



JANE SWIFT
Governor

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

received
5-18-01

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

COPY

MAY 17 2001

Steven Rattner
C/o Vineyard Land Surveying, Inc.
P.O. Box 421
West Tisbury, Massachusetts 02575

RE: WEST TISBURY – Wetlands
Superseding Determination of
Applicability
143 & 145 Obed Daggett Road

Dear Mr. Rattner:

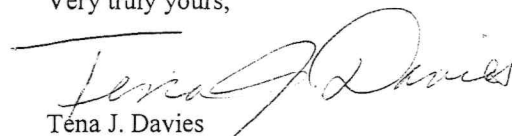
Following an in depth review of the above referenced file and an on site inspection of the project location, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection is issuing the enclosed Superseding Determination of Applicability (SDA).

The Request for Determination of Applicability was filed to determine the perennial or intermittent status of a waterway that flows from a bordering vegetated wetland to Lily Pond. Vineyard Land Surveying provided photographic documentation of the lack of flow within the stream channel during July and October 2000. Based on the Department's review of the Massachusetts Department of Environmental Management's precipitation data, the Wetlands Protection Act regulatory definition of drought (310 CMR 10.58(2)(a)1.c.) was not met during either time period. Additionally, the Department found no evidence of drawdown or withdrawal impacting the waterway. Further, no information was submitted to indicate that the waterway was subject to drawdown or withdrawal. Therefore, the Department has determined that the waterway is an intermittent stream that does not flow throughout the year.

In the opinion of the Department, the reasons given here are sufficient to justify this SDA. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions regarding the Department's determination in this matter, please contact Daniel F. Gilmore at (508) 946-2808.

Very truly yours,


Tena J. Davies
Bureau of Resource Protection

D/DFG/dg

CERTIFIED MAIL #Z 240 878 743
RETURN RECEIPT REQUESTED

Enclosure