Comr nwealth of Massa husetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, Massachusetts 02114
(617)626-1520
fax (617)626-1509

David E. Pierce, Ph.D.
Director

Charles D. Baker
Governor
Karyn E. Polito
Lieutenant Governor
Kathleen Theoharides
Secretary
Ronald Amidon
Commissioner
Mary-Lee King
Deputy Commissioner

February 11, 2020

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

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by Peter and Rachel Sorrentino, 71 Carl's Way, to construct and maintain an elevated walkway/seasonal pier and to brush cut a 3' wide pathway on Tisbury Great Pond in the Town of West Tisbury, with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within to mapped shellfish habitat for soft shell clam (*Mya arenaria*) American oyster (*Crassostrea virginica*). Subtidal waters within the project site have habitat characteristics suitable for these 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.

Tisbury Great Pond has been identified as an anadromous/catadromous fish passage, migration and spawning pond. Alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), white perch (*Morone americana*), and tomcod (*Microgadus tomcod*) all use this portion of the pond for a portion of their life cycle.

Much of the proposed walkway would be constructed over salt marsh vegetation. Salt marsh provides a variety of ecosystem services, including habitat and energy sources for many fish and invertebrate species [1,2,3].

MA DMF offers the following comments for your consideration:

- The Project Description indicates the "3-inch PVC sleeves will be driven in the pond." However, there were no further details on the plans that describe the sleeves. The installation of permanent sleeves through "jetting" with high-pressure hoses typically disturbs a surrounding area potentially depopulating vegetation that may have difficulty reestablishing itself and disturbing bottom sediments. No jetting should be permitted.
- Tomcod spawn in brackish water and would be the one species likely to be impacted by this project. MA DMF recommends no in-water silt producing work (sleeve driving) be conducted from **February 15 through April 30** to protect tomcod spawning and juvenile development [4].
- The float will have stops to maintain a separation off the bottom. However, unless the stops on the piles are set to maintain a 30" separation between the bottom of the float and the

substrate, waves and wakes may create depressions under t loat by hydraulic excavation potentially damag he benthic habitat. MA DMF recomm ls the stops be set at 30".

- The elevated walkway will be constructed over salt marsh vegetation. While the proposed walkway height over salt marsh meets the current Army Corps of Engineers minimum 1:1 height to width requirement, recent studies by MA DMF show that shading impacts can be further reduced by increasing the H:W ratio to 1.5:1 [5]. Therefore, a 3' wide walkway should be elevated at least 4.5 ' above the salt marsh.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 742-9721.

Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

cc: Reid G. Silva, Vineyard Land Surveying & Engineering, Inc.
Ray Gale, Shellfish Constable
Robert Boeri, CZM
Barbara Newman, ACOE
Simone Wright, MA DMF
Tom Shields, MA DMF
Ryan Nuttall, MA DMF

EF/rn

References

1. Boesch DF, Turner RE (1984) Dependence of fishery species on salt marshes: the role of food and refuge Estuaries 7: 460-468.
2. Deegan LA, Garritt RH (1997) Evidence for spatial variability in estuarine food webs. Marine Ecology Progress Series 147: 31-47.
3. Deegan LA, Hughes JE, Rountree RA (2000) Salt marsh ecosystem support of marine transient species. In: Weinstein MP, Kreeger DA, editors. Concepts and Controversies in Tidal Marsh Ecology: Kluwer Academic Publisher, The Netherlands. pp. 333-365.
4. Evans NT, Ford KH, Chase BC, Sheppard J (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47.
5. Logan JM, Voss S, Davis A, Ford KH. An experimental evaluation of dock shading impacts on salt marsh vegetation in a New England estuary. Estuaries Coasts. 2018;41: 13–24.

Maria McFarland

From: SERO_NOI@MassMail.state.ma.us
Sent: Wednesday, February 12, 2020 12:10 PM
To: mark.bartow@mass.gov; reid@vlse.net
Cc: sero_noi@state.ma.us; concomm@westtisbury-ma.gov; amanda.veinotte@state.ma.us; sero_noi@state.ma.us
Subject: MassDEP NOI File Number

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

Date: 02/12/2020 Municipality WEST TISBURY

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant	PETER/RACHEL SORRENTINO	
Address	C/O VLS, PO BOX 421,WEST TISBURY MA	**Owner Address**
Locus	71 CARLS WAY , WEST TISBURY MA	

This project has been assigned the following file # : **SE 079-0412**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

A RECENT MA DMF FIELD STUDY OF DOCK SHADING IMPACTS FOUND THAT DOCKS SET AT A 1:1 H:W RATIO RESULTED IN A LOSS OF APPROXIMATELY HALF OF THE UNDERLYING MARSH BIOMASS WITHIN 3 YEARS OF INSTALLATION AND THAT THE USE OF LIGHT PENETRATING DECKING HAD NO MEASUREABLE BENEFIT. THE FIELD STUDY FOUND THAT DOCK DECKING SET AT A MINIMUM OF 1.5:1 H:W RATIO RESULTED IN BOTH GREATER LIGHT PENETRATION AND MARSH GROWTH RELATIVE TO DOCKS SET AT THE MINIMUM 1:1 H:W. TO MEET THE 1.5:1 H:W RATIO, A 3' PIER SHOULD BE ELEVATED AT LEAST 4.5' OFF THE SALT MARSH. THE HEIGHT FOR THIS RATIO SHOULD BE MEASURED FROM THE MARSH SURFACE TO THE BASE OF THE HORIZONTAL SUPPORT STRINGER. THE PROPOSED WALKWAY HEIGHT ABOVE THE MARSH SHOULD THEREFORE BE INCREASED TO AT LEAST 4.5' DESPITE THE PROPOSED SEASONAL REMOVAL OF THE STRUCTURE. 4

MASSDEP'S SMALL DOCK AND PIERS GUIDANCE RECOMMENDS THAT FLOATS BE SET ATLEAST 30 INCHES ABOVE LAND CONTAINING SHELLFISH. THE PROPOSED DESIGN INCORPORATES FLOAT STOPS SET AT 24 INCHES. THE DEPARTMENT THEREFORE 4

RECOMMENDS THAT THE DESIGN INCORPORATE STOPS WHICH ALLOW ATLEAST 30 INCHES OF SEPARATION.

THE PLAN NOTES THAT THE WETLAND DELINEATION WAS COMPLETED 17 YEARS AGO IN 2003?

ADDITIONAL REQUIREMENTS:

Chapter 91 license may be required. Application and transmittal form are available on the MassDEP website http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2. If necessary, contact MassDEP Waterways Program at 617-292-5929 for direct mailing or provide information why license is not required.

Review under Section 404 may be required. (Call 1-800-362-4367 for information).

Regards,
for MassDEP,

(508)-946-2746
Mark.Bartow@mass.gov