



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

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

MASS.GOV/MASSWILDLIFE

September 29, 2023

Middle Point Bend, LLC
c/o Baobob Advisors LLC
111 W. 19th Street 8th Fl
New York NY 10011

West Tisbury Conservation Commission
PO Box 278
West Tisbury MA 02575

RE: Project Location: 216 Middle Point Road
 Project Description: Renovation of Existing Building into Detached Bedroom and Studio
 DEP Wetlands File No.: 079-0457
 NHESP File No.: **23-8641 (formerly 22-40813)**

Dear Commissioners & Applicant:

The applicant listed above has submitted a Notice of Intent with site plans (dated August 30, 2023) to the Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division"), in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37).

MA WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, will **not** adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MA ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided, the Division has determined that portions of this project, as currently proposed, appear to be exempt from MESA review pursuant to 321 CMR 10.14. The Division also finds that the revised plans do not change our previous determination that this project **will not result in a prohibited Take** of state-listed rare species (Division letter dated February 25, 2022) and that previous determination stands.

We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. Any activity not included in the current filing and located within *Priority Habitat* may require an additional filing with the Division for review if not otherwise exempt. If no physical work is commenced on the above proposed project within five years from the date of issuance of our original letter or there is a material change in the plans that

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were submitted to the Division, updated information and/or plans must be sent to the Division for review prior to any work.

Please contact Emily Holt, Endangered Species Review Assistant, at Emily.Holt@mass.gov with any questions or comments.

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: George Sourati, Sourati Engineering Group LLC
MA DEP Southeast Region