan of said work, numbered 3 2 7 7, is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said Cape and Vineyard Electric Company, its successors.
and assigns, by paying into the treasury of the Commonwealth thirty-seven and one-half (37 1/2) cents for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry of Deeds for the District of the County of Dukes County.

In Witness Whereof, said Department of Public Works have hereunto set their hands this seventh day of November, in the year nineteen hundred and fifty.

WM. F. Callahan

B. H. Grout

Department of Public Works

Approval recommended,

Rodolphe G. Bessette (E)
Director Division of Waterways.

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said Cape and Vineyard Electric Company of the further sum of Seven and twenty-five one-hundredths (7.25) Dollars, the amount determined by the Governor and Council as a just and equitable charge for rights and privileges hereby granted in land of the Commonwealth.

Boston, NOV 9 1950

Approved by the Governor and Council.

Ralph E. Johnston
Executive Secretary.

A true copy. Attest: Mary E. McLaughlin
Secretary.
The Commonwealth of Massachusetts

No. 5714.

Whereas, R. M. Packer Company, Inc.

of Tisbury, in the County of Dukes County, and Commonwealth aforesaid, has applied to the Department of Public Works for license to build a steel bulkhead, riprap and groin, to dredge and fill in Vineyard Haven Harbor, at its property in the town of Tisbury, and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen of the town of Tisbury;

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor and Council, authorizes and licenses the said R. M. Packer Company, Inc., subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to build and maintain a steel bulkhead, riprap and groin, to dredge and to place and maintain fill in Vineyard Haven Harbor, at its property in the town of Tisbury, in conformity with the accompanying plan No. 5714 (three sheets).

A steel sheet piling bulkhead may be built extending about northwesterly into tidewater in extension of the southeasterly property line of the licensee a distance of 10 feet from the corner of an existing bulkhead of the southeasterly abutter; thence turning and running about northeasterly along the water frontage of the licensee a distance of 211 feet; thence turning and running about northwesterly a distance of 120 feet; thence
turning and running about northeasterly a distance of 31 feet; thence turning and running about southeasterly a distance of 120 feet; in the location shown on said plans and in accordance with the details there indicated.

A stone riprap revetment may be constructed along 75 feet of the face of the last mentioned leg of said bulkhead and extending shoreward and southeasterly from the end of said section of bulkhead 60 feet, more or less, to the mean high water line, in the location shown on said plans and in accordance with the details there indicated.

The area enclosed by said bulkhead, said stone riprap revetment, the mean high water line and existing stone seawalls and stone riprap may be filled solid, as shown on said plans.

A stone groin may be built extending about northwesterly into tidewater 100 feet from the mean high water line with a top width of 5 feet and side and end slopes at 1:3 to 1, in the location shown on said plans 180 feet, more or less, from said stone riprap revetment, amounting to 140 feet, more or less, from the easterly property line of the licensee and in accordance with the details there indicated.

An area extending northwesterly from the bulkhead and southwesterly of the portion of bulkhead forming a solid fill pier may be dredged to a depth of 6 feet below mean low water, as indicated on said plans and the material used as fill under this license or placed in such other location and manner shoreward of the mean high water line as will insure against its return into tidewater.

An existing pier and an existing intake pipe line and supports may be removed from tidewater.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensee except with the consent of the owner or owners thereof.

The licensee shall provide at its own expense for any and all drainage entering the area to be filled in a satisfactory manner.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments and the Division of Water Pollution Control; and upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

The plan of said work, numbered 5 7 1 4, is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said R. M. Packer Company, Inc., its successors
and assigns, by paying into the treasury of the Commonwealth thirty-seven and one-half (37 1/2) cents for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry of Deeds for the District of the County of Dukes County.

In Witness Whereof, said Department of Public Works have hereunto set their hands this twenty-second day of April, in the year nineteen hundred and seventy.

Robert S. Foster
John P. King
Peter E. Donadio Jr.

Charles A. Bisbee Jr.

J.T.H.

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said R. M. Packer Company, Inc. of the further sum of four thousand five hundred twenty and no one hundredths ($4,520.00) dollars, the amount determined by the Governor and Council as a just and equitable charge for rights and privileges hereby granted in land of the Commonwealth.

Approved by the Governor and Council.

Francis W. Sargent
Governor.

Boston, April 23, 1970

A true copy, Attest: Secretary.
ELEVATIONS ARE IN FEET
0.0' REFERS TO A PLANE
OF MEAN LOW WATER
DREDGED MATERIAL TO BE
DISPOSED OF IN INDICATED
SOIL AREAS OR ABOVE
MEAN HIGH WATER.
TOTAL EXCAVATION
21000 CU YDS.

KEY MAP
U.S.C. & G. CHART 1209

STATE HIGHWAY

PLAN
SCALE: 1 IN. = 60 FT

PLAN TO ACCOMPANY PETITION OF
R. M. PACKER CO., INC.
TO BUILD A STEEL BULKHEAD,
RIP-RAP, GROIN, PIER AND FILL IN
VINEYARD HAVEN HARBOR
TISBURY, MASS
SCALES AS NOTED AUGUST, 1969
CHARLES N. SAVERY INC.
REGISTERED
ENGINEERS
SURVEYORS
HYANNIS
CAPE COD

SHEET 1 OF 3
LICENSE NO. 571-1
APPROVED BY DEPARTMENT OF PUBLIC WORKS
APRIL 22, 1970
S. R. K.
P. K.
W. L. POND
J. T. CALDWELL

SESE SHEET 2

PANELROCK PROPOSED RELOCATED
RIP RAP TO BE RELOCATED
EAST END R.IIP RAP
RIP RAP TO BE RELOCATED
The Commonwealth of Massachusetts

No. 2275

WITNES. R.M. Packer Co. Inc.

of — Tisbury —, in the County of — Dukes — and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to

construct and maintain an addition to an existing solid-fill pier via the construction of a timber bulkhead, dredging and the placement of backfill, and to maintain an existing boat ramp and building ——

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the — Board of Selectmen — of the

Town of — Tisbury —;

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

—— R.M. Packer Co., Inc. —— subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to —— construct and maintain an addition to an existing solid-fill pier via the construction of a timber bulkhead, dredging and the placement of backfill, and to maintain an existing boat ramp and building ——

in and over the waters of — Vineyard Haven Harbor — in the Town of — Tisbury — and in accordance with the details shown and locations indicated on the accompanying DEP License Plan No. 2275, (4 Sheets).

*Pursuant to Stat. 1989, C.240, s.101, "The Department of Environmental Quality Engineering shall be known as the Department of Environmental Protection," hereinafter in this document referred to as the "Department" or "DEP".
The existing solid-fill pier, bulkhead and fill was previously authorized by D.P.W. License Nos. 3277, 3381, and 5714.

The existing pile-supported pier, seawall, and riprap adjacent to said seawall was previously authorized by D.P.W. License Nos. 1399, 1990, and 3090.

**SPECIAL WATERWAYS LICENSE CONDITIONS**

1. The existing boat ramp shown on Sheet No. 1 of the license plan shall be maintained as shown.

2. The existing fish processing storage building, shown on Sheet Nos. 1 and 2 of the license plan, shall be maintained in exact conformance with the details and locations indicated.

3. In the event the Department determines that the proposed solid-fill pier expansion has resulted in significant shoaling and/or erosion, the Licensee may be directed to perform improvement dredging as a means of replication.

4. The dredging authorized hereby shall be performed via mechanical methods. Dredge spoils shall be disposed of landward of the new bulkhead as backfill.

5. Maintenance dredging may be performed for a period of ten (10) years from the date of issuance of this License, in exact conformance with the details and locations indicated on Sheet Nos. 1, 3 and 4 of the license plan.

The structures and/or fill authorized hereby shall be limited to the following use(s):

1) **Solid Fill Pier** - to provide commercial, water dependent access to and from navigable waters;

2) **Building** - to provide support services for the commercial water dependent activities performed at said pier;

3) **Boat Ramp** - to provide commercial, water dependent access to navigable waters.

Please see Pages 3 and 4 for additional conditions to this License.

Duplicate of said plan, Number 2275 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.
STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use of unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, §40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DRR, Division of Water Pollution Control.
STANDARD WATERWAYS DREDGING CONDITIONS

1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, bylaws, and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s. 40. In particular, this issuance is subject to the provisions of Sections 36 to 56, inclusive, of Chapter 91 of the General Laws, which provides in part, that the transportation and dumping of the dredged material shall be done under the supervision of the Department, and that the Licensee shall be liable to pay the cost of said supervision whenever the owner of the dredge or excavating machine fails to pay for the same within ten (10) days after notification in writing from the Treasurer of the Commonwealth that the same is due.

2. This Waterways License is issued upon the express condition that the dredging and transport and disposal of dredged material shall be in strict conformance with all applicable requirements and authorizations of the DWP, Division of Water Pollution Control.

3. All subsequent maintenance dredging and transport and disposal of this dredged material during the term of this License shall conform to all standards and conditions applied to the original dredging operation performed under this License.

4. After completion of the work hereby authorized, the Licensee shall furnish the Department, a suitable plan showing the depths at mean low water over the area dredged. The dredging under this License shall be so conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his expense, remove the shoal areas. The Licensee shall pay all costs of such supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Licensee shall pay all costs associated with such work. Nothing in this License shall be so construed as to impair the legal rights of any person, or authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.

5. The Licensee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.

6. The Licensee shall, at least three days before commencing any piece of dredging in the tide water, give written notice to the Department of the location and amount of the proposed work, and the time at which it is expected work will begin.

7. Whosoever violates any provision of this License shall be subject to a fine of $25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed $25,000 per day for each day such violation occurs or continues.
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said R.M. Packer Co., Inc. by paying into the treasury of the Commonwealth two dollars and zero cents ($2.00) for each cubic yard so displaced, being the amount hereby assessed by said Department. (199.0 cu.yds. = $398.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the district of the County of Dukes.

IN WITNESS WHEREOF, said Department of Environmental Protection have hereunto set their hands this sixteenth day of May in the year nineteen hundred and ninety.

Commissioner

Director

Section Chief

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said R.M. Packer Co., Inc. of the further sum of

----- five thousand, three hundred ninety-eight dollars and zero cents ($598.00) ----- 

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON

[Signature of Governor]

[Signature of Register]
PLAN ACCOMPANYING PETITION OF R. M. PACKER CO., INC. TO BUILD A PIER, DREDGE AND FILL IN VINEYARD HAVEN HARBOR, TISBURY, MA. GEORGE L. W. EY ENGINEERING OAK BLUFFS, MASS. SHEET 2 OF 4

MAY 16, 1990
RECEIVED ENTERED

9:15 A.M. 5-22-90
COUNTY OF DUSK COUNTY
REGISTRY OF DEEDS
BEVERLY, QUE. MASS.

VINEYARD HAVEN HARBOR

PROPOSED PIER AREA
TO BE FILLED

DREDGE SPOIL

EXISTING PIER

AREA TO BE FILLED TO A DEPTH OF 11.0 FEET
AT H.L.W.

ESTIMATED VOLUME
60,000 CUBIC YDS.

60'-0"

DREDGING & SPOIL DISPOSAL PLAN
Scale 1" = 20'
DATUM IS MEAN LOW WATER

SEE SHEET 3 FOR CROSS-SECTION

PLAN ACCOMPANYING PETITION OF
R.M. RACKER CO., INC.
TO BUILD A PIER, DREDGE, AND
FILL IN VINEYARD HAVEN HARBOR
TISBURY, MASS.
GEORGE L. WEY ENGINEERING
OAK BLUFFS, MASS.
SHEET 4 OF 4

LICENSE PLAN: 2275

MAY 16 1990
The Commonwealth of Massachusetts

No. 2906

Whereas, R.M. Packer Co., Inc.

of -- Tisbury --, in the County of -- Dukes -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to remove an existing pile-supported timber pier, to construct and maintain a steel sheet-pile bulkhead with placement and maintenance of associated backfill, to construct and maintain two(2) pipe-pile-supported piers with appurtenant utilities, and to dredge approximately 1,400.0 cubic yards of subaqueous sediment -----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Tisbury;

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

R.M. Packer Co., Inc. ---- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to remove an existing pile-supported timber pier, to construct and maintain a steel sheet-pile bulkhead with placement and maintenance of associated backfill, to construct and maintain two(2) pipe-pile-supported piers with appurtenant utilities, and to dredge approximately 1,400.0 cubic yards of subaqueous sediment -----

in and over the waters of -- Vineyard Haven Harbor -- in the Town of -- Tisbury -- and in accordance with the details shown and locations indicated on the accompanying DEP License Plan No. 2906, (6 Sheets).
The structures authorized hereby shall be limited to the following use(s): transfer between ship and shore, and the storage of bulk materials or other goods transported in waterborne commerce; facilities related to the construction, serving, maintenance, repair and storage of vessels or other marine structures, and other water-dependent-industrial purposes.

SPECIAL WATERWAYS LICENSE CONDITIONS

1. The Licensee may dredge approximately 1,400.0 cubic yards or sediment, via mechanical methods, to a depth of 8.0 feet below the mean low water (M.L.W.) datum.

2. The Licensee may perform maintenance dredging, in conformance with the accompanying license plan, for a period of five (5) years from the date of license issuance.

3. Dredged spoils shall be used as backfill landward of the proposed steel sheet-pile bulkhead. Any excess spoils, and any spoils resulting from future maintenance dredging, shall be disposed of at a state approved upland location.

Please see Pages 3 and 4 for additional conditions to this License.

Duplicate of said plan. Number 2006 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.
STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, §40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
STANDARD WATERWAYS DREDGING CONDITIONS

1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, bylaws, and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s. 40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive, of Chapter 91 of the General Laws, which provide, in part, that the transportation and dumping of the dredged material shall be done under the supervision of the Department, and that the Licensee shall be liable to pay the cost of such supervision whenever the owner of the dredge or excavating machine fails to pay for the same within ten (10) days after notification in writing from the Treasurer of the Commonwealth that the same is due.

2. This Waterways License is issued upon the express condition that the dredging and transport and disposal of dredged material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.

3. All subsequent maintenance dredging and transport and disposal of this dredged material during the term of this License shall conform to all standards and conditions applied to the original dredging operation performed under this License.

4. After completion of the work hereby authorized, the Licensee shall furnish, to the Department, a suitable plan showing the depths at mean low water over the area dredged. The dredging under this License shall be so conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his expense, remove the shoal areas. The Licensee shall pay all costs associated with such work. Nothing in this License shall be so construed as to impair the legal rights of any person, or authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.

5. The Licensee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.

6. The Licensee shall, at least three days before commencing any piece of dredging in the tide water, give written notice to the Department of the location and amount of the proposed work, and the time at which it is expected work will begin.

7. Whosoever violates any provision of this License shall be subject to a fine of $25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed $25,000 per day for each day such violation occurs or continues.
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said ---- R.M. Packer Co., Inc. ---- by paying into the treasury of the Commonwealth ---- two dollars and zero cents ($2.00) ---- for each cubic yard so displaced, being the amount hereby assessed by said Department (197.0 cu.yds. = $394.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the District of the County of -- Dukes.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this twenty-sixth day of March in the year nineteen hundred and ninety-three.

Commissioner

Director

Section Chief

Department of Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said ---- R.M. Packer Co., Inc. ---- of the further sum of

---- nine thousand, two hundred sixty-six dollars and zero cents ($9,266.00) ----

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

William F. Weld
Governor

[Seal]

Register
Attachment H

Stormwater Map, Report, and Checklist
A. Introduction

A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the Massachusetts Stormwater Handbook. The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.\(^1\) This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8\(^2\)
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

---

\(^1\) The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

\(^2\) For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.
B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature

Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

☐ New development

☐ Redevelopment

☒ Mix of New Development and Redevelopment
LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

☐ No disturbance to any Wetland Resource Areas

☐ Site Design Practices (e.g. clustered development, reduced frontage setbacks)

☐ Reduced Impervious Area (Redevelopment Only)

☐ Minimizing disturbance to existing trees and shrubs

☐ LID Site Design Credit Requested:
  ☐ Credit 1
  ☐ Credit 2
  ☐ Credit 3

☐ Use of "country drainage" versus curb and gutter conveyance and pipe

☐ Bioretention Cells (includes Rain Gardens)

☐ Constructed Stormwater Wetlands (includes Gravel Wetlands designs)

☐ Treebox Filter

☐ Water Quality Swale

☐ Grass Channel

☐ Green Roof

☐ Other (describe):

Standard 1: No New Untreated Discharges

☒ No new untreated discharges

☒ Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth

☐ Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.
Checklist (continued)

Standard 2: Peak Rate Attenuation

☐ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage
and stormwater discharge is to a wetland subject to coastal flooding.

☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour
storm.

☐ Calculations provided to show that post-development peak discharge rates do not exceed pre-
development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site
flooding increases during the 100-year 24-hour storm, calculations are also provided to show that
post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-
hour storm.

Standard 3: Recharge

☐ Soil Analysis provided.

☐ Required Recharge Volume calculation provided.

☐ Required Recharge volume reduced through use of the LID site Design Credits.

☐ Sizing the infiltration, BMPs is based on the following method: Check the method used.
   ☐ Static ☐ Simple Dynamic ☐ Dynamic Field\(^1\)

☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.

☐ Runoff from all impervious areas at the site is not discharging to the infiltration BMP and calculations
are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to
generate the required recharge volume.

☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.

☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume only to the maximum
extent practicable for the following reason:
   ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
   ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
   ☐ Solid Waste Landfill pursuant to 310 CMR 19.0000
   ☐ Project is otherwise subject to Stormwater Management Standards only to the maximum extent
practicable.

☐ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.

☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

\(^1\) 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.
Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.

☐ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
- Provisions for storing materials and waste products inside or under cover;
- Vehicle washing controls;
- Requirements for routine inspections and maintenance of stormwater BMPs;
- Spill prevention and response plans;
- Provisions for maintenance of lawns, gardens, and other landscaped areas;
- Requirements for storage and use of fertilizers, herbicides, and pesticides;
- Pet waste management provisions;
- Provisions for operation and management of septic systems;
- Provisions for solid waste management;
- Snow disposal and plowing plans relative to Wetland Resource Areas;
- Winter Road Salt and/or Sand Use and Storage restrictions;
- Street sweeping schedules;
- Provisions for prevention of illicit discharges to the stormwater management system;
- Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
- Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
- List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.

☑ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.

☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:

☐ is within the Zone II or Interim Wellhead Protection Area

☐ is near or to other critical areas

☐ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)

☐ involves runoff from land uses with higher potential pollutant loads.

☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.

☐ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.
Checklist (continued)

Standard 4: Water Quality (continued)

☐ The BMP is sized (and calculations provided) based on:
  - The ½” or 1” Water Quality Volume or
  - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.

☐ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.

☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.

☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted prior to the discharge of stormwater to the post-construction stormwater BMPs.

☐ The NPDES Multi-Sector General Permit does not cover the land use.

☐ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.

☐ All exposure has been eliminated.

☐ All exposure has not been eliminated and all BMPs selected are on MassDEP LUHPPL list.

☐ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.

☐ Critical areas and BMPs are identified in the Stormwater Report.
Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

☒ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
  ☐ Limited Project
  ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
  ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
  ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
  ☐ Bike Path and/or Foot Path
  ☐ Redevelopment Project

☒ Redevelopment portion of mix of new and redevelopment.

☐ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.

☐ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
- Construction Period Operation and Maintenance Plan;
- Names of Persons or Entity Responsible for Plan Compliance;
- Construction Period Pollution Prevention Measures;
- Erosion and Sedimentation Control Plan Drawings;
- Detail drawings and specifications for erosion control BMPs, including sizing calculations;
- Vegetation Planning;
- Site Development Plan;
- Construction Sequencing Plan;
- Sequencing of Erosion and Sedimentation Controls;
- Operation and Maintenance of Erosion and Sedimentation Controls;
- Inspection Schedule;
- Maintenance Schedule;
- Inspection and Maintenance Log Form.

☐ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.
Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

☒ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has not been included in the Stormwater Report but will be submitted before land disturbance begins.

☐ The project is not covered by a NPDES Construction General Permit.
☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
☐ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

☐ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:

☐ Name of the stormwater management system owners;
☐ Party responsible for operation and maintenance;
☐ Schedule for implementation of routine and non-routine maintenance tasks;
☐ Plan showing the location of all stormwater BMPs maintenance access areas;
☐ Description and delineation of public safety features;
☐ Estimated operation and maintenance budget; and
☐ Operation and Maintenance Log Form.

☒ The responsible party is not the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:

☐ A copy of the legal instrument (deed, homeowner’s association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

☐ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;

☐ An Illicit Discharge Compliance Statement is attached;

☒ NO Illicit Discharge Compliance Statement is attached but will be submitted prior to the discharge of any stormwater to post-construction BMPs.
Stormwater Report

The proposed project is Repairs and Improvements to existing Marine Infrastructure and Construction of an Operations and Maintenance Facility for Offshore Wind Support proposed by Tisbury Marine Terminal, LLC. The proposed project is at 190 Beach Road, Tisbury, MA. This report is prepared by Foth Infrastructure & Environment, LLC to serve as the Stormwater Report for the proposed project.

The proposed work includes site redevelopment on a portion of the site to construct a pile-supported building for the Offshore Wind operations and maintenance personnel. Calculations were performed to determine the changes in stormwater runoff due to the new development and to determine the necessary drainage features to provide for the increased concentration of runoff. The following sections describe the proposed work and any alteration to the stormwater and any drainage design feature incorporated into the plan to account for the changes.

Proposed Fill

There is approximately 23,000 square feet (SF) of area within the lot to receive approximately 1,280 CY of gravel fill material to level the lot to elevation 6 feet NAVD88. The existing elevation of the surrounding areas is 6 feet and this fill will level the area. This fill will continue to allow filtration at the same rate as the existing lot, therefore no drainage features are proposed due to this proposed work.

Concrete and Timber Piers

The proposed piers for the operations and maintenance facility will be all concrete or a portion concrete and a portion timber. If the timber deck is constructed the infiltration of stormwater will occur in the spacing between the boards of the decking and should not require additional means of drainage. The concrete deck, whether only a portion or the full decking, will require scuppers be included in the finished decking to drain the stormwater.

Building

The pile-supported building proposed for the lot is 9,511 SF. The design of the building will include gutters with downspouts directed to a drainage pipe of 6” PVC. The PVC drainage pipe will lead from the building to the bulkhead and drain to the harbor. The 6” PVC drainage pipe is based on a 25-year storm with 2” per hour intensity, slightly more than the intensity shown in NOAA Atlas 14.
Long-Term Pollution Prevention Plan

The Pollution Prevention Plan includes report and clean-up of any hazardous spills on the property in a timely manner. Additional hazardous materials storage can within the building if so required. There are no vehicle washing stations proposed on the lot. A spill prevention and response plan will be set by the company that leases the operations and maintenance facility based on products and materials in their plan of utilization.

Construction Pollution Prevention Plan and Erosion and Sedimentation Control

The Construction Period Pollution Prevention Plan will be included in the specifications for project construction. The contractor will make appropriate accommodations for refueling of construction equipment while on-site. Sedimentation controls will be set along the perimeter of the project site and may include straw wattles or other approved device. The inspection and maintenance schedule will be determined by the lessee for the operations and maintenance facility.

The proposed project will consist of the total removal of up to an estimated ± 20,682 CY of sediments from Vineyard Haven Harbor. Mechanical dredging is proposed using a barge-mounted excavator or crane. Excavated sediments will be placed into a scow, offloaded at the project site and either temporarily stockpiled and/or trucked to locations for beneficial reuse if approved based on grain-size and chemical analysis. The marine infrastructure work will be conducted from both a barge mounted and land based crane, which will install the piles. The Contractor shall minimize impacts to coastal resource areas as well as any discharge or runoff due to construction at all times during the proposed work. Additional detailed plan will be provided prior to work starting once a contractor has signed a contract to perform the work.