Chapter 91 and 401 Water Quality

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

August 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
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways Program
BRP WW 26 Combined Licenses/Permits for Waterways
& Water Quality Certification
Water-Dependent Chapter 91 Waterways License/Permit (310 CMR 9.00)
401 Dredging, Fill/Excavation Water Quality Certification (314 CMR 9.00)

A. Combined Application Information (check appropriate boxes)

Note: Use this form only if you are applying for more than one component below.

<table>
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<th>Components</th>
<th>Fee</th>
<th>Corresponding Application</th>
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<td>BRP WW07</td>
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<td>Total combined application fee:</td>
<td>$825</td>
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B. Applicant Information

1. Applicant:
   Tisbury Marine Terminal, LLC, Dorothy Packer
   rmpacker@vineyard.net
   190 Beach Road
   Tisbury (Vineyard Haven)
   508-693-0900
   rmpacker@vineyard.net

2. Authorized Agent (if any):
   Susan Nilson
   Susan.Nilson@Foth.com
   15 Creek Road
   Marion
   508-762-0764
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways Program
BRP WW 26 Combined Licenses/Permits for Waterways & Water Quality Certification
Water-Dependent Chapter 91 Waterways License/Permit (310 CMR 9.00)
401 Dredging, Fill/Excavation Water Quality Certification (314 CMR 9.00)

C. Property Information

1. Property Information (all information must be provided):

   Tisbury Marine Terminal, LLC, Ralph Packer

   Owner Name (if different from applicant)

   10-A-1

   Tax Assessor's Map and Parcel Numbers

   190 Beach Road, Tisbury

   Street Address and City/Town

   MA

   State

   02568

   Zip Code

2. Registered Land

   Yes

   No

   If Yes:

   Dukes County

   County

   01485

   Book

   354

   Page

D. Description of Water Body in Which Project Site is Located

1. Name of the water body where the project site is located or nearest/adjacent waterbody:

   Vineyard Haven Harbor

   Basin Name:

   Islands

   Class*: SA

   Qualifiers: Shellfishing

   * Please refer to the Tables and Figures in 314 CMR 4.00

   (http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/tblfig.pdf)

   Check all that apply:

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<th>Type</th>
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<td>Nontidal river/stream</td>
<td>Natural</td>
<td>Area of Critical Environmental Concern (ACEC)</td>
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<tr>
<td>Perennial Stream</td>
<td>Enlarged/dammed</td>
<td>Designated Port Area (DPA)</td>
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<td>Intermittent Stream</td>
<td>Uncertain</td>
<td>Ocean Sanctuary</td>
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<tr>
<td>Flowed tidelands</td>
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<td>Outstanding Resource Water (ORW)</td>
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<td>Filled tidelands</td>
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<td></td>
<td></td>
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<tr>
<td>Uncertain</td>
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</table>
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways Program
BRP WW 26 Combined Licenses/Permits for Waterways & Water Quality Certification

E. Proposed Scope of Project and Use/Activity Description

Provide detailed description of the proposed project or activity. Include the purpose and intended use of the project, and the duration of the work within any waterbody (attach narrative if needed):

The proposed project includes dredging and improvements to the existing Marine Terminal with an expansion for those facilities to provide materials, cargo and bulk transfer/storage operations for the Island. The dredging and proposed structures will serve as the Operations and Maintenance facility for future offshore wind operations. See Attachment A.

1. Date activity is to commence: Fall 2021

2. What is the estimated total cost of proposed work (including materials & labor)?

$10,088,000

3. State Funded □ Yes ☒ No

If yes, $

F. Abutters

List the name and complete mailing address of direct abutters (attach additional sheets, if necessary). An abutter is defined (310 CMR 9.00) as the owner of land that shares a common waterside boundary with the project site, as well as the owner of land that lies within 50 feet across a waterbody from the project.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>R M Packer Co</td>
<td>Beach Road (Parcel: 9-C-16)</td>
</tr>
<tr>
<td>Town of Tisbury</td>
<td>Beach Road (Parcel: 10-A-2)</td>
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</table>

A printout from the assessor’s office along with the assessor’s map can be used as a substitution.

G. Project Plans

1. Attached plans for the proposed project in accordance with the instructions contained in (check all that apply):

☐ Appendix A (Chapter 91 License plan) ☒ Appendix B (Chapter 91/401 WQC Permit plan)

2. Other State and Local Approvals/Certifications required or obtained

☒ Wetlands-Notice of Intent (NOI)

SE 74-0893

File Number

JD-

File Number

EEA No. 16190

EOEEA Number if available

5/29/20

Date

☒ MEPA

☒ EOEEA Secretary Certificate

☒ 21E Waste Site Cleanup

RTN Number if available
H. Information Required for All Dredging and/or Fill/Excavation

Note: Dredging occurs below Mean High Tide (MHT) in Coastal and below High Water Mark for Inland. Excavation is defined as removal of any wetland resources above Mean High Tide for Coastal and High Water Mark for Inland.

1. If the proposed project is subject to MEPA or will occur in any wetlands or waters designated as "Outstanding Resource Waters", or if otherwise subject to MEPA, has public notice been published in the Environmental Monitor?

☑ Yes ☐ No  4/22/2020 Date of Publication

2. Has public notice for the application been published (314 CMR 9.05 and/or 310 CMR 9.13(1)(c)5?

☐ Yes ☑ No  Date of Publication Name of Newspaper

3. Identify the dredge area(s) in square feet and cubic yards of each type of resource area:

   a. Land under water (inland):
      - square feet: 68,466
      - cubic yards: 19,206

   b. Land under ocean:
      - square feet: 2,284
      - cubic yards: 1,476

   c. Intertidal zone
      - square feet: 70,750
      - cubic yards: 20,682

   Total square feet and volume: 70,750 square feet 20,682 cubic yards

   d. Dimension of dredge area(s):
      - Length: 490 feet
      - Width: 185 feet
      - Depth: 6 feet

4. Identify the loss due to fill/excavation and proposed mitigation in square feet of each type of resource area:

   Fill or Excavation (ft²)  Mitigation (ft²)

   a. Bordering Vegetated Wetland (BVW):

   b. Isolated Vegetated Wetland (IVW):

   c. Land Under Water:
      - 68,466

   Total of cumulative loss and mitigation of a+b+c:

   d. Salt Marsh
      - 0

5. Is any of your proposed work exempt from the Massachusetts Wetlands Protection Act or taking place in a federal non-state wetland?

☐ Yes ☑ No  If No, provide the following information:

   NOI File #  Filed 7/20/20
   Issue Date of Order of Conditions (Provide copy if issued)
H. Information Required for All Dredging and/or Fill/Excavation (cont.)

6. Grain Size Analysis:

Percentage of total by weight passing:

<table>
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<th>Sieve</th>
<th>Percentage</th>
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TO BE PROVIDED FOLLOWING AN EXECUTED SAP

7. Is the proposed project considered:

- [x] a. Improvement dredging
- [ ] b. Maintenance dredging (previously authorized)
  - i. Date of authorization: 08/18/1970 and 11/19/1990
  - ii. Permit/license Name & Number: COE 1970-0185 and COE-1988-2875
  - iii. Date last dredged: 
  - iv. Expected frequency of maintenance dredging:

8. Description of Disposal/Beneficial Reuse Site for Dredged Material

Ocean disposal Sites: [ ] unconfined [ ] confined (i.e. CAD) [ ] near shore placement

Location of proposed disposal site and its physical boundaries (attach narrative, figures/plans, etc.)

Suitability Determination from US Army Corps of Engineers [ ] Yes [x] No

(if yes, include determination in application)

a. Has the site been designated by the Commonwealth or EPA as a designated disposal site?

[ ] Yes [ ] No

If No, give a description of the characteristics of the proposed disposal site and an explanation as to why a currently designated site or upland disposal is not feasible for this project:

See Narrative in Attachment A for description of beach nourishment.
H. Information Required for All Dredging and/or Fill/Excavation (cont.)

b. Is the anticipated disposal site located within a Commonwealth-designated ocean sanctuary (M.G.L. 132 A, sec. 13) or a sanctuary established by Federal law?  □ Yes □ No

If yes, which sanctuary?

c. Location of proposed shoreline placement (landward of mean high tide for coastal or high watermark for inland) or upland reuse and physical boundaries:

Does the proposed shoreline placement and/or upland reuse satisfy the conditions specified in 314 CMR 9.07(9)?

☒ Yes □ No

d. Beach/Dune Nourishment above MHT or HWM

☑ Yes □ No  Eastville Beach (see additional details in Attachment A)

Name or type of the nourishment area(s)

e. ACEC

☐ Yes ☒ No

Name of ACEC

I. Dredging More than 100 yd³, ORW, Individual 404 Permit

1. Due Diligence review for sediment sampling (314 CMR 9.07(2))

To the best of your knowledge, does the proposed project area have any past history of:

a. chemical or oil spill(s)/discharge?  ☒ Yes □ No

b. Upstream or on-site industrial or municipal discharge within 1,000 feet of the proposed project?  ☒ Yes □ No

c. chronic pollutant loading from port or harbor use and/or other sources of pollutants? (e.g., Combined Sewer Overflow (CSO) or Publicly Owned Treatment Works (POTW) discharges)  □ Yes ☒ No

d. Is the site currently an active Massachusetts Contingency Plan site?  ☒ Yes □ No

If yes to any questions in Item 1, provide as much historical information as you have, including dates, amounts, concentrations, etc. of such spills or discharge. Attach additional pages if necessary.

2. Chemical Analysis of Sediment:

Number of samples:  □ Composite □ Discrete

For ecological restoration projects:

# of samples upstream of work area

# of samples downstream of work area
I. Dredging More than 100 yd³, ORW, Individual 404 Permit (cont.)

See 314 CMR 9.07(2) for sampling and analysis requirements. List constituents in mg/kg (ppm) dry weight unless otherwise indicated. Data to be provided following the execution of the SAP:

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<td></td>
</tr>
<tr>
<td>lead</td>
<td></td>
</tr>
<tr>
<td>mercury</td>
<td></td>
</tr>
<tr>
<td>nickel</td>
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</tr>
<tr>
<td>zinc</td>
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<tr>
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<td>EPH (extractable petroleum hydrocarbons)</td>
<td>Conductivity for coastal project</td>
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<td>VOCs (volatile organic compounds)</td>
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3. Intermediate Facility

a. Location of the Intermediate Facility:

Street Address

City/Town

State

Zip Code

b. Name and address of the owner of the property on which the intermediate facility is located?

Name

If the applicant is not the owner, has permission been granted by the owner of the property?

☐ Yes  ☐ No  If yes, provide documentation of permission.

4. Dredged material dewatering location:

a. Location and physical boundaries of proposed dewatering activities of the dredge material. Indicate containment, method of dewatering, water collection and point of discharge (attach narrative if needed):

Dewatering of sediment will occur on barges within the project locus and turbidity curtains will be utilized to contain any plumes.

b. How long are the dewatering and disposal sites estimated to be in use from this project, and will the site be used for future maintenance dredging?

Dredging will occur within the Time of Year restrictions from October to January of the following year. The same dewatering process will be used for future maintenance dredging.

c. For proposed dewatering of dredged sediment on a barge, include plans demarcating adequate containment and effluent control in Appendix B.
I. Dredging More than 100 yd³, ORW, Individual 404 Permit (cont.)

5. Type of Beneficial Reuse:

☐ Nourishment  ☐ Landfill Daily cover  ☐ Other (specify):

Name and location of proposed beneficial reuse area and physical boundaries:
Eastville Beach (Additional details in Attachment A)

6. Upland Disposal:
Name and location of the licensed Upland Disposal facility:

J. Certificate By Other Agencies

1. Municipal Zoning Certification: If required, applicants must submit a completed and signed Section J of this application by the municipal clerk or appropriate municipal official or, for the initial filing, an explanation of why the form is not included with the initial application. If the project is a public service project subject to zoning but will not require any municipal approvals, submit a certification to that effect pursuant to 310 CMR 9.34(1).

2. Municipal Planning Board Notification: Applicants must submit a copy of this application to the municipal planning board for the municipality where the project is located. Submittal of the complete application to MassDEP must include Appendix D signed by the municipal clerk, or appropriate municipal official for the town where the work is to be performed, except in the case of a proposed bridge, dam, or similar structure across a river, cove, or inlet, in which case it must be certified by every municipality into which the tidewater of said river, cove, or inlet extends.

K. Notice of Intent

Complete the WPA Form 3, Notice of Intent and the NOI Wetland Fee Transmittal Form and attach a copy to the combined application.
L. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge. I further certify that I possess the authority to undertake the proposed activities."

Applicant's signature

August 6, 2020

Date

Property Owner's signature (if different from applicant)

Date

Authorized Agent's signature (if applicable)

08/10/2020

Date

Two (2) copies of the BRP WW 26 combined application, plus the appropriate Appendices, should be sent to:

MassDEP
Water Quality Certification Program
One Winter Street, 5th floor
Boston, MA 02108
ATTN: Ken Chin

One (1) copy of the BRP WW 26 combined application, plus the appropriate Appendices, should be sent to the MassDEP Regional Office where the project is located (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).
Appendix C: Municipal Zoning Certification

Only when authorization request includes structure(s)

Tisbury Marine Terminal, LLC, Ralph Packer
Name of Applicant

190 Beach Road Vineyard Haven Harbor Tisbury
Project street address Waterway City/Town

Description of use or change in use:
Proposed improvements to the existing Tisbury Marine Terminal and expansion to include an offshore wind Operations and Maintenance Facility.

To be completed by municipal clerk or appropriate municipal official:

“I hereby certify that the project described above and more fully detailed in the applicant’s waterways license application and plans is not in violation of local zoning ordinances and bylaws.”

Printed Name of Municipal Official Date

Signature of Municipal Official Title City/Town
Appendix D: Municipal Planning Board Notification

Tisbury Marine Terminal, LLC, Ralph Packer
Name of Applicant

190 Beach Road
Project street address

Vineyard Haven Harbor
Waterway

Tisbury
City/Town

Description of use or change in use:

Proposed improvements to the existing Tisbury227(220,320),(891,548) Marine Terminal and expansion to include an offshore wind Operations and Maintenance Facility.

Printed Name of Municipal Official
Signature of Municipal Official
Title
City/Town

Date

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.
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<th>Attachment</th>
<th>Description</th>
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<tbody>
<tr>
<td>A</td>
<td>Project Narrative</td>
</tr>
<tr>
<td>B</td>
<td>USGS Map</td>
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<tr>
<td>C</td>
<td>Property Data and Zoning Maps</td>
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<td>Historic Permits</td>
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<td>Abutter Documentation</td>
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<td>Hazardous Spill Records</td>
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<tr>
<td>J</td>
<td>Fee Transmittal</td>
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Attachment A

Project Narrative
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 as shown on the Plan set in Attachment E 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.

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
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 Tracking 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 within the NOI application). 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 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**

Maintenance and new dredging are proposed along southern and northern waterfront sections of the property and are essential to supporting ongoing RM Packer and future TMT and O&M operations. Based upon recent bathymetry collected at the project site, current water depths vary from 6 to 8 feet relative to Mean Low Low Water (MLLW). The proposed new dredging will provide adequate water depth and keel clearance at all tides for the O&M crew transfer vessels (CTV) and service accommodation transfer vessels (SATV) with 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 proposed maintenance dredging to maintain proper depths at the existing R.M. Packer operations area is ±28,141 SF, and an estimated ±5,923 CY. Based upon the review of available record documents, some maintenance dredging had been previously conducted at the R.M. Packer 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 will also be required.

Sediment sampling and analyses will be conducted to determine whether dredged sediments are suitable for beneficial reuse as beach nourishment along local and other licensed beach nourishment areas on Martha’s Vineyard or if other reuse/disposal alternatives will be required. If dredge sediments can be reused for beach nourishment, then the initial dredging of the TMT and O&M berths along with sediments that will be available from future maintenance dredging efforts every 5 to 10 years will be available to replenish beaches. Local beaches licensed as beach nourishment sites include Eastville, Jetties, North Bluff, Pay and Inkwell beaches in Oak Bluffs. In order for dredged sediments to be used as beach nourishment materials at local or other licensed beach nourishment sites on Martha’s Vineyard the dredged sediment grain size, color and quality would need to be compatible with the host beach sand and as required by local, state and federal permits. If dredged sediments are not suitable for reuse as beach 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 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 if the decking will be all concrete with up to 700 PSF load capacity.

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) (COE-1970-0185). Dredging north of the solid-fill pier (proposed South Pier) was previously authorized under DPW LIC. No. 2275 (COE-1988-2875). Permit No. 5714 authorized dredging of approximately 12,000 CY of sediment.

Previous structures on the site included pile supported piers authorized under DPW, DEP, and USACE permits and licenses listed in Table 1 below and included in the permits under Attachment G. The pile supported piers, dolphins, and groin have since been removed. The seawall was filled over after the bulkhead was constructed under authorization DPW No 5714 and used as the deadman for the bulkhead. The rip-rap structure that was authorized under DPW Permit No. 3277, and shown as existing riprap structure in the plan set for DPW Permit No. 5714 (Attachment G) runs along the Coastal Beach from the East-West direction above the 1970 Mean High Water line with a top elevation of 4’ MLW (5.3’ NAVD88). Existing elevations along the top of the beach are 5 to 7 feet NAVD88 and therefore this structure has been buried.
Table 1: Site Permitting History

<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 to maintain an existing boat ramp and building</td>
</tr>
<tr>
<td>DEP</td>
<td>2906</td>
<td>04/12/1993</td>
<td>Remove an existing pile-supported timber pier, 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 CY of subaqueous sediment</td>
</tr>
<tr>
<td>COE</td>
<td>1970-0185</td>
<td>08/18/1970</td>
<td>Construct and maintain steel bulkhead, riprap and groin; dredge to -6’ MLW (2,100 CY) and place fill behind bulkhead</td>
</tr>
<tr>
<td>COE</td>
<td>1988-2875</td>
<td>11/19/1990</td>
<td>Steel and Concrete pier – Not constructed Dredge to -11 MLW northeast of solid fill pier (1,000 CY); Place 1,600 CY fill behind Bulkhead</td>
</tr>
<tr>
<td>Tisbury Conservation Commission</td>
<td>SE74-783</td>
<td>06/30/2015</td>
<td>Permit extension for construction of new bulkhead</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

<table>
<thead>
<tr>
<th>Survey Type</th>
<th>Firm Responsible for Survey</th>
<th>Date Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathymetric</td>
<td>Foth</td>
<td>9/12/2018</td>
</tr>
<tr>
<td>Topographic</td>
<td>Vineyard Land Surveying &amp; Engineering</td>
<td>11/02/2018</td>
</tr>
<tr>
<td>Eelgrass</td>
<td>Foth</td>
<td>06/07/2019</td>
</tr>
</tbody>
</table>

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 the NOI application in Attachment F.
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>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts Environmental Protection Agency</td>
<td>Certificate of the Secretary</td>
<td>EEA No. 16190</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Received 5/29/20</td>
</tr>
<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>Submitted 7/21/20</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 the NOI application in Attachment F. 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 the NOI application in Attachment F.

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 impacts to resource areas, sediment transport and water circulation. Since all infrastructure alternatives require dredging to support facility operations, specific 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 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.

![Proposed Site Plan – Structural Alternative 2](image-url)
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 road way. 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 aforesaid 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 over dredge 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 fuel tank as well as 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 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 E.

**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</th>
<th>Land Containing Shellfish</th>
<th>NHESP</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMT Bulkhead (including Return to O&amp;M)</td>
<td>105 LF 175 SF</td>
<td>209 LF 350 SF</td>
<td>0 0</td>
<td>105 LF 175 SF</td>
<td>314 LF 525 SF</td>
<td>0 0</td>
</tr>
<tr>
<td>TMT Dolphin Piles (1 cluster outside dredge area)</td>
<td>0 15 SF</td>
<td>0 0</td>
<td>0 15 SF</td>
<td>0</td>
<td></td>
<td></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 2,693 SF</td>
<td>0</td>
<td></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 0</td>
<td>0 -222 SF</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Offshore Wind O&amp;M Bulkhead along Berth Area</td>
<td>5 LF 0.2 SF</td>
<td>183 LF 8.1 SF</td>
<td>0 0</td>
<td>5 LF 0.2 SF 8.1 SF</td>
<td>188 LF 8.1 SF</td>
<td>0 0</td>
</tr>
<tr>
<td>Offshore Wind O&amp;M Bulkhead (along beach with existing rip rap)</td>
<td>283 LF 12.2 SF</td>
<td>0 0</td>
<td>0 0</td>
<td>283 LF 12.2 SF</td>
<td>283 LF 12.2 SF</td>
<td>0 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 4,950 SF</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Offshore Wind O&amp;M – Wave Fence</td>
<td>0</td>
<td>202 LF 9 SF</td>
<td>0 0</td>
<td>0 0</td>
<td>202 LF 9 SF 150 LF</td>
<td>0 0</td>
</tr>
<tr>
<td>Public Lookout 40’ x 20’ (12” timber piles)</td>
<td>11.8 SF</td>
<td>0 0</td>
<td>11.8 SF</td>
<td>11.8 SF 0 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timber or Concrete O&amp;M Pile-Supported Deck (156 Piles – 20”</td>
<td>129 SF</td>
<td>212 SF</td>
<td>0 129 SF</td>
<td>341 SF 0</td>
<td>0</td>
<td></td>
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</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 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:

- **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’ NAVD88 (-17.2 feet MLW) with one (1) foot allowable overdredge (O.D.) to -19.4 feet NAVD88 (-18.2 feet MLW).

---

<table>
<thead>
<tr>
<th>Component Description</th>
<th>Area (SF)</th>
<th>Volume (CY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete O&amp;M Pile-Supported Deck (48 Piles)</td>
<td>15 SF</td>
<td>98 SF</td>
</tr>
<tr>
<td>O&amp;M Facility Building (136 Piles)</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>
</tr>
<tr>
<td>TMT/Packer Dredging (-14’ NAVD88 + 1’ OD)</td>
<td>2,068 SF</td>
<td>26,073 SF</td>
</tr>
<tr>
<td>O&amp;M Dredging (-18.4’ NAVD88 + 1’ OD)</td>
<td>216 SF</td>
<td>42,393 SF</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.*
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 that 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) will be developed in coordination with 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. 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. Anticipated 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.

- **Archeological 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.

**XIII. PUBLIC BENEFIT AND MITIGATION MEASURES**

The proposed project has been designed to minimize the 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 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. 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 benefits 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 in area that is delineated as suitable habitat for Quahog, Blue Mussel, and Bay Scallop. The 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 applicant will accept feedback on mitigation for any loss of habitat due to the proposed project.
XIV. 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)

XV. 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.

XVI. 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 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
Attachment C

Property Data and

Zoning Maps
### Current Assessment

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Appraised Value</th>
<th>Assessed Value</th>
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<td>351,400</td>
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<tr>
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### Supplemental Data

- **COMMERC. COM LAND**: 3100
- **COMMERC. IND LAND**: 4310
- **Total**: 2,807,400

### Record of Ownership

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<th>q/var</th>
<th>SALE PRICE</th>
<th>V/C</th>
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### Exemptions

- **RES EXEMPT**

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<th>Comments</th>
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<tr>
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<td>01/01/2016</td>
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<td>Commercial</td>
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### Building/Valuation Summary

- **Appraised Bldg. Value (Card)**: 330,000
- **Appraised XF (B) Value (Bldg)**: 13,100
- **Appraised OB (L) Value (Bldg)**: 162,900
- **Appraised Land Value (Bldg)**: 2,187,500

### Notes

- **CONC WALLS**
- **CONTAINMENT AREA 5293SQFT**
- **1205/236 - 6 AT&T WIRELESS ANTENNAS**
- **MOUNTED ON BLDG ROOF**
- **NSTAR EASMT 269/107 CF581 LOT 1 2002 CHG**

### Building Permit History

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<th>Comments</th>
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<tbody>
<tr>
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<td>0</td>
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<td>01/01/2016</td>
<td>INSTALL RADIO UNIT</td>
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<tr>
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<td>C/M</td>
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<td>0</td>
<td>01/01/2016</td>
<td>WIRELESS TELECOMM</td>
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<tr>
<td>8464</td>
<td>02/22/2011</td>
<td>C/M</td>
<td>Commercial</td>
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<td>ANTENNA ARRAY</td>
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<th>Use Code</th>
<th>Description</th>
<th>Zone</th>
<th>D</th>
<th>Front Depth</th>
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<th>Unit Price</th>
<th>L Factor</th>
<th>S.A.</th>
<th>A Disc</th>
<th>C Factor</th>
<th>Adj.</th>
<th>Notes</th>
<th>Special Przing</th>
<th>Adj. Unit Price</th>
<th>Land Value</th>
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<tbody>
<tr>
<td>3100</td>
<td>3100</td>
<td>RTL OIL ST MDL-96</td>
<td>C</td>
<td>61.6</td>
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- **Total Card Land Units**: 1.41 AC
- **Parcel Total Land Area**: 1.41 AC

### Other Assessments

- **Total Appraised Parcel Value**: 2,807,400
- **Total Appraised Parcel Value**: 2,668,600
- **Net Total Appraised Parcel Value**: 2,807,400

### Appraiser's Signature

This signature acknowledges a visit by a Data Collector or Assessor
### Building Sub-Area Summary Section

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Living Area</th>
<th>Gross Area</th>
<th>Eff Area</th>
<th>Unit Cost</th>
<th>Undeprec. Value</th>
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<td>5,700</td>
<td>5,700</td>
<td>91.89</td>
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| Ttl. Gross Liv/Lease Area: | 5,700 | 5,700 | 5,700 | 523,773 |
**CURRENT OWNER**

PACKER R M CO INC

**TOPO. UTILITIES STRT./ROAD LOCATION**

**CURRENT ASSESSMENT**

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**SUPPLEMENTAL DATA**

- GIS ID: M_275658_800940
- ASSOC PID#:
- Other ID: 00010A 00000 00001

**RECORD OF OWNERSHIP**

- BK-VOL/PAGE: 10/A/1

**PREVIOUS ASSESSMENTS (HISTORY)**

This signature acknowledges a visit by a Data Collector or Assessor

**EXEMPTIONS**

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**OTHER ASSESSMENTS**

**Valuation Method:**

- Total:
- Total:
- Total:

**ASSESSING NEIGHBORHOOD**

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**NOTES**

- BUILDING PERMIT RECORD
- VISIT/ CHANGE HISTORY

**LAND LINE VALUATION SECTION**

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<tr>
<th>B #</th>
<th>Use Code</th>
<th>Use Description</th>
<th>Zone</th>
<th>D. Front</th>
<th>Depth</th>
<th>Units</th>
<th>Unit Price</th>
<th>I Factor</th>
<th>S.A</th>
<th>C. Factor</th>
<th>ST. Idx</th>
<th>Adj</th>
<th>Notes- Adj</th>
<th>Special Pricing</th>
<th>S Adj Fact</th>
<th>Adj Unit Price</th>
<th>Land Value</th>
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**Property Location:** 190 BEACH RD

**Bldg Name:**

**State Use:**

**Print Date:** 11/27/2018 09:51
### Construction Detail

<table>
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<th>Description</th>
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<tbody>
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### Mixed Use

### Cost/Market Valuation

Cost Trend Factor

### Ob-Outbuilding & Yard Items (L) / Xf-Building Extra Features (B)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Sub</th>
<th>Sub Description</th>
<th>U/B</th>
<th>Units</th>
<th>Unit Price</th>
<th>Yr</th>
<th>Gde</th>
<th>Dp Rt</th>
<th>Cnd</th>
<th>%Ord</th>
<th>Apr Value</th>
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<td>W/PARTITION</td>
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### Building Sub-Area Summary Section

<table>
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<tr>
<th>Code</th>
<th>Description</th>
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<th>Gross Area</th>
<th>Eff Area</th>
<th>Unit Cost</th>
<th>Undeprec. Value</th>
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**Ttl. Gross Liv/Lease Area:** 0 0 0 0 523,773
### Current Assessment

<table>
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<tr>
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<tr>
<td>COM LAND</td>
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<td>2,103,500</td>
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<td>COMMERC.</td>
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<tr>
<td>IND LAND</td>
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### Total

- **2,807,400**

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### Appraised Value Summary

- **Appraised Bldg. Value (Card)**: 8,000
- **Appraised XF (B) Value (Bldg)**: 300
- **Appraised OB (L) Value (Bldg)**: 105,600
- **Appraised Land Value (Bldg)**: 0
- **Special Land Value**: 0

### Total Appraised Parcel Value: 2,807,400

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### Building Permit Record

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<tr>
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<td>AP</td>
<td>Measure + 1 Visit</td>
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### Land Line Valuation Section

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<th>Use Code</th>
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<th>Zone</th>
<th>D</th>
<th>Front</th>
<th>Depth</th>
<th>Units</th>
<th>Unit Price</th>
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<th>S.A.</th>
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<th>C Factor</th>
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<th>Special Pricing</th>
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<th>Land Value</th>
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<tbody>
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### Total Card Land Units: 0.00 AC

### Parcel Total Land Area: 1.41 AC

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### Additional Information

- **Property Location**: 190 Beach Rd
- **Community Name**: 0A00/A
- **Sec #: 1 of 1**
- **Card #: 3 of 3**
- **Print Date**: 11/27/2018 09:51
### Construction Detail

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<tbody>
<tr>
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#### Cost/Market Valuation

- Adj. Base Rate: 86.35
- Net Other Adj: 160,606
- Replace Cost: 160,606
- AYB: 965

#### OB-Outbuilding & Yard Items(L) / XF-Building Extra Features(B)

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<th>Code</th>
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<th>Sub Description</th>
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<th>Dp Rt</th>
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### Mixed Use

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### Building Sub-Area Summary Section

<table>
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<tr>
<th>Description</th>
<th>Living Area</th>
<th>Gross Area</th>
<th>Eff Area</th>
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**Total Gross Liv/Lease Area:** 1,860
Attachment D

FEMA FIRM Map
Attachment E

Project Plan Set
Attachment G

Historic 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---------;

Now said Department, having heard all parties desiring to be heard, and having fully consid-
ered 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 in 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 authorized 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 3277, is on file in the office of said Department, and duplicate 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 (37½) 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 ........................................ Department of Public Works
B. H. Grout ...........................................

Approval recommended,

Rodolphe G. Beassette (EH)
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 S. McCormack ............... Secretary.
TEXACO CO
VINEYARD HAVEN, MASS

EXISTING FRT

PROPOSED DOLPHIN

10

PROPOSED JETTY

PROPOSED RIP RAP

STATE HIGHWAY

STATE REF WORK

SECTION "B-B"
SHOWING JETTY

SCALE OF FEET

SECTION "AA"
SHOWING RIP RAP

SCALE OF FEET

22.5

6 WRAPS OF
8" GALV. CABLE

MLW

7-35' CRES. OAK PILES - 15" MIN.
BUTT, 10" MIN. PT.

DOLPHIN DETAIL

SCALE OF FEET

PLAN ACCOMPANYING PETITION OF
CAPE & VINEYARD ELECTRIC COMPANY
TO BUILD RIP-RAP SHORE PROTECTION IN
VINEYARD HAVEN HARBOR - MARTHA'S VINEYARD

NOTE:
SOUNDINGS ARE IN FEET AND REFER TO MEAN LOW WATER

NO. 3277
APPROVED BY DEPARTMENT OF PUBLIC WORKS
NOVEMBER 7, 1950

COMMISSIONER OF PUBLIC WORKS

ASSOCIATE COMMISSIONER

DIRECTOR DIVISION OF WATERWAYS
The Commonwealth of Massachusetts

No. 5714.

Whereas, R. M. Packer Company, Inc.

of Tisbury, in the County of Dukes 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 southwesterly property line of the licensee a distance of 10 feet from the corner of an existing bulkhead of the southwesterly 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 1:1, 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 5714, 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 (37½) 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.

[Signatures]

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: [Signature] Secretary.
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 of 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. 44/6, (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 owner 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, s.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 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 or 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 of part 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.
License No. 2275

The amount of tidewater displaced by the work hereby authorized has been ascertained by the said Department, and compensation therefor 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

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

----- five thousand, three hundred ninety-eight dollars and zero cents ($5398.00) ----- 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, May 22, 1990

Governor

Notary W. King

Register
VINEYARD HAVEN HARBOR

PROPOSED PIER AREA TO BE FILLED
DREDGE SPOIL

EXISTING PIER

AREAS TO BE DREDGED TO A DEPTH OF 11.0 FEET AT HLN

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

SEE SHEET 3 FOR CROSS-SECTION

LICENSE PLAN NO. 2275

MAY 1, 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 such 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, s.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 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 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 usual obstructions. The Licensee shall pay all costs or 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.
License No. 2906

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 WHEREOF, 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.

Approved by the Governor.

Boston,

William F. Weld
Governor

Edgartown, Mass., April 12, 1993
4 o'clock and 17 minutes P.M.
Said and entered with Dukes County Deeds book 674 page 347 397

Register.
Permit Number: (01) MA VINA'78 055
State Quad Year Number

Date Issued: (02) 5/5/78
Issued: (03) YES
Documents: (04) YES
Non-filmable (Yes=Y; No=blank)

Application No. (04) Proc. Year Number

Authority(s): (05) 00 404 103

Permittee: Name: (07) PACKER R. M. CO. INC.
Last name, First name, MI

Street Address: (08) 711 2 MAINE ST

City, State, & Zip Code: (09) HYANNIS, MASS

Location of Work: Waterway: (10) VINEYARD HAVEN HARBOR
City & State: (11) LISBURY, MASS

Remarks: (15) 

(16) 

(NOTE: Use official state abbreviations= CT, MA, ME, NH, RI, & VT)
Gentleman:

Referring to written request dated December 30, 1969
upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army to construct and maintain a steel bulkhead, rip rap and groin; dredge an area to a depth of 6 feet below mean low water (dredged material about 2100 cu yd to be deposited as fill behind bulkhead)
in Vineyard Haven Harbor

at Town of Tisbury, Massachusetts, in the southwest extremity of the harbor

in accordance with the plans and drawings attached hereto entitled: "Plan to build a steel bulkhead, rip rap, groin, dredge and fill in Vineyard Haven Harbor, Dukes County, Mass." Dated: August 1969

subject to the following conditions:
(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the Division Engineer, Corps of Engineers, in charge of the Division in which the work is to be performed.

(c) That the Division Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest. The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

* See page 4
(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the Division Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the Division Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before 31st day of November, 1973, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

* See page 4
(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

* A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people.

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BY Authority of the Secretary of the Army: Division Engineer Date
FRANK P. BANE
Colonel, Corps of Engineers

Permittee hereby accepts the terms and conditions of this permit.
SPECIAL CONDITION

For use only in connection with permits authorizing the erection of structures in or over navigable waters which do not involve any significant filling in of such navigable waters (wharves, piers, docks, etc.).

That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States, at the direction of the Secretary of the Army and in such time and manner as the Secretary or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
PLAN TO ACCOMPANY PETITION OF
R. M. PACKER CO., INC.
to build a steel bulkhead,
rip-rap, groin, and fill in
VINEYARD HAVEN HARBOR,
DUKES COUNTY, MASS.
Scales as noted August, 1969

CHARLES N. SAVERY INC.
ENGINEERS
HYANNIS
SURVEYORS
CAPE COD
18 NOV 1990

Regulatory Division
CENED-OD-R-03
198802875

R.H. Parker Co., Inc.
Beach Road
Vineyard Haven, MA 02568

Dear Sir or Madam:

Enclosed are two copies of a Department of the Army permit authorizing the work described. This is a limited authorization containing a set of conditions which must be complied with. Please read the permit thoroughly, and familiarize yourself with its conditions. Although a contractor may perform the work for you, you are responsible for assuring the work is done in conformance with the conditions and limitations of this permit. Please be sure the person who will do the work also reads and understands the conditions of this permit.

Your signature is necessary to execute the permit. If the conditions are acceptable please sign both copies and return one signed copy to us. A fee of $100.00 is required. Please enclose a check made payable to "FAO New England Division" and return it with the signed permit copy.

Performing any work not specifically authorized by this permit, or failing to comply with its conditions, will subject you to the enforcement provisions of our regulations. Also note that this permit does not remove any requirement for state or local permits. This has the effect of making this permit unusable without these additional authorizations.

This permit also authorizes the unlicensed pier which will be filled as a result of the work performed in this permit. As you are aware, this work was done without first obtaining the required Corps of Engineers permit. Any further unauthorized work by you may be considered a repeat or willful violation and may result in legal or administrative action.

If any change in the plans or construction methods is found necessary, please contact us immediately to discuss modification of your permit. Any change must be approved before it is undertaken.

Condition (6) of this permit requires that you allow us to inspect the authorized activity. So that we may make timely inspections to insure compliance, please notify us at least two weeks before work will be commenced. To assist you in meeting this request, we have attached a notification form for you to fill out and return to us as soon as you are aware of when you intend to begin work.

Good luck with your project.

Sincerely,

William F. Lawless, P.E.
Chief, Regulatory Division
Operations Directorate

Enclosures
DEPARTMENT OF THE ARMY PERMIT

R.M. PACKER CO., INC., BEACH ROAD, VINEYARD HAVEN, MA 02568

Permit No. 198802875-R-90

Issuing Office: NEW ENGLAND DIVISION

NOTE: The term “you” and its derivatives, as used in this permit, means the permittee or any future transferee. The term “this office” refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

- to perform the following work in Vineyard Haven Harbor, Tisbury, MA, as shown on the attached plans:

1. Expand and realign an existing 32' x 120' steel and concrete pier which presently projects 153' waterward beyond the MHW line to a 55' x 132' pier which will extend seaward 177' from the MHW line.

2. Reconstruct a steel sheet pile bulkhead along the perimeter of this pier.

PROJECT DESCRIPTION CONTINUED ON PAGE 4

Project Location:

IN VINEYARD HAVEN HARBOR, Tisbury, MA.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 15 NOV 1995. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

ENG FORM 1721, Nov 88                EDITION OF SEP 82 IS OBSOLETE.  (33 CFR 320-330)

DEQ 07 1990
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. A complete copy of this permit, including its drawings, special conditions, and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

SPECIAL CONDITIONS CONTINUED ON PAGE 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:


   ☑ Section 404 of the Clean Water Act (33 U.S.C. 1344).


2. Limits of this authorization.

   a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

   d. Design or construction deficiencies associated with the permitted work.
e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant’s Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 328.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)  
(date)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)  
(date)

Stanley J. Murphy  
Lt. Colonel, Corps of Engineers

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)  
(date)
PROJECT DESCRIPTION (CONTINUED FROM PAGE 1)
3. Dredge 1000 cy from a 60' x 90' area to -11' MLW. The dredging will be performed by clamshell bucket on a crane barge. Some of the dredged material will be deposited directly to the interior of the bulkhead and some will be transported by barge to the bulkhead and rehandled.

4. A weir and settling basin will be employed to remove the suspended sediment from the effluent from the filling operation.

5. Place 1600 cy of fill behind the bulkhead. This will include approximately 1000 cy of the dredged material and an additional 600 cy of clean sand.

This proposed project will provide additional berthing capacity and improve access from the fishing vessels, tugs and barges that use this facility.

In accordance with the attached plans entitled: "PROPOSED PIER EXPANSION AND DREDGING" in 6 sheets dated: "9-28-88".

SPECIAL CONDITIONS (Continued from Page 2)
2. Periodic maintenance dredging to the area and depth limits described herein is authorized for ten years from the date of issuance of this permit, provided disposal of the dredged material is at an upland site. However, the permittee must notify this office, in writing, 60 days before the intended date of any such dredging and shall not begin such dredging until written authorization has been obtained. A separate individual permit shall be required for such dredging if the material to be dredged is to be deposited in open or ocean waters and/or wetlands.

3. This permit also authorizes the unlicensed pier which will be filled as a result of the work performed in this permit. As you are aware, this work was done without first obtaining the required Corps of Engineers permit. Any further unauthorized work by you may be considered a repeat or wilful violation and may result in legal or administrative action.
PROJECT DESCRIPTION (CONTINUED FROM PAGE 1)

3. Dredge 1000 cy from a 60’ x 90’ area to -11’ MLW. The dredging will be performed by clamshell bucket on a crane barge. Some of the dredged material will be deposited directly to the interior of the bulkhead and some will be transported by barge to the bulkhead and rehandled.

4. A weir and settling basin will be employed to remove the suspended sediment from the effluent from the filling operation.

5. Place 1600 cy of fill behind the bulkhead. This will include approximately 1000 cy of the dredged material and an additional 600 cy of clean sand.

This proposed project will provide additional berthing capacity and improve access from the fishing vessels, tugs and barges that use this facility.

In accordance with the attached plans entitled: "PROPOSED PIER EXPANSION AND DREDGING" in 6 sheets dated: "9-28-88".

SPECIAL CONDITIONS (Continued from Page 2)

2. Periodic maintenance dredging to the area and depth limits described herein is authorized for ten years from the date of issuance of this permit, provided disposal of the dredged material is at an upland site. However, the permittee must notify this office, in writing, 60 days before the intended date of any such dredging and shall not begin such dredging until written authorization has been obtained. A separate individual permit shall be required for such dredging if the material to be dredged is to be deposited in open or ocean waters and/or wetlands.

3. This permit also authorizes the unlicensed pier which will be filled as a result of the work performed in this permit. As you are aware, this work was done without first obtaining the required Corps of Engineers permit. Any further unauthorized work by you may be considered a repeat or willful violation and may result in legal or administrative action.
PIER ELEVATION SHOWING TYP. FENDER SYSTEM (N.T.S.)

SECTION AA DREDGING AREA

NOT TO SCALE
Regulatory Branch
CENED-OD-R-21-88-2875

R.M. Packer Company, Inc.
Beach Road
Vineyard Haven, MA 02568

Dear Mr. Packer:

This is in reference to your application for a Department of the Army permit to reconstruct and realign a solid filled pier and bulkhead located in Vineyard Haven Harbor, Tisbury, MA. It has been assigned number 21-88-2875 to which all future correspondence should refer.

Please consider redesigning your proposal to expand the pier with an open pile structure. If you prefer to construct the solid filled pier we will issue the public notice, however, you should be aware that it is not likely a permit will be issued for such work.

Waterways and wetlands are vital areas that constitute productive and valuable public resource, the unnecessary alteration or destruction of which is to be discouraged. Therefore, Federal regulations state that filling of these resources shall not be permitted unless the applicant clearly demonstrates the following:

a. that the activity associated with the fill must have direct access or proximity to or be located in the water resources in order to fulfill its basic purpose, and that other site or construction alternatives are not practicable; or

b. if the activity associated with the fill does not have to have direct access to the water resources, you must provide information on the need to place fill in the waterway and/or wetlands and the feasibility of alternative sites or methods to accomplish the objective of the project.

In addition, the plan showing the desilting process does not clearly show how this work is to be performed. Please send a revised drawing to this office.

MFR Applicant wants to install a solid filled pier. We are requiring alternative plans such as an open pile pier since solid filled piers are discouraged.
This additional information is necessary so that we can properly evaluate your proposed activity and reach a decision on your application. Hence no further action will be taken until you have complied with our requests. Failure to provide this information within thirty days will result in your application being considered withdrawn.

Should you have any questions concerning this matter, please contact Jill Strauss at 617-647-8497 or use our toll-free number 1-800-362-4367 if calling within Massachusetts.

Sincerely,

Karen Kirk Adams
Chief, Evaluation Unit
Regulatory Branch
Operations Division

CF:
George Wey
G.L. Wey Engineering Consultants
P.O. Box 1432
Oak Bluffs, MA 02557
January 4, 1989

Karen Kirk Adams, Chief, Evaluation Unit
Regulatory Branch, Operations Division
New England Division, Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

Re: Regulatory Branch
CENED-OD-R-21-88-2875

Dear Ms. Adams:

Your recent letter to R. M. Packer Company, Inc. relative to their application for a permit to reconstruct and realign a solid fill bulkhead type of pier in Tisbury, Massachusetts, has been referred to us for reply.

We wish you to know that a great deal of effort has been given to studying all aspects of the proposed project before arriving at the plans submitted for the approval of the Tisbury Conservation Commission, the Tisbury Planning Board, the Martha's Vineyard Commission, the Massachusetts Department of Environmental Quality Engineering and the Corps of Engineers. The Planning Board, the Conservation Commission and the Martha's Vineyard Commission have given close scrutiny of the project to insure the work will not degrade the environment, deplete natural resources unnecessarily and that there is economic justification for this project—they have to live with it and answer to the people on the Island.

The Tisbury Planning Board Completed a Vineyard Haven Inner Harbor Study in July 1980 which was funded by the Town, the Commonwealth and the Federal Government. The study and its recommendations were accepted by the Town of Tisbury and the Massachusetts Office of Coastal Zone Management. The proposed reconstruction of the pier has been found to be consistent with the Study.

The Tisbury Shellfish Warden has testified that the proposed work will not be prejudicial to shellfishing and finfishing in the harbor.

The proposed solid fill extension of the existing pier according to the aforementioned study should not alter present water circulation patterns in the harbor, nor interfere with the littoral drift.

The proposed pier extension will provide the much desired additional commercial fishing berthing capacity sought by the Island and the fishing industry. The island has only two small commercial fish landing facilities and only one bulk material transfer facilities for waterborne commerce. The Packer facilities serves both needs.
The activity associated with the fill must have direct access to
tide water as it is the terminal for waterborne cargo. There is no
other space nor facility available on the entire island for the
handling of waterborne bulk construction materials, gasoline and fuel
oils.

The solid fill extension will provide increase protection from
storms for the barges moored barges and the oil tankers at the
adjacent fuel pier.

In your letter you requested that consideration be given to redesigning
the extension as an open pile structure. In our preliminary design
we studied the pile supported reinforced concrete wharf apron type
as the first option which was discarded for the reasons noted here-
inafter. We are enclosing a copy of our study plan to show that we
seriously considered that option in 1987. The pile platform option
was considered for the following reasons:

(a) The existing steel sheet piling which was uncoated and badly
corroded, would have to be replaced in the open pile option
as its remaining life would not be consistent with the new
wharf aprons.

(b) About one half of the steel sheet piling is PMA 22 which
is a lighter and less strength than the PZ 27. The lighter
would fail if the berth is dredged to project depth and
surcharged as planned.

(c) If the existing bulkhead is replaced, the new bulkhead
would be driven not less than 3 feet outboard of the existing
and would cover 28% of the total expansion area. 28% of the
would be filled. The pile supported wharf aprons would be
very narrow in places making it very costly and difficult
to provide adequate lateral support to resist the impacts
from berthing vessels and barges. Any spur piles providing
lateral support would have to be driven through the existing
bulkhead with considerable difficulty and cost.

(d) The fender system for the open pile option would be more
costly to construct and maintain.

(e) With the open pile structure the dredged material from
depthening the berth and removing approach shoals would
difficult to dispose of.

(f) The cost of the pile supported wharf aprons along with the
replaced existing bulkhead would be more than double the
cost of the solid fill pier as submitted for a permit. This
excessive cost makes the open pile option economically
unfeasible in this case.
Considerable thought has been given to the filling operation to prevent sediment deposit and turbidity in the harbor from the run-off from the water trapped between the bulkheads. With the proposed rehandling dredge equipment for the dredging and filling operation, an average of 20 cubic yards of spoil will be deposited behind the new bulkhead per hour. The run-off into the harbor would be about 23 gals/min. during the filling operation. After the water leaves the discharge weir box it should be clear with very little sediment or turbidity.

The initial filling to El. 5.0 would take place at the southwesterly corner where the spoil will be placed with a clamshell bucket as in placing concrete under water without causing segregation nor washing. Once the fill reaches El. 5.0 the fill will be placed above the water and then the earth mass pushed forward without turbulence by a bulldozer. The filling would proceed in this manner around the pier to the southeasterly corner where the two weirs would skim off the clean for discharge into the harbor beyond MLW. When the fill reaches the desilting basin, the two weirs will be removed along with the discharge pipe to create a landlocked basin to trap the silt for dehydration. Once the pond of silt has dewated from evaporation and percolation, it will be covered and brought to grade with granular borrow. The enclose plan shows the process of desilting the fill.

After the fill has been placed to El. 5.0, the balance of the fill will be brought to grade in the dry.

We hope we have supplied the information to justify the need and the design of this facility vital for the welfare of Martha's Vineyard.

Sincerely,

George L. Wey, P.E.

cc: R. M. Packer Co., Inc.
George L. Wey
G.L. Wey Engineering Consultants
Columbus Ave.
P.O. Box 1432
Oak Bluffs, MA 02557

RE: MCZM Federal Consistency Review: Tisbury - R.M. Packer Pier Extension

Dear Mr. Wey:

The Massachusetts Coastal Zone Management (MCZM) Office has completed its review of the project cited above. The project entails the expansion and re-alignment of an existing solid fill pier in Vineyard Haven Harbor. The existing solid fill pier will be widened by 21 feet and extended seaward 21 feet on the westerly side and 24 feet on the easterly side. Sediments obtained by maintenance dredging of approximately 1000cy will, in addition to 600cy of clean sand, be placed behind the bulkhead for stabilization.

We concur with your Consistency Certification and find that the proposed activity, as referenced in the DEP, Chapter 91 License #2275, is consistent with the applicable MCZM Program Policies.

This concurrence is based, in part, on the support of the Martha's Vineyard Commission as stated in their decision dated June 8, 1988. Further, the facility's primary objective is to sustain maritime water-dependent commerce, integrating commercial fisheries, energy and bulk transfer operations vital to the Island economy. The applicant's consultant has stated that conventional pre-cast concrete systems to build a pile-supported apron can not be accomplished at this particular site. An exotic "pour-in-place" system would have to be developed and this technology is not readily available (stated in Consistency Certificate dated Feb. 5, 1990).

If the above referenced proposal is modified in any manner, or is noted to be having coastal zone effects substantially different than originally proposed, please submit an explanation of the nature of the change or effects to this Office, pursuant to 301 CMR 21.17 and 15 CFR 930.66.

Please submit a copy of the Army Corps of Engineers permit,
and any additional material attached to the permit, when it is issued to the attention of Jim O'Connell of my staff.

Thank you for your continued cooperation.

Sincerely,

Jeffrey Benoit
Director

JRB/JOC/joc

cc: Karen Adams, Chief, Regulatory Branch, COE, Waltham (#21-88-2875N)
    John Simpson, DEP, DWWR, Waterways Regulation Program (88W-0215/#2275)
SEP 14 1989
The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Water Pollution Control
One Winter Street, Boston, Mass. 02108

September 8, 1989

R.M. Parker Co., Inc.
c/o G.L. Wey Engineering Consultants
P.O. Box 1432
Oak Bluffs, MA 02557

Re: Water Quality Certification
Ch. 91 Appl. No. 88W-215
dredge, fill, bulkhead
Tisbury

Dear Mr. Wey:

We have reviewed your application on behalf of R.M. Packer Co. for water quality certification for proposed dredging at a site off Beach Road, Tisbury. Some 1000 c.y. of primarily sandy sediment will be dredged from the east side of an existing solid fill pier and placed behind a proposed sheet pile bulkhead. The bulkhead has been designed to enlarge the pier to about 55 ft. x 134 ft. and straighten its alignment with the shore.

Dredging will be performed by clamshell bucket operating from a barge. As the spoils are deposited behind the new bulkhead, the displaced water will pass to a settling basin with weir before being discharged to the harbor. Approximately 5% of the spoils material is silt-clay and has very low levels (Category 1A) of chromium, copper, lead, oil and grease, and volatile solids. Cadmium and mercury were not detected.

In accordance with the provisions of Section 401 of the Federal Water Pollution Control Act as amended (Public Law 95-217), this Division issues the following Water Quality Certification relative to this project, subject to the following conditions:

1. This project could result in a violation of water quality standards adopted by this Division. Therefore, reasonable care and diligence shall be taken by the contractor to assure that the proposed activity will be conducted in a manner which will minimize violations of said standards.

2. Spoils from dredging shall be deposited behind the sheetpile bulkhead of the pier.
3. A settling basin with weir shall be used to separate suspended silt from the water discharged back to the harbor. Best accepted engineering practice shall be used to ensure the effectiveness of this measure.

Should any violation of the water quality standards or the terms of this certification occur as a result of the proposed activity, this Division will direct that the condition be corrected. Non-compliance on the part of the permittee will be cause for this Division to recommend the revocation of the permit(s) issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth. Substantial civil and criminal penalties are authorized under MGL Ch. 21, Section 42 for discharging into Massachusetts waters in violation of an order or permit issued by this Division.

This certification does not relieve the applicant of the duty to comply with any other statutes and regulations.

Very truly yours,

[Signature]

Cornelius J. O’Leary
Acting Director

CJO/JP/wo
69/vey

cc: William Lawless, Chief, Permits Branch, Corps of Engineers
John Simpson, Licenses & Permits, DEP, Division of Wetlands and Waterways
Philip Coates, Director, Division of Marine Fisheries
James O’Connell, CZM
Form 5
Commonwealth of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c.131, §40
And the Tisbury Wetlands Protection Bylaw
From Tisbury Conservation Commission
To R.M.Packer Co. Inc. (Name of Applicant) R.M.Packer Co. Inc.
(Address) (Name of property owner)

This Order is issued and delivered as follows:
☐ by hand delivery to applicant or representative on July 6, 1988 (date)
☒ by certified mail, return receipt requested on ___________ (date).

This project is located at Beach Road, Vineyard Haven, Ma. 02568

The property is recorded at the Registry of Dukes County

Book 269 Page 416

Certificate (if registered) ________________________________

The Notice of Intent for this project was filed on 2/2/88 (date)

The public hearing was closed on March 30, 1988 (Planning) (date)

Findings
The Tisbury Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Tisbury Cns. at this time, the _______ has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

☐ Public water supply ☐ Flood control
☐ Private water supply ☐ Storm damage prevention
☐ Ground water supply ☐ Prevention of pollution
☐ Land containing archeological ☐ Fisheries
..............................................................................................

Effective 11/1/87

10/16/87 (Effective 11/1/87) 310 CMR - 28D.29
Therefore the Tisbury Conservation Comm. hereby finds that the following conditions are necessary in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The TCC orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.

2. This Order does not grant any property rights or any exclusive privileges. It does not authorize any injury to private property or invasion of private rights.

3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. the work is a maintenance dredging project as provided for in the Act; or
   b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.

5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.

6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, sheet, paper, cardboard, pipe, ties, ashes, refrigerators, motor vehicles or parts of any of the foregoing.

7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.

8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the TCC on the form at the end of this Order prior to commencement of the work.

9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Quality Engineering, File Number 74-164".

10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

12. The work shall conform to the following plans and special conditions:

10/16/87 [Effective 11/1/87] 310 CMR - 280.30
13. Only non-toxic coal tar epoxy shall be used as a covering for the steel sheet pile bulkhead.

14. Dredged spoils (area as shown on the enclosed plan) may be deposited behind the newly constructed bulkhead and provisions shall be made for filtering the displaced water from within the bulkhead enclosure.

15. No creosote or creosote-impregnated materials shall be used in any part of the construction.

16. Any shell fish located within the pier expansion area and the area to be dredged, as determined by the Shellfish Warden, shall be removed before construction begins and relocated to an area as designated by the Shellfish Warden.

17. All construction debris shall be removed from the area and disposed of properly as per Tisbury Board of Health regulations.

18. The necessary repair work or maintenance may be done as needed, provided that the Tisbury Conservation Commission is notified in writing prior to commencement of the work.
Issued by: Tisbury Conservation Commission

Signature(s):

John P. Burt

Margaret Weir

Steven M. Robinson

Henry J. Johnson

This Order must be signed by a majority of the Conservation Commission.

On this _16_ day of _July_ 1988_, before me, personally appeared M. Blaylock, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as necessary to act and deed.


My commission expires

The applicant, the owner, any person approved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any two residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the

Tisbury Conservation Commission

Issuing Authority

Please be advised that the Order of Consents for this project is

File Number __________________ has been recorded at the Registry of ________________

and has been noted in the chain of title of the affected property in accordance with General Condition 8 on ________________ 19_

If recorded land, the instrument number which identifies this transaction is ________________.

If registered land, the document number which identifies this transaction is ________________.

Signature ______________________________ Date ________________

5.4A

10/16/87 (Effective 11/1/87)
Attachment H

Abutter Documentation
Property Card: 188 BEACH RD
Town of Tisbury, MA

<table>
<thead>
<tr>
<th>Parcel Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID: 9-C-16</td>
</tr>
<tr>
<td>Vision ID: 1122</td>
</tr>
<tr>
<td>Owner: PACKER R M CO INC</td>
</tr>
<tr>
<td>Mailing Address: BOX 308</td>
</tr>
<tr>
<td>VINEYARD HAVEN, MA 02568</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Information</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map: 9</td>
<td>Land: $2052000</td>
</tr>
<tr>
<td>Block: C</td>
<td>Buildings: $72400</td>
</tr>
<tr>
<td>Lot: 16</td>
<td>Extra Bldg Features: $0</td>
</tr>
<tr>
<td>Use Description: 3100</td>
<td>Outbuildings: $161000</td>
</tr>
<tr>
<td>Zone:</td>
<td>Total: $2285400</td>
</tr>
<tr>
<td>Land Area in Acres: 0.756129</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sale History</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale Date: 10/30/1979</td>
</tr>
<tr>
<td>Sale Price: $0</td>
</tr>
</tbody>
</table>

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.
# Property Card: BEACH RD
Town of Tisbury, MA

## Parcel Information

<table>
<thead>
<tr>
<th>Parcel ID: 10-A-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vision ID: 1166</td>
</tr>
<tr>
<td>Owner: TISBURY TOWN OF</td>
</tr>
<tr>
<td>Mailing Address: BOX 1239</td>
</tr>
<tr>
<td>TISBURY, MA 02568</td>
</tr>
</tbody>
</table>

## General Information

<table>
<thead>
<tr>
<th>Map: 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block: A</td>
</tr>
<tr>
<td>Lot: 2</td>
</tr>
<tr>
<td>Use Description: 9300</td>
</tr>
<tr>
<td>Zone:</td>
</tr>
<tr>
<td>Land Area in Acres: 0.911387</td>
</tr>
</tbody>
</table>

## Assessed Value

| Land: $128900 |
| Buildings: $0 |
| Extra Bldg Features: $0 |
| Outbuildings: $0 |
| Total: $128900 |

## Sale History

| Sale Date: 7/8/1771 |
| Sale Price: $0    |
Attachment I

Hazardous Spill Records
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 SUBJECTED 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.
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:

Revised: 04/22/2004