



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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June 28, 2022

West Tisbury Conservation Commission  
1059 State Road  
West Tisbury, MA 02575

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent (NOI) by Blue Heron, LLC, 99 Pond View Farm Road, to construct and maintain a path, walkway, and seasonal pier on Tisbury Great Pond in the Town of West Tisbury. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for American oyster (*Crassostrea virginica*). Subtidal waters within the project site have habitat characteristics suitable for this species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

MA DMF offers the following comments for your consideration:

- Appropriate erosion control measures should be employed to minimize runoff from the property into the resource area during vegetation clearance and construction activities;
- Grounded floats can disturb bottom sediments, resulting in turbidity and direct impacts to benthic habitat. To minimize impacts, MA DMF recommends that the bottom of a proposed float be at least 1.5 feet (18 inches) above the substrate in all coastal or estuarine habitats, and at least 2.5 feet (30 inches) above the substrate over mapped shellfish habitat, at mean low water (MLW) [1-2]. The float as proposed does not maintain this minimum clearance; MA DMF recommends increasing the height of the float stops to maintain a 2.5-foot clearance above the substrate at MLW; and
- Any activities requiring a barge should be coordinated to avoid barge grounding or operation in shallow water (less than 2 feet between motor skeg and substrate) over mapped shellfish habitat.

Questions regarding this review may be directed to [simonetta.harrison@mass.gov](mailto:simonetta.harrison@mass.gov).

Sincerely,



Simonetta Harrison  
Fisheries Habitat Specialist

cc: Reid Silva, Vineyard Land Surveying & Engineering, Inc.  
Ray Gale, West Tisbury Shellfish Constable  
John Logan, Simone Wright, Amanda Davis, Keri Anne Goncalves, Emma Gallagher,  
MA DMF  
Robert Boeri, CZM

SH/eg

### **References**

- [1] Logan, J.M., A. Boeri, J. Carr, T. Evans, E.M. Feeney, K. Frew, F. Schenck, and K.H. Ford. 2021. "A review of habitat impacts from residential docks and recommended Best Management Practices with an emphasis on the Northeastern United States." *Estuaries and Coasts* Online First. <https://www.mass.gov/doc/dock-bmp-recommendations/download>.
- [2] Bliven, S. and S. Pearlman. 2003. *A guide to permitting small pile-supported docks and piers*. Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Wetlands/Waterways Program. <https://www.mass.gov/files/documents/2016/08/st/smaldock.pdf>.