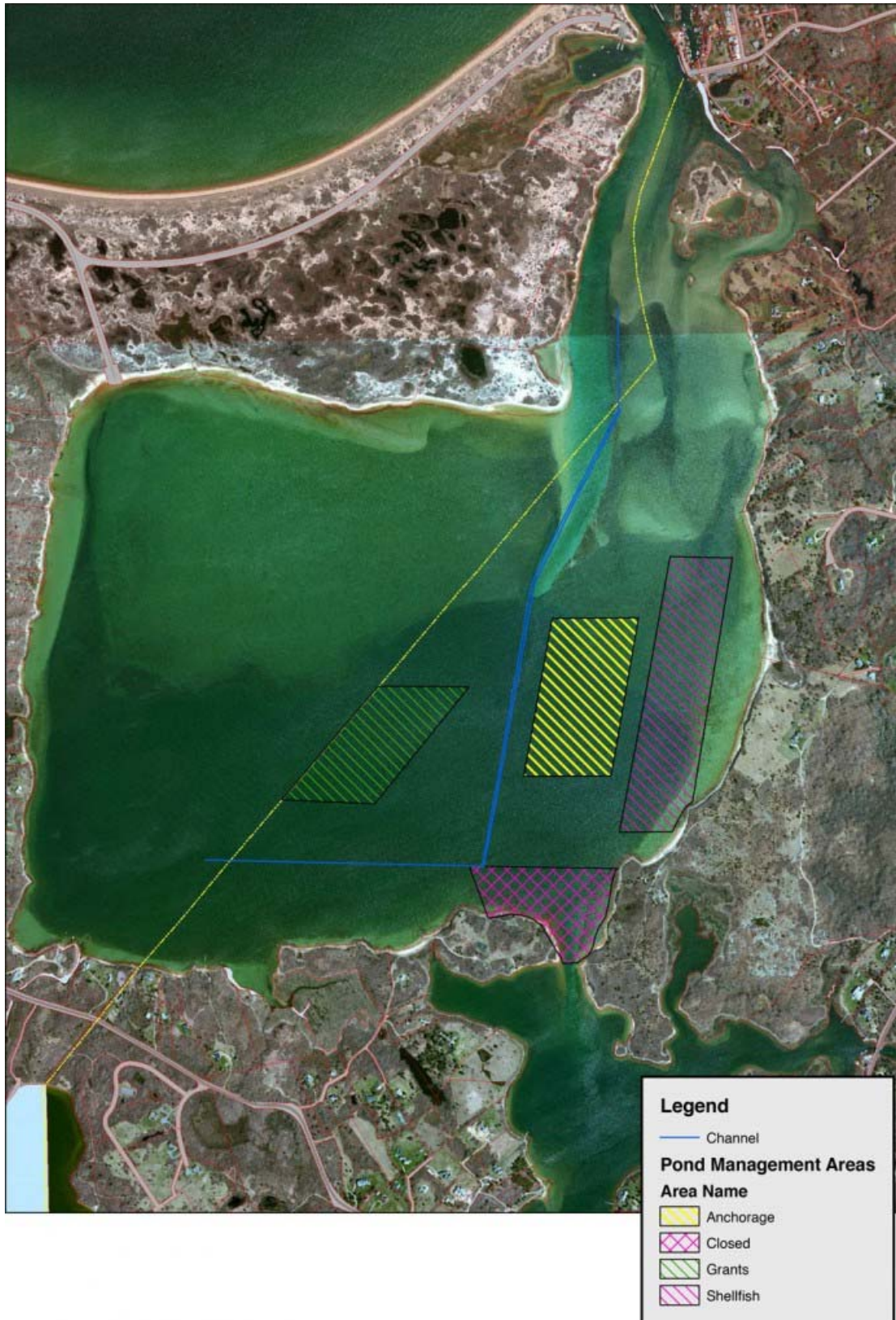


Chilmark, Aquinnah, tribe unite to protect Menemsha Pond

Anticipating a surge in boat traffic after Menemsha channel is dredged, officials met Tuesday to discuss collaboration.

By **Barry Stringfellow** - Dec 9, 2015



The yellow area denotes where boats will be permitted to anchor in Menemsha Pond in 2016. — courtesy of the town of Chilmark

With the long-awaited dredging of Menemsha channel by the U.S. Army Corps of Engineers about to begin, selectmen from Aquinnah and Chilmark, town shellfish constables, and representatives from the Wampanoag Tribe of Gay Head (Aquinnah) met Tuesday night to discuss how they could work in concert to regulate an anticipated rise in boat traffic this summer, in particular larger boats they expect will now be able to sail into Menemsha Pond.

It was the first time officials from the two towns and the tribe have met to discuss the overall management of Menemsha Pond once the dredging of the channel that leads from Vineyard Sound through the jetties at the entrance to Menemsha Harbor and on into Menemsha Pond is complete.

“The word is out there that Menemsha Pond is going to be open, and people are going to come,” Chilmark harbormaster Dennis Jason said. “I’ve already got a call from a yacht club in Rhode Island asking about it. We’ve got to be ready. It’s a shallow pond; people are going to be going aground.”

Although the stated intention of the meeting was to bring uniformity to pond regulations, the meeting was also a rapprochement of sorts — Chilmark and Aquinnah officials were once sharply divided about the necessity and wisdom of dredging the channel. Aquinnah and the tribe were in favor, Chilmark was opposed.

Local opposition was moot, however, because in 1945 the federal government designated Menemsha Pond a “harbor of refuge” where boats may seek shelter in the event of a storm, and Congress authorized periodic maintenance dredging and repairs to the jetty to insure safe passage of vessels seeking refuge from storms.

The Army Corps of Engineers recently reported that parts of that channel have shoaled to depths of less than three feet, creating hazardous conditions for commercial and sport fishermen as well as recreational boaters. The Army Corps is authorized to dredge the channel to a depth of eight feet at low mean tide and a width of 80 feet from between the jetties that protect the Menemsha Harbor entrance, past West Basin and the red nun, and past Long Point, known locally as Picnic Point, into Menemsha Pond.

Approximately 60,000 cubic yards of sandy sediment will be dredged from the 10-foot entrance channel, eight-foot navigation channel, and six-foot anchorage by hydraulic cutterhead dredge. The plan does not include dredging the 10-foot anchorage, because there is extensive aquatic vegetation which cannot be disturbed per Massachusetts state law. The dredge material will be pumped via pipeline to Lobsterville Beach in Aquinnah.



Looking southwest, the Menemsha channel is visible in the background, and will be dredged to the entrance of the pond. — Photo by J.B. Riggs Parker

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The 80-minute meeting bore no hint of past disagreements. Attendees were given a handout from Brett Stearns, director of the Wampanoag Tribe of Gay Head (Aquinnah) natural resources department, that juxtaposed Chilmark and Aquinnah waterways rules side by side. While Chilmark had considerably more rules than Aquinnah, when both have rules governing the same issue, the wording is almost always identical.

Jonathan Mayhew, chairman of the Chilmark selectmen, ran the meeting.

Once a long discussion concluded that Menemsha Pond is indeed a “harbor of refuge,” as designated by the federal government 70 years ago, the group quickly agreed that overnight anchorage would remain prohibited, that an anchorage area should be clearly marked, and that boats should be out of the pond by 7 pm.

Enforcement of the closing hours and other pond rules was a more involved discussion, ending with agreement that the towns would provide mutual aid, in effect putting the entire pond under jurisdiction of local law enforcement entities. The group decided that the fine for missing the 7 pm departure time should be determined at a later date, and that the amount should be substantial enough to incentivize a yacht owner to not be late. “If the fine is less than dockage fee, they’ll just pay the fine,” Chilmark selectman Warren Doty said.

Environmental concerns were also discussed, and it was agreed that oyster grants, eelgrass beds, and all environmentally sensitive areas, as well as underwater hazards, be demarcated with buoys using a singular color-code system that conforms with federal regulations. Mr. Stearns said he would create a uniform map that both towns and the tribe could work from.

The use of dye markers was suggested to check if heads in boats anchored in the pond are properly sealed, so that no raw sewage is seeping into the pond.

Mr. Doty, noting the success of oyster farming in Edgartown, said it was imperative to protect Menemsha Pond so the nascent aquaculture business in Chilmark would also provide locals with careers in the industry. “It really is an opportunity for a working person to make a decent living working on the water,” he said.

Mr. Mayhew said that the New Harbor in Block Island is an example of what lack of regulation and enforcement can do to the shellfish population. “It’s mayhem there,” he said. “And there’s no shellfish in that harbor, and that’s what we’re trying to stop.”

Mr. Stearns said he would work on a pamphlet for visitors that will cover pond rules and regulations, including an explanation of the color-coded buoy system, information about nontoxic cleaners, and fueling station hours. “If we improve our visitor management, we’ll also improve our environment management,” he said.

Chilmark executive secretary Tim Carroll will draft a Memo of Understanding (MOU) that will summarize the decisions made at the meeting, and also include decisions to be determined, such as updated fine amounts. The MOU will be circulated to town and tribe officials for comment, and then signed.

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