

## **Orleans Shellfish & Waterways Improvement Advisory Committee**

Minutes of the Meeting of Tuesday Nov. 8, 2011

In Attendance: Rich Tyldesley (Chair), Mark Mathison (Vice-chair), Jack Moran, Howard Steilen, Don Bakker, David Slack, Dave Dunford (Selectmen Liaison), Dawson Farber (Harbormaster & Shellfish Constable), Judith Bruce (Vice Chair, Steering Committee, Pleasant Bay Alliance), Carole Ridley (Ridley & Associates, Inc., Coordinator, Pleasant Bay Alliance)

The meeting commenced at 7:00 PM.

October 2011 minutes were accepted as written.

May minutes (not previously accepted) were accepted as written.

Rich was formally voted in as Chair.

Carole reviewed the Alliance's work on creating an option to use Improvement Dredging to maintain safe navigation depths through a portion of the marked channel in Pleasant Bay, the rough locus being the channel from Minister's Pt. to Dog Fish Bar and including a portion of the approach to Crow's Pd. and Ryder's Cove. In 2007 a scheduled 5 year review of bay conditions was executed. Graham Giese was consulted about sand movement and Coastal Engineering did a hydrographic survey of navigable channels. Tide gauge data from stations at Meetinghouse Pd. and the Fish Pier in Chatham were also used. In investigating how navigable channels are being affected, an oval area (as roughly described above) was identified as being particularly subject to much dynamism. This portion of the channel is used by Chatham's commercial fleet at Aunt Lydia's Cove to reach refuge in the pond & cove as well as other commercial and pleasure craft to reach same and upper portions of the bay. Carole used props showing the area and the boundaries of the A.C.E.C. (Area of Critical Environmental Concern) and described some of the sand movement and other hydrographic changes which may occur in future.

Because improvement dredging (dredging in areas not previously dredged) is not allowed in an A.C.E.C., regulations would need revision. Mass D.E.P. agreed there were unique circumstances, agreed the channel was an important passageway, and would help work around the prohibition of improvement dredging.

Carole said two avenues were most plausible possibilities: 1. Variance, 2. Changes to A.C.E.C. regulations. In as much as the Ocean Management Act was already requiring revision of A.C.E.C. regulations, it was thought these could be supplemented with a line allowing improvement dredging in cases where it was specifically provided for in a town's Resource Management Plan. Specifically, the Resource Management Plan would be amended to allow a town to seek a permit to dredge only in the cross-hatched area shown on the map and only to a depth necessary to support traditional navigation. The permitting process would still require review and approval by all the relevant agencies and regulatory bodies.

Now that DEP has reviewed the proposal, Carole said the next step is to approach each of the towns. Because the change would have to be approved through the warrant process at Town

Meeting in each town, she thought it logical to begin at the Advisory Committee level to solicit comments on the proposal.

Howard asked what might be the arguments against the proposed dredging. Judith said dredging might encourage larger boats to use the channel though limiting the depth to historical numbers should prevent that situation. Another, Judith said, is the argument that nature should be allowed to take its course. Then there is the issue of spoils disposition. The Alliance wishes it to stay in the system. It could be used, for instance, to nourish Big Bay along Rte. 28. In any event, a full review would be required for approval. Dave Dunford asked who would ultimately make the decision of spoils disposition. What if Chatham wished to nourish an out of system beach? Carole said full review including that by DEP would be necessary and reiterated the Alliance's opinion that the spoils remain in the system. As concerns eel grass, Carole said dredging would be limited to traditional channels and sanded in areas would have smothered the eel grass or, remediation would be required.

Don asked if Chatham could dredge what it wished and disregard the channel Northwest of Strong Island. Dawson said there were lots of craft on Chatham in Big Bay and chances of that were nil.

Jack made a motion "proposing that the Committee accept in principle the recommendations contained in the Draft Resource Management Plan Amendment for improvement dredging in the specified areas in Pleasant Bay". After further discussion initiated by Dave Dunford about costs associated with attaining water quality goals and preservation of eel grass, the motion carried unanimously.

Dawson gave his report:

1. River Rd. ramp renovation scheduled to commence next week with completion scheduled for the 2<sup>nd</sup> week of January. In the meantime boaters might consider using Chatham ramps. Final completion including repaving and replanting is planned for early April.
2. Replacement docks for the outer portion of Rock Harbor will arrive in the next couple of weeks. Twenty-two docks are slated for replacement.
3. Scallops: there are no active harvesters in either the Nauset or Pleasant Bay estuaries.

Next, Rich moved the discussion to attracting fishermen to the possibility of serving on the Committee. Dawson assisted the Committee by sending letters to Orleans commercial fishermen encouraging them to join. As the letters were mailed the Friday previous to this meeting it's too soon for responses however Rich asked members to peruse the list for possible recruits.

Rich then moved to changes to the Committee charter. It was decided to strike the language pertaining to crop insurance since it was pointed out that agencies and associations at the state and federal level make that information available to interested grant holders. The herring run program needs to be added. The language is being addressed by Judy so that will need to be addressed at the next meeting.

Dawson thought the wording concerning the qualifications of prospective members needed clarification, specifically categories a and b which refer to commercial fishermen and aquaculturists. Language to be refined next meeting.

Don said he viewed the problem as one of getting four commercial fishermen of any species on the Committee.

Jack asked if the Committee should continue to exist. Dave Dunford said that events requiring an advisory group's attention in past were no longer with us.

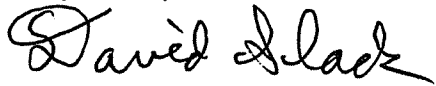
Mark said even if there were not shellfishery decisions to be deliberated, there are and will continue to be plenty of waterway issues to contend with.

Judith brought up destruction of eel grass by moorings and explained screw anchors as an alternative. Dawson expanded further on screw anchors and associated costs. He doesn't foresee transitioning overnight but does believe the Town should encourage trials of 'greener' mooring systems. He said the Harbormasters' Association is also studying the issue.

River Road congestion was discussed again. Permitting was talked about and Dawson explained the Chatham 'web-based' system. This issue is seen as one where the Group's input might be helpful in future.

Rich adjourned the meeting at 8:40 PM.

Respectfully Submitted,

A handwritten signature in black ink that reads "David Slack". The signature is written in a cursive, flowing style.

David Slack