



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](http://MASS.GOV/MASSWILDLIFE)

March 5, 2021

Kathleen A. Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Alex Strycky, EEA No. 15964  
100 Cambridge St.  
Boston, Massachusetts 02114

Richard P. Doucette  
Federal Aviation Administration  
1200 District Avenue  
Burlington MA 01803

<i>Project Name:</i>	<i>Martha's Vineyard Airport Capital Improvement Plan (CIP)</i>
<i>Proponent:</i>	<i>Martha's Vineyard Airport Commission</i>
<i>Location:</i>	<i>71 Airport Road, West Tisbury &amp; Edgartown</i>
<i>Document Reviewed:</i>	<i>Draft Environmental Impact Report / Environmental Assessment</i>
<i>EEA No.:</i>	<i>15964</i>
<i>NHESP No.:</i>	<i>17-36753 (&amp; 20-39524)</i>

Dear Secretary Theoharides and Mr. Doucette:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has reviewed the *Notice of Project Change / Draft Environmental Impact Report / Environmental Assessment* (NPC/DEIR/EA) for the proposed *Martha's Vineyard Airport Capital Improvement Plan* (the "Project") and would like to offer the following comments regarding state-listed species and their habitats.

Martha's Vineyard Airport is delineated as Priority Habitat for state-listed species, as depicted in the *Massachusetts Natural Heritage Atlas* (14<sup>th</sup> Edition). State-listed species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (321 CMR 10.00; MESA). The Airport contains important natural communities including Pitch Pine-Scrub Oak Woodland, Sandplain Grassland, and Sandplain Heathland and also supports at least 30 state-listed species: plants, invertebrates, and avian species (see NPC/DEIR/EA Table 4-3). Portions of Martha's Vineyard Airport are currently managed to maintain habitat for state-listed species in accordance with the provisions of a MESA Conservation and Management Permit issued in 2005 (CMP; 004-039.DFW).

The MESA is administered by the Division and prohibits the Take of state-listed species, which is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

MASSWILDLIFE

The Projects detailed within the Capital Improvement Plan are beyond the scope of the 2004 CMP and will therefore require a direct filing with the Division for compliance with the MESA and its implementing regulations (321 CMR 10.18 and 10.23).

The Proponent has engaged in pre-filing consultations with the Division for projects that are identified within the Martha's Vineyard Capital Improvement Plan. Based on consultations to date, it appears the Proponent has incorporated alternatives that reduce impacts to state-listed species and their habitats. The Airspace Vegetation Management has the potential to enhance habitat for many state-listed invertebrate and plant species. Cumulatively, the CIP projects propose a net reduction in new impervious surface. Notably, the Runway 6-24 Side Safety Area (No-Build Alternative), if approved by the FAA, would avoid the alteration of  $\pm 26.4$  acres of grassland habitat and avoid direct impacts to state-listed plant species.

Nevertheless, based on the information provided in the DEIR/EA and ongoing consultations with the Proponent - and in advance of a formal MESA filing - the Division anticipates that the Project will result in a Take of state-listed species and their habitats and will require a CMP to proceed. Projects resulting in a Take of state-listed species may only be permitted if the performance standards for a CMP are met. For a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term Net Benefit to the conservation of the state-listed species.

The Proponent has engaged the Division in preliminary discussions regarding the development of a conservation and management plan for the long-term net benefit of state-listed species associated with the Project. At this time, the details of a long-term Net Benefit plan (321 CMR 10.23) have not been finalized. However, the Division anticipates that a suitable long-term Net Benefit may be achieved through, the permanent protection and management of suitable, high quality habitat, habitat enhancement, habitat restoration, or conservation and research funding. Based on these preliminary discussions, the Division anticipates that the Project will likely be able to meet the performance standards of a CMP.

We recommend that the Proponent continue to proactively consult with the Division on a pre-filing basis to evaluate and address concerns related to state-listed species and their habitats and to further develop a detailed long-term net benefit plan for unavoidable impacts to state-listed species and their habitats.

The Division will not render a final decision until the MEPA / NEPA review processes and their associated public and agency comment periods are complete. No alteration to the soil, surface, or vegetation associated with the Project shall occur until the MESA review process is complete. If you have any questions about this letter, please contact Amy Hoenig, Endangered Species Review Biologist, at [amy.hoenig@mass.gov](mailto:amy.hoenig@mass.gov) or 508-389-6364. We appreciate the opportunity to comment on the 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:     Jed S. Merrow, McFarland Johnson  
          Geoff Freeman, Airport Director  
          Martha's Vineyard Airport Commission  
          Edgartown Board of Selectmen  
          Edgartown Conservation Commission  
          Edgartown Planning Department  
          West Tisbury Board of Selectmen  
          West Tisbury Conservation Commission  
          West Tisbury Planning Department  
          DEP Southeast Regional Office, MEPA