



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

November 27, 2019

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In the Matter of  
Hither Creek Boatyard d/b/a  
Madaket Marine

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Docket Nos. 2019-032 & 2019-034  
File No. JD19-5562  
Jurisdictional Determination  
Nantucket

### **FINAL DECISION**

Martin Suuberg, the Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”), has designated me as the Final Decision Maker in this appeal.

These are waterways appeals, filed on August 16, 2019. The appeals challenged the Department’s Jurisdictional Determination for a project proposed by Hither Creek Boatyard d/b/a Madaket Marine (“the Owner”). The Department found that the project was subject to c. 91 jurisdiction but did not require a c. 91 license. Instead, the Department determined that the Owner’s project could be authorized through a permit issued by the Nantucket Harbormaster pursuant to §10A of c.91. In a Status report filed on October 4, 2019, the Owner stated that she had decided to terminate the permitting and appeals of her project. On October 7, 2019, the Petitioners filed Withdrawals of their Notices of Claim, with prejudice.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

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The Petitioners' voluntary withdrawal of their appeals constitutes a waiver by the Petitioners to any further administrative review before the Department as well as appeal to court of the Jurisdictional Determination that was at issue in this appeal. Accordingly, the Department issues this Final Decision incorporating the Petitioners' voluntary withdrawal and dismisses these appeals.

A handwritten signature in black ink, reading "Salvatore M. Giorlandino". The signature is written in a cursive style with a horizontal line underneath it.

Salvatore M. Giorlandino  
Chief Presiding Officer

## SERVICE LIST

In The Matter Of:

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Docket Nos. 2019-032,  
2019-034

File No. JD19-5562  
Nantucket

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DEPARTMENT

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DEPARTMENT

Date: November 27, 2019