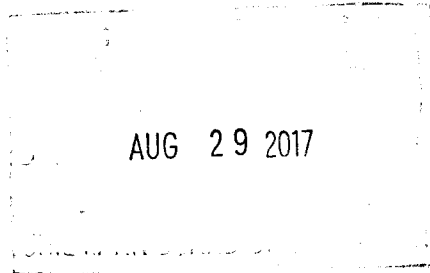


Riparian Owners of Tisbury Great Pond
P.O. Box 1271
West Tisbury, MA 02575

August 23, 2017

Patti Kellogg
DEP Environmental Analyst
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347



Dear Ms. Kellogg:

Kent Healy, Selectman for the town of West Tisbury, has shared with me your draft letter and report, dated July 2017, regarding certain suggested Tisbury Great Pond management practices intended to reduce total maximum daily load for nitrogen in the Pond. I am writing to offer the Riparian Owners' Association's public comments to your July 2017 draft letter and report.

I am the current president of the Riparian Owners' Association. The ROA is the organization authorized by Massachusetts statute in 1904 (Massachusetts Acts, 1904—Chapter 203) to elect a board of three Commissioners, who, in turn, are authorized to determine at what times and under what conditions to open the Pond to the sea.

The Pond Commissioners take into consideration a wide variety of factors (which sometimes compete with one another) in making each determination to open the Pond. The Pond is generally opened three to four times a year after taking into account, and giving due consideration to (among other things) (i) impoundment; e.g., the level of water in the unopened Pond; (ii) fin fishery; e.g., anadromous species (such as herring) admission to the Pond for spawning; (iii) salinity (for purposes of maintaining shellfish health and habitat); (iv) nitrogen levels and Pond turbidity; (v) tidal cycle; (vi) weather; (vii) shoaling; and (viii) status of nesting shorebirds. The Commissioners consult as appropriate with the Conservation Commissions and herring and shellfish wardens of West Tisbury and Chilmark, with the Massachusetts DEP (including the Division of Marine Fisheries), with the Audubon Society, and with other interested stakeholders in determining when and where to open the Pond.

The Riparian Owners' Association also follows a program of routine testing of Pond waters, including salinity levels (throughout the water column), turbidity, dissolved nitrogen, and water temperature. We also coordinate with the Conservation Commissions of West Tisbury and Chilmark in connection with more occasional, but more comprehensive, water quality testing. These test results also inform the decision when to open the Pond.

With respect to dissolved nitrogen specifically, the Commissioners are mindful of the need to manage the Pond in a manner that minimizes nitrogen buildup. To this end, other variables permitting, the Commissioners endeavor to open the Pond in high summer (mid-July to mid-August), when nitrogen levels are highest, and to site the summer opening for maximum ocean exchange and duration. Our most recent opening took place on August 10, and as of yesterday the exchange with the ocean was strong. How long any particular opening lasts, however, is largely dependent on Mother Nature.

I hope you find these comments helpful. Please feel free to contact me at (202) 378-3986, or at chris.mcisaac@cliffordchance.com, if you would like to further discuss any of these matters.

With best regards,



Chris McIsaac
President
Tisbury Great Pond Riparian Owners' Association

cc: *West Tisbury Board of Selectmen*
Chilmark Board of Selectmen
West Tisbury Conservation Commission
Chilmark Conservation Commission