MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

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June 02, 2023

Matthew Waldrip
NSTAR Electric Company dba Eversource Energy

Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540

Tisbury Conservation Commission
P.O. Box 1239
Vineyard Haven
Tisbury, MA 02568

RE: Applicant: Matthew Waldrip
Project Location: 395 Mill Road, Falmouth; Squantum Avenue, Tisbury
Project Description: Installation of buried 25kV submarine cable across Vineyard Sound
DEP Wetlands File No.: 074-0951 (Tisbury) & 025-4857 (Falmouth)
NHESP File No.: 23-0071

Dear Commissioners and Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the following species:

Scientific Name	Common Name	Taxonomic Group	State Status
Charadrius melodus	Piping Plover	Bird	Threatened
Sterna dougallii	Roseate Tern	Bird	Endangered
Sterna hirundo	Common Tern	Bird	Special Concern

Sternula antillarum	Least Tern	Bird	Special Concern
Polygonum glaucum	Sea-beach Knotweed	Plant	Special Concern

State-listed species and their habitats are protected in accordance with the MESA. Rare wetland wildlife habitat is protected pursuant to the rare species provisions of the WPA.

The purpose of the Division's review of the proposed project under the WPA regulations is to determine whether the project will have any adverse effects on the Resource Areas Habitats of state-listed species. The purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project.

Based on the information provided and the information contained in our database, it is the opinion of the Division that this project, as currently proposed, **must be conditioned in order to avoid adverse effects** to the Resource Area Habitats of state-listed wildlife species (310 CMR 10.37, 10.58(4)(b), 10.59) and **must be conditioned in order to avoid a prohibited Take** of state-listed species (321 CMR 10.18(2)(a)). **To avoid adverse effects to the Resource Area Habitats and to avoid a prohibited Take of state-listed species, the conditions attached to this letter must be met.**

Provided these conditions are included in any approving Orders of Conditions issued by the Conservation Commission, and the applicant complies with all the above noted conditions, the project will not result in an adverse impact to the resource area habitats of state-listed wildlife species pursuant to the WPA and will not result in a prohibited Take pursuant to the MESA. A copy of the final Order of Conditions shall be sent to the NHESP simultaneously with the applicant as stated in the Procedures section of the WPA (310 CMR 10.05(6)(e)).

This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at Emily.Holt@mass.gov, (508) 389-6385.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc:

Attachment: List of Conditions

List of Conditions

Applicant: Matthew Waldrip
Project Location: 395 Mill Road, Falmouth; Squantum Avenue, Tisbury
Project Description: Installation of buried 25kV submarine cable across Vineyard Sound
NHESP File No.: 23-0071
Heritage Hub Form ID: RC-55058
Approved Plan: NSTAR Electric Company d/b/a Eversource Energy Proposed 23kV Submarine LIne #91B to Tisbury from Station #933, Falmouth & Martha's Vineyard, MA
Plan date: 11/28/22 Revised Date: 03/23/2023

To avoid adverse effects to the Resource Area Habitats and to avoid a prohibited Take of state-listed species, the following condition(s) must be met:

1. **Time of Year Restriction:** Work associated with onshore cable landing in Falmouth and Tisbury shall not be conducted during the period April 1 – August 31.
2. **Authorization Duration:** This authorization is valid for 5 years from the date of issuance. Work may be completed at any time during this 5-year period in compliance with the conditions herein. Thereafter, the Applicant must re-file pursuant to the MESA.
3. **Notice:** Upon filing for renewal, extension, or amendment of the Orders of Conditions, the Applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.