

**Follow-up Questions for Town of Chatham
Monomoy CCP/EIS**

TOWN OF CHATHAM RESPONSES

(USFWS questions are bulleted in bold)

Mussels

- **Can the town provide more information about the mussel fishery?**

The mussel fishery in Chatham is dependent on the extent and survival of a natural mussel set. Before mussels reach legal size, they are exposed to shifting sands, storms and predators, primarily Eider Ducks. In recent years, the predation on seed mussels by Eider Ducks has greatly limited the size of a commercial mussel harvest.

The Town regulates the mussel fishery as follows:

SECTION 305. QUANTITY, SEASON AND SIZE

(E)Mussels must be two (2) inches or longer. A two-inch gauge or ring for measuring must be used by the permit holder.

SECTION 405. MUSSEL REGULATIONS

(A) Equipment variations and size as follows:

1. No larger than 36" in width, traditional scallop dredge (no hydraulics).
2. No larger than a 36" tooth mussel dredge (no hydraulics).
3. No larger than a 24" cutting bar sea clam dredge (no hydraulics).
4. Regular pitchfork (mussels only).

(B) Limits - The commercial limit will be 50 bushels of mussels per man, per day, but in no case, more than 100 bushels per day, per boat.

(C) Containers for mussels must be regular see-through onion skin bags and/or Town of Chatham totes as defined in Section 104. B. 40.

- **How many people harvest mussels?**

The harvesting effort is determined by the extent of the mussel bed and typically ranges from one to ten vessels involved in the fishery. Vessels targeting mussels usually employ at least two permit holders, though if three or more work on a vessel, only two individual limits can be filled per vessel per day. Therefore, a good mussel set could employ upwards of 20 plus individual permit holders. The last successful mussel set was in 2008 in Pleasant Bay. Most commercial shellfish permit holders do not participate in this fishery as there is an initial investment in gear, though the fishery has been lucrative for those who have made the investment.

- **Where are mussels most likely to be harvested?**

Mussels are harvested commercially in sub-tidal areas with the location in any given year highly dependent on the natural set. Historically, at various times areas have included: Chatham Harbor, Pleasant Bay, the cut-through between Morris Island and North Monomoy, areas between Monomoy and South Beach and west of Monomoy Island. Mussels can also be found within the intertidal zone but are not economically viable to harvest commercially.

- **Can mussels be harvested by hand?**

Yes, though only one commercial harvester has utilized the hand-harvesting method. He created a very limited niche market for small batches of mussels. The mussel market is normally one of quantity due to a low wholesale price.

- **How important is the refuge as a harvest location?**

As indicated above the location of commercially viable natural sets varies from year to year and is impossible to predict for future years. The last economically viable set of mussels occurred outside the Declaration of Taking in 1999 on the traditional mussel beds between South Beach and North Monomoy Island (locally referred to as “Big and Little Mussels Flat”). Combined with a set off the Cow Yard 33,000 bushels of mussels were landed in 1999.

- **Is there value in having a sanctuary area to increase mussel populations elsewhere? Why or why not?**

No. Mussels sets are highly unpredictable as mussel larvae are carried passively in ocean currents (Newell and Moran; 1989). From one year to another, mussel seed sets fluctuate from no visible signs to extensive sets through all waterways. Despite a massive set of seed observed 2013-14 in Pleasant Bay, Chatham Harbor and Stage Harbor, very few survived to harvest size due to heavy predation (observed) by over-wintering Eider Ducks.

According to the Blue Mussel Species Profile

“This primary settlement and growth period of the plantigrades, followed by their secondary recruitment into the adult populations makes it difficult to predict exactly when recruitment to any given mussel population will occur. When this uncertainty is coupled with the wide variation in the time of spawning in different blue mussel populations in the North and Mid-Atlantic Regions, it becomes apparent that recruitment can occur at almost any time of the year.” Newell, R.I.E., and Moran, D. 1989.

Life Histories and Environmental Requirements of Coastal Fishes and Invertebrates (North and Mid-Atlantic: Blue Mussel. Biological Report 82(11.102) Fish and Wildlife Service, Department of the Interior and Coastal Ecology Group, Waterways Experiment Station, U. S. Army Corps of Engineers.

- **Town regulations say you do not allow hydraulic equipment to harvest mussels. We met with the Division of Marine Fisheries and thought we heard them say that hydraulic equipment is used for mussel harvesting. Can you please describe the mechanical equipment used to harvest mussels?**

Chatham **prohibits** hydraulic dredging for mussels in waters under town jurisdiction. Mussel dredges are similar to bay scallop dredges and are towed behind a vessel. Many boats are equipped with mussel tumblers that clean and separate the catch on board. All undersized mussels are returned in-situ.

Razor Clams

- **Can the Town provide more information about the razor clam fishery?**

The razor clam fishery may be the least predictable of all the shellfisheries. The commercial success of this fishery is the quick adaptation and response of harvesters. Razor clams are very particular to their surrounding environment and will “move” when conditions become unfavorable. Though razor clams can be found in most all marine environments throughout Chatham, economically viable razor clam sets occur predominately in “new” sand, such is what occurred in Pleasant Bay in 2012-13.

The Town regulates the razor clam fishery as follows:

SECTION 305. QUANTITY, SEASON AND SIZE

(G) Razor clams must be four and one-half (4 ½) inches long or longer when taken. A four and one-half inch measuring gauge must be used by the permit holder.

SECTION 402. RAZOR CLAM REGULATIONS

(A) The harvesting of razor clams and sea clams by salting (see 104. B. 27) is allowable provided there are no other species (such as soft-shelled clams or quahogs) within the inter-tidal zone of a given area. Areas of mixed species will be assessed and determined in the sole and unfettered discretion of the Shellfish Constable.

(B) The taking of any other shellfish by this method is prohibited.

(C) Dry salting (salt not in a water solution) or broadcast salting (spreading dry salt over a tidal flat) is prohibited.

- **Where does it occur, how often, and how much is harvested?**

Though all wild species of shellfish fluctuate due to the dynamic nature of Chatham’s coastline and tidal flats, razor clams are even more difficult to predict from year to year as they are mobile. Any changes to their environment can cause them to move to a more agreeable environment.

- **Is there a daily limit for commercial harvest?**

No. Since most of the commercial harvesting of razor clams occurs in sub-tidal waters, many factors limit accessibility for harvesters making the fishery self-limiting. For instance:

- Shellfishermen stand in the water to salt and free dive (no scuba gear) to harvest exposed razor clams and, therefore, they are limited to low to mid tides.
- Weather; Wind creates turbulence and low visibility.
- Time of year: Cold air and water temperatures limit harvest effort.

- **What percentage if any is happening on the refuge?**

Since this is a sub-tidal fishery, none.

- **What is your expectation for the growth of this fishery?**

There is no predicting ANY shellfishery within such a dynamic area. As with any fishery, the “set” will determine effort.

- **On page 24 the town notes, with respect to salting for razor clams: “research conducted by Constantine, et al (2008), and Krzyewski, et al. (2005) indicates no effects to the benthic community by “salting” for razor clams as the marine environments are adaptable to fluctuating salinity levels”. The Town of Chatham Shellfish Rules and Regulations, Section 402 (A) also prohibits salting in the inter-tidal areas that contain mixed mollusk species.**

- **Why does the Town limit where salting can occur?**

Two reasons: 1. Most often, razor clams found within inter-tidal areas are mixed with soft-shell clams and hand-harvesters wanted the opportunity to access the razors while digging for soft-shell clams.

2. Though razor and soft-shell clam holes are distinguishable to the experienced shell fisherman, the regulations aims to protect soft-shell clams (and quahogs) from the irritant saline solution. Razor clams attempt to move when irritated (which is the harvesting method), soft-shell clam and quahogs cannot move when irritated.

- **How is this determined?**

As stated in the Rules and Regulations Section 402 (A): Areas of mixed species will be assessed and determined in the sole and unfettered discretion of the Shellfish Constable.

- **What are the criteria? And How does the Town determine that there are no other mollusk species in the area?**

The Shellfish Department conducts daily patrols, seven days a week. We are aware of commercial shellfishermen harvesting on any given day and, for the most part, where they are and what they are harvesting. Shellfishermen are also aware of each other’s activity and have

NO problem sharing those activities with the Department. There is close daily interaction with harvesters so Shellfish Department personnel will quickly know if there is a new set of razor clams. In the event that a set occurs in an inter-tidal area, that area will be assessed by the Department. We (Shellfish Department personnel) are experienced in harvesting techniques and shellfish assessment surveys and will make a determination accordingly.

- **At least one study shows that salinity matters and that some razor clams don't recover from certain salinities (the same Krzyzewski et al. 2005 paper that the Town cites).**

Those tests were conducted within a laboratory setting and not in the natural environment. If razor clams were dead on arrival, there would be no market for them.

- **Does the town impose salinity restrictions to prevent mortality from undersized clams that are inadvertently salted?**

Shellfishermen determine the mixture based on what works in what waters. Again, too much salt will damage the animals and make them unmarketable, also using too much salt is cost prohibited. Fishermen adapt their solutions to the least amount of diluted salt as possible.

Sea clams

- **It appears that sea (surf) clams can be harvested just below the surface of the exposed sand flats. <http://www.mywellfleet.com/SeaClammingTrip.htm>. This website says they are found from Wellfleet to Provincetown and can be harvested on tidal flats at the lowest moon low tides. We thought these were more of a deeper water clam and not harvested on tidal flats.**

Yes, they can occasionally be found on tidal flats, and, in which case, can be harvested with hand-tools. There is no historical record of commercial harvest using hand-tools in this fishery.

- **Have sea clams been harvested on the Monomoy flats or could they be?**

There are currently areas within the Town (the Cow Yard) that have a small population of sea clams that recreational and/or commercial harvesters access for their own consumption, so yes, if found on the tidal flats, sea clams *could* be harvested with hand tools. If found within the Town limits, and outside the jurisdiction of the State managed fishery (See 322 CMR 6.08), the Town has jurisdiction. They can be harvested commercially outside of the State regulations with hand-tools or salting.

- **Are they harvested by hand using non-mechanized tools?**

Yes.

- **Why are they included in the Town regulations under salting?**

When promulgating the razor clam regulations, there was historical remembrance of salting being used on sea clams in sub-tidal waters as they behave similarly to razor clams; i.e., rise out of the sediment and were, therefore, included.

Soft-shelled clams

- **On the bottom of page 18 of the Town’s comments, it states that the shellfishery is managed to prevent adverse impacts to the Monomoy ecosystem, and the “Town’s active management of the clam flats” is specifically stated. Can the Town provide more information about your “active management”?**

As stated on page 18 of the Town’s comments, the managerial safeguards include, but are not limited to:

- (i) the Town’s licensing regime: All persons intending to shellfish must be permitted by the Town and must acknowledge they are aware of the Shellfish Rules and Regulations. In addition, all permit holders, whether commercial or recreational, have a “permit history” whereby any permit holder found in violation of a shellfish regulation is noted. Violators shall be penalized with a permit suspension and/or monetary citation. See Section 407. Enforcement and Suspension Policy.
- (ii) the manual nature of the shellfishery; as detailed within the Town’s comments and included in the scientific literature reviews of 2003 and 2005, as well as scientific research reports.
- (iii) FWS-imposed area closures and buffer zones.
- (iv) the Town’s time of day and weather-based limits;
 - Shellfishing can occur ½ hour before sunrise to ½ after sunset as mandated in both State and local regulations.
 - No shellfishing on dry ground or any area that may become dry when the air temperature has not reached 30° F by 11:00am to ensure seed shellfish are not exposed to freezing temperatures
 - The shellfishery is a small boat fishery and is affected by adverse weather conditions.
- (v) FWS restrictions relating to terns, plover, marine mammals and coastal dunes
- (vi) The Town’s active management of the clam flats:
 - The Shellfish Department conducts daily patrols year-round which include all landing and access points and seasonal boat patrols of all waterways. From approximately November through April, the Department does not conduct active boat patrols, but have vessels accessible if needed. Patrols include monitoring effort, landings and enforcing all pertinent local and State regulations.
 - Persons found in violation are handled in a timely and appropriate fashion, as detailed in Section 407.
 - The Town’s Shellfish Advisory Committee holds monthly meetings to address any pertinent shellfish issues and is active in protecting shellfish, shellfish habitat and access to shellfish resources. Rules and Regulations are frequently reviewed and revised with greater awareness in resource management.
 - The propagation program is an excellent example of active shellfish management and successfully raises millions of shellfish annually to maintain a viable and sustainable resource that the Refuge benefits from.

Quahogs

- **The Town’s shellfish regulations state that, “There will be no hydraulic dredging for quahogs within one quarter of a mile of any fish weir in Chatham waters while said weir is in place and actively fishing.” Please give us more info on why dredging is not allowed near the fish weirs.**

The success of weir fishing is understanding the migratory patterns of certain fish species. Interruption of those migratory patterns could affect the overall catch of the weirs. They have a long history in Nantucket Sound and were a fishery prior to the technological advances of hydraulic dredging. Prohibiting hydraulic dredging in proximity to fish weirs was/is the codification of an ongoing “gentlemen’s agreement” and respect for the historical weir fishery.

- **Can you provide more information on all the ways that quahogs are harvested near Monomoy?**

On the intertidal flats, only scratching with a quahog rake (hand-tool) is allowed. Basket rakes, or bull-rakes, are only allowed in sub-tidal waters. Hydraulic quahog is allowed in waters deeper than 20 feet and precisely defined areas noted in Section 406 Sea Clam and Hydraulic Quahog Regulations.

- **What are the conditions that favor quahogs over soft-shelled clams?**

If the question refers to which species sets where and when; there is no mechanism in determining or forecasting. If the question refers to harvesting effort, that is dependent on the harvester though the extent of a “set” and price play a role. Most “quahogers” do not enjoy harvesting soft-shell clams as it is more labor intensive, but will, if and when, the market demand and price for soft-shells makes it profitable.

The success of Chatham as a fishing/shellfishing community is *access* to a resource *when* there is a successful set of any or all of the above mentioned fisheries.

Bottom tending fishing gear

- **On page 22, the Town states that our documentation “is not supported by any scientific studies involving the size and type of bottom tending gear”.**

The scientific studies cited by FWS in the Draft CCP did not employ gear comparable to the type and size used in Chatham fisheries. Nor were the environmental conditions, depth, bottom type, etc., comparable to areas within the Declaration of Taking. Therefore, conclusions based on those studies are not applicable to Chatham’s fisheries.

- **Can the town provide more information about the type of gear that is currently being used within the Declaration of Taking and for what species?**

Shellfisheries under the jurisdiction of the Town that employ bottom tending gear include bay scallops, mussels and quahogs. The Town's Shellfish Rules and Regulations, as stated previously, specifically outline the allowable gear to be used in both bay scallop and mussel harvest. As stated on page 22 of the Town's Comments:

"...the Town has prohibited teeth or rakes on scallop and mussel dredges to protect eel grass and allows only seasonal harvesting of bay scallop during the eel grass dormant period, November 1 to March 31. The dredges used by local fishermen are very lightweight and pulled at low speeds with small skiffs. Furthermore, eel grass beds in Stage Harbor, an area where the Town has regulated bay scalloping for decades, are some of the healthiest beds in all of Nantucket Sound. While the decline of viable, healthy eelgrass beds has been widely documented throughout many of regional waterbodies, there has been no indication or scientific evidence presented to suggest this decline is in any way related to traditional fishing activities."

The hydraulic quahog fishery is limited to areas with water depths 20 feet or greater.

- **It would also be helpful to know what fishing gear, if any, is currently prohibited inside the Declaration of Taking.**

Excluding State regulated fisheries, any gear types NOT deemed permissible within the Town's Shellfish Rules and Regulation are prohibited.

Fish Weirs

- **On page 24 of the Town's comments, the Town notes that there are only 4 permitted weir sites located within the Declaration of Taking (DT), and that only one of the weir sites is installed and active in a given year. We also heard from the Division of Marine Fisheries that there were 4 sites, but they were unsure of whether they within the DT. Is there a map of the 4 permitted locations within the DT?**

See attached Authorizations and Plans for Monomoy Trap Co. Each form includes the coordinates of the weir as well as an attached map showing its location. Monomoy Trap Co. has permits to place up to nine (9) fish weirs in the waters of Nantucket Sound, four (4) of which are located within the DT boundary. Monomoy Trap Co. has had these permits for decades.

- **Why does the town only allow 1 of 4 sites to be used in a given year?**

The Town does not limit the number of weirs used in any year. The Town, in cooperation with the Massachusetts Division of Marine Fisheries, utilizes a permitting process to authorize the location and ability of a permittee to install a fish weir for a period of 5 years. Once issued, neither the Town nor state have any requirement to review the annual installation of a weir in an approved location. The determination to install a weir in a particular location is left to the permittee and is based on multiple physical, environmental, and market conditions and other factors such as the targeted species, past success, changed physical conditions, etc. It is common for particular sites to not be utilized for several years.

- **Is the same site used year after year?**

No, see response to previous question.

- **On page 24, the Town states that “None of the permitted weir sites are located in either existing or historically mapped eelgrass resources.” How frequently is it verified by the Town or the State that the fish weir sites are free of eel grass?**

The statement on page 24 regarding historically mapped eelgrass is inaccurate. State eelgrass maps depict mapped eelgrass in the vicinity of the three southern-most fish weirs based on 1995 and 2001 surveys. However, more recent maps (2006 and 2010-2013) do not indicate eelgrass in the vicinity of these same weirs. Neither the Town nor the state verifies the presence (or absence) of eelgrass in the vicinity of permitted fish weirs.

- **On page 24, the Town states, “In recent years the remaining active fish weir operator has had multiple collaborative fisheries research projects with science institutions such as the Provincetown Center for Coastal Studies, and the New England Aquarium precisely due to its unique method of collecting live marine specimens.” Can we get more information about the fish weir operator’s collaboration with the New England Aquarium? We also would like to know if the fish weir operators would be willing to collaborate with scientists to put satellite tags on any sea turtles found in the fish weirs.**

These questions should be directed to the fish weir operator. Contact information: Monomoy Trap Company, c/o Ernie Eldredge (ernieeldredge@gmail.com)

Moorings

- **On page 32, with respect to moorings, the town states “...the Town reserves the right to consider the placement of moorings within this area in the future if an appropriate need and use are identified.” What would be considered an appropriate need?**

The appropriateness of moorings within the Refuge boundaries will be determined based on future needs of the maritime community. Changes in future inlets and shoals may necessitate the relocation of mooring fields. Perhaps our fishing activities would change as Federal and State fishing regulations continue to evolve and be revised. Fishing grounds may change as well as targeted species. Boating facilities needs may change with regard to their permitted use of mooring fields.

- **How would the Town ensure that something that meets their needs would not impact refuge resources or management?**

The Town would work with Refuge staff to minimize any impact to resources or management of resources.

- **What type of conservation mooring is Chatham using?**

The Town of Chatham has used a variety of elastic type moorings, which eliminates the need for chain and the resulting scouring of the harbor floor. More recently, these elastic type moorings have been termed “conservation” or “eco-friendly” moorings. We have used these moorings as test cases in the Stage Harbor and Mill Pond waterways.

- **Are they employing more than one conservation mooring system? A conservation mooring study conducted by Urban Harbor Institute, University of Massachusetts, Boston mentions that Chatham is using the Hazelett mooring system. Is this correct?**

We are using a variety of elastic mooring systems. These systems have thus far proved to be effective as outlined in the Urban Harbors Institute study. We are using “Hazelett” mooring systems and a similar system from “Boat Moorings”, a company out of New Hampshire. Both use the elastic mooring theory but in a different fashion. While these mooring systems have proved effective, the initial cost incurred is approximately double the cost of a traditional mooring. Further, none of these moorings to our knowledge have been tested by an independent testing facility such as UL. This means that we are taking it at face value that the product will perform as the manufacturers are claiming. Lastly, an economic cost benefit analysis has not been fully vetted with respect to these various types of mooring systems. As an example, by using the elastic moorings we are leaving a certain square footage of bottom undisturbed. This comes at a cost with regard to the investment of a new mooring system. What is that cost benefit ratio? We had highlighted this concern with the Urban Harbors Institute study but this issue was not fully investigated.

- **Also, are the “new technologies” referenced on this page the conservation moorings? We have heard some concerns about these moorings and wonder if the Town has heard these concerns and addressed them in some way.**

Response to this question is difficult without knowing what “concerns” FWS is referring to. As stated above, the elastic moorings that we employ are considered to be a type of “conservation” mooring and a “new technology”. We have outlined our concerns about the elastic mooring systems and continue to test them in our harbors using a variety of vessels under various weather conditions.

Kiteboarding

- **On page 30 the Town mentions it is considering steps to regulate kiteboarding. We would appreciate getting information about these regulations.**

The town will be considering several amendments to the Waterways Bylaw at the May 2015 Annual Town Meeting regarding kiteboarding. A copy of these proposed bylaw amendments have been provided to the USFWS (also attached).

Appendix A

- **The Town's Appendix A had 4 pages of references but did not appear to cite anything from these references. Do you have copies of these references that you can provide, or can you clarify the value of these references and their relevancy to Monomoy?**

The References found on pages 22-25 of Appendix A are cited within and integral to Appendix A, *Scientific Review of Draft CCP/EIS Supporting References Regarding Prohibition of Certain Traditional Fishing Practices*, not the main body of the Town's comments. Some of the references are cited within the Introduction of Appendix A, but most are references relevant to Section 1.4: *Insufficient Scientific Justification for Proposed Ban on Bottom Disturbing Fishing Gear and Techniques*. The value of these references is self-explanatory within the context of Section 1.4. Most, if not all of the referenced materials can be found with an online search. If FWS is unable to obtain them through that mechanism the Town can provide them.



Paul J. Diodati
Director

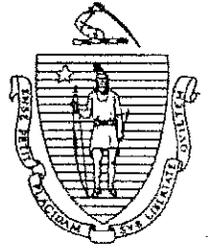
Commonwealth of Massachusetts

Division of Marine Fisheries

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Boston, Massachusetts 02114

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Secretary
Mary B. Griffin
Commissioner

Weir, Pound net or Fish Trap Authorization

Division of Marine Fisheries Approval Number 201R

In accordance with the law, authorization is hereby granted, with necessary approvals as appearing below, to

Monomoy Trap Co. Inc. of West Chatham to construct and maintain a
Fish Weir in the tidal waters of the city or town of Chatham

at the location described below.

This authorization expires March 1, 2018 unless sooner revoked and is not transferable.

LOCATION - as shown on map filed with issuing and approving authorities and described as follows:

Shore end of leader: - Latitude 41° 36' 52" Longitude 70° 00' 40"

Distance from mean high water mark 6200 feet

True direction of leader from shore SW Overall Length 800 yds

Overall width 400 feet

LANDMARK DESCRIPTION: North end of Stage Island in line with South side of Mill Hill.

Issued subject to such further conditions and regulations as the issuing authorities may impose, which are attached hereto.

The approval of the location and construction of the proposed weir, pound net or fish trap is hereby granted subject to the laws of the United States, may be modified or revoked at any time after notice and hearing, shall not be so construed as to impair the legal rights of any person and requires the strict observance of all further conditions hereto attached.

APPROVED BY: Date: 3/27/13
Department of Environmental Protection

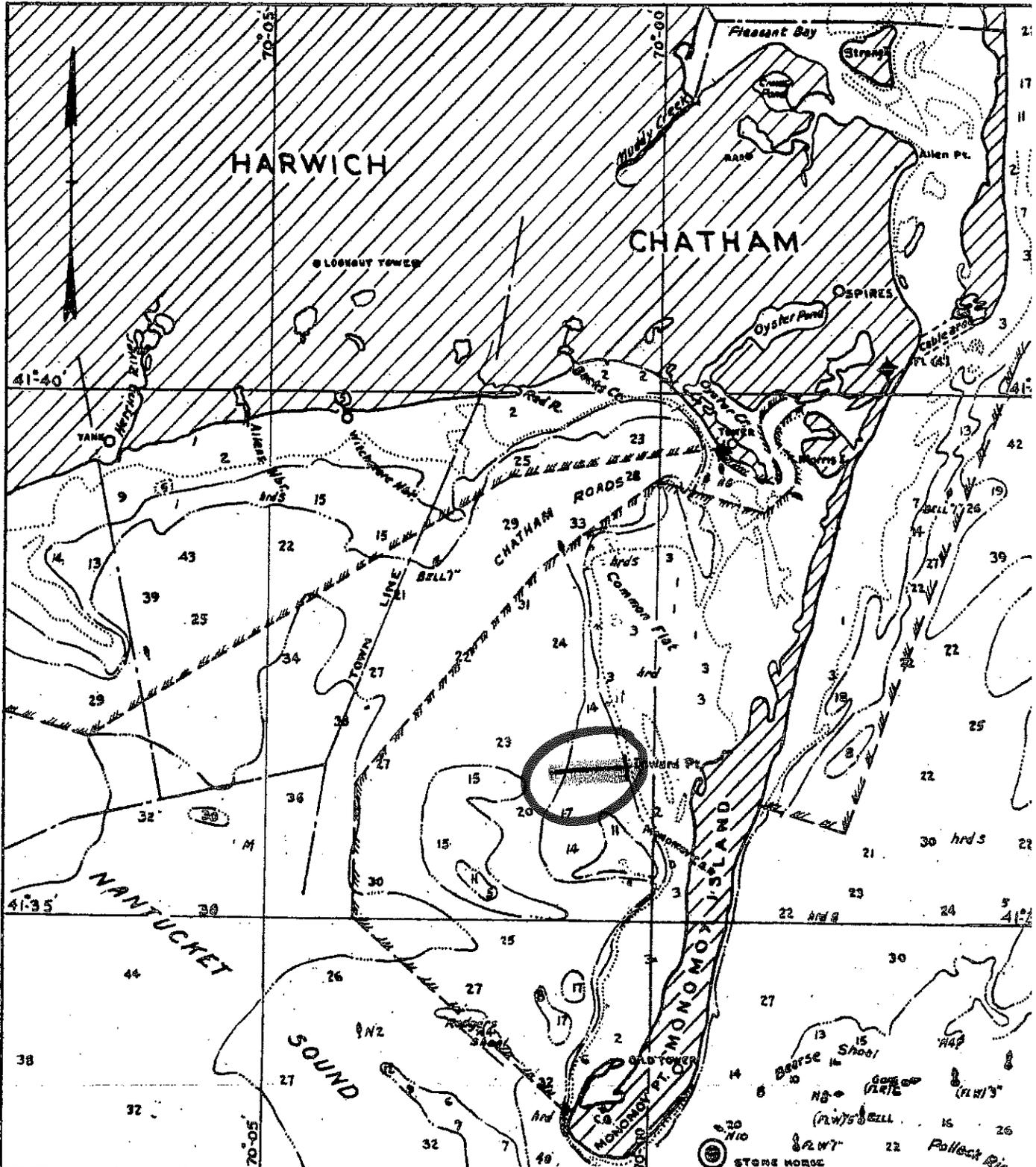
Program Chief - Waterways

Associate Commissioner

ISSUED BY: Date: March 12, 2013
Board of Selectmen, Aldermen or Council

APPROVED BY: Date: 4-16-13
Director of Marine Fisheries

Director



AREA FOR FISH TRAPS SHOWN THUS

SCALE IN FEET

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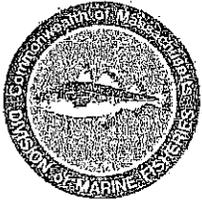
Chatham

TO

Monomoy Trap Co.

TO CONSTRUCT WEIRS, POUND NETS AND FISH TRAPS

APPROVAL NO. *201R* 4600-(20)-11-51-905.637



Paul J. Diodati
Director

Commonwealth of Massachusetts

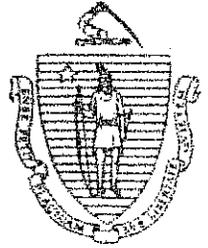
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Commissioner

Weir, Pound net or Fish Trap Authorization

Division of Marine Fisheries Approval Number 89R

In accordance with the law, authorization is hereby granted, with necessary approvals as appearing below, to

Monomoy Trap Co. Inc. of West Chatham to construct and maintain a
Fish Weir in the tidal waters of the city or town of Chatham

at the location described below.

This authorization expires March 1, 2018 unless sooner revoked and is not transferable.

LOCATION - as shown on map filed with issuing and approving authorities and described as follows:

Shore end of leader: - Latitude 40° 34' 51" Longitude 70° 00' 27"

Distance from mean high water mark 2930 feet

True direction of leader from shore West Overall Length 800 yds

Overall width 400 feet

LANDMARK DESCRIPTION: 800 yds NNE of trap #12
800 yds SSW of trap #8

Issued subject to such further conditions and regulations as the issuing authorities may impose, which are attached hereto.

The approval of the location and construction of the proposed weir, pound net or fish trap is hereby granted subject to the laws of the United States, may be modified or revoked at any time after notice and hearing, shall not be so construed as to impair the legal rights of any person and requires the strict observance of all further conditions hereto attached.

APPROVED BY: Date: 3/27/13
Department of Environmental Protection

[Signature]
Program Chief - Waterways

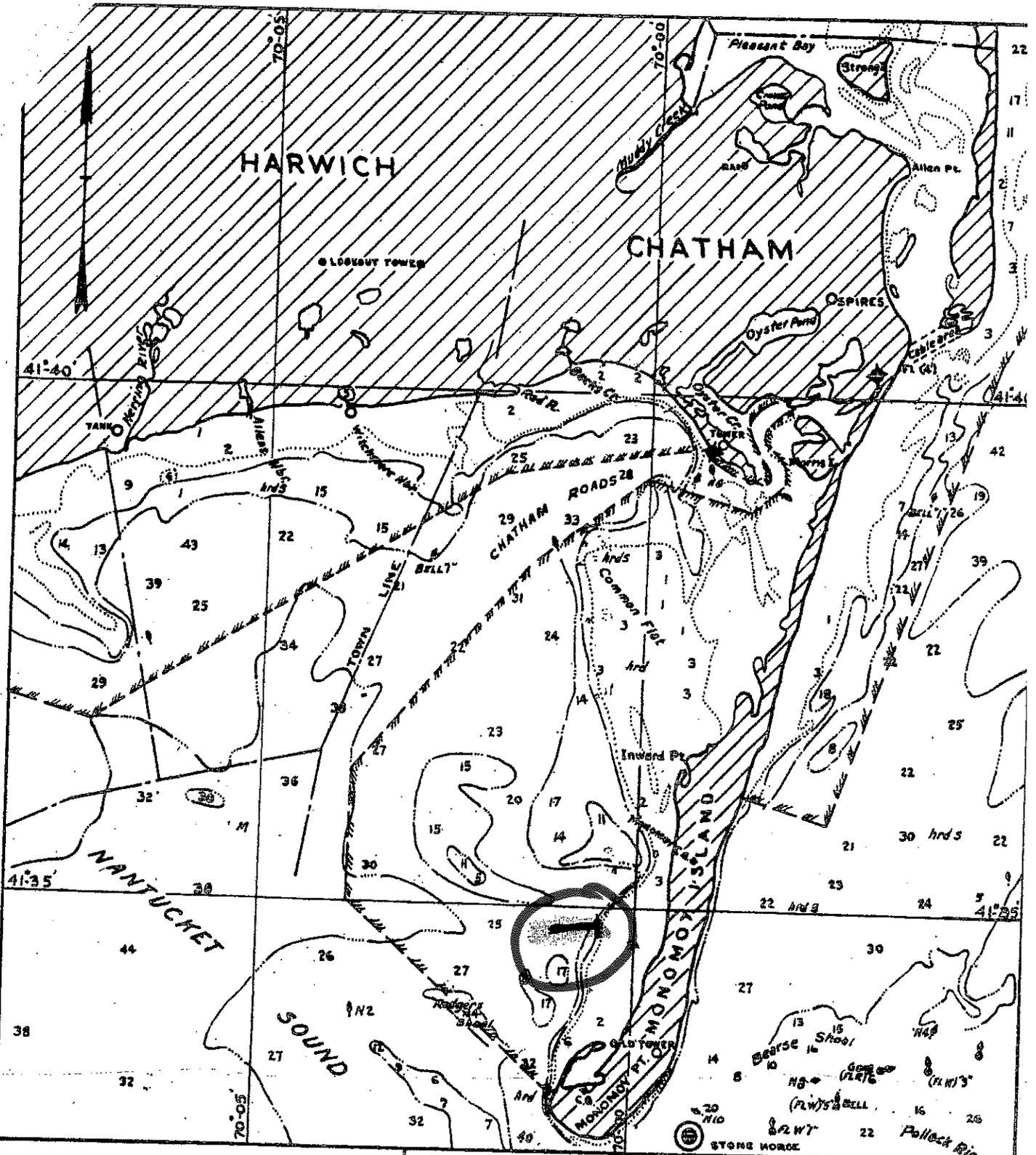
Associate Commissioner

APPROVED BY: Date: 4-16-13
Director of Marine Fisheries

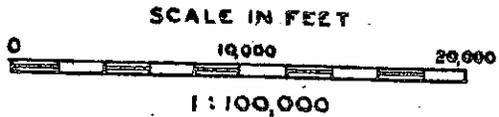
[Signature]
Director

ISSUED BY: Date: March 12, 2013
Board of Selectmen, Aldermen or Council

[Signature]
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AREA FOR FISH TRAPS SHOWN THUS



PLAN ACCOMPANYING AUTHORIZATION OF
Chatham

TO
Monomoy Trap Co.

TO CONSTRUCT WEIRS, POUND NETS AND FISH TRAPS
 APPROVAL NO. *89R* 4600-(20)-11-51-005 627



Paul J. Diodati
Director

Commonwealth of Massachusetts

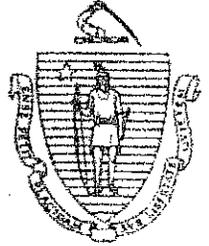
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Weir, Pound net or Fish Trap Authorization

Division of Marine Fisheries Approval Number 32R

In accordance with the law, authorization is hereby granted, with necessary approvals as appearing below, to

Monomoy Trap Co. Inc. of West Chatham to construct and maintain a
Fish Weir in the tidal waters of the city or town of Chatham

at the location described below.

This authorization expires March 1, 2018 unless sooner revoked and is not transferable.

LOCATION - as shown on map filed with issuing and approving authorities and described as follows:

Shore end of leader: - Latitude 41°35'20" Longitude 69°59'56"

Distance from mean high water mark 1/3 mile

True direction of leader from shore West Overall Length 800 yds

Overall width 400 feet

LANDMARK DESCRIPTION: In line with range poles on Monomoy Island.
800 yds North of trap #8.

Issued subject to such further conditions and regulations as the issuing authorities may impose, which are attached hereto.

The approval of the location and construction of the proposed weir, pound net or fish trap is hereby granted subject to the laws of the United States, may be modified or revoked at any time after notice and hearing, shall not be so construed as to impair the legal rights of any person and requires the strict observance of all further conditions hereto attached.

APPROVED BY: Date: 3/27/13
Department of Environmental Protection

Bueh

Program Chief - Waterways

Associate Commissioner

ISSUED BY: Date: March 12, 2013
Board of Selectmen, Aldermen or Council

Alicance Seldin

[Signature]

[Signature]

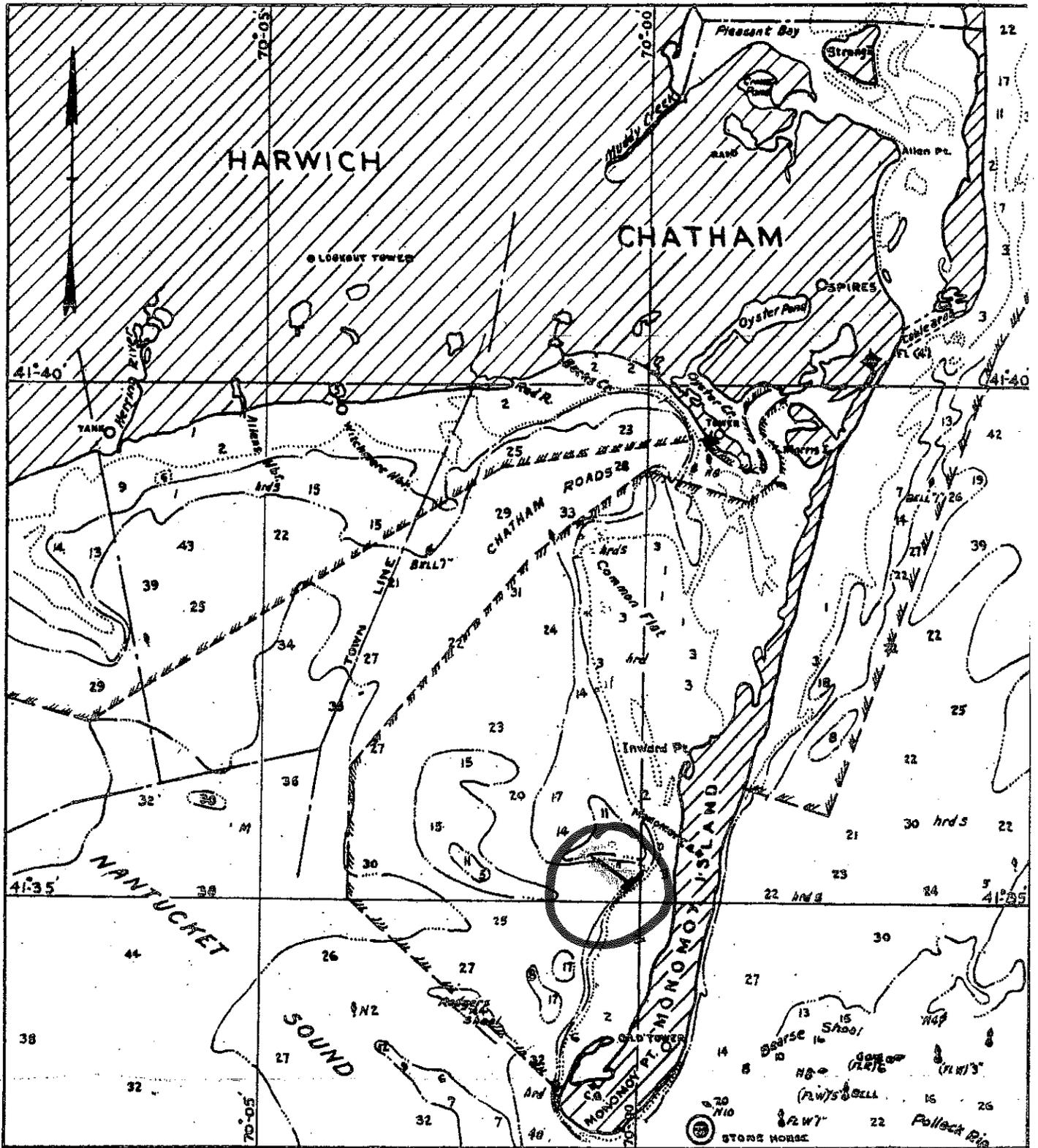
[Signature]

APPROVED BY: Date: 4-12-13
Director of Marine Fisheries

Paul Diodati

Director

Denise



AREA FOR FISH TRAPS SHOWN THUS *|||||*

SCALE IN FEET



1:100,000

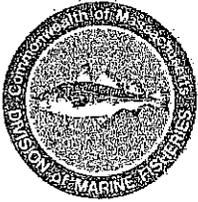
PLAN ACCOMPANYING AUTHORIZATION OF

Chatham

TO
Monomoy Trap Co

TO CONSTRUCT WEIRS, POUND NETS AND FISH TRAPS

APPROVAL NO. *32 R*... 4600-(20)-11-51-905,637



Paul J. Diodati
Director

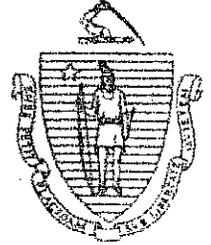
Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520
fax (617)626-1509



Deval Patrick
Governor
Timothy P. Murray
Lt. Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

Weir, Pound net or Fish Trap Authorization

Division of Marine Fisheries Approval Number 12R

In accordance with the law, authorization is hereby granted, with necessary approvals as appearing below, to

Monomay Trap Co. Inc. of West Chatham to construct and maintain a
Fish Weir in the tidal waters of the city or town of Chatham

at the location described below.

This authorization expires March 1, 2018 unless sooner revoked and is not transferable.

LOCATION - as shown on map filed with issuing and approving authorities and described as follows:

Shore end of leader: - Latitude 41° 34' 40" Longitude 70° 00' 17"
Distance from mean high water mark 3260 feet
True direction of leader from shore West Overall Length 800 yds
Overall width 400 feet

LANDMARK DESCRIPTION: In line with the range poles on Monomay Beach.
800 yds SSW of trap #89

Issued subject to such further conditions and regulations as the issuing authorities may impose, which are attached hereto.
The approval of the location and construction of the proposed weir, pound net or fish trap is hereby granted subject to the laws of the United States, may be modified or revoked at any time after notice and hearing, shall not be so construed as to impair the legal rights of any person and requires the strict observance of all further conditions hereto attached.

APPROVED BY: Date: 3/27/13
Department of Environmental Protection

Program Chief - Waterways

Associate Commissioner

APPROVED BY: Date: 4-16-13
Director of Marine Fisheries

Director

ISSUED BY: Date: March 12, 2013
Board of Selectmen, Aldermen or Council

C. D.

In addition to the penalties provided for violation of these bylaws, if the owner or occupant of the premises upon which, or adjacent to which, a violation of this section exists has not corrected such violation within seven days after receipt of written notice by the Police Department or the Highway Surveyor, the Highway Surveyor or the Tree Warden or their authorized agents may perform the necessary trimming, pruning or other removal action required to effect compliance with this section and the expense incurred in such action may be charged to such owner or occupant.

Or take any action in relation thereto.

(Board of Selectmen)

Motion: By Seth Taylor, Clerk, Board of Selectmen
I move that the Town vote to amend General Bylaw §208-16 as printed in Article 34 of the Warrant.

Speaker: Jeffrey S. Colby, Director, Department of Public Works

Explanation: *The Traffic Safety Committee has noticed an increasing number of roadside obstructions being placed along town roadways and on town property to prevent vehicles from legally parking. The placement of roadside obstructions, such as driveway reflectors, posts, rocks, saw horses, and plantings is occurring at numerous locations in town. In some cases, the placement of these roadside obstructions is creating a safety hazard, forcing vehicles and pedestrians further out into the roadway than necessary. This bylaw amendment would expand the current Roadside Obstruction bylaw to address the roadside obstructions listed above.*

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Article 35 – General Bylaw Amendment
Section 265-3 – Speed Limit & No Wake



~~Strikethrough~~ indicates language proposed for deletion.

Underline indicates language proposed for addition.

To see if the Town will vote to amend the Waterways Bylaw, as follows:

265-3. Speed limit and No Wake; posted areas and safety zone

Explanations are for informational purposes only.

Citizen petitioned articles and accompanying explanations are prepared solely by petitioners. The inclusion of such items cannot be construed as a conclusion as to the binding effect or legality of the same.

D.

In addition to any other provisions of this section, a safety zone is established in Stage Harbor from Stage Harbor Buoy-4 7 to Stage Harbor Buoy-6 10, effective annually from 15 June to 15 September. In the safety zone there shall be no swimming, ~~or anchoring, water skiing or scuba diving~~ in the channel, ~~waterskiing, use of sailboards or scuba diving.~~ Sailboarders, kiteboarders and other similar watersport craft may use this area to transit between Stage Harbor and Nantucket Sound in accordance with 265-8.

Or take any action in relation thereto.

(Board of Selectmen)

Motion: By Florence Seldin, Board of Selectmen
I move that the Town vote to amend Waterways Bylaw, §265-3 as printed in Article 35 of the Warrant.

Speaker: Stuart Smith, Harbormaster, Department of Natural Resources

Explanation: *These changes reflect buoy numbering changes the Coast Guard has made. Additionally, it allows sailboarders, kiteboarders and similar watersport craft to transit the safety zone in the Stage Harbor bottleneck area, specifically between the new buoy #7, and new buoy #10.*

Board of Selectmen Recommendation: Approve 4-0-1

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Article 36 – General Bylaw Amendment:
Kiteboarding

~~Strikethrough~~ indicates language proposed for deletion.
Underline indicates language proposed for addition.



To see if the Town will vote to amend the Waterways Bylaw, as follows:

265-8. Sailboards, Kiteboards and Similar Watersport Craft

A.

The use of sailboards is ~~prohibited in all marked channels, and in restricted swimming areas,~~ kiteboards and other similar watersport craft, are prohibited in marked navigational channels, guarded swimming areas, and within a 150 feet of bathers, divers, piers, docks, and moored/anchored vessels. Sailboarders, kiteboarders and

Explanations are for informational purposes only.

Citizen petitioned articles and accompanying explanations are prepared solely by petitioners. The inclusion of such items cannot be construed as a conclusion as to the binding effect or legality of the same.

other similar watersport craft are allowed to operate within the area of outer Stage Harbor as defined in Chapter 265-20(c).

B.

~~If to gain access to another area a sailboarder is obliged to~~ sailboarders, kiteboarders or other similar watersport craft must cross a marked channel ~~he to gain access to another area, they shall do so as nearly practicable at right angles to the~~ vessel ~~traffic flow. in the marked channel.~~

Or take any action in relation thereto.

(Board of Selectmen)

Motion: By, Tim Roper, Board of Selectmen
I move that the Town vote to amend Waterways Bylaw §265-8, as printed in Article 36 of the Warrant.

Speaker: Stuart Smith, Harbormaster, Department of Natural Resources

Explanation: *These changes would expand the prohibition on the use of sailboards to include kiteboards and other similar watersport craft.*

Board of Selectmen Recommendation: **Approve 4-0-1**

Finance Committee Recommendation: **Recommendation from Town Meeting Floor**

Article 37 – General Bylaw Amendment
Section 265-20 Anchoring in Stage Harbor

~~Strikethrough~~ indicates language proposed for deletion.
Underline indicates language proposed for addition.

To see if the Town will vote to amend the Waterways Bylaw, as follows:

265-20. Anchoring and mooring in Stage Harbor

A.

Vessels shall not anchor in Stage Harbor in the inner harbor, east of Stage Harbor Buoy & 10 or in the area on the north side of the dredged channel, west of Stage Harbor Buoys & 11 and 13.