



Memorandum

To: Board of Selectmen
Fr: Carole Ridley, Coordinator
Date: January 18, 2013
Re: Proposed Town Meeting Warrant

The Pleasant Bay Alliance is respectfully requesting that an amendment to the Pleasant Bay Resource Management Plan (2008 Update) be placed on the warrant for the 2012 Annual Town Meeting. A proposed article was submitted on Friday January 13th.

The purpose of the amendment is intended to make it possible for the Town of Chatham to seek state and local permits for improvement dredging within the Pleasant Bay Area of Critical Environmental Concern (ACEC) under the following conditions:

- proposed improvement dredging is sponsored by a municipality;
- proposed improvement dredging is within the zone specified by the article;
- proposed dredging is intended to maintain or restore navigation access which has been impeded by natural sediment movement; and
- the extent of proposed dredging is the minimum needed to maintain historic access.

Background

Under state law, improvement dredging (dredging that has never been permitted) is prohibited in Areas of Critical Environmental Concern (ACEC) such as Pleasant Bay. Maintenance dredging (dredging that has previously been permitted) such as for Round Cove is allowed.

The 2008 Pleasant Bay Resource Management Plan charged the Alliance with conducting a “study of the potential need for, impacts from, and feasibility of improvement dredging in areas where shoaling is limiting access in areas that traditionally have served as important public navigable waterways.” The proposed amendment is the result of more than two years of study of these issues. The results of the study are found in the enclosed report entitled *Assessment of Need, Impacts and Regulatory Feasibility Associated with Limited Improvement Dredging in the ACEC* (attached). The assessment focuses on the vicinity of the 2007 inlet, where dynamic shoaling could potentially impede traditional navigation in the future. Because no part of that area has previously been permitted for dredging, future dredging would be considered improvement dredging and therefore would be prohibited under state law within the ACEC.

The Alliance has held several discussions with state officials to discuss the potential future need for dredging in this area and to explore regulatory solutions to the ACEC prohibition on improvement dredging. The input of state officials from those meetings is included in the assessment document.

The proposed amendment is not a recommendation or proposal for dredging, but an acknowledgement that under dynamic conditions, the Town of Chatham may need to dredge some portion of the designated area in the future in order to maintain traditional access. Such a proposal would still undergo extensive local, state and even county permitting reviews. The proposed amendment removes a hurdle that allows the Town to seek permits for improvement dredging if needed within the designated portion of the ACEC, pending all customary environmental reviews associated with the permitting process.

Please let me know if you require any further information regarding this request.

Article # - Pleasant Bay Resource Management Plan Amendment

To see if the Town will vote to amend the 2008 Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998 and updated in 2003, by inserting after section 8.6.3 a new section, 8.6.4, the text of which is as printed below while the full section, with referenced tables and figures, as well as a report providing detailed background to this recommendation is on file with the Town Clerk.

(Board of Selectmen)

8.6.4 Limited Improvement Dredging to Maintain or Restore Historical Navigable Access

Under the following conditions *within the area identified in Figure 4 as the Zone of Potential Future Dredging* in the Pleasant Bay ACEC, the resource management plan indicates that a municipality may seek local, regional and state authorization to undertake improvement dredging:

1. The proposed dredging is intended to maintain or restore historical navigable access for the public and is of the minimum scale necessary to maintain that access. Historical navigable access refers to the location of navigation channels and water depth at mean low water necessary to accommodate vessel drafts characteristic of the majority of vessels traditionally moored in Pleasant Bay and its subembayments. For contextual reference, historical channel depths are provided in Table 1, and the sizes of moored vessel are provided in Table 2. Figures A, B and C show channel width at a depth of four feet or greater.
2. Shoaling and changes in tidal regime have altered traditional channels such that historical navigable access between Pleasant Bay and Chatham Harbor, between either water body and the Atlantic Ocean, or through the entrance to Bassing Harbor, is severely impeded. Severely impeded access would, for example, preclude access by the commercial fleet for safe haven of vessels, or preclude safe and reasonable access by recreational boaters.
3. Through the permitting process, the municipality has undertaken an evaluation of alternatives to improvement dredging which demonstrates that the proposed improvement dredging is the preferred feasible alternative to restore historical navigable access with regard to avoiding and minimizing impacts to natural resources.
4. A feasible plan is proposed to place the dredged material within the Pleasant Bay system in a manner that is beneficial to resources protected under local and state wetlands protection regulations.
5. Through the permitting process the municipality has undertaken an evaluation of resource impacts resulting from proposed improvement dredging and placement of dredged material, and is able to demonstrate avoidance and

minimization of resource impacts and adequate mitigation for any unavoidable impacts. Resource impacts of concern include those affecting shellfish populations and habitat, finfish populations and habitat and other resources and values protected under state and local wetlands protection regulations.

The proposed project would be subject to all applicable local, regional and state regulations. During regulatory proceedings the Alliance would provide public comments based an assessment of information and materials provided with regard to items 1 through 5 above and to further describe the proposed improvement dredging project.

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