



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Issuance From: Acton Conservation Commission
Issuing Authority

1. Site Location: Nashoba Brook Conservation Area

2. Reason for Emergency:
A Beaver Dam is blocking a gauging station

3. Applicant to perform work: USGS/Town of Acton, Natural Resources

4. Public agency to perform work or public agency ordering the work to be performed:
US Geological Survey

5. Date of Site Visit: _____ Start Date: _____ End Date*: _____

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
USGS, working with the Town of Acton, will ~~install "Beaver Deciver" culvert pipes in an existing beaver dam~~ ^{REMOVE DAM AND install} ~~beaver dam~~ on Nashoba Brook (see attached plan)

* May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

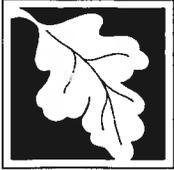
Terence Martland
Chairman (or designee)

James C. Colman

Paulley Bordini

2/3/2016
Date

A copy of this form must be provided to the appropriate DEP Regional Office.



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C. General Conditions

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 Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. 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 Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.

D. Special Conditions

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
10 Bearfoot Road
Northborough, MA 01532

February 3, 2016

DRAFT Plan for Nashoba Brook Beaver Dam Removal

Short-term plan

1. Permission

- a. Obtain written permission from the Acton Conservation Commission to trap beaver and remove a beaver dam on the Nashoba Brook Conservation property in the reach downstream of the USGS gaging station (01097300).
- b. Obtain a 10-day Emergency Beaver Permit from the Acton Board of Health.

2. Trapping

- a. Request permission to temporarily chain lock a canoe on the east side of the brook in the reach opposite the beaver house.
- b. Obtain permission from the Acton Conservation Commission to begin trapping of beaver during the period before the Acton BOH grants the emergency permit. This trapping would be done during the Massachusetts Open Trapping Season for Beaver (Nov. 1 - April 15, 2010). The trapping would involve use of live traps (box traps and Bailey Hancock traps). Trapping would be done using in the reach near the beaver house, near the beaver dam, and in the reach downstream of the dam. Once set, traps will be checked daily as per MDFW regulations. Trapping activities will be done as discretely as possible.
- c. Once the Emergency Beaver Permit from the Acton Board of Health is received additional beaver trapping will be done during the 10-day window of the permit by use of conibear traps. Once set, traps will be checked daily as per MDFW regulations. Trapping activities will be done as discretely as possible.

3. Dam removal

- a. Discuss conditions and obtain an Emergency Certification from the Acton Conservation Commission for removal of a beaver dam.
- b. Remove the beaver dam. This would most likely be done during the 2nd week of the 10-day permit.
- c. Obtain permission to cut up the 2 downed trees in the vicinity of the dam. Vegetable -based bar oil will be used in chain saws when working over water.

Long-term plan

1. Gage location

The USGS has not had many beaver-backwater issues with the Nashoba gage since moving the gage upstream to its current location in 1998. The previous location of the gage (about at the location of the current dam) had frequent issues from beaver dams in the large meadow downstream. The gage cannot be moved any further upstream because the channel splits near the millpond, just upstream of the current location.

2. Beaver deceiver

At the request of the Acton Conservation Commission, the USGS is willing to try installation of a beaver deceiver pipe at the location of the current dam in an effort to discourage future dams from being built at that location. A beaver deceiver cannot be installed in the standard way - through a beaver dam - because the presence of the dam would still cause backwater at the gage for moderate and high flows. The dam needs to be removed. However the USGS is willing to install a beaver deceiver pipe at the riffle that is the current location of the dam to try to discourage future beaver dams from being built. The installation work would need to be done during low flows in the summer. Installation of a beaver deceiver would require some assistance from the Conservation Commission for maintenance to prevent the beaver deceiver pipe from clogging.

3. Educational material.

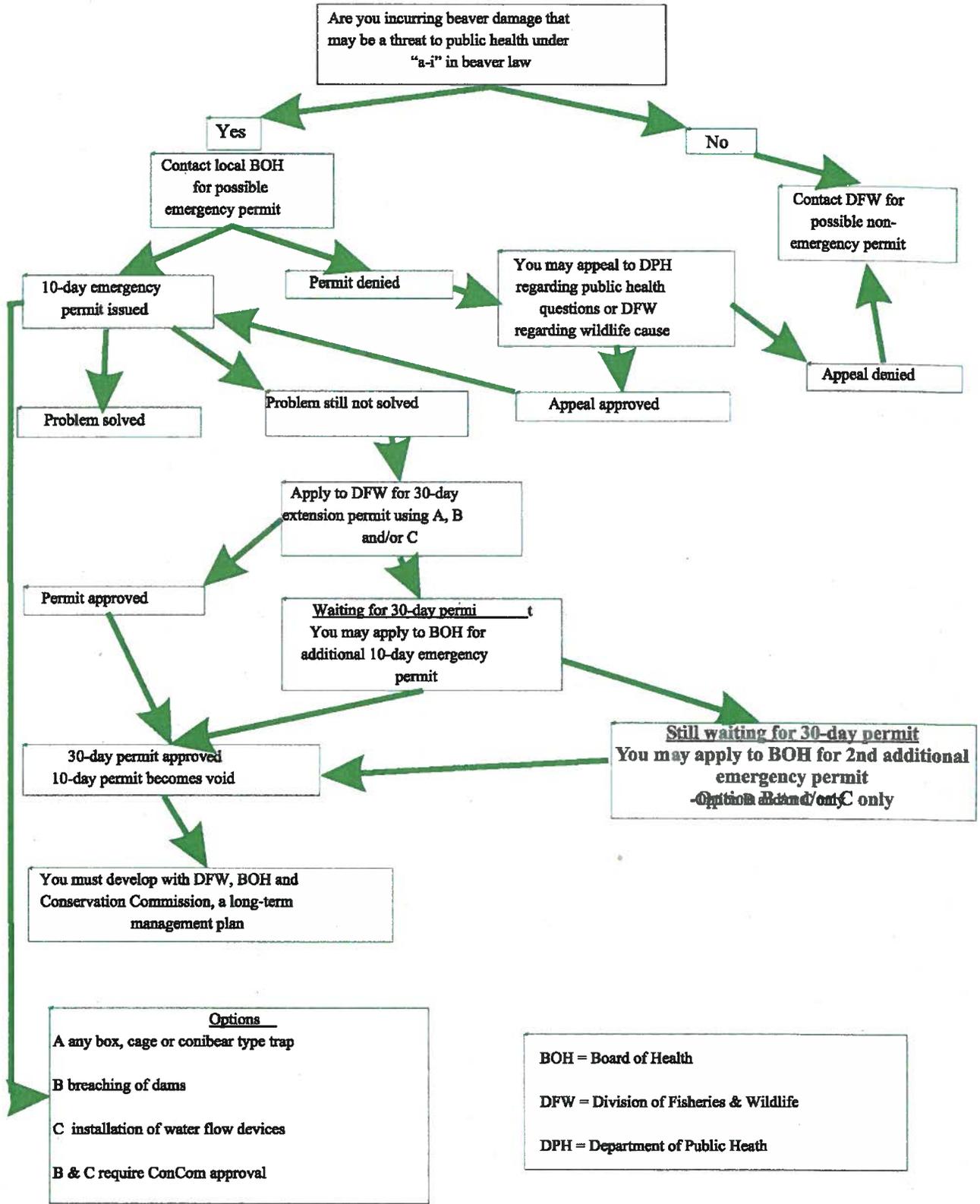
The USGS will install a display on the side of the Nashoba Brook gagehouse and post educational material discussing the importance of the USGS streamflow gaging network and explaining how the Nashoba Brook streamflow gage operates.

3A DOWNED trees to be removed as necessary to discourage future building of DAMS.

4. Future beaver-dam removals

- a. Hopefully the planned dam-removal and beaver trapping will minimize beaver dam-building in this area for the immediate future. If the dam is rebuilt in the next few weeks, there are established steps that USGS would follow for applying to the MDFW and BOH for additional permits. (See attached flow chart).
- b. Beaver are ubiquitous in Massachusetts, so there is always a possibility that these issues will recur. Hopefully we will have established good communications between USGS and Acton Town Boards as well as a precedent for dealing with these issues so that we can take care of them promptly in the future. Please contact the USGS if you notice building of beaver-dams in the area downstream of the Nashoba Brook gage.

Massachusetts Beaver Law Flow Chart



- Options**
- A any box, cage or conibear type trap
 - B breaching of dams
 - C installation of water flow devices
 - B & C require ConCom approval

BOH = Board of Health
 DFW = Division of Fisheries & Wildlife
 DPH = Department of Public Health