

June 4, 2014

Op Ed or Letter to the Editor

The June 2014 decision by the Nantucket Conservation Commission (ConCom) to deny the Town of Nantucket and the Siasconset Beach Preservation Fund (SBPF) a permit for the existing erosion protection at the most endangered portion of the Sconset Bluff defies logic, ignores the facts and law, and is an example of ineffective bureaucracy in action. The decision contradicts findings by the State Department of Environmental Protection (DEP), clear scientific and environmental support for the proposed approach, a legal requirement to protect pre-1978 houses, and public interest in addressing the future of Baxter Road responsibly.

The existing three-tier geotube system, installed in January 2104 under an Emergency Order by the ConCom and paid for with private funds, demonstrated that it is possible to manage erosion in a way that is sensitive and sustainable. SBPF and the Town proposed converting the emergency permit into a 3-year permit to allow time for a permanent solution to be vetted and for alternative access to be arranged, all at no cost to the Town. At an April 2 meeting the ConCom appeared to reach a consensus to approve the project as installed, along with significant monitoring, mitigation, and conditions. SBPF was therefore stunned, not only by the denial of the temporary permit for the existing system, but by the tortured reasons given for that denial.

Despite clear evidence that the current geotube system (comprised of sand-filled sleeves of geotextile fabric) offers the most environmentally sensitive and feasible protection, the ConCom prefers material designed to break open during large storms, leaving the bluff exposed to extreme failures and losses of up to 30 to 40 feet. Since the top of the bluff is as close as 30 feet to the road, utilities, and historic houses, no system that is designed to allow this type of loss could reasonably be an option in this location.

The ConCom appears to have applied a different standard to this project than it does for other such applications, even for basic noncontroversial items. For example, the ConCom questioned the proposed planting of beach grass and plants on the bluff, even though these same plantings thrive on the bluff to the south, and even though the Commission regularly requires this mitigation in other permits for erosion protection. Similarly, the ConCom questioned the use of local sand for erosion mitigation, even though it requires this same sand for mitigation in other permits for erosion protection, including ones right next door to subject project.

Also puzzling has been the ConCom's unfounded and contradictory stance on the volume of sand mitigation required to assure that there is no impact due to loss of erosion sand in the system. The best practice is to contribute an amount of sand into the system that is equal to the average erosion rate. Here the proposal was to provide about 1.5 times that amount – an amount urged by the ConCom itself and confirmed as enough by outside experts and the DEP. With no scientific or factual basis, the ConCom suddenly determined that this approach was not sufficient (or really that no amount could be sufficient to them), while at the same time, illogically, arguing that this sand would be too much and would harm the marine environment.

Possibly most frustrating is the ConCom's overall insistence on ignoring the provision in State law that requires it to permit coastal engineering structures to protect pre-1978 houses. The Commission found that the geotube system did not qualify, even though the DEP (the ultimate authority on this matter)

already ruled that it does qualify, that the mitigation proposed is sufficient, and even that the a 4-tier geotube system would be environmentally acceptable if properly monitored and mitigated.

These technical issues pale in comparison to ConCom's inability to see the big picture impacts of their refusal to consider viable and environmentally sustainable erosion mitigation options. SBPF recognizes the unique and special natural treasure that exists along our shores and that while we are confident that the system we propose is well designed, there are no guarantees. That is why we have provided the Town with a cash escrow large enough to remove the entire geotube system if harm actually occurs.

Though this may appear to be a solution benefitting only the neighbors closest to the most endangered part of Sconset Beach and Bluff, the reality is that the entire town stands to gain. Prospective benefits include: continued direct access to Sankaty Light, sustained property taxes, avoiding the expense of relocating Baxter Road and, most importantly, the long-run preservation of the historic Sconset community.

As local residents, we believe that the historic and natural beauty of Sconset Beach and Bluff can be thoughtfully protected in a way that is environmentally responsible. SBPF will continue to advocate for such measures.

Josh Posner, President, SBPF, 77 Baxter Road, Sconset