

**Pleasant Bay Resource Management Plan, April, 1998
Final Revisions to Plan**

The following final revisions to recommendations found in the Pleasant Bay Resource Management Plan, April, 1998, were voted by the Steering Committee and submitted to the Boards of Selectmen of the Towns of Orleans, Chatham, Harwich, and Brewster on October 8, 1998:

Revision #1

Recommendation 9.6.2 as found on pages 89 and 90 of the plan dated April, 1998, is superseded by the following revised version:

9.6.2 Ensure Consistency of Local and State Wetlands Reviews with the Pleasant Bay Resource Management Plan

Summary: Many future decisions by local and state wetland administrators could have significant impacts on the Bay's wetland resources. Recommendations in this plan, including 9.6.1 above, identify aspects of existing wetland regulations and review procedures that should be reviewed and, where necessary, strengthened or clarified. The plan also recommends a cooperative process through which local Conservation Commissions can work together to ensure that the goals and objectives of the plan are clearly reflected in local wetland regulations and bylaws. This deliberative process will take time. In the interim, a system of support and communication is needed to assist local and state wetland administrators in determining whether an application is consistent with the provisions of the resource management plan.

The following actions are recommended:

- The Alliance would review applications for projects or actions that could result in impacts on the resources addressed in the plan. Based on its review, the Alliance would offer comments to the local Conservation Commission or state wetland administrator regarding the application's consistency with the plan. Any such comment would be advisory to the Conservation Commission in making its determination, and would be provided within the customary time frame for the applicable review process. The Alliance would focus its review on the following types of projects:

Within the ACEC boundary:
piers, docks and related structures,
marsh walkways,
erosion control projects,
aquaculture,
dredging, and
any project within a wetland resource area.

Within the watershed of the Bay:
cranberry bogs, or large scale commercial agriculture, and
Developments of Regional Impact.

- The Alliance would provide Conservation Commissions with regular updates on the status of the plan, related studies, or other information considered helpful or pertinent to the protection of wetland resources in the Pleasant Bay study area.
- The Alliance would work with Conservation Commissions on the technical issues and minimum standards outlined in 9.6.1 above, and any other issues suggested by the Commissions. In addition, the Alliance would convene or otherwise make available to Conservation Commissions technical assistance resources such as topical seminars, participation at Commission meetings, testimony, written communications, or other assistance that may be requested by the Conservation Commissions.

Implementation: The Alliance would request that local Conservation Commissions identify a liaison to the Alliance to facilitate communications and monitor the need for technical support. The Alliance would work with the individual Conservation Commissions to develop a procedure for the Alliance's review of and comment on the types of applications listed above.

Funding: Funding for communication and support activities is incorporated in the FY1999 administrative budget for the Pleasant Bay Resource Management Alliance.

Time Frame: To be effective upon adoption of the plan by the towns and the state.

Background on Revision #1: Recommendation 9.6.2 as found in the plan dated April, 1998, recommended that local conservation commissions require applicants requesting regulatory decisions concerning wetland resources within the ACEC boundary submit a copy of the application and all requisite plans and submission materials to the Pleasant Bay Management Alliance simultaneous with submission to the conservation commission. The Pleasant Bay Management Alliance would then provide advisory comments to conservation commissions regarding the consistency of an application with the current provisions of the resource management plan.

Discussion on Revision #1: During the Town Meeting process concerns were expressed by Conservation Commission members and citizens regarding the potential additional administrative burden associated with the review procedures outlined in recommendation 9.6.2.

The intent of recommendation 9.6.2 as found in the plan dated April, 1998 was to ensure that Conservation Commissions had sufficient supportive information and analysis for rendering decisions on projects that could result in significant impacts on resources addressed in the plan.

The Steering Committee requested that a member of each of the four towns' Conservation Commission participate in a working group to assess the wording of 9.6.2 and determine whether a revision to the wording was warranted. The work group included representatives from the Orleans, Chatham, and Harwich Commissions, as well as the Chairman of the Technical Advisory Committee and the plan coordinator. The work group concluded that, as worded in the April, 1998 plan, the recommendation could have resulted in added administrative burdens on the Commissions as well as on applicants, and should be re-worded to better reflect the intent of the plan. A revision of recommendation 9.6.2 was developed based on the comments of the work group, and was sent to the three Conservation Commissions for review. The Orleans, Chatham, and Harwich Conservation Commissions endorsed the revised wording for recommendation 9.6.2.

Revision #2A.

Paragraph B. found in the executive summary on pages 7 and 8 of the Pleasant Bay Resource Management Plan, April, 1998, is deleted from the plan.

Revision #2B.

The map entitled "Pleasant Bay Resource Management Project Area of Proposed ACEC Boundary Extension", found immediately preceding page 23 of the Pleasant Bay Resource Management Plan, April, 1998, is deleted from the plan.

Revision #2C.

Section 1.4.2 as found in the plan dated April, 1998, is superseded by the following revised version:

The guidelines promulgated by EOEA for the development of resource management plans for ACECs stipulate that communities evaluate the adequacy of the existing ACEC boundary to determine whether it should be modified to protect sensitive resources within the ACEC.¹ Accordingly, the adequacy of the Pleasant Bay ACEC boundary was evaluated as part of the process of developing the resource management plan. Through this process it became apparent that the sustainability of resources within the ACEC is influenced by factors outside the existing boundary. Notably, the present boundary excludes the Chatham inlet,

¹ *Final Guidance Document, The Development of Resource Management Plans for Coastal Areas of Environmental Concern*, Commonwealth of Massachusetts Executive Office of Environmental Affairs, January, 1992, page 5.

Chatham Harbor, and the channel leading from Chatham Harbor into the Bay. As discussed throughout the resource management plan, these areas have a profound influence on currents, tides, and water quality in the Bay. These conditions, in turn, affect near shore wetland resources, aquatic vegetation, marine invertebrates, shellfish, finfish, and avian and terrestrial habitats.

As noted in 1.4.1 above, the ACEC designation is directed to the actions of state environmental agencies and, in and of itself, does not provide adequate resource protection. Enhanced state environmental reviews must be augmented by local management strategies that are coordinated and focused with respect to resource protection. In that regard, the resource management plan provides specific guidance for greater local and regional coordination and planning to preserve the resources of Pleasant Bay, including the area of the Bay south of Minister's Point. It is reasonable to rely on the information, analysis and recommendations found in the plan to guide the local management of resources within the entire Bay, without extending the ACEC boundary. The adequacy of the ACEC boundary should be re-evaluated in five years as part of the plan revision process.

Revision#2D.

Elsewhere in the plan where reference to the ACEC boundary is made, the existing boundary shall apply.

Background on Revisions #2A, 2B, 2C, and 2D: The State guidelines for ACEC resource management plans specify that such plans “provide an evaluation of the adequacy of the existing ACEC boundary to determine whether it should be modified to protect the most sensitive resources within the ACEC,”. The plan dated April, 1998 included a recommendation to extend the ACEC boundary southerly from Minister's Point to the Chatham Light, and from there easterly to the eastern boundary of the Cape Cod National Seashore. In addition, the recommended amendment specified that improvement dredging, and the disposal of spoils from improvement dredging projects, would be allowed in the area south of Minister's Point provided such projects were consistent with the resource management plan and met all local, state, and federal environmental permitting requirements.

Discussion on Revisions #2A, 2B, 2C, and 2D: During the May, 1998 Town Meeting process, concerns were raised, principally by citizens of Chatham, that the extension of the ACEC boundary would increase state oversight of the proposed area of expansion while not providing a commensurate benefit in preserving resources in that area, or elsewhere in the Pleasant Bay study area. In recognition of these concerns, the need to extend the ACEC boundary as a means of preserving and enhancing resources in the Bay was re-evaluated by the Steering Committee.