

Dear Nantucketer:

We wrote to you last week updating you on the completion of construction of the emergency bluff protection project. We stated that we are back in front of the Con Com trying to get the project approved on an ongoing basis.

Since our message went out, and in response to some misinformed questioning, the Con Com has requested that SBPF present information at the next formal meeting (2/19/14) that responds to whether we may have done some work in the process of installing the 900 foot emergency project through January that is not in compliance with our permit. These inquiries were reported yesterday (2/10/14) in the On-Line version of the I&M <http://www.ack.net/ConComcitesbluffproject021014.html#sthash.1qR82cuu.dpuf>.

Following are the four areas where there was a question: a) excavating below the High Tide Line, b) installing a PVC pipe to drain road run-off to the bottom of the bluff, c) use of concrete plugs to close geotubes, and d) placement of sand outside allowed locations on the face of the bluff.

SBPF does not believe that we are out of compliance with our permit on any of these matters and is pleased to provide the pertinent information right away so that these issues don't remain unaddressed until the next Con Com meeting. Below is the full letter to the Con Com (inadvertently dated 2/12/14 although it was sent two days before that.) We have posted this information on our Facebook page in an attempt to get the information out as far and as quickly as possible. <https://www.facebook.com/SconsetBeach>)

As always feel free to contact us with any questions,

Josh Posner (jposner@risingtidellc.net) and Helmut Weymar (helmut@weymars.com)

Mr. Jeff Carlson
Natural Resources Director
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

February 12, 2014

Dear Mr. Carlson,

SBPF is in receipt of communications over the past few days from the Army Corps of Engineers and from the Nantucket Conservation Commission concerning the geotube project at Baxter Road that was just completed under the recently issued Emergency Certification permits. In response to the questions raised we want to clarify our view of the facts. SBPF and the Town of Nantucket will be at the February 19, 2014 ConCom hearing to address these, but below is some information in advance:

The entire geotube system was installed above the High Tide Line (i.e., outside the jurisdiction of the Army Corps of Engineers and consistent with the ConCom permit), as shown on the as-built survey plan already provided to the ConCom, and enclosed. SBPF responded to an inquiry from the ACOE about the question of jurisdiction and project location in December, but did not receive any objections or concerns at that time. The HTL was staked before and respected during the construction process, which was observed by the Con Com's enforcement officers daily. While some construction actions may appear to

be seaward of some waves, to the best of our knowledge those waves were storm waves and wave run-up that crossed landward of the staked HTL. By definition, the HTL is a stillwater elevation and therefore it is not unexpected or uncommon that wave runup would occur landward of where this elevation exists on the beach. SBPF is back in touch with the ACOE to clarify this issue and otherwise respond to the ACOE's inquiry. No Federal enforcement or violation action exists on the matter.

In consulting on this project, the advising structural engineer observed that road water run-off from Baxter Road running over the top of the bluff was causing a serious degradation in a single location that could result in failure of the top of the bluff at that location. This began to worsen as the project was underway. To address the imminent danger while the area was under construction, SBPF acted quickly to install a gravel drain and pipe along the road edge to direct this water to essentially the same drainage location without having to run over the bluff. Although installed, the drain is capped and is not functioning pending approval from the ConCom. During installation of this drain, SBPF expressly noted the matter with the ConCom's observing officers and with the Town, through its Director of Public Works. SBPF's representatives subsequently requested that the ConCom take any action to help permit and regularize the drain as soon as possible, including orally requesting the issuance of an Enforcement Order for it, which is the ConCom's customary tool for dealing with such urgent matters. The drain can easily be altered or remediated, as approved or otherwise ordered.

SBPF is surprised that there is a question about the use of a small amount of cement to seal the portholes in the geotubes. This is standard procedure for the installation of geotubes filled with a sand slurry under pressure. It is understandable that numerous minor construction details may not have necessarily have been discussed in the Emergency Certification process. However, it is important to note that we are talking about the use of about one-half of a bag of cement to plug the geotube portholes as the sea-water and sand slurry pumps were removed so that the sand would not pour out the portholes due to the pressure. No cement was used within the body of the tubes or otherwise, which are filled and covered solely with approved compatible local sand.

SBPF is also surprised that there is a suggestion that sand is being placed outside permits and approvals. The Permits in place require supplemental sand to be supplied at the site as part of the down drift mitigation. Also, sand is necessary to backfill, smooth, and stabilize the face of the bluff above the geotubes, as part of the approved construction. SBPF believes that this sand is consistent with the pending permits. SBPF also intends to vegetate the upper bluff for further stabilization, as noted in the pending NOI application. SBPF can address any further questions about the sand deliveries and placement at the next hearing.

This project was an engineering feat of considerable difficulty, carried out successfully in the middle of the worst winter that Nantucket has seen in many years. SBPF is very proud that entirely private funds were used to protect this public road and neighborhood, thus preventing a potential public health and safety disaster, preserving access and utilities for residents to their historic homes and for the public to the Sankaty Head Lighthouse, while shielding the Town from millions of dollars in potential costs and liabilities. We believe that this project is a good example of how a public/private partnership can work for the common good. If you require any additional information before the February 19 meeting, please let me know.

Sincerely,

Josh Posner
President, SBPF