

Commonwealth Policies on Emergency Response to Storm Events in Coastal Areas

Examination of policies which allow for response to storm damage is an important element of planning for access in a coastal area that's potentially vulnerable to hurricanes and nor'easters. The specific policy question is as follows:

'In the event of a catastrophic storm that damaged coastal areas and coastal roads would the Commonwealth issue permits to rebuild or repair the coastal roads? Or, would the Commonwealth prevent repairs by denying permits or otherwise by requiring adherence to a complex process?'

Response from LEC Environmental Consultants, June 6, 2014.

The Commonwealth has been consistent in issuing Emergency Policies or Regulations following hurricanes, tropical storms and nor'easters at least since the Blizzard of '78. Proactive and reactive steps are taken by "MassDEP to further protect public health and safety...that allow municipalities and others... to restore those conditions...without going through a permitting process at the local or state level" (2012, TS Sandy Guidance).

Within the last three years, the Commissioner of DEP has taken action on at least three occasions:

- August 28, 2011 for Hurricane Irene – Storm Emergency Regulations;
- October 26, 2012 for Tropical Storm Sandy - Storm Emergency Regulations; and,
- February 7, 2013 for the February 2013 Nor'easter – Severe Weather Emergency Declaration.

Fourteen separate types of projects have consistently been allowed without permits. Four of these that would apply to the type of damage that might occur to an at-grade roadway or causeway on a barrier beach include:

- Removal of objects and debris;
- Removal of objects and debris necessary to clear a roadway or railway;
- Repair, but not expansion or realignment, of a roadway; and,
- Repair or replacement of utility lines and pipes.

Even major repairs to roadways are permissible with the filing of a simple Emergency Certification. This is a sign-off process by the local ConCom and DEP within 24 hours of the request.

The documents issued by the Commonwealth for these storms are available upon request.