

Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE53-0687  
 MassDEP File #  
 eDEP Transaction #  
 Oak Bluffs  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Dukes
- |           |                                            |
|-----------|--------------------------------------------|
| a. County | b. Certificate Number (if registered land) |
| 00395     | 0729                                       |
| c. Book   | d. Page                                    |
7. Dates:      1/6/14                                      1/21/14                                      10/24/14  
                     a. Date Notice of Intent Filed              b. Date Public Hearing Closed              c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Eastville Beach Sand Source, habitat Improvement & Dewatering Site - Site Plan:  
 Proposed Sand Excavation & Grading, CLE Engineering, Sheet 1 of 1
- |                                                           |                          |
|-----------------------------------------------------------|--------------------------|
| b. Prepared By                                            | c. Signed and Stamped by |
| 12/30/13                                                  | Jeffrey W. Oakes         |
| d. Final Revision Date                                    | e. Scale                 |
| Sylvia State Beach/Dune Nourishment - Site Plan: Proposed | 1/15/14                  |
| Beach/Dune Nourishment, CLE Engineering, Sheets 1 - 9     | g. Date                  |

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |                                                  |                                                                |                                                                       |
|--------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------|
| a. <input type="checkbox"/> Public Water Supply  | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input type="checkbox"/> Prevention of Pollution                   |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries                          | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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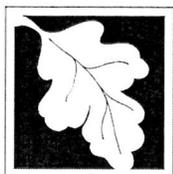
**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



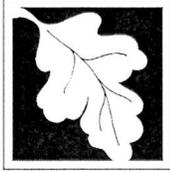
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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	18,650 Eastville	18,650 Eastville	690 cu yd c. nourishment	690 cu yd d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	103,250 State Beach	103,250 State Beach	app. 3,000 cu yd	app. 3,000 cu yd
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	29,000 Eastville	103,250 State		



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**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:
- a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh \_\_\_\_\_
23.  Stream Crossing(s):
- a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings \_\_\_\_\_

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

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 Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            SE53-0687 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. 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 Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the “Project”) is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**N/A**

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Oak Bluffs \_\_\_\_\_ hereby finds (check one that applies):  
 Conservation Commission
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Oak Bluffs Wetlands Bylaw

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Special Conditions pages 10A through 10E.

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**County of Dukes County – Order of Conditions SE53-0687 – p. 10A (Eastville Beach/State Beach)**

1. The applicant and the applicant's agent(s) shall adhere to General Conditions 1 through 18 of this permit.
2. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in this Order, the Act, 310 CMR 10.00 and the Oak Bluffs General Wetlands Bylaw and Regulations, and may acquire any information, measurements, photographs, observations, and/or materials or may require the submittal of any data or information deemed necessary by this Commission for that evaluation.
3. Any change made or intended to be made in the plans shall require the applicant to file a new Notice of Intent, or inquire of the Commission in writing whether the change is substantial enough to require a new filing.
4. The Conservation Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
5. Pursuant to General Condition #8, the Order of Conditions must be registered in the Dukes County Registry of Deeds prior to the commencement of work. The Conservation Commission hereby orders that it be recorded in the Registry and notice filed with the Commission no later than four weeks from the date of this Order (1/24/14). Failure to comply with this Order shall be deemed cause to revoke this Order of Conditions.
6. The applicant shall inform the Commission in writing of the name, address, business and home telephone numbers of the project supervisor who will be responsible for insuring onsite compliance with this Order.
7. This Order shall apply to and be binding upon the applicant, its employees, and all successors and assigns in interest or control.
8. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this Order are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before the start of construction.

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page 10B (Eastville Beach/State Beach)**

9. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the Order's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
10. During construction for this project, an onsite foreman, directing engineer, or other designated construction manager, shall have a copy of this Order at the site, shall familiarize him or herself with the conditions of this Order, and shall adhere to said conditions. Excavating subcontractors, if applicable, shall also have a copy of this Order at the site, shall familiarize themselves with the conditions of this Order, and shall adhere to said conditions.
11. Each day's debris shall be cleaned up and taken away.
12. Prior to the start of any work, the Commission shall be notified in writing as to the approximate date of the commencement of work.
13. Accepted engineering standards and procedures shall be followed in the completion of this project.
14. The project manager shall make him or herself available for site visits at the request of the Commission.
15. The Notice of Intent Project Narrative is hereby incorporated into this Order; all conditions noted in narrative apply.
16. The proposed excavation of sand from the Eastville Beach site and its placement as beach/dune nourishment on Eastville and Sylvia State Beaches is within areas mapped by MA Natural Heritage and Endangered Species Program (NHESP). All proposed work will be performed within the established time of year restrictions established for species of concern. Additionally, the excavation area has been designed to provide improved habitat for endangered Least Tern and Piping Plover.

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page 10C (Eastville Beach/State Beach)**

**Eastville Beach Sand Source, Habitat Improvement**

17. Removal of vegetation on slope, as noted on plan, to provide more suitable habitat for the Least Tern and Piping Plover, shall extend no longer than 180 feet.

18. The top layer of sand that will not be used for beach nourishment (to help control the spread of invasive species) shall be placed in the natural depression located on the northeastern side of the project site.

19. Construction Methodology and Mitigation measures in attached NOI Project Narrative Pages 11-13 are incorporated as special conditions.

20. Access for sand excavation shall be the Town of Oak Bluffs parking lot, traversing along the beach on the north side and creating a ramp as shown on the site plan.

**Beach Renourishment**

21. Prior to the start of each renourishment project the Commission shall receive in writing, and approve in writing, a plan detailing the beach nourishment process. The plan shall include the specific locations of the nourishment sites, how the sites will be accessed, how the material will be deposited and spread, and the timing of the project as it relates to protected species and recreational usage of the beaches. All elevations and contours, as well as the actual nourishment sites, shall conform to the approved plans. No work shall begin until the Commission provides written approval of said plan.

22. Prior to approving a renourishment plan the Commission shall meet on site with the project supervisor to view the proposed renourishment and access sites.

23. Access over the dune, if no alternative is feasible, shall be angled.

24. Access points shall be restored to the same height as the surrounding dunes and snow fencing shall be placed at the water end and the road end of the access ways as soon as revegetation is completed and until the vegetation is well established, as determined by the Commission.

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25. Protection and monitoring of protected species and their habitats shall conform to all federal, state and local requirements, including but not limited to those issued by the Natural Heritage and Endangered Species program of the MA Division of Fisheries and Wildlife. The Commission shall be provided a copy of all such requirements.
26. The grain size of the dredge material shall be compatible with the existing sediment. Only sand that is clean and compatible shall be used for nourishment.
27. Any disturbed fencing shall be replaced.
28. The renourishment project shall comply with this Order and the approved plans.
29. The appropriate authority shall determine if a police detail is required during the project.
30. The Commission shall receive copies of all monitoring reports and project reports.
31. All sand shall be placed above the annual high tide line.
32. Construction Methodology and Mitigation measures in attached NOI Project Narrative pages 11-13 are incorporated as special conditions.

**Beach/Dune Revegetation – Post Renourishment:**

33. Prior to every vegetative restoration the Commission shall approve a revegetation plan for the disturbed areas. The plan shall include plant and grass species, quantities and spacing, and the name of the project supervisor. The renourishment project shall not begin until the Commission provides written approval of the revegetation plan.
34. The Commission shall determine the dates when revegetation shall be done.
35. The Commission shall monitor the planting process and must be notified 48 hours in advance of the commencement of work.

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36. The Commission shall inspect the revegetated area twice yearly, in spring and fall for two years following the planting. The success rate shall be at least 75%; if it is lower, revegetation will be required.

**Expiration:**

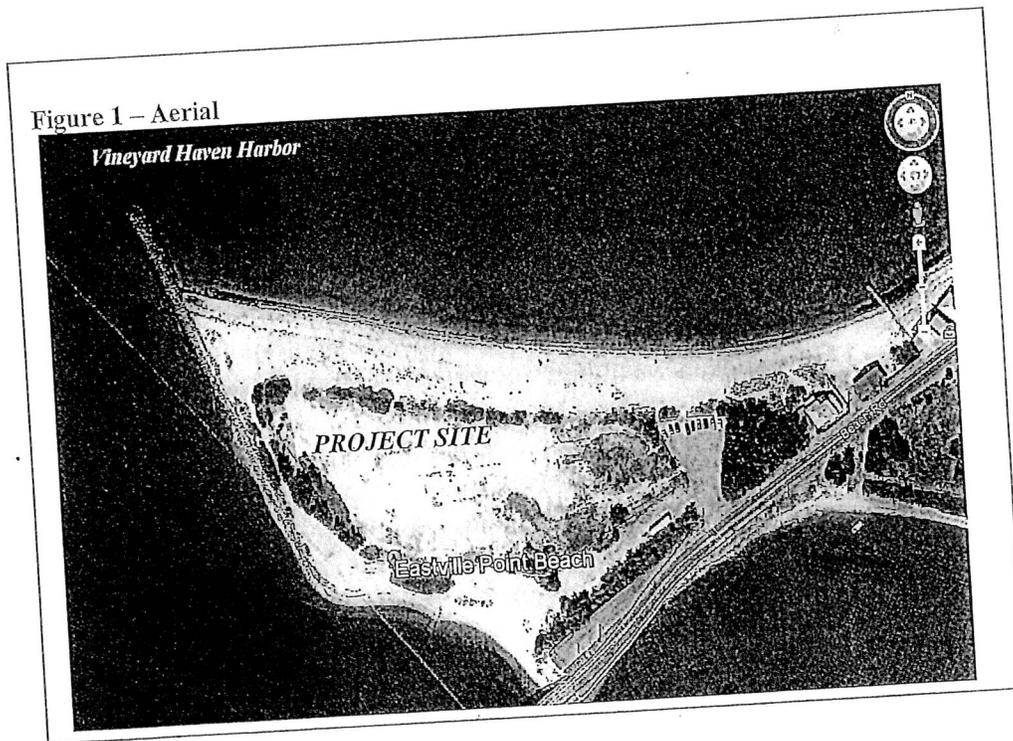
37. Due to special circumstances, particularly the critical public safety aspect of this project this Order of Conditions shall be valid for five years from the date of issuance. The expiration date is January 24, 2019. An extension permit must be requested at least one month prior to the expiration date.

## Exhibit B

### *Project Narrative*

#### Purpose

The purpose of the proposed project is to provide compatible sand for use as beach nourishment at Sylvia State Beach in Oak Bluffs to restore/enhance the public beaches. The beach nourishment areas will be established utilizing suitable sand from the sediment that was dredged from Vineyard Haven Harbor in 1997 and deposited on Eastville Beach. This project will provide sand to repair the erosion of Sylvia State Beach resulting from recent storms, enhance the endangered species habitat, provide a dredged sediment dewatering site and provide recreational opportunities. Sand in excess of what is required for nourishment at Sylvia State Beach is proposed to be made available for beach nourishment at Inkwell Beach and Pay Beach. Figure 1 below shows the location of the proposed project.



#### Site Description

Eastville Beach is owned and maintained by the County of Dukes County and is a popular site for fishing, swimming and other recreational activities. The site is located along the eastern

shoreline of Vineyard Haven Harbor adjacent to Nantucket Sound on the east side of the jetties at the entrance to the channel beneath the bridge to Lagoon Pond in Oak Bluffs, Massachusetts. The paved two-way Beach Road bounds the south side of the site. The Town of Oak Bluffs owns the parking lot on the east side of Eastville Beach that provides off street parking and access to Eastville Beach. The Assessors Map is provided as Exhibit C.

Eastville Beach and the adjacent parking lot are considered a coastal barrier beach by the Massachusetts Coastal Zone Management. The existing coastal features located within the project area protects existing public infrastructure. The limits of the proposed project extend approximately 680 linear feet (LF) beginning at the Oak Bluffs/Edgartown town line immediately east of the channel jetty and extending east to the Town of Oak Bluffs parking lot. The project areas are defined by the Oak Bluffs Assessors' Office as Map 6, Lot 17. The majority of the project site is located within Zone X with the beach on the north side located within Zone VE elevation 13 as shown on FEMA Map Number 25007C0104H, effective date July 6, 2010 (see Exhibit D). FEMA flood elevations provided are referenced to North American Vertical Datum of 1988 (NAVD88). Using National Geodetic Vertical Datum of 1929 (NGVD=0.0), the Mean High Water (MHW) and Annual High Tide (AHTL) elevations are +1.4 feet and +1.7 feet, respectively. Photographs of the project area are provided in Exhibit E.

### **Project Description**

The Eastville Beach site was used as a dewatering site for the 1997 Vineyard Haven Harbor dredging project; unsuitable fine sediment was reportedly trucked off site to the Oak Bluffs septage lagoons at the Tisbury landfill. The site was graded to provide habitat for the endangered Least Terns and Piping Plovers. The bird habitat has been and continues to be monitored by the Massachusetts Audubon Society. Photographs of the existing conditions of Eastville Beach are provided as Exhibit E.

The proposed project will consist of the excavation of sand deposited on Eastville Beach in 1997 as part of the Vineyard Haven Harbor dredging project. The sand is to be used to repair erosion to Sylvia State Beach under a grant from the Federal Emergency Management Agency in response to Superstorm Sandy in the fall of 2012. As shown on the attached site plan entitled "Eastville Beach Sand Source, Habitat Improvement and Dewatering Site" by CLE Engineering, Inc. dated 12/30/13 (Exhibit F) the mound of sand is to be regraded, an area of the beach on the north side of the site is to receive approximately 1' of sand to provide improved Piping Plover habitat and berms are to be retained to contain sand for use as a dewatering site for future dredge projects yet to be designed and permitted. Based on a review of plans and reports from the 1997 dredge project as well as sediment samples obtained on by CLE on 10/24/13 an approximately 3' deep layer of sand suitable for use as beach nourishment exists on the top of the mound.

### *Beach Nourishment*

Approximately 10,400 cubic yards of sand suitable for beach nourishment is to be excavated and trucked off site. It is proposed to use the Town of Oak Bluffs parking lot immediately adjacent to the east side of the site as a truck loading facility. The trucks will transport the sand to the north end of Sylvania State Beach for beach nourishment between the northernmost stone groin southerly to approximately 1,000 feet south of the southernmost timber groin. In order to allow for cost effective project management it is proposed that sand in excess of that needed for Sylvania State Beach nourishment be transported to Inkwell and/or Pay Beach in Oak Bluffs for use as beach nourishment.

#### *Piping Plover and Least Tern Habitat Improvement*

The beach on the northern side of the site currently serves as Piping Plover habitat. There is a band of beach at the toe of the sand mound that has been fenced off with symbolic fencing to discourage human and pet interference with nesting plovers in the spring. The fenced off nesting area currently consists of coarse grained sand, cobbles and vegetation. In order to improve the nesting habitat it is proposed to deposit an approximately 1' layer of the finer grained sand from the dredged sand mound within the fenced off area as shown on the plan. Additionally a gently sloping (10 horizontal to 1 vertical) sand ramp between the beach and the top of the excavated mound will be created to facilitate movement of the Least Terns using the top of the mound for nesting and the shoreline for foraging. The Piping Plovers will also benefit from the creation of the sand ramp as well as from the proposed removal of the vegetation (primarily juniper, Rosa rugosa and bayberry) on the north face of the mound side slopes.

#### **Regulatory Authorizations**

##### *Previously Issued Authorizations*

Regulatory approvals for beach nourishment of Sylvania State Beach, Inkwell Beach and Pay Beach have been issued by the Oak Bluffs Conservation Commission as well as the Massachusetts Department of Environmental Protection and the US Army Corps of Engineers. As the sand sources for those beach nourishment projects does not include Eastville Beach, this project will limit sand placement to above the Annual High Tide Line and therefore will require an Order of Conditions from the Oak Bluffs Conservation Commission; state and federal permits are not required. In general, the proposed nourishment template will consist of slopes of varying width from the top of the existing eroded dune face to the point above the AHTL at which the beach flattens out. The following figures are typical cross sections showing the placement of sand against the eroded scarp face of the dunes. The area in green shows the finished grade matching the adjacent existing slope toward the waterline. The spacing between the vertical grid lines represents 10 feet; the spacing between the horizontal grid lines represents 1 foot. The existing condition beach profile is from a topographic survey performed by CLE on 11/14/13.

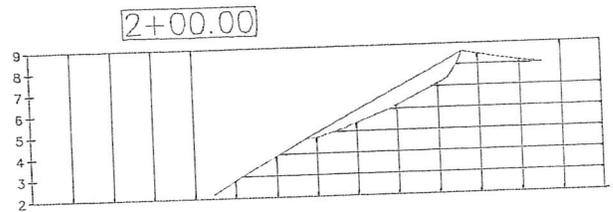


Figure 1 typical section approximately 200' south of Stone Groin 1 (approximately Station 188+50 on the Mass Highway Department permit plan)

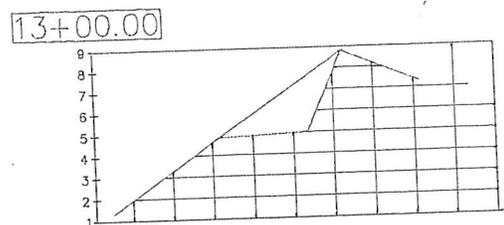


Figure 2 typical section approximately 200' south of Stone Groin 3 (approximately Station 177+50 on the Mass Highway Department permit plan)

The Oak Bluffs Conservation Commission issued an Order of Conditions on 7/20/09 as part of the Edgartown Ten Year Maintenance valid for 10 years that permits beach nourishment of Sylvia State Beach with alternate nourishment sites on Pay and Inkwell Beach. The permitted nourishment consisted of beach nourishment of Sylvia State Beach from the Little Bridge inlet beyond the timber groins to the south. It also permits the placement of dredge sediments from Sengekontucket Pond above the annual high tide line (AHTL) along approximately 1,400 LF of Pay Beach and 400 LF Inkwell Beach, respectively. The Order of Conditions DEP File No. SE 53-0566 issued for this work is provided as Exhibit G. The proposed work is to comply with the existing permits and plans for each of the beach sites attached as Exhibit G. The Special Conditions in the Order of Conditions require that disturbed beach/dune areas be revegetated. It is proposed to plant American Beach Grass (*Ammophila breviligulata*) on 18" spacing on all Sylvia State Beach nourishment areas from approximately elevation 5.5 NGVD29 to the top of the restored area. It is anticipated the sand placement and revegetation will be supervised by Russell Smith of Site Engineering Associates in consultation and coordination with the Dukes County and the Oak Bluffs Conservation Commission.

### Beach Sediment Characterization

*Oil and Hazardous Material Releases*

CLE reviewed the oil and hazardous material spill records for both the Eastville Beach sand source and the proposed areas of beach nourishment on Sylvia State Beach. Records indicate a small plane crashed on March 19, 2011 in the vicinity of the southernmost timber groin. CLE's review of the records and accident report indicate that it was cleaned up to the satisfaction of the DEP. There are no records of spills or other releases of oil or hazardous material at either the Eastville Beach site or along Sylvia State Beach.

### *Sand Characterization*

A total of twelve (12) sand grab samples were collected by CLE on October 24, 2013 within the proposed beach nourishment areas on Sylvia State Beach, the Piping Plover habitat on Eastville Beach and from the sand source mound on Eastville Beach. Sampling locations are shown on the site plan presented in Exhibit F. The samples were collected to establish a baseline for existing beach sediments to determine the compatibility of proposed nourishment sources. The beach samples are a composite of sand obtained from pits dug to a depth of approximately 1 foot. The sand source samples are a composite from pits dug approximately 3 feet from the dredged sediment mound on Eastville Beach. The Sample S-9 of the dredged sediment contained fine silty sand unsuitable for use as beach nourishment to a depth of approximately 3.5'; that area is not proposed to be excavated. Sample S-10 was obtained from the bottom of the existing depression that is also proposed to be left undisturbed for potential future use as a sump to receive runoff from the sediment dewatering site. The remainder of samples from the dredged sediment are characterized as fine to very coarse sand with some very fine to fine pebbles. Samples from Sylvia State Beach are also characterized as fine to coarse sand with slightly fewer very fine to fine pebbles, however the beach contained many cobbles that were not included in the sample. In general, both the Eastville Beach sand source and the Sylvia State Beach sand contained less than 2% by weight of particles passing the No. 200 U.S. Standard Series Testing Sieve and therefore are unlikely to contain concentrations of oil or hazardous material and do not require testing according to the DEP Division of Water Pollution Control (314 CMR 9.07). The Sylvia State Beach sand typically had a color shown as 10 YR 7/1 and the Eastville Beach sand source had a color of 2.5 Y 7/2 and 10 YR 7/2 from the Munsell Soil Color Chart. The colors for both the Eastville Beach source and the Sylvia State Beach nourishment are comparable and described as "light gray" in the Munsell Soil Color Chart. A summary of grain size comparisons and laboratory data are provided in Exhibit H.

### **Wetland Resource Areas**

The following coastal wetland resource areas have been identified within the vicinity of the project area as defined under the Massachusetts Wetland Protection Act (MA WPA) and per M.G.L. c. 131 sec 40 and Regulations 310 CMR 10.00: Coastal Beach, Barrier Beach, Coastal Dune, Estimated Habitats of Rare Wildlife and Land Subject to Coastal Storm Flowage (Zones VE E1. 13 and AE E1 8 at Eastville Beach and Zone VE E1 13 at Sylvia State Beach). Coastal resource areas are shown on the site plan provided in Exhibit F and in Exhibit I.

Pursuant to 310 CMR 10.00, the above listed coastal resource areas are to be regulated in order to contribute to the following public interests:

- Flood control,
- Storm damage prevention; and/or
- Protection of marine fisheries and wildlife habitat

The proposed project will restore shoreline areas that have been depleted of sediment as a result of storm damage, and in turn, improve the shoreline's ability to buffer the high energy effects of storms thereby reducing the potential for flooding and storm damage. Work will be performed when marine and wildlife activity is least active and within the established time of year restrictions established for species of concern. The following paragraphs presented below provide the following information:

- Identification and definition of each coastal wetland resource area to be impacted by the proposed nourishment and maintenance/rehabilitation of shoreline structures;
- An assessment of the magnitude of anticipated impacts resulting from the proposed work on each coastal wetland resource area; and
- Discussion on how the proposed project meets the performance standards for each coastal wetland resource area impacted.

Alterations in the Distribution of Sediment Grain Size: No alteration in the distribution of sediment grain size is anticipated. Material used for the proposed beach nourishment will be compatible with existing beach sediments.

Changes in Water Quality: The placement of beach nourishment material will be above the Annual High Tide. The sand does not contain fine grained material and is not expected to result in an increase in turbidity. Given the nature of the materials to be used and the limited duration of the project, it is expected that any increases in turbidity and suspended solids will be minimal and temporary.

Effects on Specified Habitat Sites or Rare Vertebrate or Invertebrate Species: The proposed excavation of sand from the Eastville Beach site and its placement as beach/dune nourishment on Eastville and Sylvia State Beaches is within areas mapped by MA Natural Endangered Species Program (NHESP) as priority habitat/ rare species habitat. All proposed work will be performed within the established time of year restrictions established for species of concern. Additionally the excavation area has been designed to provide improved habitat for the endangered Least Tern and Piping Plover.

**Coastal Beach (310 CMR 10.27):** A Coastal Beach is defined as an area of "unconsolidated sediment subject to wave, tidal and coastal storm action, which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal Beach extends from the mean low

water line landward to the dune line, coastal bank line or the seaward edge of manmade structures, when these structures replace one of the above lines, which ever is closest to the ocean." Coastal Beaches are significant to storm damage protection, flood control and protection of marine fisheries or wildlife habitat. They may also be significant to the protection of Land Containing Shellfish when shellfish are present. Coastal Beaches may reduce wave energy, and natural beaches provide sediment to LUO, which serves as a buffer to storm waves.

Both the Eastville Beach and Sylvia State Beach sites contain Coastal Beach. Coastal Beach areas within the limits of the proposed project do not include tidal flats. No site specific data on faunal resources of the beach sites were collected; however, sandy beach faunal communities are typically characterized by low species diversity and low biological production because of the continually fluctuating physical conditions associated with beaches. The beach areas are considered to be a high energy sand environment which should exhibit these low diversity/productivity characteristics.

The proposed project meets the performance standards for Coastal Beach as follows:

- The proposed project will not have an adverse effect by increasing erosion, decreasing volume or changing the form of any coastal beach or adjacent downdrift coastal beach. The proposed project will restore and enhance existing volume and form through the addition of compatible sediment to the Sylvia State Beach shoreline. Endangered shorebird habitat will be enhanced by placement of more suitable finer grained sand within the protected nesting area on Eastville Beach. Beach nourishment will consist of clean sediment having a compatible grain size to that identified along the existing beach areas.

**Coastal Dune (310 CMR 10.28):** A Coastal Dune is defined under the MA Wetlands Protection Act as "any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal Dune also means sediment deposited by artificial means *and serving the purpose of storm damage prevention or flood control*". (Italic added) A portion of the Eastville Beach site is mapped by the DEP as Barrier Beach – Coastal Dune. That area as shown on Exhibit I consists of the mound of dredged sediment placed there in 1997. It was not deposited by wind action or storm overwash. It was deposited by artificial means however not to serve the purpose of storm damage prevention or flood control. It is anticipated that approximately 87,641 square feet of mapped "Coastal Dune" will be impacted as a result of the excavation of sand for use as beach/dune nourishment. Upon completion of excavation activities, the "Coastal Dune" will be graded to provide improved endangered shorebird habitat and will continue to provide a barrier to storm overwash to Beach Road.

Sylvia State Beach is also mapped as containing Coastal Dunes. The storms of 2012 have eroded the seaward face of the dunes resulting in a loss of sand from both the dunes and beaches. The dunes serve to protect Beach Road from storm damage and as such the County

of Dukes County has obtained funding from FEMA as part of the Superstorm Sandy relief to restore the dunes and beaches to pre-storm conditions.

The proposed project meets the performance standards for Coastal Dune as follows:

- The proposed project will not have an adverse effect by affecting the ability of waves to remove sand from the dune, disturbing vegetative cover to destabilize dune, modifying dune shape to increase potential for storm damage, interfering with the landward or lateral movement of the dune, causing removal of sand from the dune artificially or interfering with identified bird nesting habitat. Endangered shorebird habitat will be enhanced by placement of more suitable finer grained sand within the protected nesting area on Eastville Beach. Beach nourishment will consist of clean sediment having a compatible grain size to that identified along the existing beach areas.

**Barrier Beach (310 CMR 10.29):** A Barrier Beach is a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast. It is separated from the mainland by a narrow body of fresh, brackish or saline water or a marsh system. A Barrier Beach may be joined to the mainland at one or both ends. According to available information provided by MA GIS, both the Eastville Beach and Sylvia State Beach sites are Barrier Beaches as shown in Exhibit I. When a Barrier Beach is determined to be significant to storm damage prevention, flood control, marine fisheries or protection of wildlife habitat, the performance standards for Coastal Beach and Coastal Dunes shall apply to the coastal beaches and to all coastal dunes which make up a barrier beach. The performance standards as applicable to Coastal Beach and Coastal Dune are addressed above.

**Table 1: Summary of Estimated Project Impacts to Coastal Beach and/or Dune from Proposed Beach/Dune Nourishment.**

Location	Total Coastal Beach and/or Dune Impact Area (SF)	Total Volume (CY)	Intertidal Impact Area (SF and CY)	Land Subject to Coastal Storm Flow (SF)
Eastville Beach	18,650	690	0	29,900
Sylvia State Beach	103,250	3,000	0	103,250
<b>TOTAL</b>	<b>121,900</b>	<b>3,690</b>	<b>0</b>	<b>133,250</b>

**Land Subject to Coastal Storm Flowage (310 CMR 10.04):** Land Subject to Coastal Storm Flowage (LSCSF) means land subject to any inundations caused by coastal storms up to and including that caused by the 100 year storm, surge of record or storm of record, whichever is greater. The entire project area is located within LSCSF. Although there are no performance standards under the MA WPA for LSCSF, the proposed project will buffer wave energy,

thereby protecting resource areas along the shoreline during storm events. The proposed nourishment and maintenance/rehabilitation of the existing dunes/beach will ensure flood control, storm damage prevention and protection of wildlife.

**Endangered Species:** The proposed project is located within both priority habitat and estimated habitats of rare wildlife as designated and mapped by the MA NHESP (see Exhibit I). As previously described, the protected Piping Plover habitat on the north side of the Eastville Beach site will receive a top dressing of approximately 1 foot of finer sand from the adjacent dredged sand source. The mound will also be regraded upon completion of the excavation and vegetation will be removed to provide more suitable habitat for both the Least Tern and Piping Plover. The work is to be completed prior to the Time of Year Restriction at the beginning of the spring nesting season and the site will continue to be monitored by the Massachusetts Audubon Society. Additionally the dune/beach nourishment at Sylvania State Beach will provide flatter sloped areas more suitable for shorebird nesting.

### Construction Methodology

This project has been designed and will be constructed using the best available measures so as to avoid/minimize adverse effects to existing coastal resources. Construction methods anticipated for the proposed project consist of the following:

#### *Sand Excavation*

It is anticipated the excavation of the dredged sand from the Eastville Beach dewatering site will be performed by front end loaders and excavators accessing the mound from the Town of Oak Bluffs parking lot, traversing along the beach on the north side and creating the ramp as shown on the site plan. The Oak Bluffs parking lot will likely serve as the truck loading area and equipment staging area.

The report by Richard W. Johnson entitled "Plant Inventory for Eastville Beach" dated October 8, 2009 provides a thorough description of the vegetative community on and adjacent to the mound of dredge spoils. A number of non-native species have colonized the site since 1997. The most common non-native species on the mound is the herbaceous Spotted knapweed (*Centaurea maculosa* aka *Centaurea biebersteinii*). It forms a fairly dense low ground cover (see Exhibit E, Photo 2). Other species of lesser concern include the vine Oriental bittersweet (*Celastrus orbiculatus*) growing among the shrubs on the sides of the mound and Common reed (*Phragmites australis*) found in the bottom of the depression on the east side of the mound.

The spread of the non-native plants to the beach nourishment sites is to be controlled primarily by preventing the plants from being transported with the sand. The top layer of sand (6" minimum) will be scraped off the area of excavation in order to remove all of the vegetation growing on the top of the mound. That sand will then be run through a screen with a ½ mesh size to remove the plants and stones greater than ½" in diameter. The volume of

sand to be screened is approximately 1,635 cubic yards. The vegetation and stones not passing the screen can be buried in a pit on site in the area of fine sand and silt in the northeast corner of the mound with a minimum of 4' of cover or be hauled offsite for proper disposal. The screened soil will be stockpiled on-site and used for construction of the berms around the perimeter of the excavation in order to retain any seed and small pieces of roots on site. The area of the existing depression contains invasive species however there is no work proposed in its vicinity. Additionally the vegetation consisting primarily of juniper, Rosa rugosa and bayberry will be pulled from the slopes of the north side of the mound to improve the shorebird habitat.

The top of the mound will be excavated approximately 3 feet over the entire surface as shown with the perimeter being left at the existing grade in order to function as a containment dike in the event the site is used as a dredge spoil dewatering site in the future. The project supervisor will inspect the excavation in order to ensure only sand of suitable grain size is excavated and used as beach/dune nourishment. The project supervisor shall inspect all loads of sand prior to placement in the trucks and direct any vegetation to be removed prior to transportation to the beach/dune nourishment sites. Upon completion of the excavation the ramp on the north side will be graded and the 1 foot layer of sand will be spread on the fenced off Piping Plover habitat as shown on the plan and any of the symbolic fencing that was removed or damaged shall be replaced. The Town of Oak Bluffs parking lot will be swept and restored to its original condition upon completion of the excavation.

#### *Beach Nourishment*

Beach nourishment will consist of placing suitable material within the authorized footprint established on the permit plans. The sand is to be trucked from Eastville Beach to nourishment areas. Sediments will be spread/placed using conventional construction equipment, which may include bulldozers, front end loader and/or excavator. It is anticipated that equipment will access the beach using the existing footpaths from Beach Road. The work will be performed in compliance with the existing Order of Conditions (SE53-0566) under the direction of a qualified project supervisor. Upon completion of the sand placement the dune grass planting as approved by the Oak Bluffs Conservation Commission will be directed by a qualified project supervisor. Additionally the beach/dune nourishment areas will be monitored for the introduction of non-native species. Elimination of the first small infestations is highly beneficial. The recommended control of Spotted knapweed is by hand pulling or repeated clipping, however use of 2,4-D has proven effective. Use of gloves when hand pulling is recommended because Spotted knapweed can cause skin irritation to some people. Oriental bittersweet is also best controlled by hand pulling. Common reed can be treated by hand pulling, repeated cutting, or repeated cutting with application of glyphosate (Rodeo™) per the U.S. Fish and Wildlife Service manual "Managing Common Reed (*Phragmites australis*) in Massachusetts".

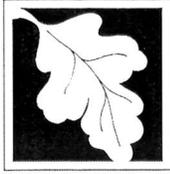
#### **Mitigation**

The following measures will be taken to avoid potential impacts to resources areas:

- Work will be conducted during the late winter months during the time of year where recreational activity is minimal and marine and plant life activity is dormant.
- Work will be performed during the TOY established for the protection of endangered species and has been designed to improve habitat of endangered shorebirds.
- Work will be conducted under the supervision of a qualified project supervisor in compliance with permit conditions.

The project provides the benefit of restoring the storm damaged dunes/beach at Sylvia State Beach. The prevention of storm damage to Beach Road as well as improved endangered species habitat will be achieved while retaining recreational opportunities and other public benefits.





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE53-0687  
 MassDEP File #

eDEP Transaction #  
 Oak Bluffs  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Oak Bluffs

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Oak Bluffs

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Beach Rd. east of Lagoon Pond (Eastville  
 Point Beach/State Beach) (6/17, 32/1 &

SE53-0687

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Dukes

County

Book

Page

for:

County of Dukes County

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

1/24/14

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant