

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
AND THE NANTUCKET WETLANDS BYLAW CHAPTER 136

A. Emergency Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Issuance From: Nantucket Conservation Commission
Issuing Authority

1. Site Location: 91-105 Baxter Road

2. Reason for Emergency:
Eroding Coastal Bank

3. Applicant to perform work: Town of Nantucket/Siasconset Beach Preservation Fund

4. Public agency to perform work or public agency ordering the work to be performed:
Board of Selectmen/Department of Public Works

5. Date of Site Visit: 12/17/2013 Start Date: 12/19/13 End Date*: 1/18/14

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
See attached

* May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

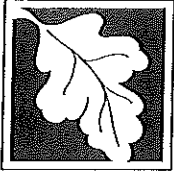
Ernest S. ... (Opposed)
Chairman (or designee)

12/18/2013
Date

[Signature]
Blank Only (Opposed)
Kevin Johnson

Andy Bennett
Michelle [Signature]

A copy of this form must be provided to the appropriate DEP Regional Office.



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C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.

D. Special Conditions

See attached

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 91-105 Baxter Road
Applicant: Town of Nantucket and Siasconset Beach Preservation Fund
Filing Date: December 17, 2013
Date Hearing Closed: December 18, 2013
Date Emergency Certified: December 18, 2013

Permit Overview:

This certification allows for a three geotextile tube coastal engineering structure with sand cover to be installed on a Coastal Beach and Coastal Bank.

Additional Findings:

1. The Commission finds that the proximity of the road to the eroding Coastal Bank is in imminent danger and is an emergency.
2. The Commission finds that the failure of the public way and damage of the public utilities to be a risk to public health and safety.
3. The Commission finds that the project as designed is necessary to abate the emergency situation.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Emergency Certification request and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The sand cover is to be maintained in accordance with the narrative provided during the emergency period.
20. The applicant shall be required to comply with the attached conditions as issued by MassDEP.

Special Conditions for Siasconset Beach Preservation Fund Emergency Certification for 91-105 Baxter Road:

1. This Emergency Certification authorizes the installation of 900 linear feet of 4 layers of sand filled Geotubes as shown on the referenced plans. The SBPF also proposes the placement of 14.3 cubic yards per linear foot of sand. The Department, however, requires the initial placement of 18 cubic yards per linear foot of sand for mitigation purposes. Ongoing beach nourishment shall be in accordance with condition 8 below.
2. All sand used to fill and cover the Geotubes shall be imported from an off-site source and shall be compatible with the existing beach sediments.
3. The sand-filled Geotubes shall be tapered into the beach/bank at the southern and northern ends to minimize end effects.
4. Within 30 days of this certification, the SBPF shall file a Notice of Intent in order to (a) install and maintain the Geotubes and (b) incorporate mitigation (beach nourishment) into the proposed project design. The SBPF shall diligently pursue and obtain a Final Order of Condition under the Wetlands Protection Act for ongoing beach nourishment and other appropriate mitigation as deemed necessary.
5. The SBPF shall be responsible for the retrieval and proper disposal of all geotextile products associated with this emergency project in the event wave action and erosion destroys or otherwise causes damage to the Geotube system.
6. This Emergency Certification does not relieve the applicant/owner from complying with the Town of Nantucket Wetland Bylaw.
7. The beach shall continue to be monitored through the ongoing quarterly surveying program conducted by Woods Hole Group.
8. Sand mitigation will be at a rate of 22 cubic yards per linear foot in accordance with the following schedule:
 - a. Provide initial cover of 18 cubic yards per linear foot immediately following construction (December 2013). The reason for this is to provide the initial cover and to provide a large upfront volume of sand while observing how the entire system performs into the first months of installation.
 - b. January through March 2014: Provide the remaining four cubic yards per linear foot on an as-needed basis.
 - c. Annual in April starting in 2014: Provide additional sand to obtain a minimum of 12 cubic yards per linear foot of sand cover. Twelve cubic yards per linear foot is the minimum sand volume required to provide the desired two minimum feet of cover. If some portion of the previous year's sand is in place at the time of April nourishment then the volume needed to get to 12 cubic yards per linear foot will be provided, with the remaining sand added in November. For example, if 10 cubic yards per linear foot of sand is needed in April to meet the 12 cubic yard minimum, then the remaining two cubic yards will be added in November instead of April.
 - d. Annually in November starting in 2014; Add an additional six cubic yards per linear foot plus any excess volume left over from April requirement. The reason for this is to ensure that the bulk of the mitigation volume is available in November for potential mobilization during winter storms.
 - e. Annually November through March: Add the remaining four cubic yards per linear foot on an as-needed basis, in accordance with the replenishment trigger presented in our November 12, 2013 letter. If the 22 cubic yards per linear foot volume is not placed in its entirety before March 1, the balance of the sand will be placed on March 1.
 - f. End volumes will be replaced and nourished on the same schedule as outlined above. Delivery tickets from sand supplier will be provided to the Department and Conservation Commission to document the total volume of sand provided.