



15 Creek Road
Marion, MA 02738
(508) 748-0937
www.foth.com

August 18, 2020

Mr. Robert Boeri, Program Coordinator
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

**Re: Request for Federal Consistency Review
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**

Dear Mr. Boeri:

On behalf of Tisbury Marine Terminal (TMT), Foth Infrastructure & Environment, LLC (Foth) requests your review with respect to federal consistency for the subject project. An application for permit has been submitted to the U.S. Army Corps of Engineers (USACE) (**Exhibit A**), and as such, Federal Consistency is required. Concurrent to the USACE review process, we respectfully request that CZM perform a review of the proposed project to ensure that coastal zone policies are being met.

The proposed project is designed to avoid or minimize resource area impacts to the greatest extent practicable while achieving the primary goals/objectives of the proposed project :

- ✓ 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.

Details pertaining to the project are provided in the Project Narrative and Permit Plans provided in **Exhibit A**. In addition to the on-going USACE review process, the proposed project is also awaiting the issuance of local approval through an Order of Conditions, and state approvals from MA DEP Chapter 91 Waterways and 401 Water Quality Certification Programs. The project was reviewed through MEPA, and the Secretary's Certificate is provided in **Exhibit B**.

The proposed project is consistent with the program policies established as a result of the Coastal Zone Management Act of 1972. The proposed project complies with applicable CZM policies as follows:

COASTAL HAZARD POLICY #1: *Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.* The subject property is located in Vineyard Haven Harbor 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. The project site is within a barrier beach that was previously developed with bulkheads, fill, a solid filled pier, and dredging. This site is uniquely suited not only to support maintenance and improvements for the marine terminal, but also as an Operations and Maintenance Facility (O&M) that can serve as a hub for offshore wind. To reduce impact to coastal resource areas the proposed project is an expansion of an existing industrial area and an upgrade to current use. The existing access to the site will be utilized to access the expanded portion, reducing the impact the proposed project would have at a new site.

The Tisbury Wetland Regulations recognize this area as previously developed and providing critical marine industrial services and specifically exempt Beach Road from the Barrier Beach definition.

Part II of the Tisbury Wetland Regulations—Regulations for Coastal Wetlands:

Additional Definitions – Section 1.05

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

COASTAL HAZARD POLICY #2: *Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport.* 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 **Exhibit A**. The proposed dredging activities will not interfere with water circulation or sediment transport within the Vineyard Haven Harbor. The hydrodynamic sediment transport was negligible in difference from proposed conditions (Scenario 5 in report) to existing conditions. The addition of the environmental windows (open sections in the proposed bulkhead) allow for water circulation through the berthing area. Dredge sediments are anticipated to consist of a mix of coarse grained materials, and as such, will settle out of the water column rapidly due to its grain size. Any sediment suspension that occurs during construction will be temporary with no significant impacts to the natural littoral processes. The proposed alterations to the bottom topography will not result in further erosion or flooding hazards.

COASTAL HAZARDS POLICY #3: Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

- ✓ Not exacerbate existing hazards or damage natural buffers or other natural resources.
- ✓ Be reasonably safe from flood and erosion-related damage.
- ✓ Not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and Areas of Critical Environmental Concern.
- ✓ Not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

This project does not include state or federal funds for public works, therefore Coastal Hazards Policy #3 is not applicable.

COASTAL HAZARDS POLICY #4: Prioritize acquisition of hazardous coastal areas that have high conservation and/or recreation values and relocation of structures out of coastal high-hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area. This project does not include property acquisition or land preservation, therefore Coastal Hazards Policy #4 is not applicable.

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

Site Location Alternatives

Location Alternative 1: No-Build Alternative

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

Location Alternative 2: Off-Site Alternatives (On-island)

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

Location Alternative 3: Floating Dock System (Island wide)

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

Location Alternative 4: TMT Site Redevelopment

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

- ✓ TMT is an existing serviceable marine industrial property that be can be readily developed through improvements to existing infrastructure and site upgrades through construction of new infrastructure;
- ✓ The project site is in relatively close proximity to the proposed wind farms; and
- ✓ TMT waterfront is located nearby the existing authorized federal 17-foot deep harbor channel. The proximity to existing, safe, deep water navigability is essential to supporting vessel excursions to/from the wind farms.

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

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

GROWTH MANAGEMENT POLICY #2: Ensure that state and federally funded infrastructure projects in the coastal zone primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers. This project does not include state or federally funded infrastructure, therefore Growth Management Policy #2 is not applicable.

GROWTH MANAGEMENT POLICY #3: Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and financial support for residential, commercial, and industrial development. Although this project is not receiving local, state or federally funded technical assistance or financial support, it is a revitalization and enhancement of an existing developed site. The rehabilitation and upgrades of structures supporting existing marine industrial uses combined with the construction of the facility to serve as a hub for offshore wind Operations and Maintenance and addition of public access improvements including the public shoreline overlook all enhance the maritime-dependent uses of this waterfront property.

HABITAT POLICY #1: Protect coastal, estuarine and marine habitats, including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds and other ocean habitats, and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes. The proposed marine infrastructure improvements are within a developed area currently utilized for marine industrial operations. The existing solid-filled pier, barge ramp, and bulkheads protect the existing shoreline while providing critical services to the island. The resource area impacts have been minimized through analysis of project alternatives to meet the project purpose while avoiding or minimizing impacts to the maximum extent practicable. The intertidal zone impacts from dredging were significantly reduced from an earlier concept plan by shifting the bulkhead and dredging footprint west. The impacts to Coastal Beach have also been minimized through the proposed pile supported structure vs. consideration of a solid filled pier. The findings from the sediment transport and water circulation analysis (Attachment A) are incorporated into the design for the proposed project. Much of the habitat value of underwater areas is attributable to the presence of submerged aquatic vegetation (SAV). There is no existing SAV within the project area. In addition, dredging will be conducted during the Time of Year (TOY) when marine activity is low/dormant so that impacts are substantially minimized during construction. Refer to Coastal Policies #1 and #2 regarding barrier beach resource.

HABITAT POLICY #2: Advance the restoration of degraded or former habitats in coastal and marine areas. The proposed project is within one of few existing marine industrial sites on Martha's Vineyard.

OCEAN RESOURCES POLICY #1: Support the development of sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects significant ecological resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse effects on the coastal and marine environment and other water-dependent uses. This policy is not applicable to the proposed project.

OCEAN RESOURCES POLICY #2: Except where such activity is prohibited by the Ocean Sanctuaries Act, the Massachusetts Ocean Management Plan, or other applicable provision of law, the extraction of oil, natural gas, or marine minerals (other than sand and gravel) in or affecting the coastal zone must protect marine resources, marine water quality, fisheries, and navigational, recreational and other uses. This policy is not applicable to the proposed project.

OCEAN RESOURCES POLICY #3: Accommodate offshore sand and gravel extraction needs in areas and in ways that will not adversely affect marine resources, navigation, or shoreline areas due to alteration of wave direction and dynamics. Extraction of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment or shoreline stabilization. This policy is not applicable to the proposed project.

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

PORTS & HARBORS POLICY #2: Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources. This policy is not applicable to the proposed project.

PORTS & HARBORS POLICY #3: Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority. Tisbury harbor does not currently include a DPA; however, the project area and its current and proposed uses are water dependent industrial uses.

PORTS & HARBORS POLICY #4: For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes. Improvements and expansion of the marine terminal will enhance the property's current waterfront use for barge and vessel related activities. The working waterfront / marine industrial use of the property will be improved by expanding the facility to support the O&M for offshore windfarms. This key infrastructure will allow Martha's Vineyard to be competitive in facilitating support to offshore

projects in the future. This property will preserve the Vineyard's commercial port history into the future through maintaining current terminal operations as well as providing O&M support for offshore wind.

PORTS & HARBORS POLICY #5: Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, re-development of urban waterfronts, and expansion of physical and visual access. Although financial or technical assistance from CZM have not been specifically requested for this project, it is consistent with Ports & Harbors Policy #5 as the proposed project expands an existing water dependent use for marine industrial activities. It is the only site on the island that can provide this expanded use to support the O&M for offshore wind. As mitigation, a public viewing platform is proposed, which will improve visual access to the harbor.

PROTECTED AREAS POLICY #1: Preserve, restore, and enhance coastal Areas of Critical Environmental Concern, which are complexes of natural and cultural resources of regional or statewide significance. This policy is not applicable to the proposed project.

PROTECTED AREAS POLICY #2: Protect state designated scenic rivers in the coastal zone. This policy is not applicable to the proposed project.

PROTECTED AREAS POLICY #3: Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized. This policy is not applicable to the proposed project.

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

PUBLIC ACCESS POLICY #2: Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land- or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized. There are no existing public coastal recreational facilities at the site.

Public Access Policy #3: Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that increase public access to the shoreline to ensure that both transportation access and the recreation. The proposed public viewing platform will provide improved visual access to the harbor as well as place for the public to congregate off of Beach Road,



where there is currently limited area with in the public right of way. If beach nourishment is acceptable, a public beach area could be developed adjacent to the public viewing platform.

WATER QUALITY POLICY #1: Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protect designated uses and other interests. Municipal sewer services the project site. There are no proposed withdrawals or new point source discharges; storm water will be addressed through the local requirements and MassDEP's stormwater regulations.

WATER QUALITY POLICY #2: Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests. The project site will be required to comply with applicable water quality standards through the 401 Water Quality Certification as well as other local, state and federal permits.

WATER QUALITY POLICY #3: Ensure that subsurface waste discharges conform to applicable standards, including the siting, construction, and maintenance requirements for on-site wastewater disposal systems, water quality standards, established Total Maximum Daily Load limits, and prohibitions on facilities in high-hazard areas. Municipal sewer services the project site; this policy is not applicable.

We appreciate your participation in pre-application meetings for this project and your attention to our request for federal consistency review. Should you have any questions regarding this request, please feel free to contact me at (508) 801-6262 or via email at Susan.Nilson@foth.com.

Sincerely,
Foth Infrastructure & Environment, LLC

A handwritten signature in blue ink that reads "Susan E. Nilson".

Susan E. Nilson, P.E. (registered in MA, RI, CT, NY, NJ, WI)
Director, Ports and Harbors

Enclosures: Exhibits A through B

cc: R. Packer (TMT)