

From: [Will Willauer](#)
To: stephen.mckenna@mass.gov
Subject: Public Comment — Nantucket and Madaket Harbors Action Plan
Date: Sunday, September 13, 2026 11:27:00 AM

Dear Mr. McKenna:

I missed the September 8 public hearing on Zoom, so I appreciate the opportunity to submit these comments in writing.

I am writing on behalf of Nantucket Tipping Point. We support approval of the Nantucket and Madaket Harbors Action Plan, but ask that approval be conditioned on addressing two important issues.

1. Bring the water-quality record up to date.

In Appendix B, Section B.2.1 includes a subsection titled “Water Quality Conditions 2010, 2012–2020,” and Figures 7 through 10 stop at 2020. The same appendix includes eelgrass information through 2022, and the Town has now published water-quality data through 2025. For a Plan intended to guide the next ten years, we believe the current nitrogen data should be included. The newer results show improvement in some areas, but they also show how little margin may remain at important monitoring stations:

- At Nantucket Harbor station NAN2A, mean summer total nitrogen was 0.377 mg/L in 2025, above the 0.350 mg/L restoration target. The 2023–2025 average was 0.349 mg/L, just below the target, and the Town’s report says the station “should be monitored carefully.”
- At Hither Creek station MH-1, mean summer total nitrogen was 0.590 mg/L in 2025. That was lower than the 2024 level of 0.617 mg/L, but still well above the 0.450 mg/L target. MH-1 has exceeded that target in every three-year grouping reported back to 2010.

There also appears to be an error in the text accompanying Figure 14a of the Town’s 2025 water-quality report. The text assigns a 2025 concentration of 0.651 mg/L to MH-1 and describes it as higher than 2024. As I read the tables, MH-1 was 0.590 mg/L, while 0.651 mg/L was the average for the two Long Pond stations.

We have tried to check these figures carefully. If CZM reads the records differently, we ask that it verify and reconcile them in its decision.

Appendix B also says experts believe other portions of Nantucket Harbor have reached or exceeded their nitrogen-loading thresholds. That is an important statement. The Plan should explain the remaining margin against the applicable restoration targets and what action will be taken when those targets are exceeded.

PFAS is also a real concern on Nantucket. The Town’s January 2026 study identifies contaminated groundwater, stormwater, landfill leachate, septic systems, and wastewater-treatment discharges as potential pathways by which PFAS can reach surface water. It found PFAS at 13 of 21 locations, including Madaket and Wauwinet Harbors.

The study offers some reassurance. None of the measured surface-water concentrations

exceeded the state's 20 ng/L bathing-beach screening level for any of the eight individual PFAS covered by that guidance. But the study addressed a relatively narrow question about recreational swimming. It did not fully assess groundwater movement, sediment, ecological effects, accumulation in fish and shellfish, or long-term exposure through several pathways. Foam collected at Madaket Harbor and Sesachacha Pond contained much higher concentrations, although the report notes limitations in foam sampling and analysis. The report also states that there is no health-based screening level for foam.

Many people here are also concerned about cancer. We understand that anecdotal concern is not proof of a cancer cluster, and we are not claiming that PFAS has caused cancers on Nantucket. At the same time, EPA recognizes that exposure to certain PFAS may increase the risk of some cancers. Given the documented presence of PFAS and its potential movement through groundwater into surface waters, we believe the responsible state agencies should examine the available health and exposure data. Residents deserve a careful review of what is known and what still needs to be studied.

We ask that approval be conditioned on a water-quality addendum that:

- Updates the nitrogen record through 2025 and resolves the MH-1/Long Pond discrepancy.
- States the current margin or deficit at each sentinel station relative to the applicable Massachusetts Estuaries Project and Total Maximum Daily Load restoration targets, including 0.350 mg/L at NAN2A and 0.450 mg/L at MH-1. The addendum should distinguish annual summer means from three-year averages.
- Establishes monitoring intervals and clear management responses when those targets are exceeded.
- Provides for continued PFAS monitoring of groundwater entering the harbor watersheds, harbor water, foam, sediment, and locally caught fish and shellfish, while identifying likely sources and responsible agencies.

We make this request under 301 CMR 23.04(4)(a), which authorizes the Secretary to qualify, limit, or otherwise condition approval on substantive and procedural matters in a manner that serves the regulation's purposes.

We also ask that the Secretary involve MassDEP and formally refer the public-health questions to MassDPH. MassDPH should review Massachusetts Cancer Registry data for Nantucket and determine whether further cancer-incidence research, exposure assessment, or pilot biomonitoring is warranted.

2. Leave no doubt that the existing licensing protections remain in effect.

The Secretary's December 21, 2009 Decision established three important protections that were later incorporated into 310 CMR 9.57(2)(j):

- No new or expanded nonwater-dependent use that would displace or significantly disrupt an existing water-dependent use, unreasonably disrupt such a use, unreasonably

diminish the capacity of the site to accommodate future water-dependent uses, or impede or infringe upon existing public access.

- No cruise-ship terminals or support services, personal-watercraft rental, or new facilities of private tenancy in the Harbor Overlay District.
- No new private docks or piers, except for specified public or commercial water-dependent dock and pier projects within the Harbor Overlay District.

Appendix A does not restate these protections in full. It discusses cruise ships and personal watercraft as likely navigation conflicts rather than restating the express licensing prohibitions. It does not mention “facilities of private tenancy,” and it does not fully restate the protections governing nonwater-dependent uses and private docks and piers.

The renewal regulation is important here. Under 301 CMR 23.04(4)(b), existing approved provisions submitted for renewal are to be renewed unless the Secretary determines that continuing them would significantly harm a protected water-related public interest and that the harm cannot reasonably be avoided solely through further conditions. Section 23.06(2)(c) also provides that the Secretary’s previous approval remains in full force until the final renewal decision takes effect.

The omission from Appendix A does not, by itself, repeal protections already contained in state regulations, but it creates unnecessary uncertainty. An ordinary reader should not have to guess whether they still apply. We ask the Secretary to confirm clearly in the written decision that all three protections remain in force for the full term of the new Plan.

For those of us who live here, these are not abstract concerns. The plan should set clear limits on nitrogen, wastewater, PFAS, boating, and development to protect the ecological health and capacity of Nantucket and Madaket Harbors.

Thank you for considering these comments.

Will Willauer

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Sources

- [Nantucket and Madaket Harbors Action Plan, Appendices A and B](#)
- [301 CMR 23.00, Review and Approval of Municipal Harbor Plans](#)
- [Town of Nantucket, Island-Wide Water Quality Report for 2025](#)
- [MassDEP, Nantucket Harbor Nitrogen TMDL, #97-TMDL-2](#)
- [MassDEP, Madaket Harbor/Long Pond Nitrogen TMDL, CN 283.0](#)
- [Town of Nantucket, PFAS in Surface Water and Foam, January 2026](#)
- [EPA, Current Understanding of PFAS Health and Environmental Risks](#)
- [Secretary’s 2009 Nantucket and Madaket Municipal Harbor Plan Decision](#)

310 CMR 9.57, Approved Municipal Harbor Plans