



DIVISION OF
FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

May 19, 2020

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 16190
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Operations and Maintenance Facility & Marine Terminal
Proponent: Tisbury Marine Terminal, LLC
Location: 190 Beach Road, Tisbury
Project Description: Replace & Realign Solid-fill Pier, Barge & Birthing Improvements, Steel Bulkhead Improvements, New Bulkhead & Fender, New Pile-supported Pier Deck & Bulkhead, and Marine Support Building
Document Reviewed: Environmental Notification Form
EEA File Number: 16190
NHESP Tracking No.: 19-38759

Dear Secretary Theohardies:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Environmental Notification Form* (ENF) for the proposed proposed Tisbury Marine Terminal (the "Project") at 190 Beach Road, Tisbury, MA and would like to offer the following comments.

As proposed, portions of the Project will occur within *Priority* and *Estimated Habitat* as indicated in the *Massachusetts Natural Heritage Atlas* (14th Edition) for the Roseate Tern (*Sterna dougallii*) and Common Tern (*Sterna hirundo*), species state-listed as "Endangered" and "Special Concern", respectively. These species are protected pursuant to the Massachusetts Endangered Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00) as well as the Massachusetts Wetlands Protection Act and its implementing regulations (WPA, 310 CMR 10.37, 10.58(4)(b) and 10.59). The Roseate Tern is also listed as Endangered and protected pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11). This Project will require direct filing with the Division for compliance with the Massachusetts Endangered Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00).

Based on the information contained within the ENF and in advance of a formal filing pursuant to the MESA, the Division does not anticipate this project will result in a prohibited Take of state-listed species or their habitats.

As our MESA review is not complete, no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the Division has made a final determination.

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If you have any questions about this letter, please contact Amy Hoenig, Endangered Species Review Biologist, at (508) 389-6364 or Amy.Hoenig@state.ma.us. We appreciate the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is written in a cursive, flowing style.

Everose Schlüter, Ph.D.
Assistant Director

cc: Susan Nilson, Foth
Tisbury Board of Selectmen
Tisbury Planning Department
Tisbury Conservation Commission
DEP Southeast Regional Office, MEPA