



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

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TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

January 11, 2013

Town of Chilmark
P.O. Box 119
Chilmark, MA 02535
Attn: Tim Carroll, Executive Secretary

RE: Emergency Authorization pursuant to Waterways Regulation 310 CMR 9.20
To Maintenance Dredge at the Transient Yacht Dock Adjacent to the Municipal Parking Lot,
Menemsha Basin, Chilmark

Dear Mr. Carroll:

This is in response to your memo, dated and received on January 9, 2013 via E-mail wherein you requested approval pursuant to the Emergency Action provisions of Waterways Regulations 310 CMR 9.20 to dredge sand overwashed by Hurricane Sandy in the area along the transient yacht dock in the waters of Menemsha Basin. The project scope will involve dredging from a point south and landward of the existing shoreline jetty/breakwater and running 80+/- feet along a portion of the float area and the first 5 slips of the transient yacht dock in a northeasterly direction and ending at the existing wharf (adjacent to the municipal parking lot). The proposed dredge area is approximately 2,000 sf and the proposed volume is 90 cubic yards with a maximum dredge depth of minus 2 feet below mean low water. You have stated several reasons for which you believe approval should be granted. Note that some of this dredge work is included with the transient yacht dock replacement project under the Chapter 91 License Application No. W12-3721.

The Department has reviewed your proposal and finds that the present situation warrants the issuance of an Emergency Authorization. Therefore, in order to avoid or eliminate this threat to public safety and the environment, Emergency Authorization is hereby granted pursuant to 310 CMR 9.20, to Tim Carroll, Executive Secretary, Town of Chilmark to maintenance dredge the area described above within the waters of Menemsha Basin. Said work shall be in conformance with the location shown and details indicated on the plan entitled, "Sketch Plan to accompany Emergency Certification of Hurricane Sandy dredging in Menemsha. 90 Cubic Yards," dated, 01-03-2013, signed by Tim Carroll on January 4, 2013. This Emergency authorizes the mechanical dredging approximately of 90 cubic yards of sediments, which will be dewatered in two locations: (1) the seaward side of the shoreline jetty/breakwater and (2) the municipal parking lot. If compatible with adjacent beach areas, the sediments will be used at the following locations: either side of the existing jetty which runs perpendicular to the shoreline (areas labeled A & B) and the parallel shoreline jetty/breakwater. Any non-compatible material shall be disposed of in an area between the swordfish statue and the comfort station. The Chilmark Conservation Commission has issued an Emergency Certification under the Massachusetts Wetlands Protection Act on 1/7/2013.

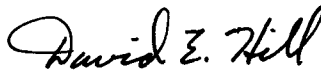
Also, the Town is required to submit an application for permit in accordance with 310 CMR 9.11 within 30 days of the date of emergency approval, unless a written extension is approved by the Department. It should be noted that the Waterways Program reserves the right to modify or amend the project and its plans during the regulatory review and authorization process following the emergency action as a means of ensuring compliance with the provisions and procedures established in M.G.L. Chapter 91 and its regulations 310 CMR 9.00. Accordingly, within 30 days of the date of this emergency approval, the Town shall provide final revised mylar plans showing the proposed dredging, dewatering and disposal areas for inclusion in the pending Chapter 91 License package (Application No.W12-3721) referenced above.

This authorization does not relieve the Applicant of its obligation to obtain all other applicable local, State and/or Federal authorizations prior to the commencement of the activity authorized herein.

Furthermore, pursuant to 310 CMR 9.20(3), all work authorized herein shall be completed by January 15, 2013, unless a written extension is approved by the Department.

Should you have any questions concerning this matter, please feel free to contact Carlos T. B. Fragata at (508) 946-2873.

Sincerely,



for Elizabeth A. Kouloheras, Chief
Wetlands & Waterways Program

cc: Ben Lynch, Section Chief, Waterways Program, Boston
Chilmark Conservation Commission
Chilmark Harbormaster
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