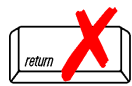




Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**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: Shutesbury Conservation Commission  
Issuing Authority

1. Site Location: Lake Wyola Dam/Locks Pond Road Culvert

2. Reason for Emergency:  
high water levels in lake

3. Applicant to perform work: Town of Shutesbury

4. Public agency to perform work or public agency ordering the work to be performed:  
Emergency conditions determined by Shutesbury Emergency Management Director

5. Date of Site Visit:                      Start Date:                      End Date\*:  
10/2/23                                      10/4/23                                      10/31/23

\* 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\*:  
Lowering of lake water levels from current high of +4" above normal pool to -2" below normal pool for stormwater management during in-water work for Locks Pond Culvert Replacement Project. Rate of drawdown is not to exceed 2" in a 24-hour period. Notification to Commission and public will be required.

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



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**B. Signatures**

**See attached Certificate of Vote. Issued by Commission Chair, 10/4/23.**

Certified to be an Emergency by this Issuing Authority.

Miriam DeFant, Chair, Shutesbury Conservation Commission

Signatures:

_____ Signature	Miriam DeFant Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name

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

**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.



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7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.
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**D. Special Conditions**

See attached Special Conditions.

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**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.

**CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G**

On May 14, 2020, the Shutesbury Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: Shutesbury Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:  
Commissioner Penny Jaques: aye  
Commissioner Russ Mizula: aye  
Commissioner Robin Harrington: aye  
Commissioner Liam Cregan: aye  
Vote was Unanimous

The above is a true and accurate account of the proceedings of the Conservation Commission.

Title/Signature: Alice P. Jaques Date: 20 May, 2020

Commonwealth of Massachusetts  
County of Franklin, ss.

On this 20 of May, 2020, before me, personally appeared Alice P. Jaques, Chair of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was Personally Known to me to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the Town of Shutesbury.

Susan Mosher  
Notary Public  
My Commission Expires: 4/1/2022



Certified by Town/City Clerk:  
Susan Mosher Date: May 20, 2020  
Susan Mosher



**SHUTESBURY CONSERVATION COMMISSION**

**SPECIAL CONDITIONS FOR EMERGENCY CERTIFICATION**

**LAKE WYOLA DAM/LOCKS POND ROAD CULVERT REPLACEMENT PROJECT**

**Landowner: Town of Shutesbury**

**Applicant: Town of Shutesbury**

**Date: October 4, 2023**

**Findings:**

F1. The Applicant proposes to lower the level of Lake Wyola a maximum total of six (6) inches to achieve a level of -2” below the normal pool. The purpose of the drawdown is to provide stormwater storage in the Lake in anticipation of precipitation in the coming days.

F2. On September 29, 2023, extreme precipitation led to the Locks Pond Culvert Replacement Project (DEP File Number 286-0279) work site becoming severely flooded, causing a work stoppage and significant release of sediments into the Sawmill River. High levels of recent precipitation have contributed to unusually high level of groundwater conditions that are affecting the construction schedule.

F3. The proposed drawdown is a requested change in procedures from the existing Order of Conditions for Order of Conditions, DEP File Number 286-0272, issued 10/18/2018, and the Amended Order of Conditions for #286-0279, issued 8/31/2023.

F4. The Shutesbury Emergency Management Director has determined the current state is an imminent threat to public health and safety due to the prolonged closing of a major road corridor needed for emergency responses.

F5. The proposed work shall occur on the Bank of Lake Wyola, in Land under a Waterway or Waterbody, Bordering Vegetated Wetlands, Riverfront Area, and in the 100-foot Adjacent Upgradient Resource Area (AURA) of said wetland Resource Areas.

F6. Bank, Land Under Waterway and Waterbody, Riverfront Area, and Bordering Vegetated Wetlands are protected under the Wetlands Protection Act.

F7. Lake Wyola, Land Under Waterway and Waterbody, Bordering Vegetated Wetlands, Sawmill River, and AURA are protected Resource Areas under the Shutesbury General Wetland Bylaw.

F8. Lake Wyola is listed as Priority Habitat by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). NHESP has conducted an expedited review. The Special Conditions listed below incorporate NHESP requirements.

F8. Lake Wyola is a designated Massachusetts Great Pond.

**Special Conditions**

1. The Town shall ensure that all personnel responsible for this work have a copy of these Special Conditions.

2. Lake water level lowering must be achieved by lowering the lake at a rate of no more **than two (2) inches in a 24-hour period** until the lake level has reached a maximum drawdown level of -2 inches below normal pool, as measured by the gauge at the Lake Wyola Dam.
3. No lake level lowering below -2 inches below normal pool shall be permitted under this Emergency Certification.
4. Active management of the sluice gate controls may maintain this drawdown minimum level of -2 inches below normal pool must also include a lowering rate of no more than two (2) inches in a 24-hour period for the duration of this Emergency Certification permit.
5. Following that expiration of this Emergency Certification, water level management shall be subject to the conditions of Order of Conditions for DEP File Number 286-0272.
6. The Town shall notify the Commission by email when the lowering commences and when it is completed, so that the Commission may verify site conditions.
7. Weekly Dam Keeper Reports shall be submitted to the Conservation Commission for the duration of this Emergency Certification, to be submitted no later than the end of business on Fridays.
8. Should any emergency conditions require additional actions by the Town with respect to manipulation of Lake Wyola water levels for the duration of this Emergency Certification, the Town shall notify the Commission Chair within twelve (12) hours and seek an additional Emergency Certification for such work.
9. Prior to the commencement of this drawdown, the Town shall issue a town wide email announcement and shall notify the Lake Wyola Association.
10. Should any modifications to these procedures be requested, the Town shall notify NHESP and obtain an expedited review before the Commission shall approve any requested changes.