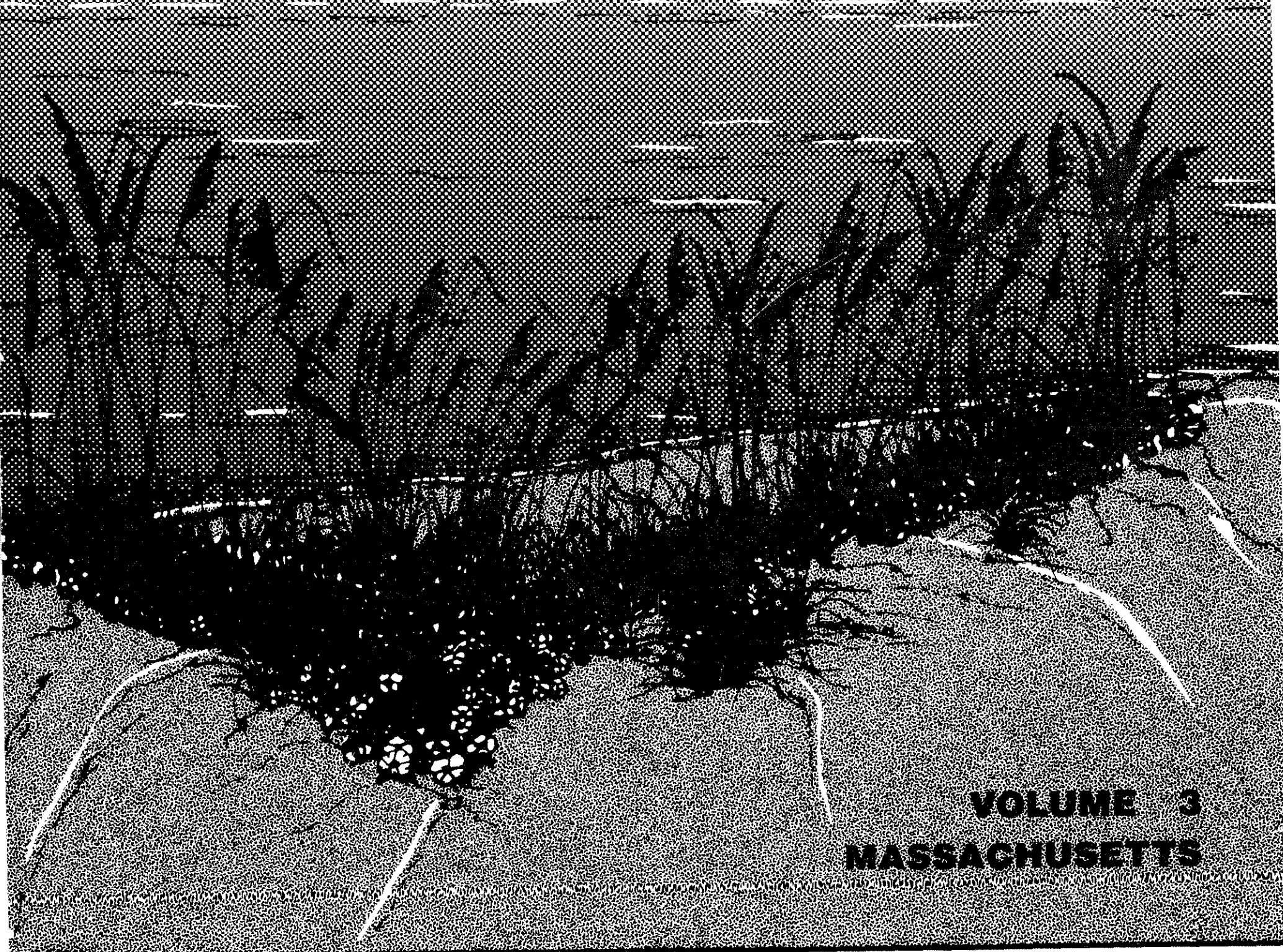


REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

Recommendations for Additions to or Deletions from
the Coastal Barrier Resources System



**VOLUME 3
MASSACHUSETTS**

U.S. Department of the Interior



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the Coastal Barrier Resources System

MASSACHUSETTS

Mapped, edited, and published by the Coastal Barriers Study Group

United States Department of the Interior
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MASSACHUSETTS

INTRODUCTION

The Coastal Barrier Resources Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. This atlas of coastal barriers in Massachusetts has been prepared in accordance with Section 10 of CBRA (16 U.S.C. 3509), which states:

Sec. 10. Reports to Congress.

(a) In General.--Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.--The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.--The report required under subsection (a) shall contain--

(1) recommendations for the conservation of fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effects, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, this report has been prepared by the Coastal Barriers Study Group, a task force of professionals representing the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and other Departmental offices.

This volume of the report contains delineations of the existing CBRS units in Massachusetts and delineations of additions to and modifications of the CBRS in this State which the Department of the Interior recommends to the Congress for its consideration.

BACKGROUND

The Commonwealth of Massachusetts occupies only 8,257 square miles, but with over 1,200 miles of coastline, its beach length ranks second in New England. Most of the State's 6 million people are concentrated in the coastal strip between Cape Anne and Cape Cod with Boston and its suburbs containing the greatest number of people.

The State's economy is based on manufacturing, fishing, and farming. The Connecticut Valley was, and remains, one of the best agricultural areas in New England. Recently, "high-tech" industries have joined the traditional manufacturing ones. Education is also a major industry in the State; Massachusetts has more colleges and universities per capita than any other region of the country. Recreation and tourism are growing industries in the State, especially in the Berkshires and along the coast.

Massachusetts contains mountains in the west (the Berkshires with Mt. Greylock at 3,491 feet, the highest point), a major river valley (the Connecticut), uplands in the central region, and a coastal plain in the east and southeast made up of glacial deposits of sand and gravel. Offshore from the mainland are two large islands, Nantucket and Martha's Vineyard, which share their glacial origins with Cape Cod. They are composed mostly of sand and gravel. The

wave action of the Atlantic has produced magnificent beaches and protected bays and harbors. The vegetation of Cape Cod and the islands is similar: salt marshes, coastal dune strands, scrub thickets, oak-pine forests on the uplands, and beech-red maple forests on old dunes and north-facing glacial slopes. In the past, southeastern Massachusetts was covered by extensive heathlands. Today, Nantucket is still covered in heathlands, but only remnants of this coastal heath remain on Cape Cod and Martha's Vineyard.

The coastal region is extensive and has many salt marshes, bays, sounds, rocky shores, beaches, dunes, and marine bluffs. Some of the largest salt marshes in Massachusetts are found behind Plum Island and Crane's Beach in the northeastern part of the State. Both barrier beaches and their associated wetlands resulted from erosion of the glacial ridges common in that region. Rocky shores are found between Cape Anne and Minot, and some areas look much like Maine and Nova Scotia. Most of the southeast coast, however, contains sandy or gravelly beaches, either on barriers or at the foot of eroding glacial uplands. Along the State's 1,200 miles of coastline, there are at least 157 major barrier beaches affected by winter storms or hurricanes (S.M. Humphries and J.R. Benoit, [1980], unpubl. MS.).

The great fishing fleets that sailed to the Grand Banks are largely gone, but fishing is still an important part of the resource base. Shellfishing is important for both commercial and private interests. The natural resource base that brings the greatest source of income to the State today is unquestionably the coastal system.

COASTAL RESOURCE MANAGEMENT

Commonwealth Coastal Resource Management

The Commonwealth passed its first wetlands protection legislation in 1963, but laws and regulations dealing with coastal issues go back well into the State's history, even to the founding of the Massachusetts Bay Colony in the 1600's. Many laws dealt with the use of coastal resources, protection of sand dunes, creation of "public lands" and parks, and management of coastal resources. In the early days of Provincetown, a young man was required by law to plant a certain amount of beachgrass before getting married. The Commonwealth set aside a large portion of Cape Cod north of Provincetown as common lands in the 1700's. When dunes started moving because of excessive grazing and wood cutting, laws prohibiting such activities were passed. These lands became part of a State park and are now in the Cape Cod National Seashore. In the early 1900's, legislation was passed to provide funds for hiring a dune superintendent and developing a program to stabilize migrating dunes that were then threatening to bury Provincetown.

With passage of the Federal Coastal Zone Management Act and approval of the State program in 1978, a unified plan for coastal management was put into effect. The Massachusetts

program was the first to be approved on the Atlantic coast. In 1978, the Wetlands Protection Act was enacted; it specifically included barrier beaches and dunes within its jurisdiction. Many other acts designed to protect and regulate activities on the coast followed. This movement culminated on August 8, 1980, when the Governor issued Executive Order No. 181 on Barrier Beaches. It was the first order of its kind in the country and created a State policy discouraging further government funding of new or old development on barrier beaches in the State. In 1981, the Governor also issued Executive Order 190, Relocation of Off-Road Vehicle Use on Public Lands Containing Coastal Wetland Resources, to exclude off-road vehicle use from sensitive environmental areas, specifically dunes, salt marshes, and tidal flats.

The Commonwealth of Massachusetts has an active and effective Coastal Zone Management (CZM) Program including 28 State laws and programs. These are coordinated by the CZM Office, located in the Executive Office of Environmental Affairs, and established by Section 13 of the 1983 Acts and Resolves, which amends Chapter 21a of the Massachusetts General Laws. The purpose of the legislation "shall be to secure for the inhabitants of the Commonwealth the objectives and benefits of the federal Coastal Zone Management Act, 16 U.S.C. 1451."

The following State laws apply to management and protection of coastal barriers:

Areas of Environmental Concern (MGLA Ch. 21a). The Secretary of Environmental Affairs developed a process for designating Areas for Preservation Restoration (APR's), or in the nomenclature of Massachusetts, Critical Areas of Environmental Concern. As a result of this designation, the Executive Office of Environmental Affairs (EOEA) agencies attach a high degree of scrutiny to their activities in these areas. They do not proceed with activities that could impair characteristics cited in area designations, and they administer programs consistently within CZM policies regarding acquisition, protection, and use of such areas.

The Coastal Wetlands Restriction Program (MGLA Ch. 130). This Act authorizes the Commissioner of the Department of Environmental Management (DEM), with approval of the Board of Environmental Management, to impose land-use restrictions on wetlands "for the purpose of promoting the public safety, health and welfare and protecting public and private property, wildlife and marine fisheries." The Act does not pertain to all wetlands within a particular community but only to those that are important for the above-listed purposes. Wetlands are evaluated on a site-specific basis by local officials. Wetland areas not subject to restriction are not by implication considered unimportant. When an area is identified, all affected landowners are notified, a public hearing is held, and finally, the restriction order is recorded at the Registry of Deeds. A marginal reference on the deed of the landowner is made by Registry officials. Generally, large-scale activities involving dredging and filling operations are prohibited. No permits may be issued by other

agencies for such activities within a restricted area. Allowable activities such as docks, piers, floats, wharves, boat houses, cultivation of shellfish, harvesting of salt hay, recreation, and limited access to unrestricted land are subject to approval by other permit-issuing agencies. Presently, 36 coastal communities have been restricted.

Historic District Act (MGLA Ch. 40c). This Act enables cities and towns to establish historic districts for the preservation and protection of historic sites. Within such districts, demolition, new construction, and alteration to exterior architectural features cannot be performed without a certificate of appropriateness of the work or non-applicability of the Act.

Inland Wetlands Restriction Program (MGLA Ch. 131). This Act is administered by the Department of Environmental Quality Engineering (DEQE) and is similar to the Coastal Wetlands Restriction Program except that it applies to inland freshwater areas.

Massachusetts Environmental Policy Act (MGLA Ch. 30). Known as MEPA, this Act is enforced by the MEPA Unit within the Office of Environmental Affairs. The MEPA program examines environmental impacts of State actions including permitting, approvals, and funding. Generally, an individual (or group) seeking a State permit, approval, or funding may be subject to the MEPA process, unless those permits, approvals, or funds are exempt because of their nature or because they fall below certain quantitative thresholds which appear in the MEPA regulations. Project initiators must file an Environmental Notification Form (ENF) which is printed in the MEPA Monitor, a bi-weekly publication. After a 20-day comment period, but within 30 days from publication, a decision is reached on whether an environmental impact report (EIR) is required. If the EIR is not required, State agencies are free to issue permits, approve funds, etc. If an EIR is required, a "scope" will be issued, identifying issues that the EIR must address. Draft and final EIR's go through 37-day review and comment periods. Projects that exceed thresholds (CMR 301: 10.32 (5)) automatically require an EIR if they require any State permits whatsoever.

Mineral Resources Regulatory Act (MGLA Ch. 21). This Act empowers the Division of Mineral Resources in DEQE to license, following a public hearing, the exploration for sand, gravel, and other minerals in Massachusetts coastal waters and the seabed, and to grant leasing rights for extraction of such mineral resources as they are discovered.

Ocean Sanctuaries (MGLA Ch. 132a). This program was created to protect all State waters except those from Lynn to Marshfield and those in Mt. Hope Bay. In general, activities such as the removal of sand, gravel, or minerals, and the dumping of any new waste discharge are prohibited. However, a broad class of activities is exempt from these prohibitions. While the terms of the five designated Ocean Sanctuaries differ, laying of cables approved by the Department of Public Utilities, projects authorized under the Waterways Program, or other improvements

authorized by other State or Federal agencies are permitted. No permit is required to conduct an activity in an Ocean Sanctuary besides that which would be issued under the Waterways Program. The Department of Environmental Management is responsible for insuring compliance.

Scenic Rivers Act (MGLA Ch. 21). This Act is enforced by the Department of Environmental Management (DEM). It designates certain rivers or streams as scenic resources and restricts or prohibits certain uses on the river and contiguous banks. A restriction order is recorded at the Registry of Deeds and a marginal reference is made on the landowner's deed. The order specifies permitted and prohibited uses. A group of local landowners sitting as an overseeing body reviews proposed uses, acts to enforce the order, and serves as an advisory group to owners along the river corridor.

Waterways Program (MGLA Ch. 91). This program is administered by the Department of Environmental Quality Engineering (DEQE), Division of Land and Water Use. A license is required for any structure built seaward of the high-tide line in tidal areas and any structure involving government expenditures in or over great ponds and certain rivers and streams. The applicant must also obtain water quality certification from the Division of Water Pollution Control and a permit from the U.S. Army Corps of Engineers.

Wetlands Protection Act (MGLA Ch. 131). This Act is administered by the DEQE, which provides rules and regulations that local Conservation Commissions follow in implementing the Act. A permit, called an Order of Conditions, is required for work in or within 100 feet of a wetland or floodplain, whichever distance is greater. However, current policy only provides for measuring 100 feet landward of the vegetated wetland, not the floodplain. Wetlands are defined by the presence of certain plant species. The law prohibits those activities that would have a significant adverse impact on public and private water supply, ground-water supply, flood control, storm damage prevention, prevention of pollution, and protection of finfish and shellfish. Appeals are handled by DEQE.

Executive Order 181 (Barrier Beaches). This order recognizes the dynamic and important role that barrier beaches play in protecting the shore from storm damage and flooding, their sensitivity to damage by human interference, and their high degree of hazard from coastal storms. The order gives the highest priority to disaster assistance funds used to relocate those who wish to sell away from storm-damaged barrier beach areas. It specifies that State and Federal funds will not be used to encourage development on barrier beaches; that management plans for State-owned barriers will be prepared consistent with the State's wetland policy; that no development will be permitted in velocity zones or primary dunes; that structures on barriers will be used only for maintaining navigation at inlets and only if mechanisms are employed to supply downdrift beaches with sediment; and that dredged

materials of suitable size will be used for beach nourishment.

Executive Order 190 (Relocation of Off-road Vehicle Use On Public Lands Containing Coastal Wetland Resources). This order recognizes the degrading impacts that off-road vehicles (ORV's) can have on coastal wetlands that include beaches, barrier beaches, dunes, salt marshes, and tidal flats. The order directs all State agencies to balance the competing uses of the Commonwealth's public lands and minimize the degradation of its public coastal wetland resources. It specifically prohibits ORV use in sensitive environmental areas, i.e., dunes, salt marshes, and tidal flats, which provide significant public interests. The Order's stated purpose is to assure that soil erosion and damage to vegetation are minimal; to assure that harassment of wildlife and significant disruption of wildlife habitats are minimized; and to assure that ORV's will not be excluded from all public lands but will be directed to environmentally acceptable areas.

Of the laws and executive orders previously listed, the Wetlands Protection Act and the Executive Orders have played major roles in protecting and managing coastal barriers. The Wetlands Act includes coastal barriers as well as marshes, both tidal and fresh. It is enforced by local Conservation Commissions with final authority vested in the Department of Environmental Quality Engineering. The Executive Order on Barrier Beaches, which prohibits the use of State funds to encourage or support development on coastal barriers, is enforced by the Coastal Zone Management Office. Executive Order 190 is enforced by the Executive Office of Environmental Affairs along with the Departments of Environmental Management (DEM) and Fisheries, Wildlife and Recreational Vehicles.

Local Actions

The Martha's Vineyard Commission is charged by statute (MGLA, Ch. 831, 1977) to preserve and protect the unique cultural, historical, ecological, scientific, and other values of Martha's Vineyard and to provide for the enhancement of sound local economies. The commission has designated responsibility for the entire coastal district below the 10-foot elevation contour, or within 500 feet of mean high water of a coastal water body exceeding 10 acres or of the ocean, and all land within 100 feet of streams and wetlands that drain into coastal great ponds. Certain activities are allowed in this coastal zone, mostly recreation, conservation, agriculture, and fishing, but home construction is not permitted unless it is an addition to an existing family dwelling, and then, only by special authorization. The commission has worked closely with the Office of Coastal Zone Management regarding CBRA and has helped town boards understand CBRA.

The Town of Chatham has created a "Seashore Conservancy District" that includes areas within authorized boundaries of Cape Cod National Seashore and in which development is prohibited.

The Town of Orleans has added its only CBRS unit to its Conservancy District so that the

unit is protected by regulations that prohibit development (i.e., landfills or excavations, drainage except for mosquito control, buildings, or structures). The town also has a "Seashore Conservancy District," which includes areas within the authorized boundaries of Cape Cod National Seashore.

Pursuant to enactment of CBRA, the Town of Swansea dropped plans to proceed with a "beach stabilization project" that had been authorized by various agencies.

The Town of Westport denied three applications for building permits on coastal barriers after the enactment of CBRA. Also subsequent to passage of CBRA, two areas were purchased by a "Conservation Land Trust."

Private Sector Initiatives

The Massachusetts Audubon Society has long been a supporter of barrier island initiatives, particularly CBRA.

The New England Sierra Club Chapter publishes a newsletter called "CUSP"--Citizen Update on Shoreline Policy.

The Trustees of Reservations serves as a private conservation landowner and manages and protects many sites in Massachusetts considered ecologically sensitive, unique, or of high recreational value. The group owns several coastal barriers that fall into the undeveloped, otherwise protected category.

EXISTING CBRS UNITS

A brief description of each existing Coastal Barrier Resource System unit in Massachusetts follows. Each unit is identified by its ID code and name (established by Congress in 1982) and the county in which it is located.

C00-Clark Pond (Essex). This bay barrier on the east side of Great Neck connects two hills (North Ridge and Plover Hill) that protect Clark Pond. It is located in Plum Island Sound just to the west of Plum Island State Park at the southern end of Plum Island in the Town of Ipswich.

C01-Wingaersheek (Essex). This small spit south of Annisquam Lighthouse extends to Wheeler Point in Gloucester. It provides habitat for migratory birds and protects a salt marsh ecosystem. There are off-road vehicle trails on the barrier, and recreational use is heavy in the summer. Access to the area is by paved road or small private boats. There is a town-owned public beach on the spit with parking facilities.

C01A-Good Harbor Beach (Essex). This two-part unit is on the western end of a bay barrier and protects a salt marsh along its north side. The unit is in East Gloucester.

C01B-Brace Cove (Essex). This bay barrier on the west side of Brace Cove protects Niles Pond to the west. The barrier is a sand beach connecting Eastern Point to the uplands of East Gloucester and represents the eastern side of a tombolo system.

CBRS UNITS IN MASSACHUSETTS ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Clark Pond	C00	Essex	0.4	34.9	9.3
Wingaersheek	C01	Essex	0.7	210.6	64.2
Good Harbor Beach	C01A	Essex	0.4	82.5	27.7
Brace Cove	C01B	Essex	0.3	54.5	4.5
West Head Beach	C01C	Suffolk	0.3	28.6	4.1
North Scituate	C02	Plymouth	0.4	20.7	5.0
Rivermoor	C03	Plymouth	0.6	220.4	18.5
Rexhame	C03A	Plymouth	0.4	55.8	43.7
Plymouth Bay	C04	Plymouth	1.9	382.2	71.1
Center Hill Complex	C06	Plymouth	1.3	145.6	36.7
Scorton	C08	Barnstable	0.8	50.7	35.6
Sandy Neck	C09	Barnstable	2.4	2,607.2	351.8
Freemans Pond	C10	Barnstable	0.9	397.7	87.3
Namskaket Spits	C11	Barnstable	0.7	281.7	47.4
Boat Meadow	C11A	Barnstable	0.4	93.6	10.7
Chatham Roads	C12	Barnstable	1.2	129.2	24.8
Lewis Bay	C13	Barnstable	1.7	673.1	170.4
Squaw Island	C14	Barnstable	0.9	77.3	14.9
Centerville	C15	Barnstable	1.0	59.4	19.3
Dead Neck	C16	Barnstable	1.8	198.4	87.0
Popponeset Spit	C17	Barnstable	0.9	82.1	12.5
Waquoit Bay	C18	Barnstable	3.2	1,138.2	376.5
Falmouth Ponds	C18A	Barnstable	0.8	25.8	12.1
Black Beach	C19	Barnstable	0.6	217.9	32.6
Buzzards Bay Complex	C19A	Plymouth	2.8	480.2	55.7
Coatue	C20	Nantucket	2.3	552.2	235.8
Sesachacha Pond	C21	Nantucket	0.5	52.7	20.2
Cisco Beach	C22	Nantucket	0.5	26.5	14.8
Esther Island Complex	C23	Nantucket	5.7	1,520.7	191.0
Tuckernuck Island	C24	Nantucket	3.0	384.5	85.5
Muskeget Island	C25	Nantucket	1.5	2,954.9	197.2
Eel Pond Beach	C26	Dukes	1.1	102.2	24.0
Cape Poge	C27	Dukes	3.6	504.0	233.7
South Beach	C28	Dukes	6.7	610.8	341.6
Squibnocket Complex	C29	Dukes	4.7	668.8	303.4
James Pond	C29A	Dukes	0.5	86.6	34.9
Mink Meadows	C29B	Dukes	0.8	41.9	24.6
Elizabeth Islands	C31	Dukes	5.0	605.6	157.3
W. Sciticut Neck	C31A	Bristol	2.6	279.2	56.1
Harbor View	C31B	Bristol	0.3	69.3	10.1
Mishaum Point	C32	Bristol	0.4	122.0	9.6
Little Beach	C33	Bristol	1.9	282.1	83.8
Horseneck Beach	C34	Bristol	1.7	360.7	154.3
Cedar Cove	C34A	Bristol	0.3	16.6	6.4
Little Compton Ponds	D01	Bristol	0.8	224.0	64.0
Totals:			70.7	17,213.6	3,871.7

C01C-West Head Beach (Suffolk). This unit is a tombolo beach system on the southern end of Long Island in Boston Harbor that protects an aquatic habitat between the beaches.

C02-North Scituate (Plymouth). This unit is a bay barrier at the south end of Musquashcut Pond between the developed northern section of North Scituate Beach and Mann Hill Beach in the Town of Scituate.

C03-Rivermoor (Plymouth). This spit is on the north side of New Inlet and is attached to a developed upland in Scituate. It protects a salt marsh system on the north

side of North River, designated a "Scenic River" by the Massachusetts Scenic Rivers Program. The Massachusetts Audubon Society manages a tern nesting colony on the spit. The beach has limited access and is used mainly by local residents.

C03A-Rexhame (Plymouth). This unit is a portion of the Humarok Beach barrier spit which protects South River in the Town of Marshfield. It contains a dune ridge up to 10 feet high.

C04-Plymouth Bay (Plymouth). This unit includes portions of several barriers at the

entrance to Plymouth Harbor. The two largest pieces are on Saguish Neck, near Plymouth Lighthouse, and Plymouth Beach.

C06-Center Hill Complex (Plymouth). This unit comprises three distinct coastal barrier systems in the Town of Plymouth. The most northerly is a bay barrier sheltering Ship Pond. The beach is low and composed of cobble stones. An off-road vehicle trail runs along the shore. South of this barrier is the Center Hill Pond bay barrier, also a low cobble beach. Access to the barrier is by footpath only. Ellisville Harbor is the most southerly barrier in this unit. It is made up of two spits that run along the front of Salt Pond and are separated by a small tidal channel. The southern spit is attached to a headland called Harlows Landing. Salt Pond is mostly a salt marsh. There is a boat access site on the south side of Ellisville Harbor Beach.

C08-Scorton (Barnstable). This barrier spit shelters a well-developed tidal creek and salt marsh system as well as a coastal forest in the Town of Sandwich. Access is by paved, light-duty road or by footpath.

C09-Sandy Neck (Barnstable). This unit has two sections: one is a triangular section just west of Sandy Neck Beach that includes part of Scorton Neck Beach, and the other encompasses the eastern tip of Sandy Neck Spit. The entire spit is quite large for this region, and it protects an extensive salt marsh system called the Great Marshes. Rare plants, birds, sea turtles, and unique dune fields that reach elevations of 80 feet are found in this barrier ecosystem. The eastern tip of Sandy Neck is accessible by an off-road vehicle trail down the length of the spit through the dunes. Easy boat access is available at the eastern tip. The area is heavily used for recreation. Its western section is accessible by foot from the parking area in Sandy Neck State Park and from residences on the nearby uplands. The unit is in the Town of Sandwich.

C10-Freemans Pond (Barnstable). This unit, in the Town of Brewster, has three segments. The eastern part is a barrier spit protecting Freemans Pond and its salt marsh system. The central section includes Wings Island, a glacial deposit, and its beach. Also included are the marshes and tidal creeks associated with Stony Brook. The western segment is a barrier spit on the east side of Quivett Neck that protects Quivett Creek and its marshes. The beaches are used by local residents for recreation. Wings Island is part of the Cape Cod Museum of Natural History and has foot trails that are used by visitors studying local biota and coastal processes. The barriers are accessible only by foot. The Freemans Pond segment is accessible from two parking areas: one on the east side, and the other on the west side.

C11-Namskaket Spits (Barnstable). This unit consists of double spits flanking both sides of Namskaket Creek where it empties into Cape Cod Bay. The spits are attached to uplands on either side of the creek and protect a salt marsh system and estuary. Natural processes on this coastal barrier have not been altered by human activities. The spits

are accessible by foot from developments on either side of Namskaket Creek. The area, used primarily for recreation by local residents, is in the Town of Brewster.

C11A-Boat Meadow (Barnstable). This unit is primarily salt marsh on the eastern side of Cape Cod Bay with a narrow sand barrier island on the marsh edge. It is on the western shore of Eastham where Cape Cod changes orientation from east-west to north-south and where the Herring River and Boat Meadow River meet the Bay.

C12-Chatham Roads (Barnstable). This unit consists of two segments in the Town of Chatham. The eastern segment includes the western part of Harding Beach which protects the entrance to Bucks Creek and also fronts Cockle Cove, a part of Nantucket Sound. It is a narrow spit with dunes and beach grass vegetation that has been growing eastward across the mouth of Bucks Creek toward the settlement of Harding Beach. Salt marshes and tidal creeks make up the wetlands behind the barrier. The western segment is known as Forest Beach. It includes Mill Creek and its associated marshes, but does not include Taylor Pond from which it flows. Access to both beaches is limited to foot traffic, and the areas are used for recreation by local residents. A few small groins exist on Forest Beach, and the end of this segment has a short jetty protecting the entrance to Mill Creek. Cockle Cove Beach is on the downdrift side of this jetty and thus shows the typical offset configuration. A radio tower (WCC) stands in the marsh behind Forest Beach. Uplands near both segments are heavily developed.

C13-Lewis Bay (Barnstable). This relatively large unit is part of a tombolo system. The main portion is a beach (Great Island Beach) connecting Great Island to the mainland along the south shore of Cape Cod on Nantucket Sound in Yarmouth. Also included are Pine Island, Cedar Point and Smith Point (a small tombolo) on the north side of Great Island, and Fox Point and the marshes between it and Great Island. Twenty groins on the south shore of Great Island and six on the north-west shore of Smiths Point have caused some redistribution of sediment on the beach.

C14-Squaw Island (Barnstable). This unit is in the Town of Hyannis and fronts on Nantucket Sound. It contains two parts: a tombolo connecting Sunset Hill with Squaw Island, and a western spit on the western side of Squaw Island that protects the entrance to and salt marshes of Halls Creek. Six groins are present on the spit east of Hyannis Point and are causing some redistribution of sand. A jetty on the west side of the inlet near the western boundary of the unit has caused accumulation of sand behind the jetty and possibly some landward recession of the eastern spit found there. A paved road runs along the eastern barrier to the developed portions of Squaw Island.

C15-Centerville (Barnstable). This unit, near the Village of Centerville, is also known as Long Beach. It runs along the southeastern mouth of the Centerville River where it empties into Nantucket Sound. The

unit is accessible from Craigville Beach by a road to the eastern end. There is limited use along the eastern section by local residents and people coming from Craigville Beach. The unit is on the downdrift side of the jetty on nearby Dowsed Beach.

C16-Dead Neck (Barnstable). Also known as Oyster Harbor Beach, this unit is separated from Osterville Grand Island by a tidal channel known as Seapuit River on the north shore of Nantucket Sound. The eastern end flanks the entrance to West Bay, while the western end shows a recurring tendency into the entrance of Cotuit Bay. Littoral drift is predominately from east to west. The unit contains a small sand bar called Sampsons Island, which has a short jetty on its eastern end. There appears to be no appreciable effect of the jetty on the island. The unit is opposite the Village of Cotuit in the Town of Barnstable.

C17-Popponeset Spit (Barnstable). This unit is mostly in the Town of Mashpee at the end of Popponeset Spit but also includes Thatch Island, which recurves toward Meadow Point on the mainland and flanks the entrance to Popponeset Bay, and a small island behind the spit called Little Thatch Island. The Thatch Islands are usually submerged except at very low tides. The beach is used by residents of an adjacent community known as Popponeset Beach. The barrier is downdrift from a series of groins in front of Popponeset Beach, which has caused noticeable retreat of the shoreline.

C18-Waquoit Bay (Barnstable). This unit contains South Cape Beach in Mashpee, an east-west running barrier spit which protects Waquoit Bay and Sage Lot Pond on the north side of Nantucket Sound. Washburn Island, across the entrance to Waquoit Bay, is also included. This island is shaped like an inverted "T," with its long axis oriented north-south. It consists of low dunes and two spits. The eastern spit is longer and protects the entrance to Waquoit Bay, while the shorter western spit protects Eel Pond. Washburn Island supports a well-developed coastal forest of oak and pitch pine. Access to Washburn Island is by boat only. There is moderate recreational use of South Cape Beach. The inlet to Waquoit Bay is stabilized by jetties that have caused the shoreline to erode at South Cape Beach and to accrete on Washburn Island.

C18A-Falmouth Ponds (Barnstable). This unit contains two bay barriers in the Town of Falmouth and protects long, narrow coastal ponds behind Vineyard Sound. The western section has an inlet artificially stabilized with jetties on both sides. The eastern section has an improved road running along its entire length and several groins along its beach. The eastern section protects Bournes Pond; the western section protects Green Pond.

C19-Black Beach (Barnstable). This unit is a double spit system protecting Great Sippewissett Marsh in Falmouth on the eastern shore of Buzzards Bay. The barriers consist of low dune fields, strand vegetation, and sand beaches. The salt marsh behind the barrier

is a typical Spartina community. This marsh is well-known for the many ecological studies that have been done on nutrient cycling, marsh productivity, and the intertidal marine organisms living in it.

C19A-Buzzards Bay Complex (Plymouth). This unit has seven subunits on the north shore of Buzzards Bay. The Aucoot Cove subsection consists of a salt marsh with a narrow sandy beach at the head of Aucoot Cove and a small sandy island called Haskell Island. The second subunit is along Hiller Cove and is mainly salt marsh. The third subunit is a capelike system containing Angelica Point and Strawberry Point, made up of salt marshes, sand flats, a coastal forest, and a narrow sandy spit enclosing Pine Island Pond on the north side of the cape. The fourth subunit is a salt marsh with a narrow beach fronting on Mattapoissett Harbor along the east side of Mattapoissett Neck. Other sections are located along the northeastern shore of Buzzards Bay near Wareham. The Sedge Cove and Nobska Point subunits contain marshland and thin sandy beaches. The easternmost subsection is Bourne Point, a sandy spit that protects Little Harbor in Wareham.

C20-Coatue (Nantucket). This unit comprises three sections that are part of a large tomolo-spit system at the northern tip of Nantucket Island. The eastern section joins Wauwinet and Coskata and protects the eastern side of Nantucket Harbor (at the head of the harbor) and has been breached in the past by storm surges. The western section is part of a long spit that runs southwestward from Coskata and fronts Nantucket Sound. This spit protects the northern side of Nantucket Harbor and is notable for its series of six almost equally spaced points that create a striking scalloped shoreline along the backside. The third section occupies most of Great Point at the very northern tip of Nantucket Island. The Great Point Lighthouse, lost in recent storms, was just north of this section. Vegetation is of typical dune strand and shrub thickets. Off-road vehicle trails run through the unit and are the primary means of access to the area. Boats are used to reach the section on Coatue Spit.

C21-Sesachacha Pond (Nantucket). This unit is a sandy bay barrier protecting Sesachacha Pond on the eastern shore of Nantucket Island and fronting the Atlantic Ocean. It is contiguous with the Town of Quidnet to the north. The barrier connects two upland areas on either side of Sesachacha Pond and is occasionally breached by storms.

C22-Cisco Beach (Nantucket). This single dune ridge bay barrier is near the small Village of Cisco. Cisco Beach connects uplands that flank Hummock Pond and Clark Cove. At the western end of the beach, a low area breaks open periodically, allowing an exchange of water between Hummock Pond and the Atlantic Ocean. The beach is reached by foot from either side and is used for recreation by the local residents.

C23-Esther Island Complex (Nantucket). The three subunits of the Esther Island Complex are Eel Point, Esther Island and Madaket

Harbor, and the western tip of Madaket. The unit is at the western tip of Nantucket Island. The portion on Madaket is a sandy point (cape) along the south side of Madaket Harbor, just west of a small settlement. Eel Point is a barrier spit on the north side of Madaket Harbor containing a series of dunes and associated strand vegetation with elevations above 10 feet. Behind the barrier are typical salt marshes. Esther Island is a sandy barrier island of low dunes and sparse vegetation containing a small pond on its eastern end.

C24-Tuckernuck Island (Nantucket). This unit has three subunits on Tuckernuck Island. The first subunit is a bay barrier protecting North Pond and a recurving spit that is attached to the western end of the island; the second, on the northeastern side, is a narrow barrier spit protecting East Pond; and the third, on the southeast side, is a barrier spit that extends from Tuckernuck Island toward Esther Island. Several sandy shoals between Tuckernuck and Esther Island are also included in this unit. The subunits on the south side of Tuckernuck face the Atlantic Ocean while the one on the northeast faces Nantucket Sound.

C25-Muskeget Island (Nantucket). Muskeget Island is one of the most significant coastal barriers in Massachusetts. The island has been kept pristine largely because of its inaccessibility. Access is by small boat or airplane, but the low elevation of the island and the extremely shallow water and shoals surrounding the island make both methods difficult. It is richly endowed with fish and wildlife populations, including an endemic rodent, the Muskeget vole. It is the southernmost breeding area for the gray seal, and two endangered birds--the peregrine falcon and southern bald eagle--are occasional visitors. The island is mostly used for hunting, nature study, and scientific research. The dune fields on Muskeget are up to 10 feet high and are covered with dune grass and coastal shrub communities. Several spits recurve around the southern side of the island, creating a small sheltered cove and salt marshes. Small freshwater marshes are found in the dune field. Muskeget is located between Tuckernuck Island and Martha's Vineyard.

C26-Eel Pond Beach (Dukes). This unit is on Martha's Vineyard and contains two barrier spits just east of Edgartown that front on the entrance to Edgartown Harbor. The north spit is narrow and recurves to the northwest, thus protecting a small cove called Eel Pond. The southern spit is linear and widens at its southern end, where it juts into the Edgartown Harbor entrance just east of the Martha's Vineyard-Chappaquiddick Ferry route. The Edgartown Lighthouse is at the end of this spit.

C27-Cape Poge (Dukes). This unit consists of four subunits on the Cape Poge Peninsula, a northward-trending barrier spit on the east side of Chappaquiddick Island. The barrier protects Pocha Pond and Cape Poge Bay. The two eastern subunits comprise a linear sand beach with a single low dune ridge and back barrier flats supporting grass and shrub vegetation. The northern subunit is an

upland area of dunes and glacial deposits reaching elevations of 20 feet and more. The highest portions are on the eastern side and contain glacially derived rock that is rapidly eroding. The uplands here support a dense shrub community and small stands of pine. The western subunit consists of a long, gradually curving, very narrow beach of sand and gravel with a few low dunes. This section curves southward from Cape Poge and encloses the northwestern side of Cape Poge Bay.

C28-South Beach (Dukes). This unit comprises bay barriers protecting the coastal ponds along the south side of Martha's Vineyard. From east to west, the ponds that these barriers protect are Edgartown Great, Jobs Neck, Oyster, Watcha, Homer, Tisbury Great, Black Point, and Chilmark. The barriers are relatively low and contain a series of dunes in various stages of development. They are frequently breached and overwashed by coastal storms that push saltwater into the ponds. Local residents have occasionally opened the barriers to allow more saltwater exchange with the ponds. The ponds contain freshwater to brackish water, depending on storm activity and precipitation.

C29-Squibnocket Complex (Dukes). This unit contains five subunits that are a series of bay barriers around Gay Head on the western end of Martha's Vineyard. The easternmost section is called Stonewall Beach and it protects Stonewall Pond; another section protects Squibnocket Pond on the southeastern side of Gay Head. An unimproved road runs along this beach to Squibnocket Ridge. Long Beach and Squibnocket Beach combine to form a relatively wide bay barrier with dunes over 10 feet high. The barrier contains a dune ridge and dune fields of typical strand vegetation and shrub thickets with salt marshes behind. These beaches enclose the southwestern side of Squibnocket Pond and protect a small pond called Lily Pond on the north end. A fourth section runs between Zacks Cliffs and the Gay Head Cliffs. It consists of a low beach and dune system with wetlands behind. The fifth and major section consists of a large spit with large dunes along the north side of Menemsha Pond. There is a dredged opening at the eastern end of this spit. An unimproved road called West Payson Road runs to the end of the spit. The barrier contains dune fields and interdune ponds and marshes with salt marshes near the inlet.

C29A-James Pond (Dukes). This unit is a small bay barrier with a temporary inlet that protects Jakes Pond. It faces Lamberts Cove in West Tisbury on Martha's Vineyard. The barrier has a dune ridge reaching heights of more than 10 feet. A small salt marsh is included near the inlet at the western end of the unit.

C29B-Mink Meadows (Dukes). This unit is a low bay barrier bisected by a dredged and jettied inlet protecting Mink Meadows Pond and several smaller ponds. The unit is at the north end of the Town of Vineyard Haven on Martha's Vineyard.

C31-Elizabeth Islands (Dukes). This unit contains several barriers on three islands of the Elizabeth Islands chain, which stretches

southwestward from the Woods Hole region of Cape Cod, separating Buzzards Bay from Vineyard Sound. Robinson's Hole Beach is on the eastern end of Pasque Island and is a small tombolo system protecting a salt marsh. Quicks Hole Pond Beach is a bay barrier at the eastern end of Nashawena Island. Three other barrier systems are on Cuttyhunk Island: two subunits are part of the Copicut Neck tombolo on the northeastern corner of the island; another tombolo beach system extends eastward from the Village of Cuttyhunk to Canapitsit Channel. At the western end of the island, a pair of spits enclose a small bay and marsh called Western Pond.

C31A-West Scoticut Neck (Bristol). This unit's four subunits are on the mainland around Scoticut Neck and West Island near Fairhaven. One section is a cape called North Point on the north end of West Island and contains a sandy beach and salt marsh. The point juts into Nasketucket Bay and protects North Cove Harbor. A second subunit consists of a barrier spit attached to Round Island and a small island called Fish Island in Round Cove. Salt marshes lie behind the spit. On the west side of Scoticut Neck are two other subunits. One contains a small spit protecting a narrow bay and a bay barrier along the shore south of Silver Shell Beach. The other consists of a narrow bay barrier protecting a small pond just to the north of the Silver Shell Beach community.

C31B-Harbor View (Bristol). This unit is mainly a salt marsh with a thin bay barrier beach on Buzzards Bay between Fairhaven (Harbor View section) and Pope Beach.

C32-Mishaum Point (Bristol). This unit is a narrow barrier spit extending westward from Salters Point toward Mishaum Point on Buzzards Bay in the Town of Dartmouth. It protects an unnamed bay with a small inlet at the western end of the spit. A sand road runs partway down the spit.

C33-Little Beach (Bristol). This bay barrier protects Allens Pond in Dartmouth. The pond drains into Buzzards Bay through a circuitous channel at the eastern end of the barrier. The beach is just east of Horseneck State Reservation.

C34-Horseneck Beach (Bristol). This unit has two parts, each flanking the Horseneck Beach State Reservation, which faces the Atlantic Ocean near the Rhode Island-Massachusetts State line in the Town of Westport. The eastern part, a bay barrier known as East Beach, is the connecting link between the Reservation and the mainland. The western part, a barrier spit called Horseneck Point, extends into the Westport River protecting Westport Harbor.

C34A-Cedar Cove (Bristol). This small double spit system encloses Cedar Cove just south of the Town of South Swansea in Mount Hope Bay, an arm of Narragansett Bay, across the Taunton River from Fall River. Salt marshes fringe the inside of the sandy spits.

D01-Little Compton Ponds (Bristol). The Massachusetts segments of this unit are two

small bay barriers protecting Cockeyeast and Richmond Ponds.

RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitat identified in Massachusetts be added to the Coastal Barrier Resources System. The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded from the CBRS. Because the Waquoit Bay unit (C18) of the CBRS is protected by Massachusetts, the Department recommends it be deleted from the System. However, if any otherwise protected, undeveloped coastal barrier is ever made available for development that is inconsistent with the purposes of the CBRA, the DOI recommends that it then be automatically included in the CBRS. A complete discussion of DOI's recommendations concerning otherwise protected, undeveloped coastal barriers, including suggested guidelines for acceptable development, appears in Volume 1. Maps of all undeveloped, otherwise protected coastal barriers in Massachusetts appear in the following section. A table summarizing the Department's recommendation on each unit or proposed unit identified in Massachusetts follows this discussion.

The Department of the Interior's recommendations were developed after full consideration of the many public, State and Federal agency, and Congressional comments on the delineations in the draft report released in March 1987.

The Commonwealth of Massachusetts reviewed the 1987 Draft Report and made recommendations on several existing and proposed CBRS units in the State. These recommendations are discussed in the following section, interspersed with the appropriate maps. The Commonwealth supports a CBRS expansion in Massachusetts, but opposes excluding otherwise protected coastal barriers from the System. The Commonwealth's positions on the DOI's general recommendations are discussed in Volume 1.

The Department received 21 other comments concerning Massachusetts. Most expressed support for the CBRS expansion in Massachusetts. The Town of Barnstable suggested several additional areas for inclusion in the CBRS; however, none of these areas qualified as undeveloped, unprotected coastal barriers under DOI criteria. The Massachusetts Historical Commission expressed concerns about the protection of historic and archaeological sites within the CBRS. Section 10 of the CBRS did not direct DOI to develop specific recommendations for the protection of these sites. However, to the extent that the CBRA slows development in the CBRS, it will also help preserve historic and archaeological sites. Substantive public comments concerning individual existing or proposed CBRS units are discussed and reprinted in the following section, interspersed with appropriate maps.

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN MASSACHUSETTS

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shoreline Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
C00	Clark Pond	Essex	6	1.3	1,369	106	Add new area to existing CBRS unit
MA-03	Castle Neck	Essex	6	3.0	5,347	931	Add to CBRS
C01	Wingaersheek	Essex	6	0.7	811	64	Add wetlands to existing CBRS unit
C01A	Good Harbor Beach	Essex	6	0.9	327	50	Add Milk Island to existing CBRS unit
C01B	Brace Cove	Essex	6	0.3	55	5	No change to existing CBRS unit
MA-04	West Beach	Essex	6	0.6	86	10	Add to CBRS
MA-06	Phillips Beach	Essex	6	0.3	28	4	Add to CBRS
C01C	West Head Beach	Suffolk	11	0.7	212	27	Add Rainsford Island to existing CBRS unit
MA-11	Peddocks Island	Plymouth	11	1.0	896	102	Add to CBRS
MA-12	The Glades	Plymouth	10	0.8	931	25	Add to CBRS
C02	North Scituate	Plymouth	10	0.4	87	5	Add wetlands to existing CBRS unit
C03	Rivermoor	Plymouth	10	0.6	2,044	54	Add new area to existing CBRS unit
C03A	Rexhame	Plymouth	10	1.9	138	44	Add wetlands to existing CBRS unit
MA-13	Duxbury Beach	Plymouth	10	4.1	9,621	210	Add to CBRS
C04	Plymouth Bay	Plymouth	10	3.7	2,502	147	Add new area to existing CBRS unit
C06	Center Hill Complex	Plymouth	10	1.3	146	37	No change to existing CBRS unit
C08	Scorton	Barnstable	10	0.8	219	36	Add wetlands to existing CBRS unit
C09	Sandy Neck	Barnstable	10	3.0	7,222	352	Add new area to existing CBRS unit
MA-16	Nobscusset	Barnstable	10	0.5	44	27	Add to CBRS
C10	Freemans Pond	Barnstable	10	1.3	448	104	Add new area to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN MASSACHUSETTS (CONTINUED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shoreline Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
C11	Namskaket Spits	Barnstable	10	0.7	282	47	No change to existing CBRS unit
C11A	Boat Meadow	Barnstable	10	0.6	382	17	Add wetlands to existing CBRS unit
MA-18	Pamet Harbor	Barnstable	10	1.0	369	59	Add to CBRS
C12	Chatham Roads	Barnstable	10	1.2	246	28	Add wetlands to existing CBRS unit
C13	Lewis Bay	Barnstable	10	1.7	1,579	171	Add wetlands to existing CBRS unit
C14	Squaw Island	Barnstable	10	0.9	163	15	Add wetlands to existing CBRS unit
C15	Centerville	Barnstable	10	1.0	172	19	Add wetlands to existing CBRS unit
C16	Dead Neck	Barnstable	10	2.9	1,041	129	Add new area to existing CBRS unit
C17	Popponeset Spit	Barnstable	10	0.9	545	13	Add wetlands to existing CBRS unit
C18	Waquoit Bay	Barnstable	10	—	—	—	State protected; delete from the CBRS
C18A	Falmouth Ponds	Barnstable	10	0.8	350	12	Add wetlands to existing CBRS unit
C19	Black Beach	Barnstable	10	0.6	218	33	No change to existing CBRS unit
MA-24	Naushon Island Complex	Dukes	10	2.5	274	70	Add to CBRS
MA-30	Herring Brook	Barnstable	10	0.3	48	8	Add to CBRS
C31	Elizabeth Islands	Dukes	10	10.0	952	267	Add new area to existing CBRS unit
C20	Coatue	Nantucket	10	12.3	6,532	1,090	Add new area to CBRS unit
C21	Sesachacha Pond	Nantucket	10	0.5	287	20	Add wetlands to existing CBRS unit
C22	Cisco Beach	Nantucket	10	0.5	206	15	Add wetlands to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN MASSACHUSETTS (CONTINUED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shoreline Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
C23	Esther Island Complex	Nantucket	10	5.7	1,802	214	Add wetlands to existing CBRS unit
C24	Tuckernuck Island	Nantucket	10	3.1	590	90	Add new area to existing CBRS unit
C25	Muskeget Island	Nantucket	10	1.5	2,955	197	No change to existing CBRS unit
MA-26	Harthaven	Dukes	10	0.9	87	22	Add to CBRS
MA-27	Edgartown Beach	Dukes	10	—	—	—	Misidentified as unprotected in draft report; not a recommended addition
C26	Eel Pond Beach	Dukes	10	1.2	186	26	Add new area to existing CBRS unit
C27	Cape Poge	Dukes	10	7.1	2,456	474	Add new area to existing CBRS unit
C28	South Beach	Dukes	10	9.6	2,821	437	Add new area to existing CBRS unit
C29	Squibnocket Complex	Dukes	10	5.3	1,897	347	Add new area to existing CBRS unit
C29A	James Pond	Dukes	10	0.5	90	35	Add wetlands to existing CBRS unit
C29B	Mink Meadows	Dukes	10	0.8	42	25	No change to existing CBRS unit
MA-31	Squeteague Harbor	Barnstable	10	0.5	195	22	Add to CBRS
MA-32	Bassetts Island	Barnstable	10	0.5	385	24	Add to CBRS
MA-33	Phinneys Harbor	Barnstable	10	1.5	943	94	Add to CBRS
MA-34	Long Beach Point	Plymouth	10	0.7	102	11	Add to CBRS
MA-35	Planting Island	Plymouth	10	0.6	262	19	Add to CBRS
C19A	Buzzards Bay Complex	Plymouth	10	4.2	947	87	Add new area to existing CBRS unit
C31A	West Scoticut Neck	Bristol	10	4.3	497	91	Add area to existing CBRS unit
C31B	Harbor View	Bristol	10	0.3	69	10	No change to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN MASSACHUSETTS (CONCLUDED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shoreline Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
MA-36	Round Hill	Bristol	10	0.3	76	7	Add to CBRS
C32	Mishaum Point	Bristol	10	0.4	122	10	No change to existing CBRS unit
C33	Little Beach	Bristol	10	1.9	547	84	Add wetlands to existing CBRS unit
C34	Horseneck Beach	Bristol	4	1.7	2,799	155	Add new area to existing CBRS unit
C34A	Cedar Cove	Bristol	4	0.3	17	6	No change to existing CBRS unit
D01	Little Compton Ponds	Bristol	4	0.8	224	64	No change to existing CBRS unit (see also Volume 4)
Totals - CBRS as Recommended				119.3	66,290	6,904	
Existing CBRS				<u>70.7</u>	<u>17,214</u>	<u>3,871</u>	
Net Change in CBRS				+48.6	+49,076	+3,033	

^aUNIT ID CODE - State initials (MA) plus a number identify a proposed new unit. An existing unit is identified by the legal code letter (C or D) and number established by Congress in 1982.

^bUNIT NAME - For proposed new units, this is a provisional name based on a prominent local feature. For existing CBRS units, this is the legal name.

^cCONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

^dSHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

^eTOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

^fFASTLAND AREA - This acreage is a rough estimate of the portion of the total area that is above the mean high tide line (i.e., the non-wetland area). It is a very general representation of the potentially developable land.

^gRECOMMENDATION - A brief explanation of the Department's recommendations to Congress. For more detailed explanations, see the following section. Abbreviations: FWS = Fish and Wildlife Service, NPS = National Park Service, CBRS = Coastal Barrier Resources System.

STATE COMMENT LETTER

1546



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

June 16, 1987

P. Daniel Smith, Deputy Assistant Secretary
c/o Coastal Barriers Study Group
National Park Service
P.O. Box 37127
U.S. Department of the Interior
Washington, D.C. 20013-7127

Dear Mr. Smith:

Thank you for your letter requesting comments regarding the Coastal Barrier Resources Act (CBRA) Section 10 Draft Report to Congress. As I am sure you are aware, ever since the CBRA was enacted by Congress in 1982, the Commonwealth of Massachusetts has supported its stated purpose to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the designated coastal barriers. There are presently forty-five (45) coastal barrier units in Massachusetts subject to the provisions of the CBRA.

At my direction, the Massachusetts Coastal Zone Management Office reviewed the Section 10 Draft Report to Congress. Attached you will find detailed comments regarding your draft recommendations. I urge you to consider these comments when preparing your Final Report to Congress.

I appreciate the opportunity to review your Draft Report and I look forward to your continued cooperation in this matter.

Sincerely,

Michael S. Dukakis
Governor

MSD/JB/sia
Attachment

COMMONWEALTH OF MASSACHUSETTS
COMMENTS ON THE
DRAFT REPORT TO CONGRESS: COASTAL BARRIER
RESOURCES SYSTEM EXECUTIVE SUMMARY - MARCH 1987

Introduction

The Coastal Barrier Resources System (CBRS) was established in 1982 upon enactment of the Coastal Barrier Resources Act (CBRA). The CBRS identified certain coastal barriers along the Atlantic and Gulf of Mexico coasts that were considered "undeveloped" and "unprotected". In Massachusetts approximately 45 units were included in the CBRS. The purpose of the Act is to minimize the loss of human life, reduce the wasteful expenditure of federal revenues, and reduce the damage of fish, wildlife, and other natural resources associated with the coastal barriers. This is accomplished, in part, by restricting Federal expenditures and financial assistance which have the affect of encouraging development of coastal barriers. The Commonwealth of Massachusetts fully supports the intent and purpose of the CBRA.

Section 10 of the Act directed the Secretary of the Interior to prepare and submit to Congress a report regarding the system. The Secretary was further directed to prepare the report in consultation with the Governor and the Coastal Zone Management agencies of the affected states. In response to the directives of Congress, the Secretary of the Interior prepared the Coastal Barrier Resources System Draft Report to Congress, which was released in April 1985. Released in conjunction with the Draft Report was the Draft Coastal Barrier Inventory which identified and delineated existing CBRS units; proposed expansions to those units; and, proposed the addition of new units, based on the definition and delineation criteria that were developed by the Coastal Barrier Study Group (as summarized in the January, 1985 narrative document). The Draft Inventory for Massachusetts included approximately 36 new units and the expansion of about 34 existing units.

The Massachusetts Coastal Zone Management Office actively solicited comments on the Draft Report and Inventory and submitted a position statement to the Department of the Interior on behalf of the Commonwealth in October, 1985.

On March 19, 1987 the Department of the Interior released for public comment a revised Draft Report to Congress which contained specific recommendations for: 1) the additions, deletions and modifications to the CBRS, and 2) the conservation of fish, wildlife and other natural resources of the CBRS. The following comments are in response to the proposed recommendations.

Proposed Recommendations For Additions To Or Deletions From the CBRS

Massachusetts supports the proposed changes of the coastal barrier definitions and delineation criteria with the exception of the "otherwise protected" criteria. Presently the CBRS excludes as "otherwise protected", areas established under Federal, State or Local law or held for wildlife,

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recreation or conservation purposes. These "otherwise protected" areas should be held to the same standards and subject to the same financial constraints as private property. Also, not all activities proposed within the "otherwise protected" areas may necessarily be in keeping with the intent of the CBRA. It is the position of the Commonwealth that "otherwise protected" areas should be included in the CBRS.

The proposed CBRS maps (Volume 3 - Massachusetts) which accompanied the 1987 Draft Report to Congress appear to delineate coastal barriers in a manner that is generally consistent with the proposed changes to the definition criteria. It should be noted however, that the proposed maps do not include "otherwise protected" areas, which the Commonwealth has requested to be included. Massachusetts also requests that the following specific changes be made to several of the proposed CBRS units.

1. COIC Addition (Rainsford Island)
Massachusetts requests that this unit be deleted.
2. MA-11 (Peddocks Island)
Massachusetts requests that this unit be deleted.
3. C 18 Deletion (Waquoit Bay)
Massachusetts has worked diligently to make sure that this unique and extremely sensitive area is adequately protected. The Commonwealth requests that this unit remain in the CBRS.

Proposed Conservation Recommendations

The Commonwealth supports the proposed recommendations that no tax or regulatory amendments be considered at this time. Massachusetts also supports the continuation of the Federal Government's user fee concept for the acquisition of designated lands in the CBRS.

The Commonwealth does, however, oppose the proposed exemption from CBRA of newly established conservation/recreation lands within units of the CBRS; the deletion of Military and Coast Guard lands; and, the exemption from the CBRA of any excess/surplus Federal lands.

Other Proposed Amendments To The CBRA

Massachusetts supports the proposed recommendation to clarify Section 5 of the CBRA by developing guidance for Federal agencies that restates the understanding that Federal funding for a facility located outside a CBRS unit, whose direct purpose is to provide a tangible product within the CBRS unit, is restricted by the CBRA.

-3-

Recommendations are also proposed for changes to Section 6 of the CBRA that relate to: "essential links"; dredged material disposal; "recreational project"; and, technical assistance. Massachusetts supports these recommendations as they are written. The proposed recommendation regarding "Federal Agency Compliance", however, is opposed. Federal agencies should be required to account for the granting of block grants or for taking other actions and, for assuring that these actions are consistent with the CBRA.

Massachusetts strongly opposes the recommendation to delete Section 7 of the CBRA. Section 7 requires the Director of the Office of Management and Budget (OMB) to certify annually, in writing, on behalf of each federal agency concerned, that each such agency has complied with CBRA during the preceding fiscal year. Without oversight by a designated agency, there is no way to review the implementation of the CBRA by the various federal agencies. The Commonwealth requests that Section 7 remain in the CBRA.

Conservation Of Atlantic And Gulf Coastal Barriers: The Next Step

Massachusetts supports the proposed recommendation to develop alternative guidelines concerning the redevelopment of coastal barriers following major storms or hurricanes. The need to institute new policies regarding this problem is overdue and through the cooperative efforts of State, Federal and local agencies, a comprehensive policy can be established.

Additional Comments

In previous comments (October 1985) on the original Draft Report to Congress, Massachusetts requested the inclusion of provisions that allow federal funding of the extension of a municipal wastewater discharge pipe through a designated unit, provided that it discharges outside the unit and, provided that the extension leads to improved water quality within the designated unit. It is understood that presently, this relocation would not be eligible for financial assistance. In the event that there is no other alternative, this ineligibility could mean that the wastewater discharge will remain within the harbor, leading to continued water quality degradation.

The Commonwealth again requests that this provision be included and believes that it is within the intent of the CBRA.

OTHER GENERAL COMMENT LETTERS CONCERNING MASSACHUSETTS



1420

The Commonwealth of Massachusetts
Office of the Secretary of State
Michael Joseph Connolly, Secretary

Massachusetts Historical Commission
Valerie A. Talmage
Executive Director
State Historic Preservation Officer

June 22, 1987

Mr. Frank McCilurey
Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, DC 20013-7127

RE: Comments, Coastal Barrier Resources System Draft Report

Dear Mr. McCilurey:

Staff of the Massachusetts Historical Commission have reviewed the Draft Report, entitled "Report to Congress: Coastal Barrier Resources System," which was prepared by the U.S. Department of the Interior, National Park Service.

Although the Coastal Barrier Resources Act states that "coastal barriers contain resources of ... historical, archaeological... importance; which are being irretrievably damaged and lost due to development on, along, and adjacent to, such barriers (Sec. 2 (a)(2)),," there is no reference in the Draft Report to management recommendations for the protection of historic and archaeological sites located within the Coastal Barrier Resources System. Historic and archaeological resources, as are fish, wildlife and other natural resources, are unique and non-renewable resources, and are especially threatened along the Atlantic and Gulf coasts. As such, they should be afforded the same level of protection within the CBRS as are fish, wildlife and other natural resources.

The list of existing and proposed CBRS Units in Massachusetts includes several reported historic and archaeological resources, many more potential, unreported resource areas and a few cultural resources already listed on the National Register of Historic Places. All of these known and potential historic and archaeological resource areas require careful management to ensure their preservation for the benefit of future generations.

80 Boylston Street, Boston, Massachusetts 02116 (617) 727-8470

Staff of the MHC would be glad to assist in developing management recommendations for protecting historic and archaeological resources within the CBRS in Massachusetts. If you have any questions concerning these comments, or require additional information, please contact Jordan Kerber at this office.

Sincerely,

Valerie Talmage
Valerie A. Talmage
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

VAT/ljs

cc: Jeff Benoit, MCZM
Advisory Council on Historic Preservation
John Wilson, U.S. Fish and Wildlife



Town of Barnstable
Department of Planning and Development
397 Main Street Hyannis, MA 02601 (617) 775-1120 ext. 141

956

June 16, 1987

Coastal Barriers Study Group
National Park Service - 498
U. S. Department of the Interior
P. O. Box 37127
Washington, D. C. 20013-7127

Dear Group Chairman:

Thank you for the opportunity to review and comment on the U. S. Coastal Barrier Resources Act (CBRA) Section 10 Report to Congress and the accompanying Massachusetts draft maps contained in Volume 3, Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resource System, February, 1987.

We fully concur with your recommendation to Congress that it accept the addition of the proposed 17 undeveloped coastal barrier beach units on Cape Cod to the Federal Coastal Barrier Resources System. This is an important Federal program, and one which we enthusiastically support.

We do, however, have serious concerns relative to the provision that state and locally-owned barrier beaches be excluded from the jurisdiction of the program.

The "local protection" afforded by state or local public ownership can be tenuous over the long-term. Locally-owned barrier beaches do not have the guarantee of protection and wise use that beaches under the program do. Further, official recognition by the Federal government regarding the fragile nature of these areas would enhance the localities' understanding of the appropriate use of these areas.

We, therefore, respectfully suggest, and concur with the prior recommendations of the Barnstable County Coastal Zone Management Advisory Committee, that all barrier beaches under public ownership be included in the Coastal Barrier Resource System.

Yours very truly,

Russell DeConti
Russell DeConti, Director

cc: Board of Selectmen; Planning Board; Conservation Commission, Town of Barnstable; John J. Clark, CZM Coordinator



Town of Barnstable
Conservation Commission
367 MAIN STREET
HYANNIS, MASSACHUSETTS 02601

1215

June 18, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of Interior
P.O. Box 37127
Washington, DC 20013-7127

Dear Sirs:

On behalf of the Town of Barnstable Conservation Commission, the following comments are submitted relative to the Secretary's draft final report to Congress: Coastal Barrier Resources System.

* The inclusion of the Sandy Neck (C09), Lewis Bay (C13), Squaw Island (C14), Centerville (C15), Dead Neck (C16) and Popponesset Spit (C17) units, which reside wholly or in part in the Town of Barnstable is welcomed. However, other Town barrier beaches (Rushy Marsh Pond, Dowse's Beach, Hyannisport and Mill Creek spits) omitted from the present inventory, may have warranted inclusion.

* The proposed recommendation of DOI to include the broadly defined "associated aquatic habitats" of existing units to the CBRS is welcomed. We concur with the perspective that the barrier beach and its associated aquatic habitats are integral elements of the same ecosystem.

* The proposed recommendation of DOI to delete "otherwise protected" coastal barriers from the CBRS deserves reconsideration. We suggest that the protection of our natural resources deserves the full initiative and involvement of the federal government in reinforcing existing state and local measures. Over the long term, the degree of protection afforded to our barrier beach ecosystems stands to be measurably eroded should the "otherwise protected" barriers be excluded.

The opportunity to comment on the draft final report is indeed appreciated.

Sincerely,

Robert W. Gateswood
Robert W. Gateswood
Conservation Agent

cc: Richard Delaney
Congressman Gerry Studds
Armando Carbonnel



CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630
TELEPHONE 617-362-2511

April 14, 1987

Coastal Barriers Study Group
National Park Service - 498
U.S. Department of the Interior
P.O. Box 37127
Washington, D. C. 20013-7127

Dear Group Leader:

Thank you for the opportunity to comment on the U.S. Coastal Barrier Resources Act (CBRA) Section 10 Report to Congress and the accompanying draft maps. As the regional planning agency for Cape Cod, comprised of selectmen from each one of the fifteen towns in Barnstable County plus the County Commissioners and a minority representative, the Cape Cod Planning and Economic Development Commission (CCPEDC) remains supportive of the intent and purposes of CBRA (16 U.S.C.3509). Comments on individual proposed units to the system will be forwarded to DOI by towns themselves. The Commission's comments regard general implementation of the Act.

The 1985 Draft DOI Report to Congress included, among other proposed barrier units:

1. Areas established under federal, state or local law which stipulate the purposes of protection;
2. Areas established by Presidential Proclamation under the Antiquities Act of 1906, or under federal, state or local executive directive which has its basis in law; and
3. Areas administered by agencies of the federal, state or local government under a lease which stipulates the purposes of protection.

CCPEDC recommends that these "otherwise protected" areas be resubmitted to Congress in the final DOI Section 10 Report. CCPEDC believes that just as areas held by organizations within the scope of section 170 (N) (3) of the Internal Revenue Code of 1954 are going to remain in the Draft Report as "otherwise protected" areas, so too should government owned barriers. This Commission has observed government agencies releasing or selling off their properties for various reasons just as Interior has observed private trusts doing the same. Public ownership is no

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guarantee of environmental protection.

Finally, municipalities should be made aware of who in the federal government is the CBRA technical assistance contact. Municipal agencies and officials review proposed projects in flood plains in or near barrier beaches on a daily basis in this region. A Massachusetts located office for legal and site specific CBRA interpretations is necessary to assist the federal government in ensuring compliance with the Act.

Sincerely,

Armando J. Carbonell
Executive Director

AJC:JJC:bc

cc: Senator Edward M. Kennedy
Senator John F. Kerry
Congressman Gerry E. Studds
Mr. Richard F. Delaney, Director Mass. CZM

2



COOPERATIVE EXTENSION
UNIVERSITY OF MASSACHUSETTS

BARNSTABLE COUNTY OFFICE
Deeds and Probate Building
Barnstable, MA 02630
(617) 362-2511

April 24, 1987

Coastal Barriers Study Group
National Park Service
U.S. Dept. of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

I am writing to recommend the addition of 17 undeveloped coastal barrier beach units on Cape Cod to the federal Coastal Barrier Resources System (CBRS). These units total almost 18 shoreline miles (11,540 acres in 10 towns), and constitute a significant portion of undeveloped barrier beach acreage remaining in many Cape Cod towns. Their inclusion into the CBRS should be approved as soon as possible.

Your attention to this matter would be greatly appreciated.

Sincerely,

Karl Rask
Regional Marine Resource Specialist



Working for the Nature of Tomorrow
NATIONAL WILDLIFE FEDERATION
 1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

1282

Coastal Barriers Study Group
 Department of the Interior
 National Park Service
 P.O. Box 37127
 Washington, D.C. 20013-7127

RE: Comments on the Coastal Barrier Resources Act--Section 10 Draft Report to Congress, 52 Federal Register 9618-9619

Dear Sir or Madam:

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society are writing in response to the Department of the Interior's Federal Register Notice of March 23, 1987 soliciting comments on the Draft Report to Congress: Coastal Barrier Resources System--Executive Summary.

Our organizations have a longtime interest in the conservation of coastal barriers. The Natural Resources Defense Council was the founding organization of the Barrier Islands Coalition in 1978. Likewise, the National Wildlife Federation, the Coast Alliance, and the Oceanic Society became members of that coalition in 1979 to help seek protection of coastal barriers.

Our organizations have led efforts to pass legislation which would conserve the natural resources of coastal barriers--first, the flood insurance prohibition in the Omnibus Reconciliation Act in 1981 and then, the Federal financial prohibition in the Coastal Barrier Resources Act (CBRA) in 1982. We continue to support the goals of CBRA and expansion of the Coastal Barrier Resources System (CBRS) throughout the United States and its territories. The federal government should not be subsidizing development in hazardous areas which destroys productive coastal ecosystems, endangers the lives and properties of shoreline residents, and costs federal taxpayers millions of dollars each year in flood insurance claims and disaster relief.

The need for an expanded Coastal Barrier Resources System in which federal development subsidies are prohibited is becoming increasingly critical in light of the projected rise in sea levels due to global warming. As water levels rise, so will the costs of protecting existing structures, the damages from erosion and flooding, and the risk to human life and property. Unfortunately, however, development in these unstable coastal areas continues to grow at a frightening pace. We feel strongly, therefore, that it is essential that the Department recommend maximum expansion of the System to include the eligible areas on all of America's coasts

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before these sites are irrevocably committed to development. An appendix of specific comments on additions to and deletions from the System follow our general comments.

PROPOSED RECOMMENDATIONS FOR ADDITIONS TO OR DELETIONS FROM THE CBRS

We support the Department's recommendation to expand the definition of a "coastal barrier" to include landforms which function as coastal barriers in protecting the mainland and adjacent aquatic habitats, even if they are not composed of unconsolidated sediments as are barriers in the traditional definition. Use of this expanded definition in delineating CBRS units is consistent with the conservation goals of CBRA and would allow for the inclusion of such new geological formations as undeveloped beach rock, cemented dunes, fringing mangroves and associated coral reefs, cheniers, discontinuous outcrops of bedrock, and coarse glacial deposits. Since these areas serve the same function as coastal barriers and are as vulnerable to development pressure, sea level rise, and storm damage as traditionally-defined coastal barriers, it is appropriate that they also be protected within the System.

APPENDIX

COMMENTS ON SPECIFIC COASTAL BARRIER AREAS

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society endorse the inclusion of all undeveloped coastal barriers identified by the Department of Interior in the March 1985 inventory, as well as some additional areas mentioned below. Following are our comments on some of the specific areas.

Massachusetts

We commend the Department on the extensiveness of its 1985 inventory listing of potential units in the State of Massachusetts and support the inclusion of all of these areas within the System.

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Association for the Preservation of Cape Cod, Inc.

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P. O. Box 638
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June 23, 1987

Mr. Frank B. McGilvery
 Coastal Barriers Study Group
 U. S. Department of the Interior
 National Park Service
 Box 37127
 Washington, D.C. 20013

Dear Mr. McGilvery:

The Association for the Preservation of Cape Cod strongly supports the Coastal Barrier Resources Act (CBRA) passed by Congress in 1982, which reduced federal subsidy for unwise land use by designating undeveloped islands and barrier beaches. This act prohibits new federal expenditures, financial assistance and flood insurance on undeveloped coastal barrier areas, known as ecologically fragile and high hazard areas.

We share a national concern for the public costs associated with barrier island development. Protection of coastal development is complex and costly. With the storm of 1978 in mind, we can anticipate a grave loss of life and property from a few major storms along Cape Cod's developed coastline. We find it reasonable that the government not extend its current development programs to the remaining undeveloped coastal barriers.

We have the following comments on the Department of the Interior report to Congress on Undeveloped Coastal Barriers:

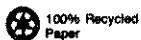
- "Associated Aquatic Habitats" should be added to the system. These near shore waters, estuaries, wetlands and embayments are inseparable parts of coastal barrier ecosystems, critical to the protection of fish, wildlife and other natural resources.
- The Coastal Barrier Resource System should be expanded to include those "otherwise protected" barriers, i.e. all publicly owned land except intensively developed recreation and beach parking

facilities, "otherwise protected" private holdings, marine sanctuaries and aquatic preserves.

- Coastal barriers within the Cape Cod National Seashore should be added to the system, as well as public recreation and conservation areas, and undeveloped military and Coast Guard lands. Any surplus or excess should be included as a study area for the system prior to its disposal.
- There should be a further study of tax policy to encourage conservation of lands within the Coastal Barriers Resource System.
- Federal funds for facilities such as wastewater treatment plants, located outside a CBRS unit whose direct purpose is to provide services within the CBRS unit, are restricted by the Act. Expenditures for repair, replacement or reconstruction of roads, post-disaster, should be a subject for further study.
- A joint study by DOI, DOD, FEMA and NOAA to develop alternative guidelines on which to base decisions concerning redevelopment following major storms should be undertaken.
- In order to assure compliance with CBRA, federal agencies and OMB must continue to be required to certify in writing that their proposed action is in compliance.

Sincerely,
Barbara Fegan
 Barbara Fegan
 For the Board of Directors

BF:ep



A non-profit organization -- all dues and contributions tax deductible.

-2-

CLF Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497
(617) 742-2540

May 29, 1987

Coastal Barriers Study Group
U.S. Department of the Interior
National Park Service - 498
P.O. Box 37127
Washington, D.C. 20013-7127

Re: Draft Section 10 Report to Congress and Proposed
Recommendations for the Coastal Barrier Resources
System (52 Fed. Reg. 9618-9619, March 25, 1987)

Dear Sir/Madam:

The Conservation Law Foundation of New England, Inc. (CLF) is pleased to submit the following comments on the Coastal Barriers Study Group's Draft Report to Congress and its proposed recommendations for additions to and deletions from the Coastal Barrier Resources System (CBRS) and for conservation of the CBRS' natural resources under Section 10 of the Coastal Barrier Resources Act (CBRA). CLF is a non-profit, public interest, environmental law organization dedicated to the conservation and preservation of New England's environment, including its coastal resources.

CLF also submitted comments on the Coastal Barriers Study Group's draft maps, definitions, and delineation criteria for the CBRS in 1985. We attach a copy of those comments and incorporate them by reference.

I. Proposed Recommendations for Additions to or Deletions from the CBRS

A. Geographic Scope

CLF supports the proposed inclusion of the Florida Keys, Puerto Rico, and the Virgin Islands in the CBRS. The ecological and mainland protection values of the barriers in these areas, combined with the severe development pressures they are experiencing, make their inclusion in the CBRS timely and essential.

We are disappointed, however, by your decision not to recommend the inclusion of the Great Lakes and Pacific Coasts in the CBRS. The initial inventory included 269 units from these regions. Barriers along these coasts perform the same beneficial

functions, provide similar fish and wildlife habitat, and experience the same storm damage/subsidized reconstruction cycles as the rest of the nation's coastal barriers. Their inclusion in the CBRS would be consistent with both the interests enumerated in the CBRA and the Department's proposal to expand the definition of a "coastal barrier" to include geological formations that are different from the originally protected areas of the Atlantic and Gulf Coasts but function as coastal barriers (see Section I.C below). We urge you to reconsider your decision and to recommend inclusion of the Great Lakes and Pacific Coasts in the CBRS.

B. Associated Aquatic Habitats

CLF welcomes the proposed recommendation to include all associated aquatic habitats in the CBRS. Their inclusion would recognize their inseparability from the other parts of coastal barrier ecosystems and eliminate the inconsistency between the CBRA's definition of "undeveloped coastal barrier" (which includes associated aquatic habitats) and the extent of the existing CBRS.

C. Secondary Barriers

As a New England organization, we are particularly pleased to see the proposed recommendation to include secondary barriers in the CBRS. Large embayments such as Long Island Sound, Narragansett Bay, and Buzzards Bay in Massachusetts provide many examples of secondary barriers, which, while generally smaller than high-energy barriers exposed to the open ocean, nevertheless perform all the functions of other coastal barriers.

D. "Otherwise Protected" Coastal Barriers

CLF supports the inclusion of all eligible "otherwise protected" areas in the CBRS. To that end, we support the proposed recommendation to include all privately owned areas within conservation or recreation areas established by federal, state, or local law (inholdings), in the CBRS, as well as any land held for conservation purposes by private groups if the land is later sold for development. Moreover, we urge you to work with Congress on developing your suggested amendment to the CBRA that provides for guidelines to aid in determining whether development in such inholdings is consistent with the interests of the Act. However, we firmly believe that the proposed recommendation does not go far enough, and that inclusion of "otherwise protected" areas within the CBRS is desirable.

It is not safe to assume that all federally supported projects in these "otherwise protected" areas will be consistent with the conservation goals of the CBRA. A prime example in New England is the Fish and Wildlife Service's proposal several years

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ago to build a large headquarters and visitor center within the Parker River National Wildlife Refuge on Plum Island, Massachusetts. It took a combination of lengthy negotiations between the government and a coalition of environmental groups (including CLF), congressional intervention, and financial assistance from a private conservation organization to convince the Fish and Wildlife Service to site its building at an off-island location. A more current example is the proposal by the Assateague Island National Seashore in Maryland to spend millions of dollars on a beach nourishment project in an attempt to stop erosion along the northern portion of the island -- a project with little chance of long-term success and whose primary immediate beneficiaries will be private developers who want to build in high-hazard floodplain areas on the mainland.

"Otherwise protected" areas should be included in the CBRS, with appropriate guidelines that allow federal expenditures within these areas but restricts it to those projects that are consistent with the interests of the CBRA.

E. Expansion of the Definition of "Coastal Barrier"

We fully support an expanded definition of "coastal barrier" to include landforms that function as coastal barriers but are not composed entirely of unconsolidated sediments. Among the areas that would be added to the CBRS under the broadened definition are the granitic bedrock outcroppings and glacial deposits that are so common in New England.

F. Proposed Additions/Deletions in New England

As noted above, we have attached a copy of our comments on the 1985 draft maps, definitions, and delineation criteria. Those comments contained detailed discussions of our views on the proposed additions and deletions to the CBRS in New England. We ask you to refer to those comments, and offer the following additional comments.

1. Maine

We reiterate our support for maximum protection of coastal barriers in Maine, particularly along the southern coast, where development pressure is greatest.

2. New Hampshire

We are informed by the New Hampshire Office of State Planning that Wallis Sands Beach and Rye Harbor (NH-01 and NH-02), which were included in the 1985 inventory, have been eliminated from further consideration because they are already developed. This differs from the reason given previously by Governor Sununu and the Office of State Planning for eliminating

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these units, i.e., that they are not coastal barriers (letter from Governor John H. Sununu to Secretary James Watt, March 31, 1983; letter from David G. Scott, Acting Director, Office of State Planning to J. Craig Potter, March 20, 1985). We suggest that the Coastal Barriers Study Group reexamine the available information about these units and the reasons for eliminating them from further consideration.

The remaining units in the 1985 inventory (NH-03, NH-04, and NH-05) have evidently been excluded because they are "otherwise protected." Mr. Scott's 1985 comments on one of these areas, Hampton Beach State Park (NH-05) referred to the consequences of inclusion in the CBRS on "future development of the State Park." This underscores the importance of including such areas in the CBRS.

3. Massachusetts

CLF supports all proposed recommendations for expansion of the CBRS in Massachusetts. The decision to exclude all "otherwise protected" areas is felt strongly in the Commonwealth, affecting such areas as the Parker River National Wildlife Refuge (MA-02), portions of the Cape Cod National Seashore (MA-17, MA-18, MA-19, and MA-20), the Monomoy National Wildlife Refuge (MA-21), and Waquoit Bay (C-18).

4. Rhode Island

We reiterate our support for maximum inclusion within the CBRS, especially in the vicinity of Little Compton and the Sakonnet River, including Little Compton Ponds (D-01), especially Tunipus Pond and Briggs Marsh; Brown Point (RI-01); Fogland Marsh (D-02); Sapowet Point (RI-02); Sandy Point (RI-03); Almy Pond (RI-06); Hazards Beach/Lily Pond (RI-07); Green Hill Beach (D-04); East Beach/Charlestown Beach (D-05); and Misquamicut Beach (RI-14). We oppose any deletion from the Little Compton Ponds unit (D-01). In addition, we urge full inclusion of Easton's Pond (RI-05).

5. Connecticut

Once again, we support full inclusion of all identified eligible areas in Connecticut. We echo the comments of the Connecticut Coastal Zone Management Program, which has called for inclusion of all "otherwise protected" areas with appropriate guidelines for allowable projects. Connecticut would especially benefit from adoption of the proposed recommendation to include secondary barriers in the CBRS.

II. Proposed Conservation Recommendations

A. Deletion of Military and Coast Guard Lands

Buried in the draft report's section on "Federal Stewardship: The Acquisition Alternative" is the proposed recommendation that the areas currently included in the CBRS on military and Coast Guard lands be deleted. We reject this proposal, and the underlying assumption that all military spending is essential for national security. Coastal barriers owned by the military and the Coast Guard are no different from other undeveloped coastal barriers, and need and deserve just as much protection from unnecessary development. We call on you to drop this proposed recommendation and keep the military and Coast Guard on an equal footing with private landowners and other federal agencies. Environmental laws should apply equally to all parties, public and private.

B. Application of Section 5 Funding Prohibition to Projects Outside the CBRS that Benefit CBRS Units

CLF agrees with your conclusion that Section 5 of the CBRA prohibits federal financial assistance to any project that serves a CBRS unit, even if the project is located outside the CBRS unit in question. We applaud your recognition that federal financial assistance to such projects is inconsistent with the purposes of the CBRA, since they subsidize the very sort of coastal barrier development that the CBRA seeks to discourage.

C. Deletion of the "Essential Link" Language of Section 6(a)(3)

CLF supports the proposed recommendation to eliminate the loophole provided by Section 6(a)(3) of the CBRA. We agree that Section 6(a)(6)(F) better protects the interests of the CBRA by restricting the repair, replacement, or reconstruction of roads and other public facilities within the CBRS to projects that are consistent with the conservation purposes of the CBRA.

D. Restrictions on Dredged Material Disposal

CLF also supports the proposed recommendation to amend Section 6(a)(2) of the CBRA to require that dredged material disposal within the CBRS be consistent with the conservation goals of the CBRA. The amendment would close another potential loophole.

E. Deletion of the OMB Certification Requirement of Section 7

While we agree that the Office of Management and Budget is ill-equipped to monitor federal agency compliance with the CBRA

because it lacks the capability to audit agency spending, we do not think that the solution is to eliminate the certification requirement entirely. We suggest that you instead recommend that Congress ask the General Accounting Office, which is able to audit expenditures, to take on the certification task.

Sincerely,



Paul Hauge
Staff Scientist

/ph
encl.

cc: Governors and coastal zone management/state planning offices of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut
Congressional delegations of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut
National Wildlife Federation

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
C00	Clark Pond	Ipswich	25
C01	Wingaersheek	Gloucester	26
C01A	Good Harbor Beach	Rockport	27
C01B	Brace Cove	Gloucester	26
C01C*	West Head Beach	Hull	31
C02	North Scituate	Cohasset	34
C03	Rivermoor	Scituate	35
C03A	Rexhame	Scituate	35
C04	Plymouth Bay	Duxbury	36
		Plymouth	37
C06	Center Hill Complex	Sagamore	38
C08	Scorton	Sandwich	39
C09	Sandy Neck	Sandwich	39
		Hyannis	40
		Dennis	41
C10	Freemans Pond	Dennis	41
		Harwich	44
C11	Namskaket Spits	Orleans	45
C11A*	Boat Meadow	Orleans	45
C12	Chatham Roads	Harwich	44
C13	Lewis Bay	Hyannis	40
		Dennis	41
C14	Squaw Island	Hyannis	40
C15	Centerville	Hyannis	40
C16	Dead Neck	Cotuit	54
C17	Popponeset Spit	Cotuit	54
C18*	Waquoit Bay	Falmouth	55
C18A	Falmouth Ponds	Falmouth	55
C19	Black Beach	Woods Hole	57
C19A	Buzzards Bay Complex	Onset	70
		Marion	73
		Sciticut Neck	74
C20	Coatue	Great Point	60
		Siasconset	61
		Nantucket	62
C21	Sesachacha Pond	Siasconset	61
C22	Cisco Beach	Nantucket	62
C23	Esther Island Complex	Nantucket	62
		Tuckernuck Island	63
C24	Tuckernuck Island	Tuckernuck Island	63
C25	Muskeget Island	Tuckernuck Island	63
C26	Eel Pond Beach	Edgartown	64
C27*	Cape Poge	Edgartown	64
C28	South Beach	Edgartown	64
		Tisbury Great Pond	67
C29	Squibnocket Complex	Squibnocket	68
C29A	James Pond	Vineyard Haven	69
C29B	Mink Meadows	Vineyard Haven	69
C31	Elizabeth Islands	Naushon Island	58
		Cuttyhunk	59
C31A	West Sciticut Neck	Sciticut Neck	74
C31B	Harbor View	New Bedford North	75
C32	Mishaum Point	New Bedford South	76
C33	Little Beach	New Bedford South	76
		Westport	77
C34*	Horseneck Beach	Westport	77
C34A	Cedar Cove	Fall River	80
D01	Little Compton Ponds	Westport	77
MA-03	Castle Neck	Ipswich	26
		Gloucester	26
MA-04	West Beach	Marblehead North	28
MA-06	Phillips Beach	Lynn	29
MA-11*	Peddocks Island	Hull	31
MA-12	The Glades	Cohasset	34
MA-13	Duxbury Beach	Duxbury	36
		Plymouth	37
MA-16*	Nobscusset	Dennis	41

(continued)

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS (CONCLUDED)

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
MA-18*	Pamet Harbor	Wellfleet	47
MA-24	Naushon Island Complex	Woods Hole	57
		Naushon Island	58
MA-26*	Harthaven	Edgartown	64
MA-30	Herring Brook	Woods Hole	57
MA-31*	Squeteague Harbor	Onset	70
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MA-34	Long Beach Point	Onset	70
MA-35	Planting Island	Onset	70
MA-36	Round Hill	New Bedford South	76

*Public comment summaries and DOI responses follow unit maps.

MAPS DEPICTING OTHERWISE PROTECTED, MILITARY, AND COAST GUARD LANDS ON UNDEVELOPED COASTAL BARRIERS*

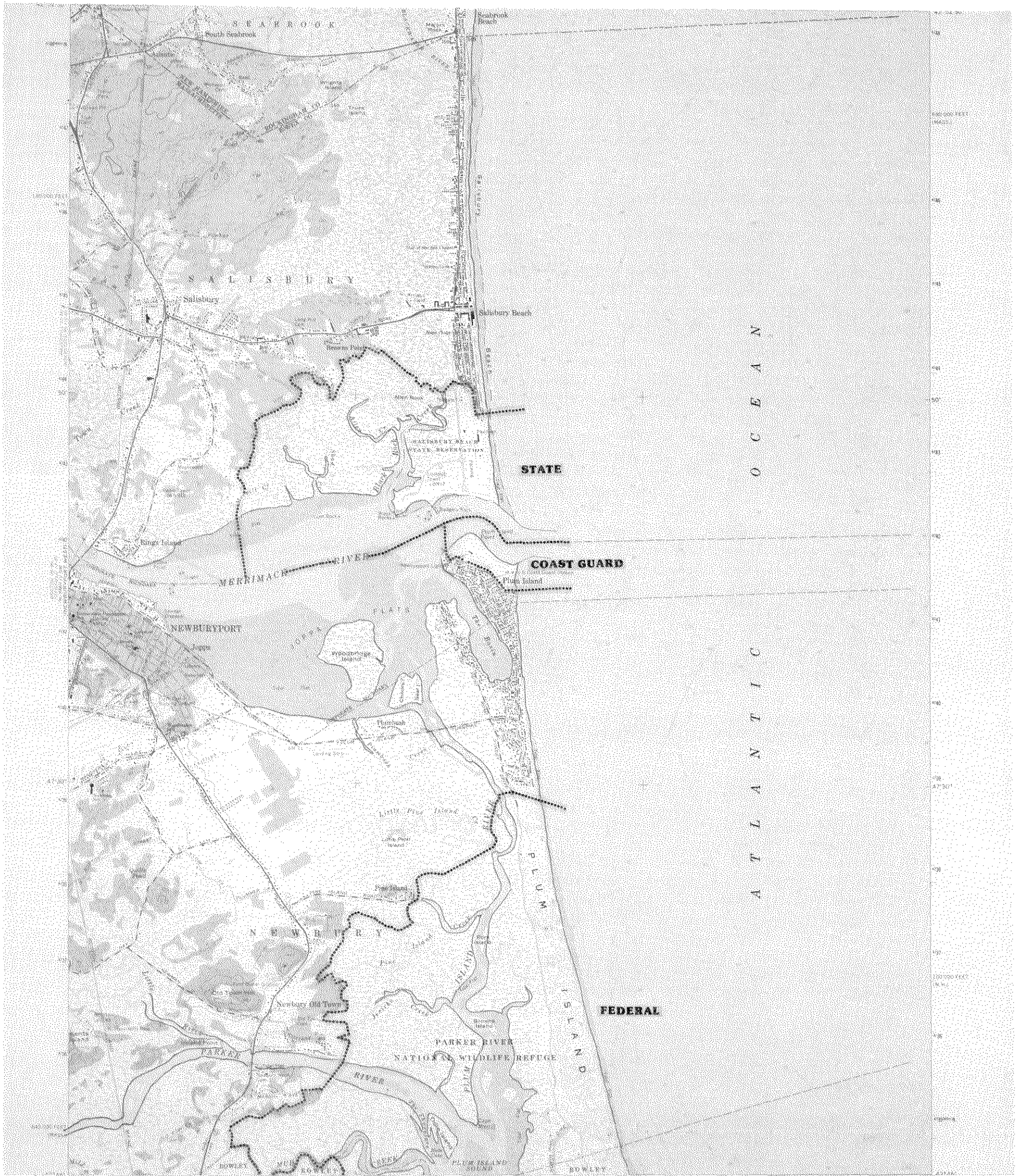
USGS Topographic Map or Map Composite	Coastal Barrier Status	Page
Newburyport East	Federal, State, Coast Guard	24
Ipswich	Federal, State	25
Boston South	State, Local	30
Hull	Local	31
Sandwich	Local	39
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New Bedford South	State	76
Westport	State	77

*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from the CBRS
.....	Military, Coast Guard, or otherwise protected, undeveloped coastal barrier
ADD	Area recommended for addition to the CBRS
DELETE	Area recommended for deletion from the CBRS
EXCLUDED	Area excluded from an existing or proposed CBRS unit because it is developed
FEDERAL	Federally protected, undeveloped coastal barrier; for information only
STATE	State protected, undeveloped coastal barrier; for information only
LOCAL	Locally protected, undeveloped coastal barrier; for information only
PRIVATE	Privately protected, undeveloped coastal barrier; for information only
MILITARY	Undeveloped coastal barrier owned by the military; for information only
COAST GUARD	Undeveloped coastal barrier owned by the Coast Guard; for information only

Maps are arranged in geographic order from north to south.



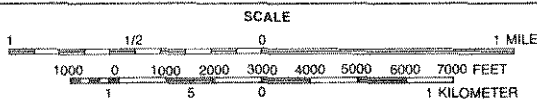
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DEPARTMENT OF THE INTERIOR



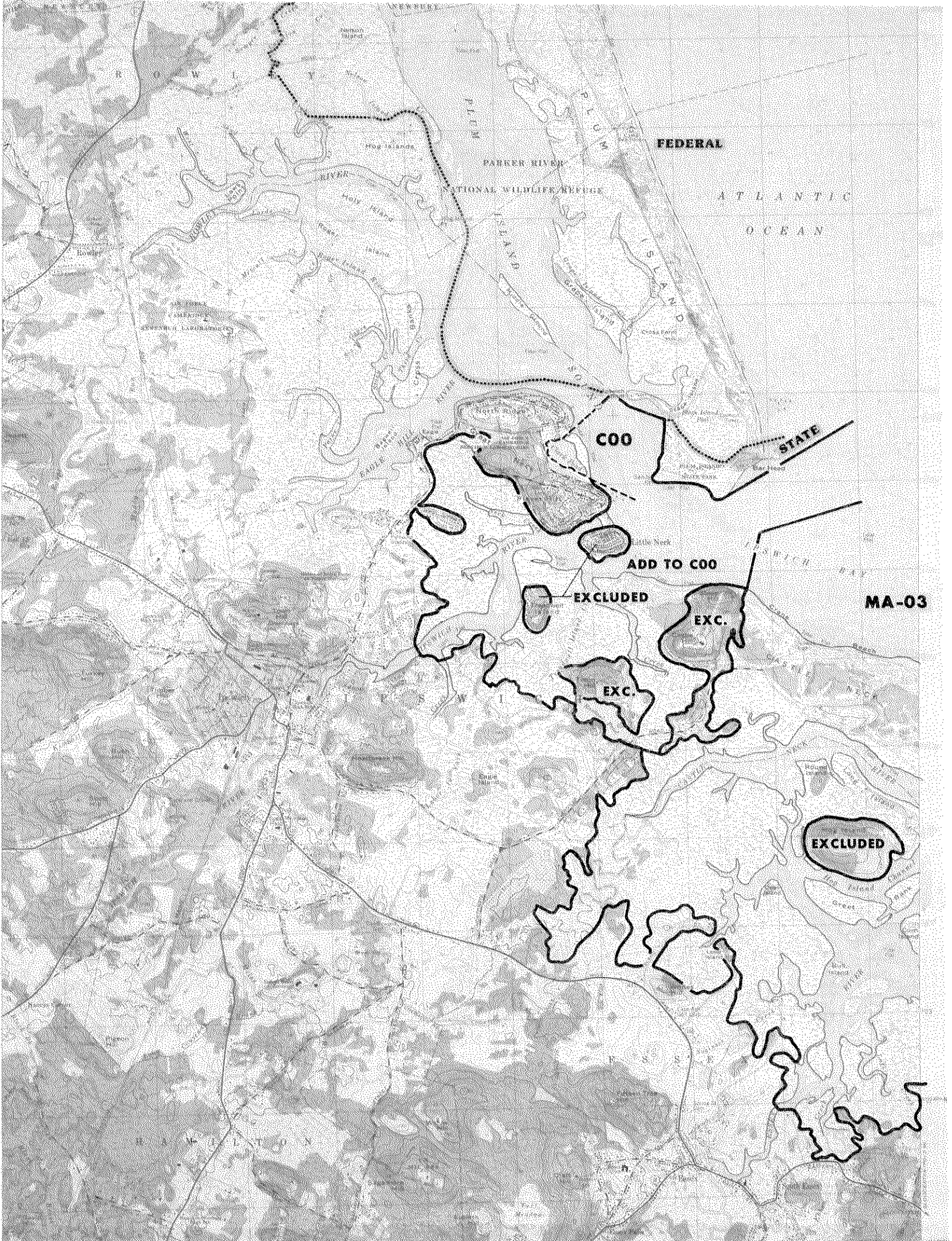
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QUADRANGLE
NEWBURYPORT EAST
MASSACHUSETTS



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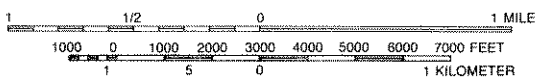


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QUADRANGLE
IPSWICH
MASSACHUSETTS

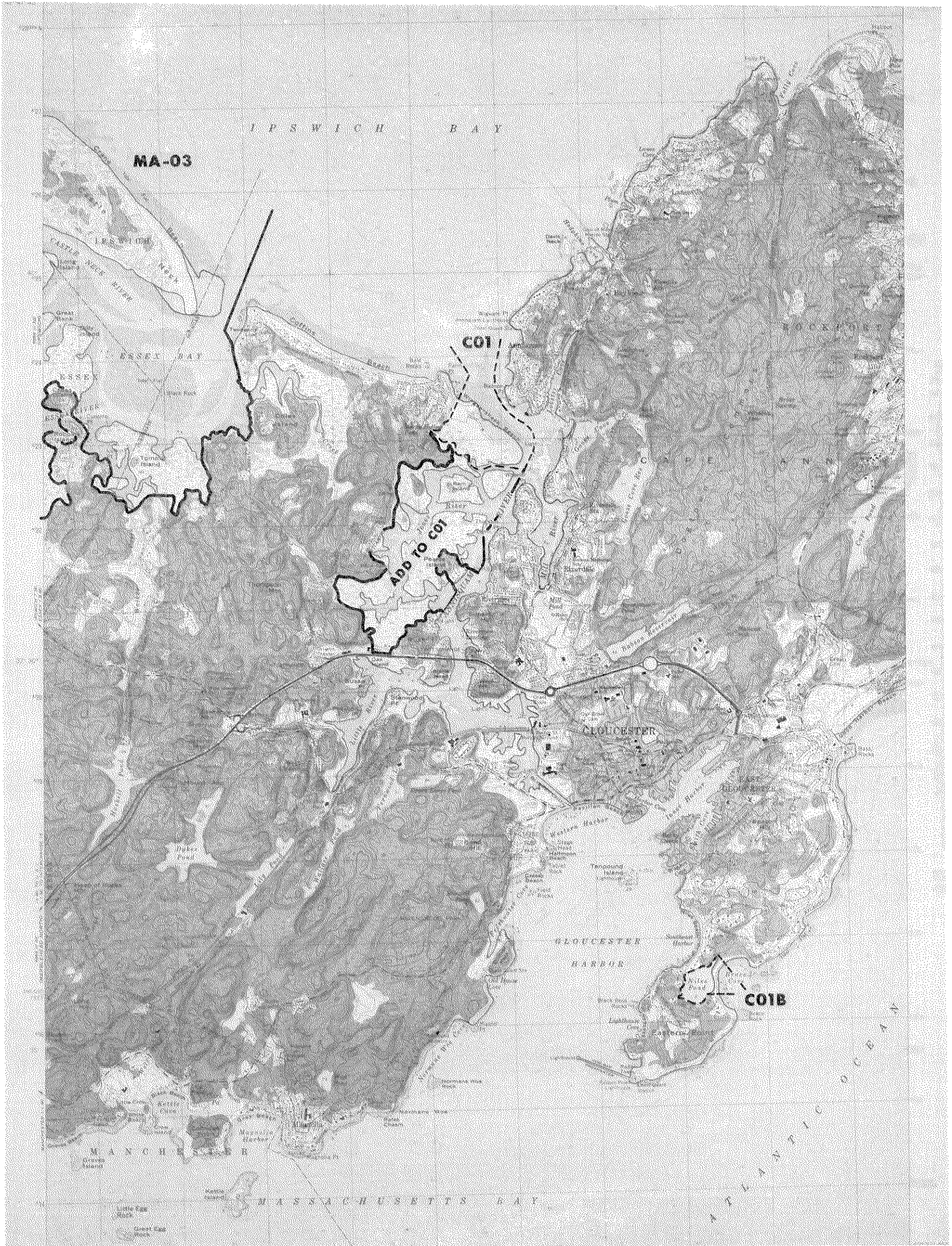
SCALE



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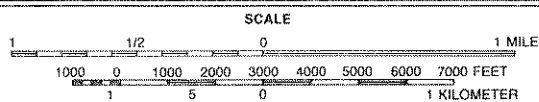
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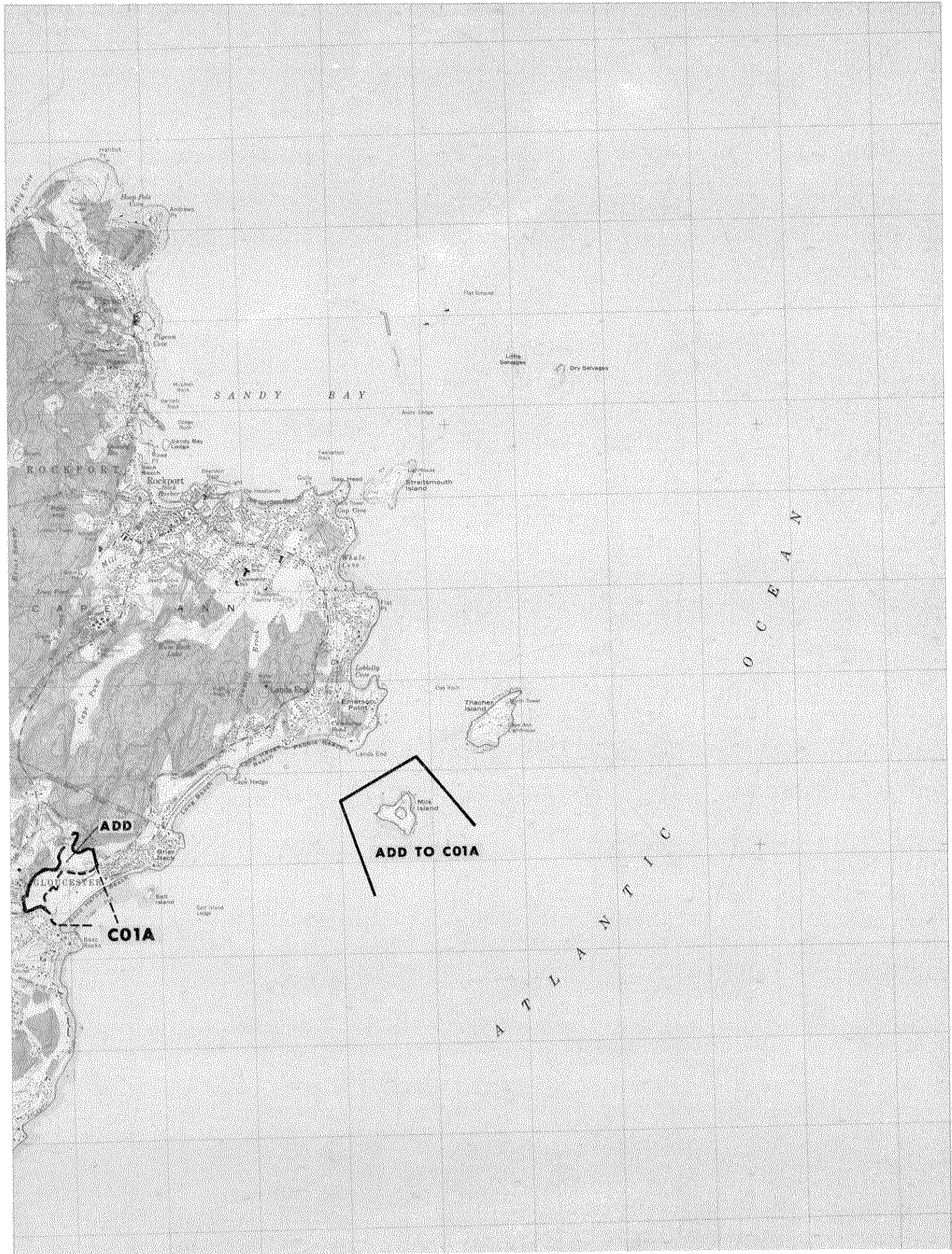
QUADRANGLE
GLOUCESTER
MASSACHUSETTS



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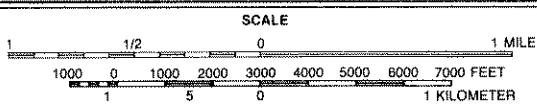
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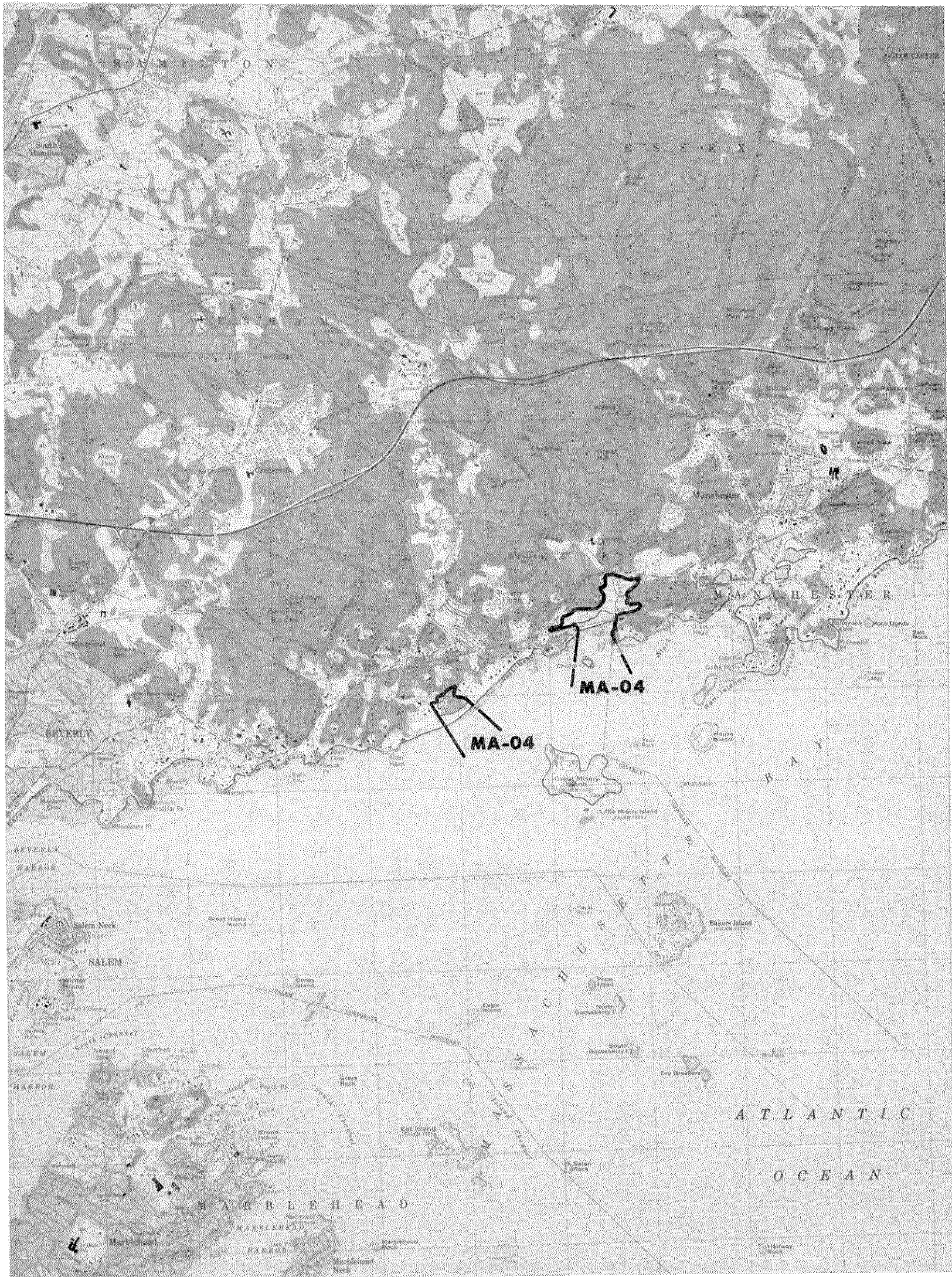
QUADRANGLE
ROCKPORT
MASSACHUSETTS



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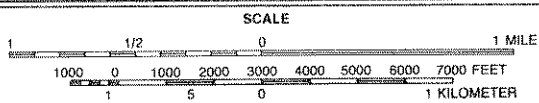
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MARBLEHEAD NORTH
MASSACHUSETTS



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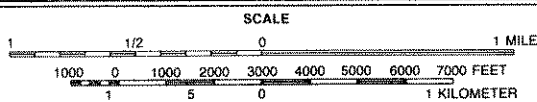
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QUADRANGLE
LYNN
MASSACHUSETTS



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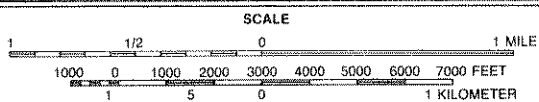
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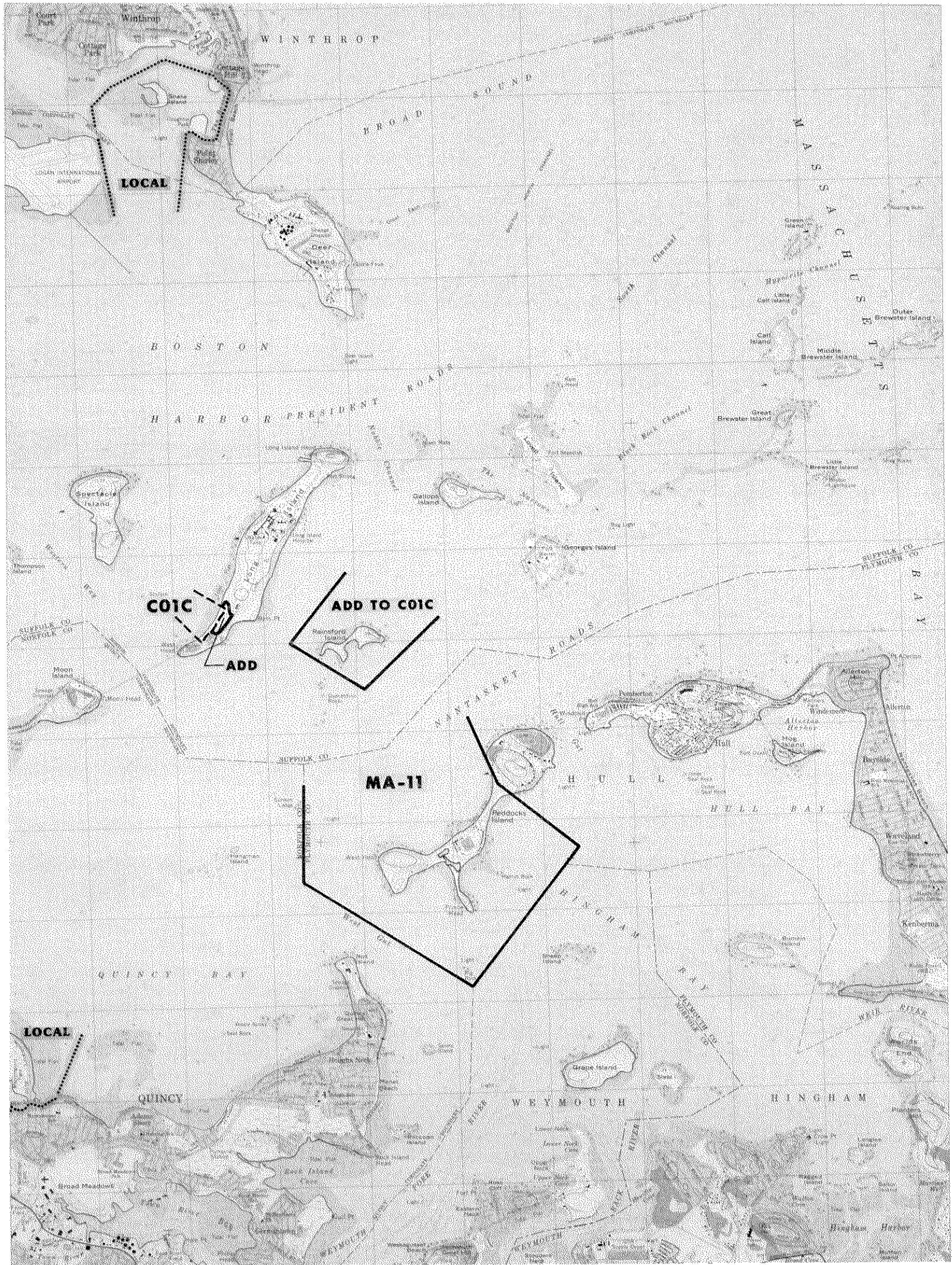
QUADRANGLE
BOSTON SOUTH
MASSACHUSETTS



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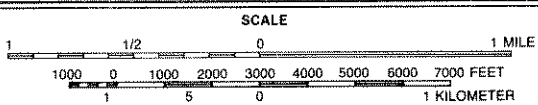
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QUADRANGLE
HULL
MASSACHUSETTS



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COIC - WEST HEAD BEACH

State Position: The State of Massachusetts opposes adding Rainsford Island to the existing CBRS unit.

Other Comments: No other comments were received concerning this unit.

Response: Rainsford Island is fully qualified for addition to the CBRS under DOI criteria.

DOI Recommendation: The DOI recommends adding Rainsford Island to the existing CBRS unit.

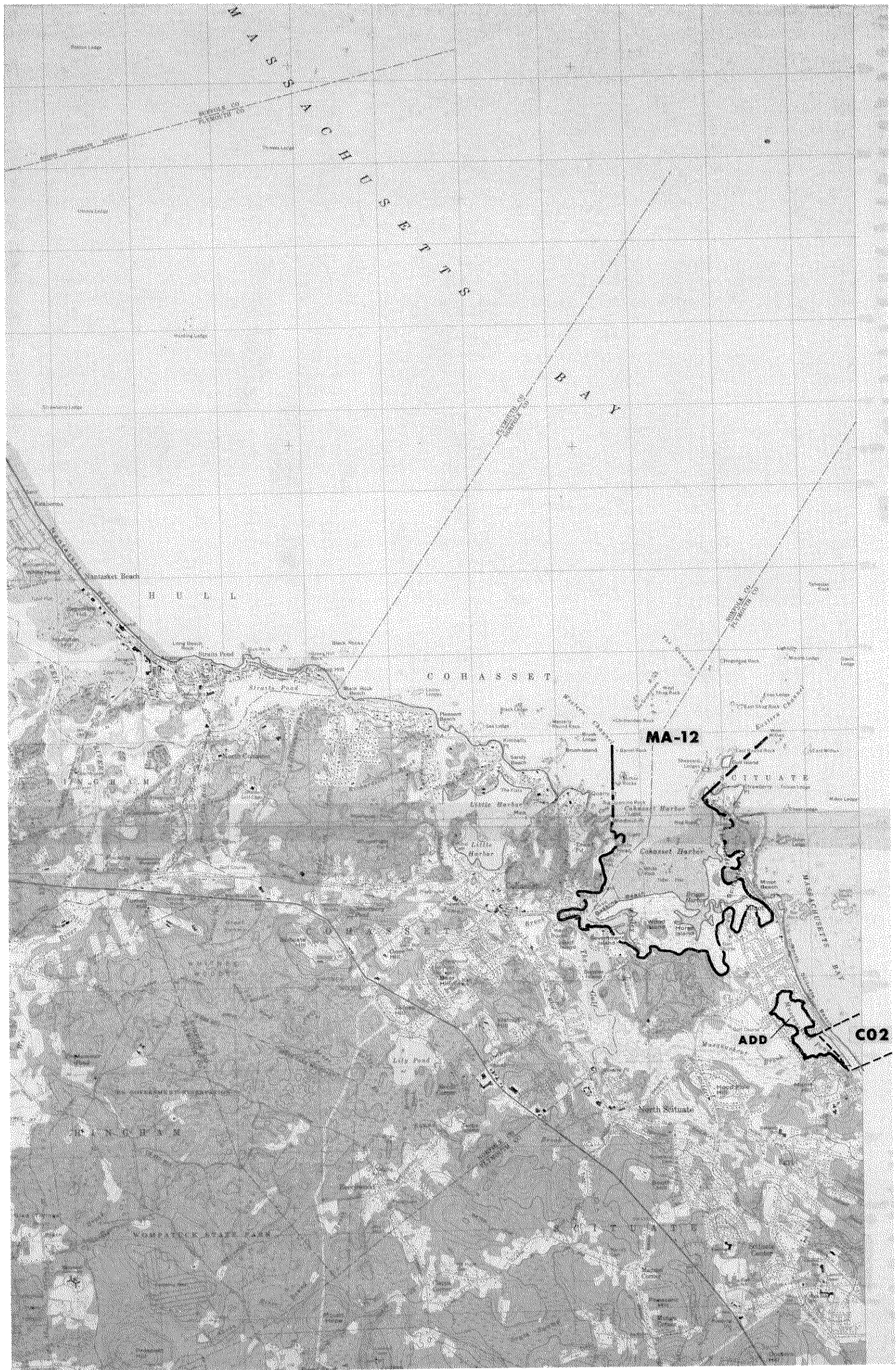
MA-11 - PEDDOCKS ISLAND

State Position: The State of Massachusetts opposes adding this proposed unit to the CBRS.

Other Comments: No other comments concerning this unit were received.

Response: All of MA-11 fully qualifies for addition to the CBRS under DOI criteria.

DOI Recommendation: The DOI recommends adding MA-11 to the CBRS.



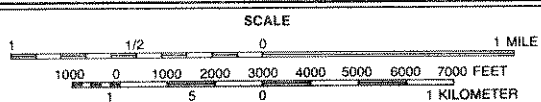
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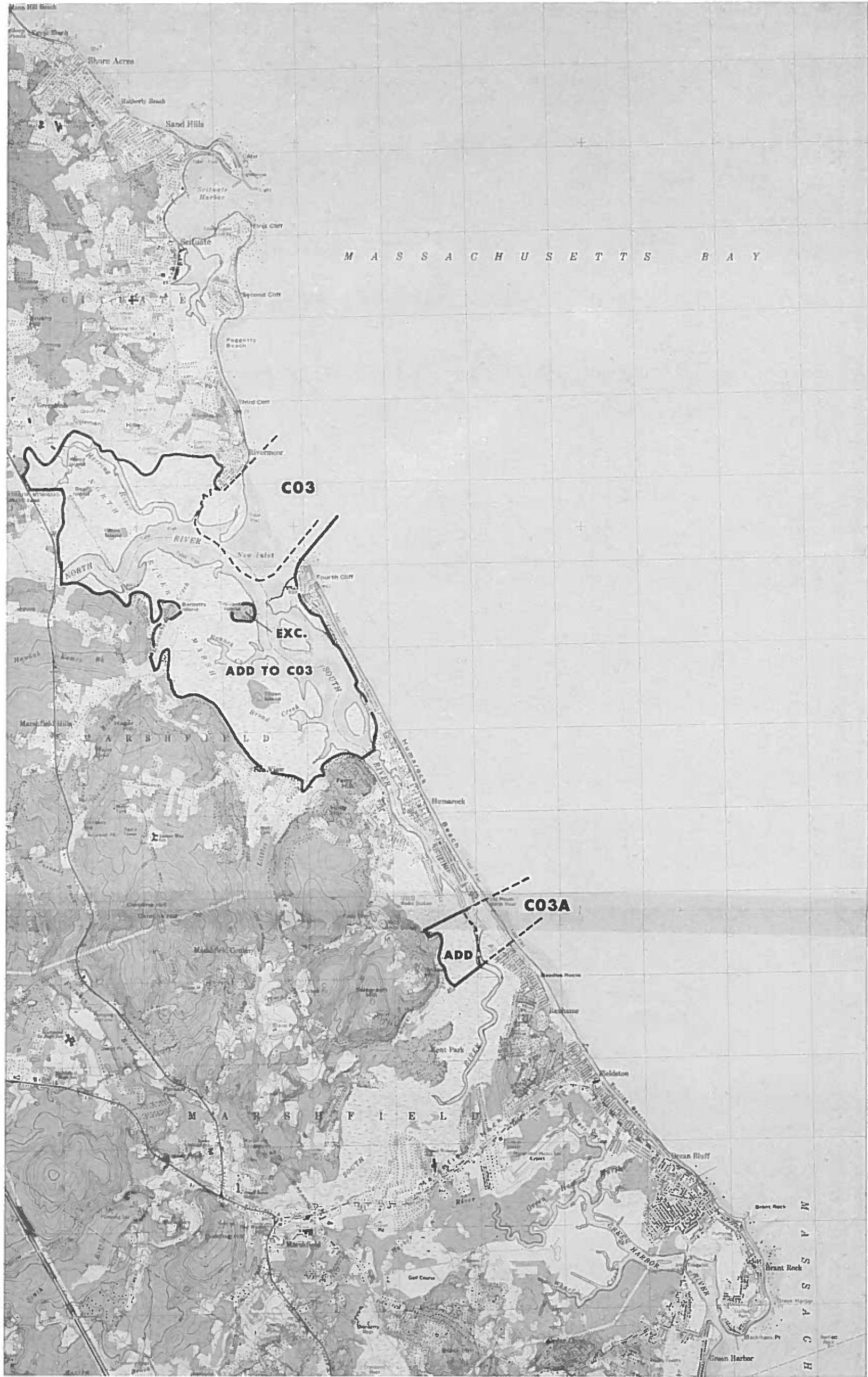
QUADRANGLE
COHASSET
MASSACHUSETTS



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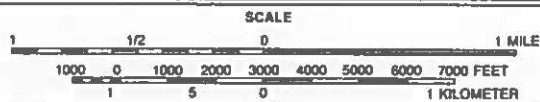
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SCITUATE
MASSACHUSETTS



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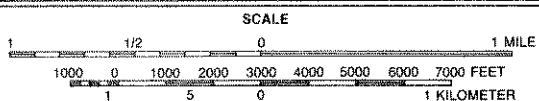
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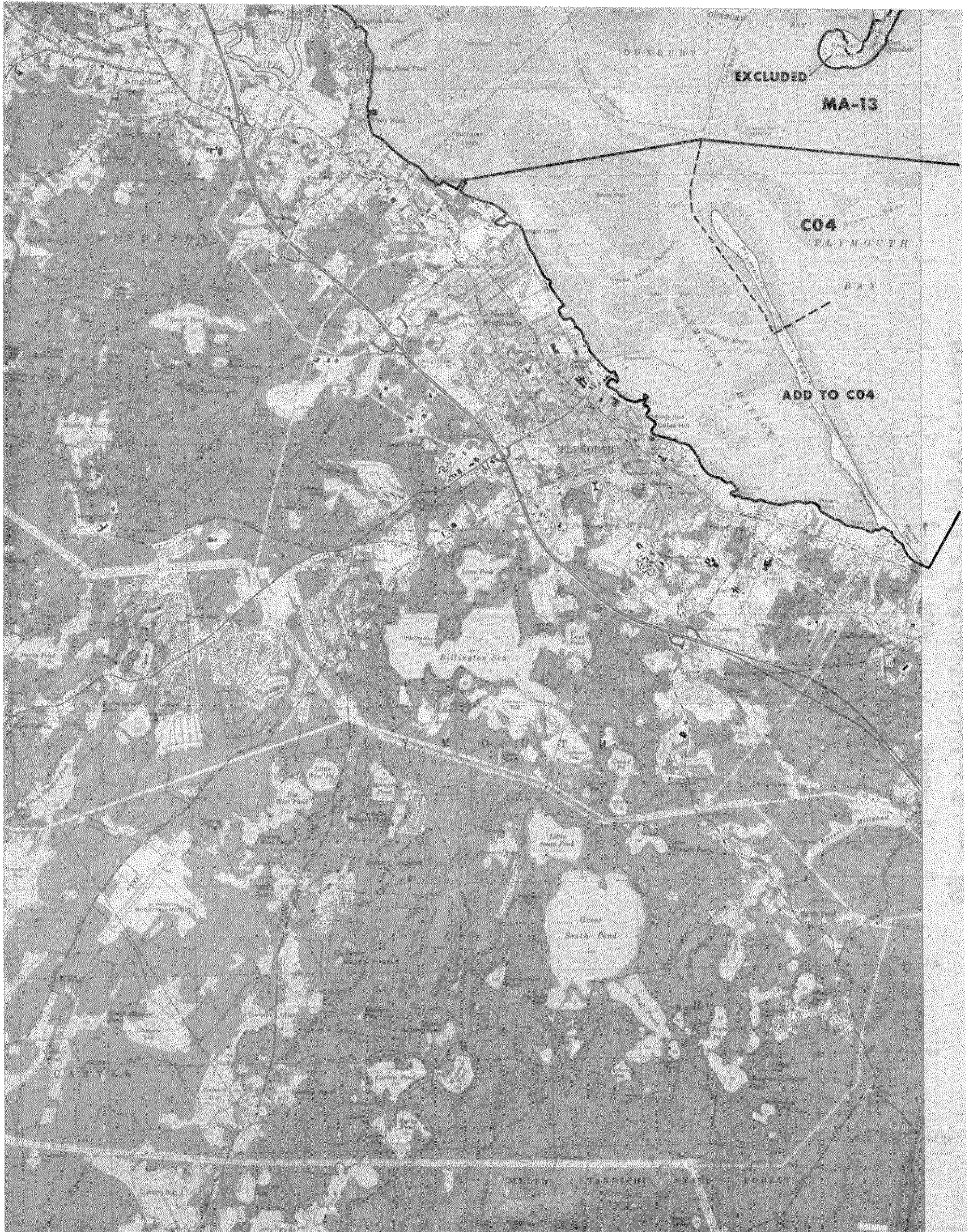
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DUXBURY
MASSACHUSETTS



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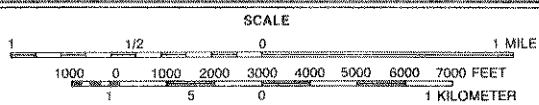
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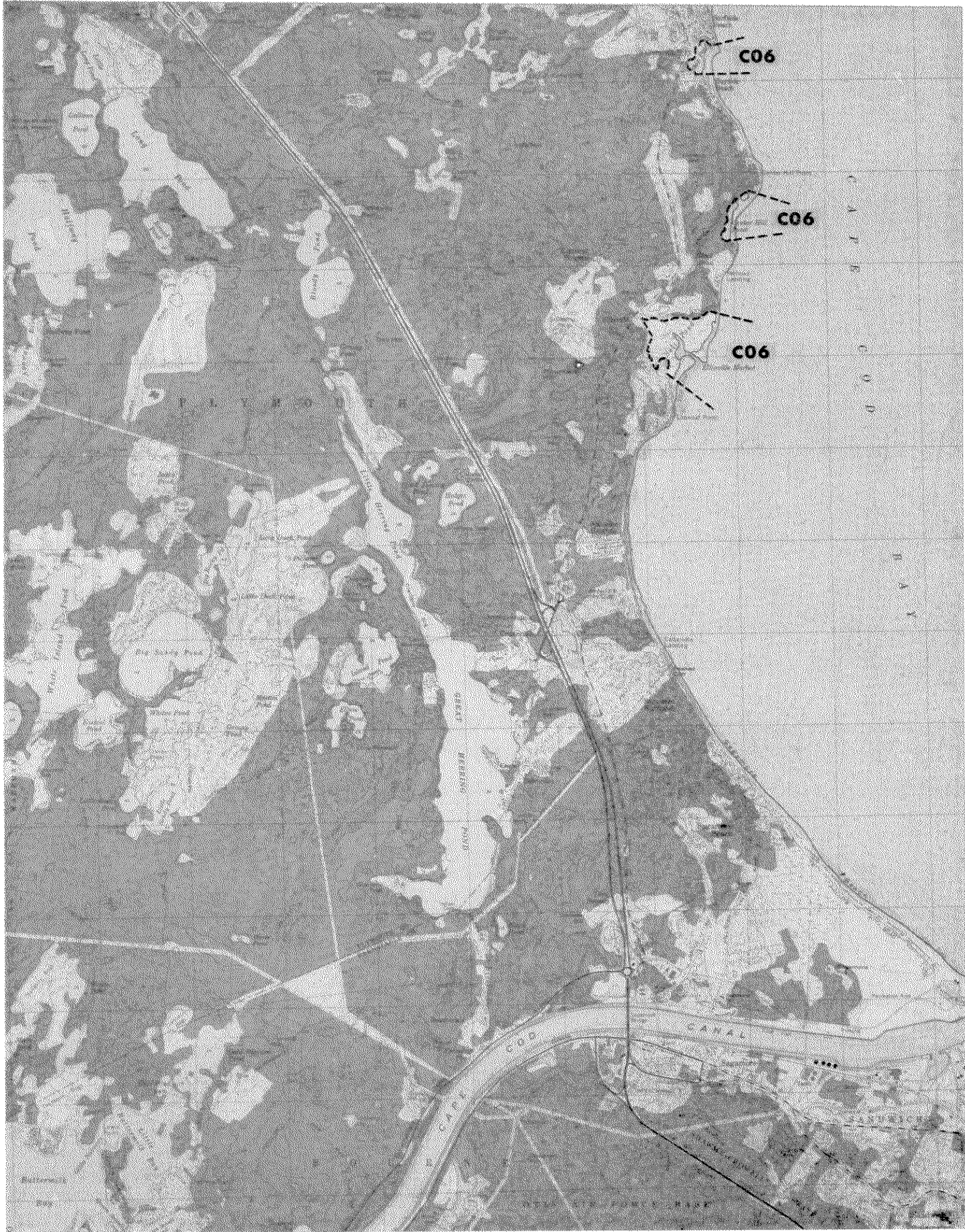
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PLYMOUTH
MASSACHUSETTS



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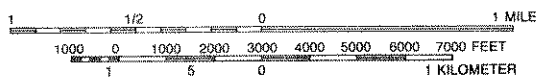


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QUADRANGLE
SAGAMORE
MASSACHUSETTS

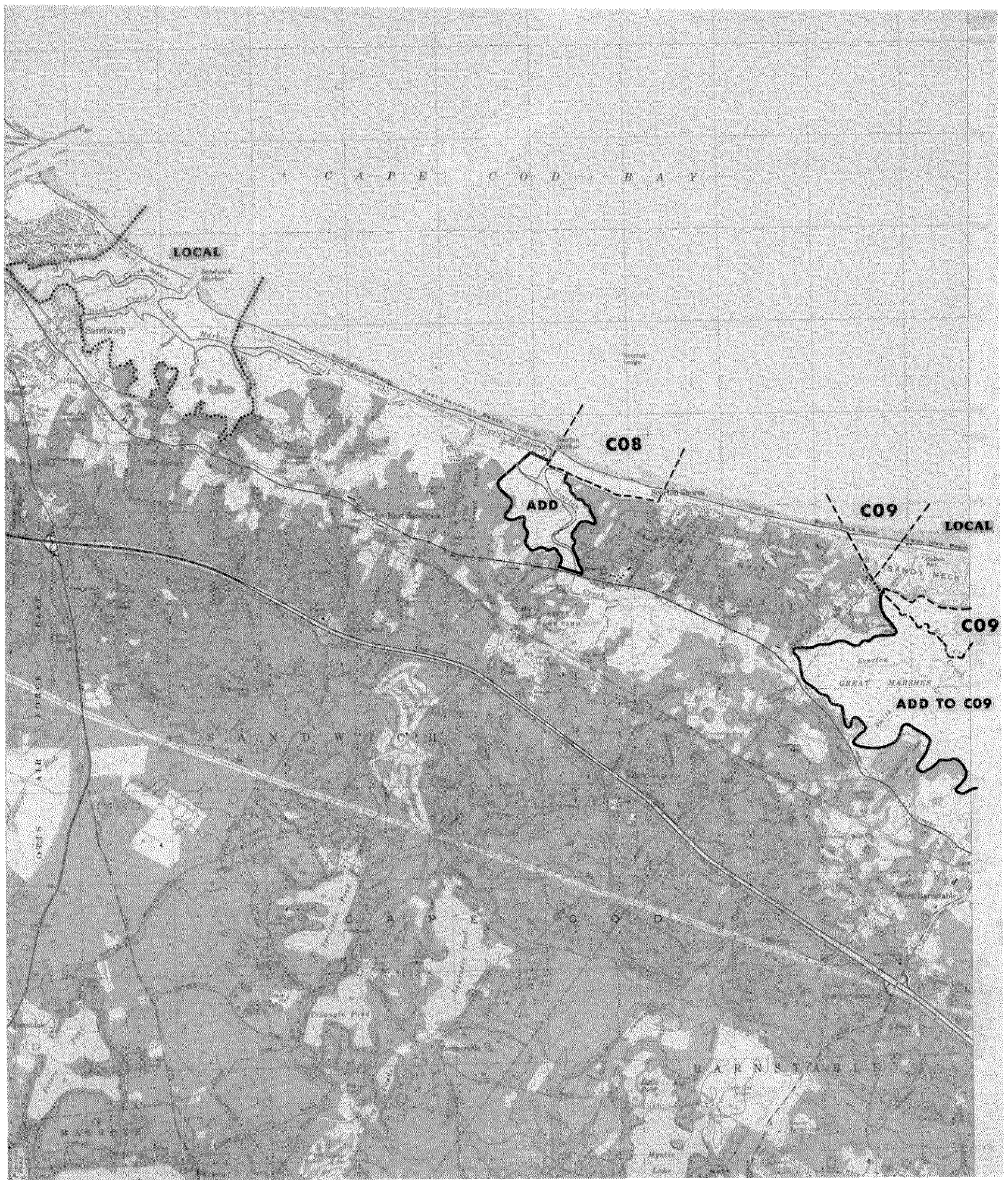
SCALE



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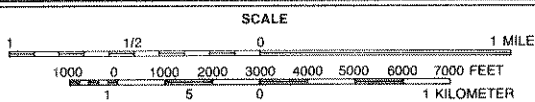
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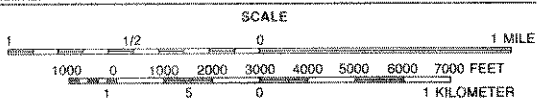
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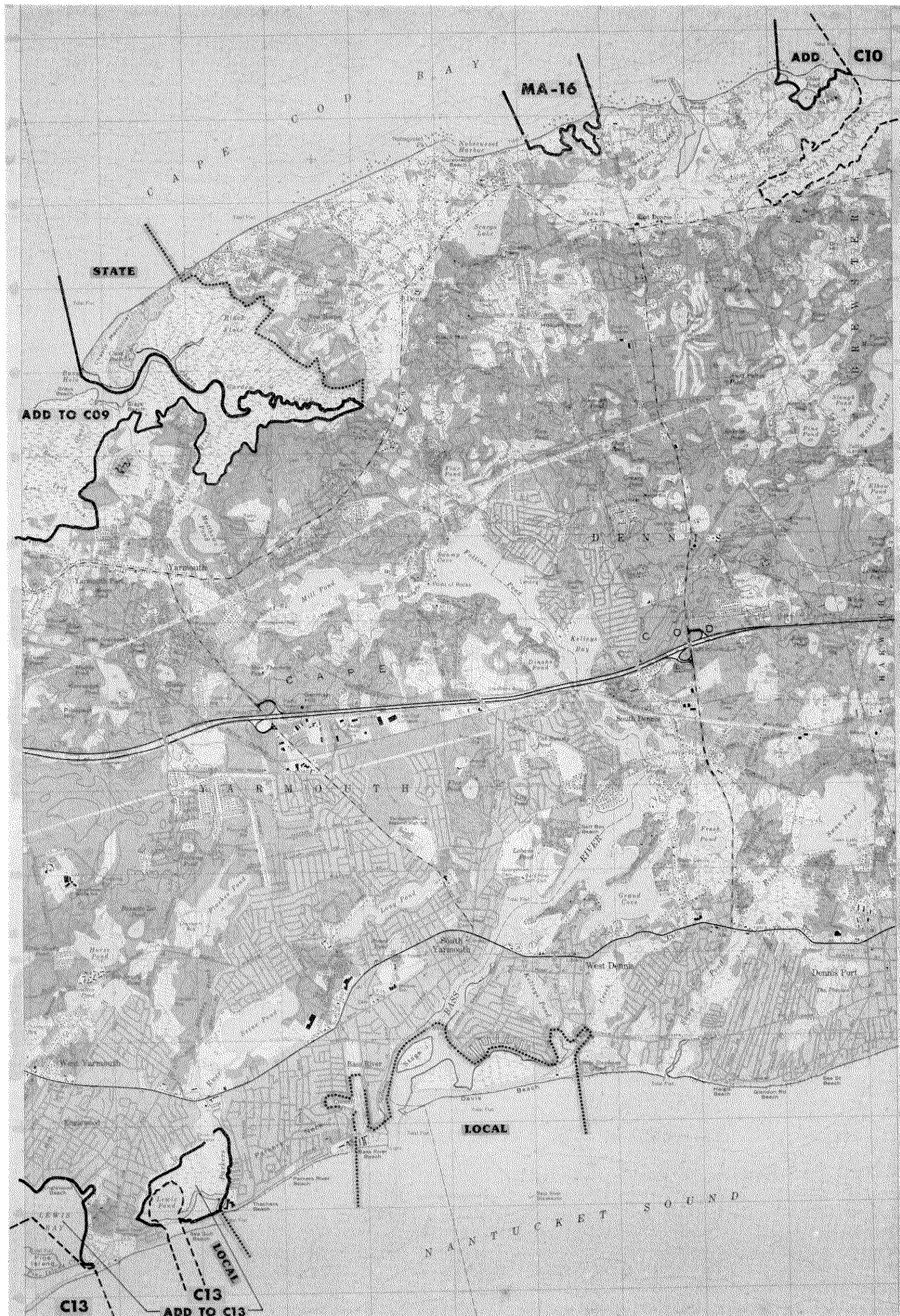
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HYANNIS
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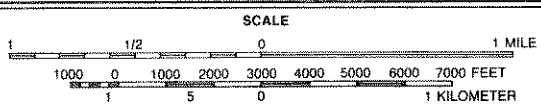
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MA-16 - NOBSCUSSET

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: One landowner in the area requested deletion of the unit from DOI's proposed additions, claiming it is developed. His letters are reprinted below.

Response: The DOI reviewed the evidence provided by the commenter and examined an

aerial photograph of MA-16. One structure near the proposed unit boundary in the 1987 Draft Report was identified. The remainder of the unit is undeveloped and fully qualifies for addition to the CBRS.

DOI Recommendation: The DOI recommends adding MA-16 to the CBRS as redelineated here to exclude the existing development.

1300

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COUNSELLORS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
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BOSTON, MASSACHUSETTS 02109
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June 22, 1987

Coastal Barrier Study Group
National Park Service
U.S. Department of the Interior
P. O. Box 37127
Washington, D.C. 20013-7127

Re: Parcel MA-16
Department of the Interior Report to Congress
Re: Coastal Barrier Resources Act

Gentlemen:

This letter is intended as a comment to the proposed recommendations by the United States Department of the Interior to Congress in connection with the Coastal Barrier Resources Act.

I represent:

Mr. Charles E. Chamberlain, Jr.
105 Uncle Barney's Road,
West Dennis, Cape Cod, Massachusetts 02670

Mr. Chamberlain is the owner of a house and approximately 16.2 acres of land in that part of Dennis, Cape Cod, Massachusetts known as East Dennis, lying between Old Town Lane and Cape Cod Bay. The property is shown on a plan entitled "Plan of Land in East Dennis, Mass. for Charles E. Chamberlain et al" recorded with the Barnstable Massachusetts Registry of Deeds Book 432, Page 7. A copy of that plan is attached.

Mr. Chamberlain's property is a part of Parcel MA-16 in your "Report to Congress: Coastal Barrier Resources System Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System" dated February 1987. Also attached are copies of the two plans included in that report showing the location of Parcel MA-16 together with a copy of an elevation plan of that part of Mr. Chamberlain's property nearest the Cape Cod Bay showing the elevation rising to 40 feet above sea level. In addition to Mr. Chamberlain's property, there are located within Parcel MA-16, which has a total of only 41 acres, several other parcels and houses.

Coastal Barrier Study Group
June 22, 1987
Page 2

As your report indicates and the attached plans show, Parcel MA-16 is in a highly developed area surrounded by hundreds of single-family residences and business ventures, many of them considerably closer to the ocean and on much lower land, none of which is included within the Coastal Barrier Resources Act. Mr. Chamberlain has expended a considerable amount of time and money on his property for engineering, survey and legal fees in addition to his original cost of acquisition. The Town of Dennis, through its Planning Board, has approved the division of the property into three parcels as evidenced by the signatures of the members of the Dennis Planning Board on the attached plan. The original of this plan is a public record, having been recorded, as indicated above, at the Barnstable, Massachusetts Registry of Deeds Book 432, Page 2. Under Massachusetts law, the plan could not have been recorded without the signatures of the Dennis Planning Board members.

If Mr. Chamberlain's parcel is now included under the Coastal Barrier Resources Act, it would be denied by law the right to federal flood insurance. Without federal flood insurance, the property would, for all practical purposes, be unmarketable and of little or no value since the Federal Disaster Protection Act specifically prohibits Massachusetts lending institutions from financing property in this area unless federal flood insurance is first obtained. The value of the property, which is now considerable, would, upon its being included within the Coastal Barrier System, become negligible. Who would purchase property in a highly developed residential area when no institutional financing or flood insurance is available while all neighboring property has the benefits of such financing and insurance?

To now include the property within the Act would be tantamount to changing the rules on Mr. Chamberlain, and all the other owners of property within Parcel MA-16, in the middle of the game and would have the same effect as if the United States government had taken the property by eminent domain. It may, in fact, be such a taking.

The intent of the Coastal Barrier Resources Act was to place under its provisions "undeveloped land". Mr. Chamberlain's property is not "undeveloped". It is a house and 16 acres of land in an area that has hundreds of houses, some with less than 16 acres and some with more than 16 acres. Admittedly 16 acres is somewhat larger than the usual acreage in the area but to say any property in this area of Dennis is undeveloped because it has one house and 16 acres is inaccurate. This is evident from looking at the maps attached to your report. If there was any undeveloped

property in the area, it would already have been included within the Act or you would now be including it in your present proposal. Even now, Mr. Chamberlain may divide his 16.2 acres into only three lots, one for the house and two other lots as shown on the attached plan.

It is not certain as to how many other houses are located within Parcel MA-16 because of the present vagueness of the Parcel's boundaries; however, there are "several". Assuming there are only five houses on the 41 acres in the Parcel, that would be an average of 8.2 acres per house. If there were ten houses, that would be an average of 4.1 acres per house. Such an area is not "undeveloped". It is true that some land within the Parcel has not been built upon but there is a clear distinction between undeveloped land and land that has not been built upon.

Parcel MA-16, like all the surrounding area, is well developed under any definition. It is only a very small piece of property in an extremely large and highly developed area of Dennis. None of the property in the general area is now included under the Coastal Barrier Resources Act. What value can there be to now including within the Act Mr. Chamberlain's property of one house and 16 acres, or any of the other houses or land in Parcel MA-16, considering the hundreds of houses and thousands of acres in the immediate vicinity? To include such a small parcel can be of no consequence in advancing the interest of the Act and will only result in treating Mr. Chamberlain and the other owners within the Parcel unfairly.

It is suggested that it would be more in keeping with the intent of the Act to exclude Parcel MA-16 from your recommendation. It is further suggested that the inclusion of a developed parcel, such as Parcel MA-16, is not authorized by the Act. If Parcel MA-16 remains in your recommendation and as a result is ultimately included within the Act, it would inevitably lead to litigation that cannot be in the best interest of Mr. Chamberlain or the government. It is difficult to envision Mr. Chamberlain or any of the other owners within Parcel MA-16 incurring such losses without attempting to rectify the matter through the courts especially when Parcel MA-16 has no significance in relation to the area in general and the intent of the Act.

I would appreciate being placed on your mailing list so I will receive all further information as to your intentions and proposed actions regarding this matter.

Your consideration is appreciated.

Very truly yours,


John Christoforo

JC/mjn

Enclosures

c: The Honorable Edward M. Kennedy
The Honorable John F. Kerry
The Honorable Gary S. Studds
Mr. Charles E. Chamberlain, Jr.

1634

HALE AND DORR
COUNSELLORS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
80 STATE STREET
BOSTON, MASSACHUSETTS 02109
(617) 742-9100

CABLE HAFIS BSH
TELEX BH-0978
TELEPHONE
(617) 387-9133 (617) 742-9100

WASHINGTON OFFICE
1333 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20004
(202) 393-0800
CABLE HAFIS WSH
TELEPHONE (202) 393-4497

August 17, 1987

Mr. Frank McGilvrey
Coastal Barriers Coordinator
United States Department of the Interior
Fish and Wildlife Service
Washington, D.C. 20240

Re: Coastal Barrier Resources Act
Your Ref. FWS/CB
Our File 160.08.260

Dear Mr. McGilvrey:

In reply to your letter of July 29, I am returning to you herewith a copy of the plan showing Parcel MA-16 on which Mr. Chamberlain has indicated by black dots ten houses he believes are located within the parcel.

Because of the vagueness of the plan, Mr. Chamberlain had difficulty in accurately determining the boundaries of MA-16 but his best estimate is that there are ten dwellings within the parcel. He says there are other buildings within the parcel but he has shown only dwellings as you requested.

The fact that there are ten dwellings and several other buildings within Parcel MA-16 clearly indicates (at least to me) that the parcel is not "undeveloped land" as required by the Coastal Barrier Resources Act.

Your continued attention to this matter is appreciated.

Very truly yours,


John Christoforo

JC/mjn

Enclosure



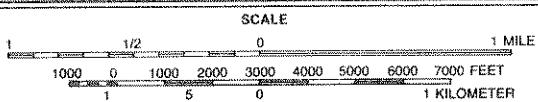
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UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

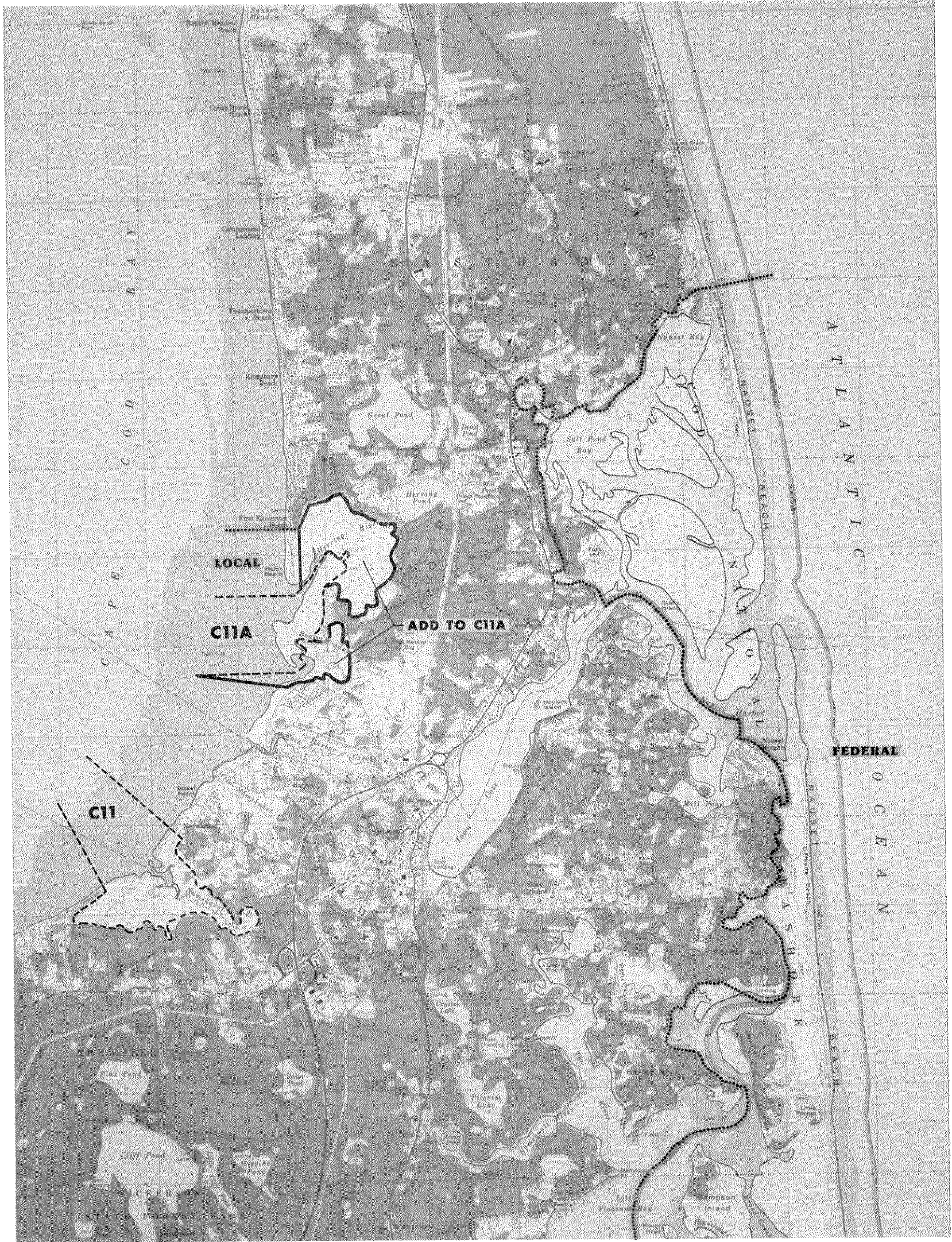
QUADRANGLE
HARWICH
MASSACHUSETTS



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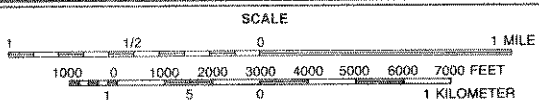
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QUADRANGLE
ORLEANS
MASSACHUSETTS



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C11A - BOAT MEADOW

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: The Eastham Conservation Commission strongly supports the addition

of associated aquatic habitat to C11A. Their letter is reprinted below.

DOI Recommendation: The DOI recommends adding associated aquatic habitat to the existing CBRS unit.

1480

EASTHAM CONSERVATION COMMISSION



Box 302
Eastham, Massachusetts 02642

June 18, 1987

Donald P. Hodell,
Secretary of the Interior
U. S. Department of the Interior
Washington, D. C. 20013-7127

Dear Secretary Hodell:

The Eastham Conservation Commission strongly urges the inclusion of 342 acres of Boat Meadow, Eastham, MA, in the federal Coastal Barrier Resources System. (Ref. Code C11A). We understand that a report is now being prepared for the Congress regarding the system, and we are strongly supportive of the inclusion of additional areas.

Thank you for your attention to this matter.

Very truly yours,

Jacquelin Duffek
Jacquelin Duffek, Chairman

JD:JP



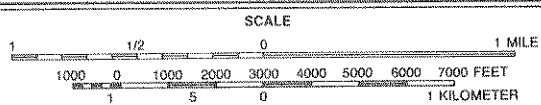
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QUADRANGLE
WELLFLEET
MASSACHUSETTS



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MA-18 - PAMET HARBOR

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: Several letters were received from the Town of Truro opposing the addition of MA-18 to the CBRS because of concern that it would interfere with the funding of maintenance dredging of the Harbor channel. Two letters of support for the addition of MA-18 were also received.

The Town's letters and one letter of support are reprinted below. The other letter of

support appears in the General Comment Letters section (letter number 622).

Response: As discussed in Volume 1, maintenance dredging of existing navigation channels is an allowable exception to the CBRA funding restrictions under Section 6. There is no need to exclude MA-18 from the CBRS to assure that Federal funding will be available for maintenance dredging of the Harbor channel.

DOI Recommendation: The DOI recommends adding MA-18 to the CBRS.



IN REPLY REFER TO:

June 18, 1987
L7617

United States Department of the Interior

NATIONAL PARK SERVICE
CAPE COD NATIONAL SEASHORE
SOUTH WELFLEET, MASSACHUSETTS 02663

1003



Assistant Secretary for Fish and
Wildlife and Parks
Coastal Barriers Study Group
National Park Service
U. S. Department of the Interior
P.O. Box 37127
Washington, DC 20013-7127

Dear Mr. Secretary:

We have reviewed the proposed recommendations for additions to the Coastal Barrier Resources Act (CBRA) in the vicinity of Cape Cod National Seashore. We highly recommend the addition of MA-18, Pamet Harbor. This area comprises approximately 0.98 miles of shoreline length and 289 acres of area. This area is west of U. S. Route 6. Area to the east of U.S. Route 6 is a part of Cape Cod National Seashore and is federally protected and needs no further consideration.

Sincerely,

Herbert Olsen
Superintendent

66

BOARD OF SELECTMEN & ASSESSORS
TRURO, MASS. 02666
TEL. 349-3835

April 21, 1987

Coastal Barriers Study Group
National Park Service
Post Office Box 37127
Washington, D.C. 20013-7127

Gentlemen:

We must vociferously protest the proposed inclusion of Pamet Harbor to the list of protected areas under the federal Coastal Barrier Resources Act. (Reference MA-18).

Having attended all of the hearings pertaining to this act, and having filed our written comments stating our reasons, we were quite dismayed to see that our requests were not acknowledged.

Please let us again reiterate the following:

Pamet Harbor is and has been a heavily used recreational boating facility. This facility, due to its proximity to the fishing grounds, is heavily used not only by Truro residents, but by people from all over the Cape and Eastern New England, who trailer their boats here to use the State's Public Access Ramp.

The harbor mouth, which has a shoaling problem created by littoral drift of sand from south to north, has been maintained by dredging funded by the state and local dollars.

The basin has also been dredged previously, using these same sources of funding.

The state of Massachusetts Public Access Board is presently contracting to rebuild the boat launching ramp and to double its size. We feel that its recognition of the need to double the ramp's size acknowledges the significance of this facility.

While we fully support the protection of the wetlands and this area, we are particularly cognizant of the importance of the harbor to the boating public, and the simple fact is that without outside funding, the facility will only deteriorate due to lack of maintenance.

It should also be noted that the two barrier beaches on either side of the harbor mouth are municipally owned by the town and therefore, should be ex-

Page 2
Coastal Barriers Study Group

empt as are other government owned and protected beaches.

Very truly yours,

Monica Kraft
Monica Kraft, Chairman

Bruce T. Iggers
Bruce T. Iggers

Mark N. Peters
Mark N. Peters

Board of Selectmen
Town of Truro

BTT/cac

cc: Jack Clark
Congressman Gerry Studds
Conservation Commission

751

BOARD OF SELECTMEN & ASSESSORS
TRURO, MASS. 02666
TEL. 349-3835

June 9, 1987

Coastal Barriers Study Group
National Park Service
Post Office Box 37127
Washington, D. C. 20013 - 7127

Gentlemen:

The Pamet Harbor Commission of the Town of Truro is totally opposed to the inclusion of the Pamet Harbor on the list of protected areas under the Federal Coastal Barrier Resources Act (MA-18).

Pamet Harbor is the only harbor in the Town of Truro.

The harbor is beneficial to the economy of the Town. Twenty percent of the boats moored in the harbor are commercially used; families are totally or partially dependent on revenues generated by fishing activities. In addition, the harbor is used by many tourists.

In recognition of the importance of Pamet Harbor, the State's Public Access Board will be doubling the size of the boat ramp this fall.

The harbor is also a haven for commercial and recreational craft during hurricanes and other storms, not only for the inhabitants of Truro but for the inhabitants of surrounding towns as well.

At present there is a shoaling problem at the mouth of the harbor, which must be dealt with by dredging which will be funded by state and local and possibly federal dollars.

Sincerely,
Michael A. Horrocks
Michael A. Horrocks, Jr., Chairman
Pamet Harbor Commission
Town of Truro

PHC/cac

726

Town of Truro
Truro Planning Board
Truro, Massachusetts 02666

June 4, 1987

Coastal Barriers Study Group
National Park Service
P O Box 37127
Washington, D. C. 20013-7127

Gentlemen:

The Planning Board of Truro is opposed to the inclusion of Pamet Harbor to the list of protected areas under the federal Coastal Barriers Resources Act if this action will result in funds becoming unavailable for harbor dredging and for maintenance and improvement of harbor facilities.

Sincerely yours,

Richard P Keating
Richard P Keating, Chairman



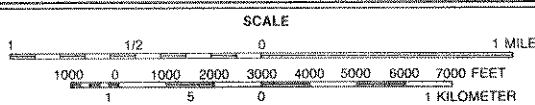
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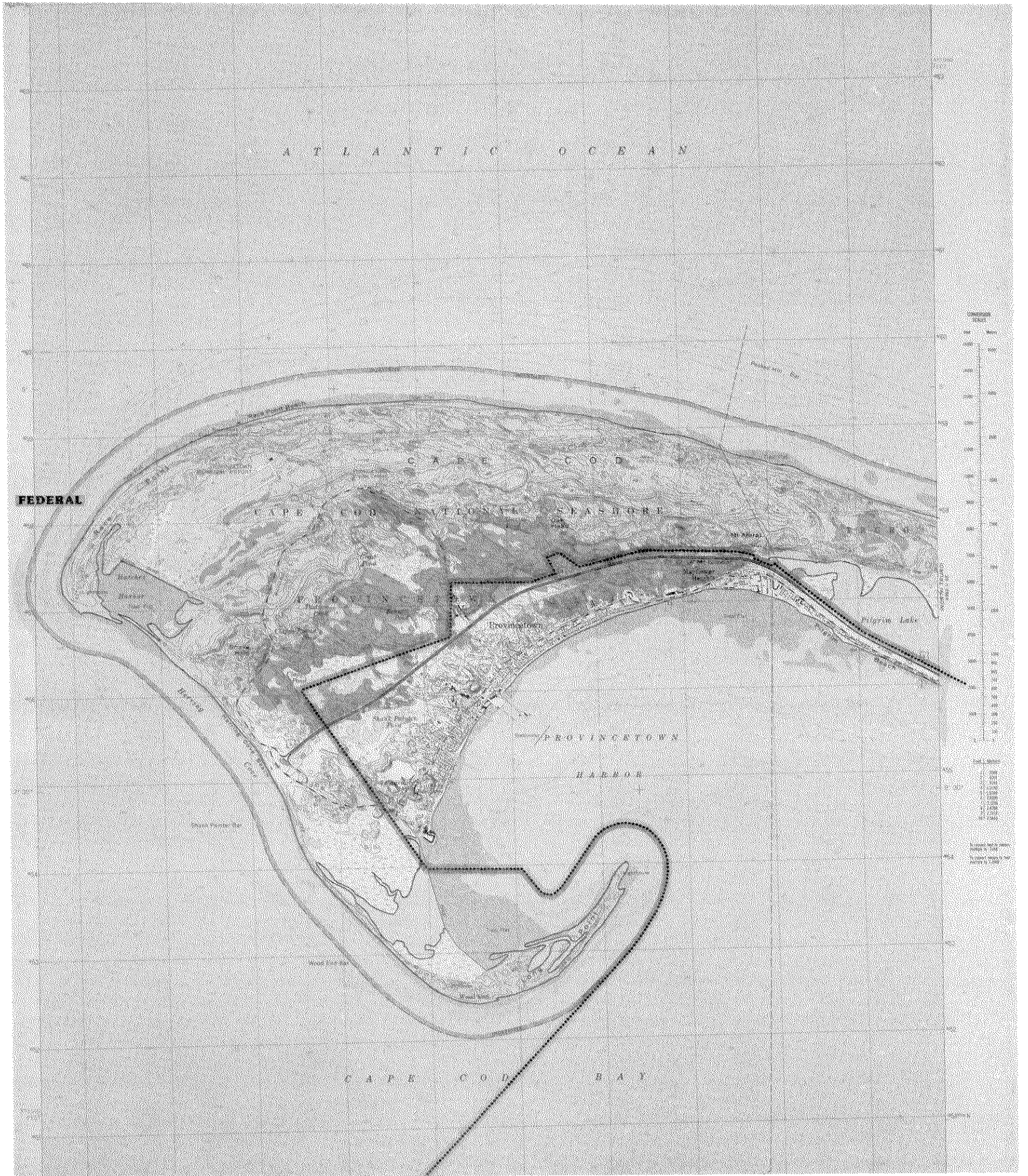
QUADRANGLE
NORTH TRURO
MASSACHUSETTS



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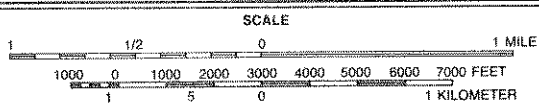
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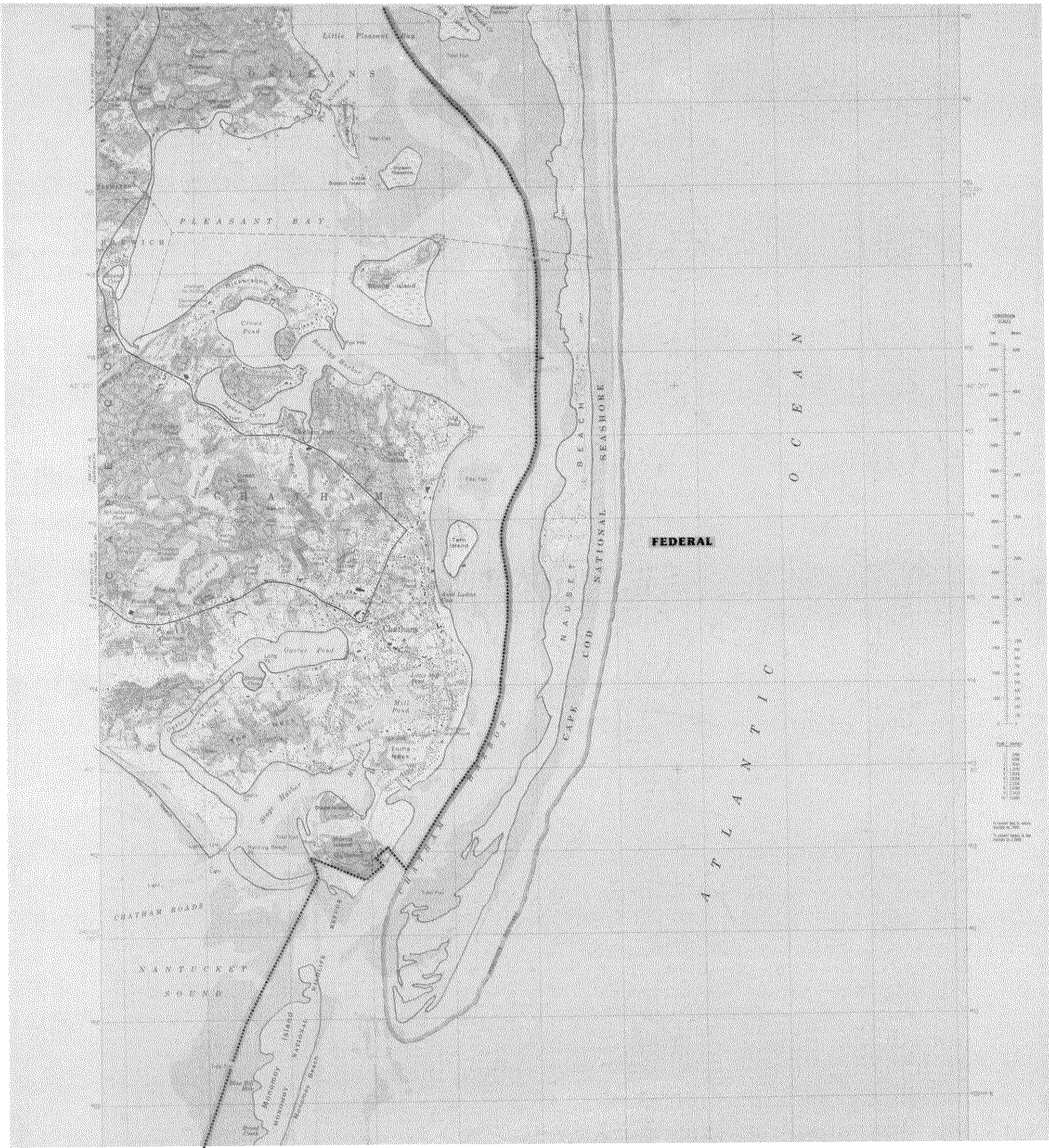
QUADRANGLE
PROVINCETOWN
MASSACHUSETTS



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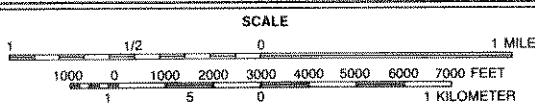
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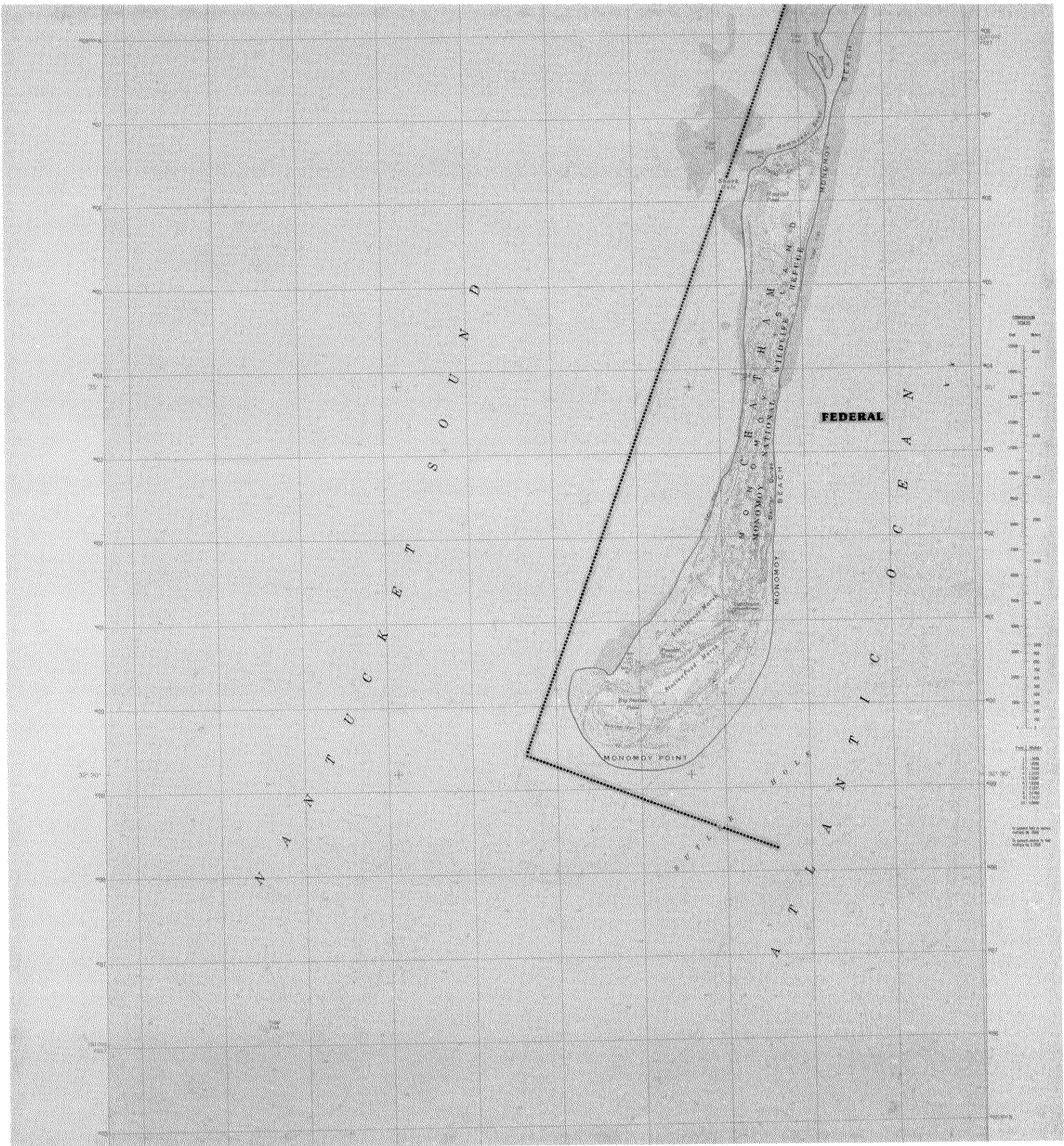
QUADRANGLE
CHATHAM
MASSACHUSETTS



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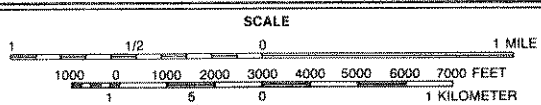
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QUADRANGLE
MONOMOY POINT
MASSACHUSETTS



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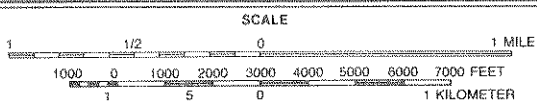
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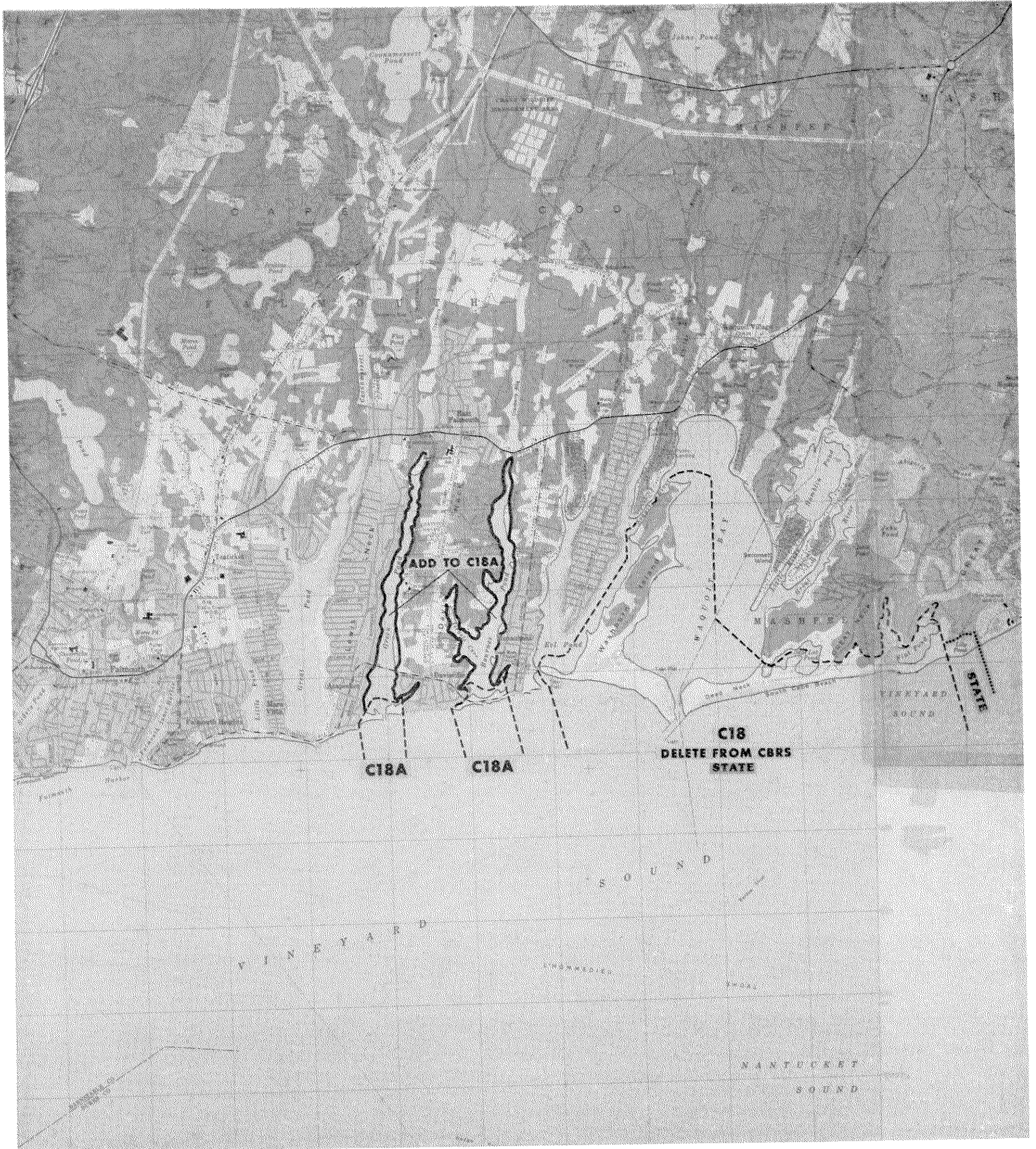
QUADRANGLE
COTUIT
MASSACHUSETTS



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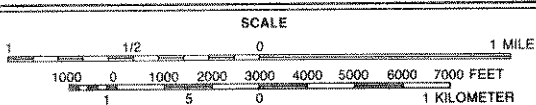
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QUADRANGLE
FALMOUTH
MASSACHUSETTS



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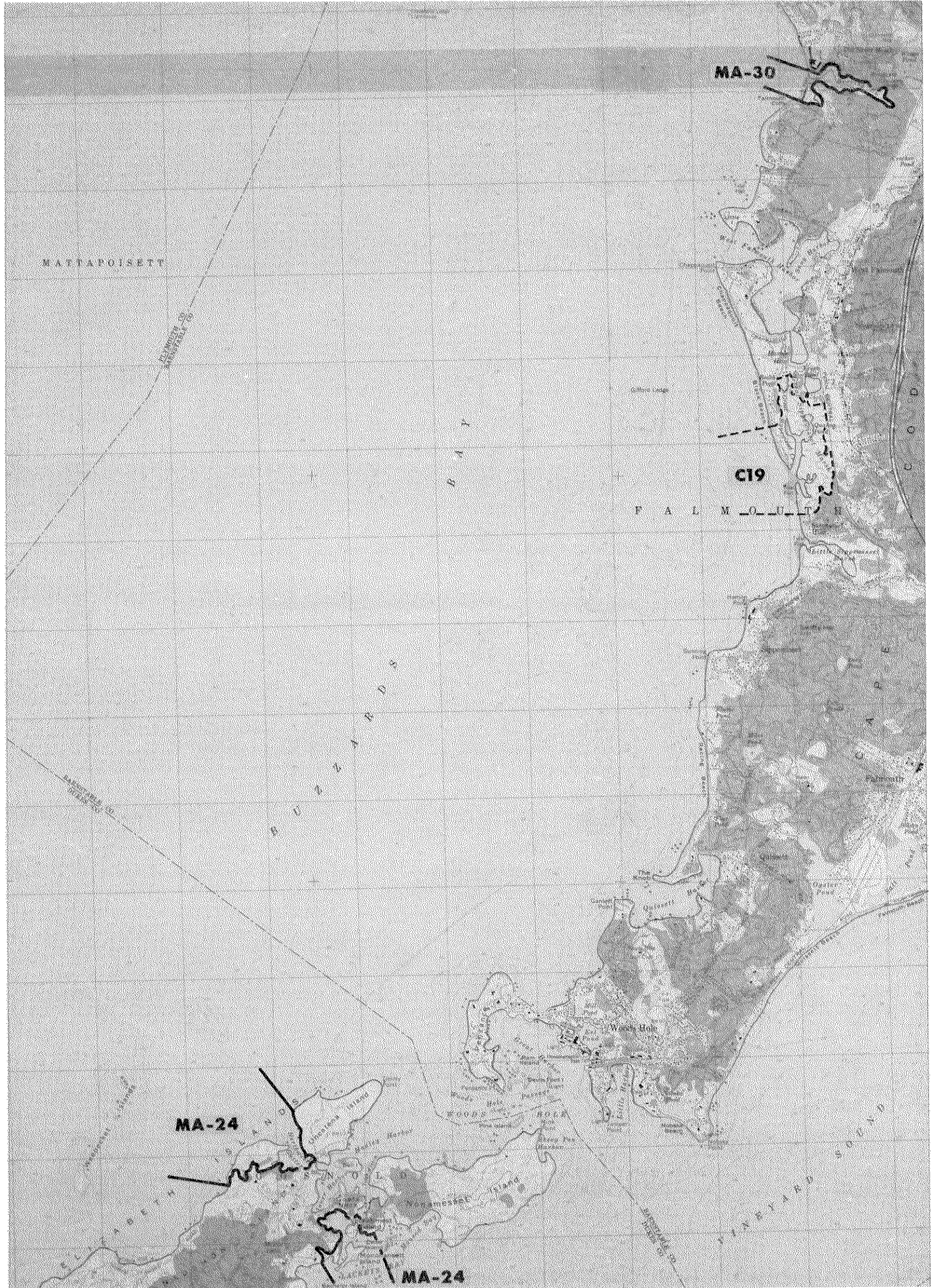
C18 - WAQUOIT BAY

State Position: The State of Massachusetts opposes deleting C18 from the CBRS.

Other Comments: One other commenter also specifically opposed deleting C18 from the CBRS (letter number 1282 in the General Comment Letters section), however, several other commenters were generally opposed to excluding protected barriers.

Response: CBRS unit C18 is protected by the State of Massachusetts. As discussed previously, the DOI is recommending that all otherwise protected barriers be excluded from the CBRS as long as they are not developed in a way that is inconsistent with the CBRA purposes.

DOI Recommendation: The DOI recommends deleting C18 from the CBRS.



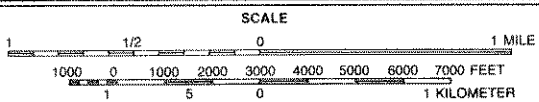
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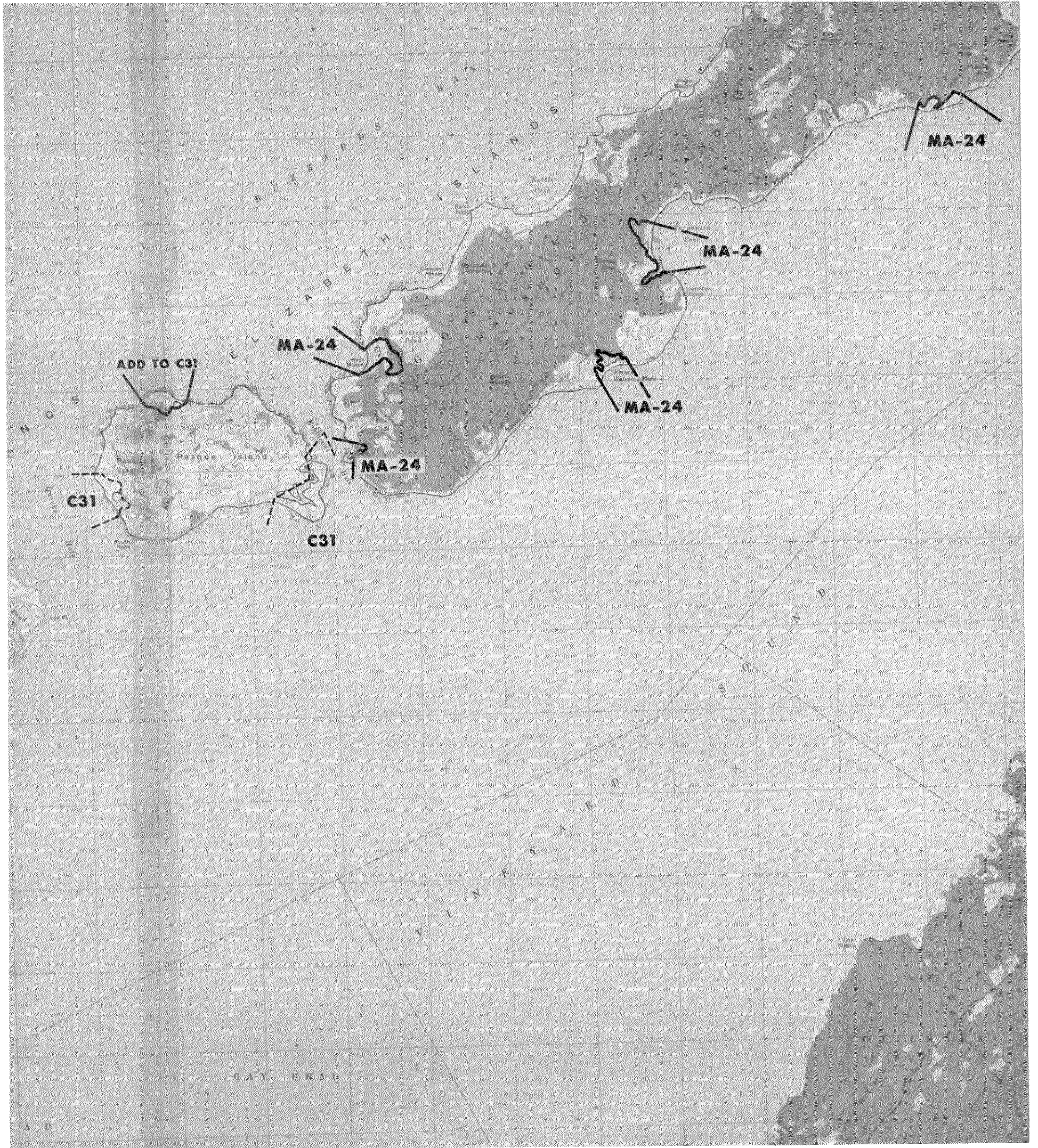
QUADRANGLE
WOODS HOLE
MASSACHUSETTS



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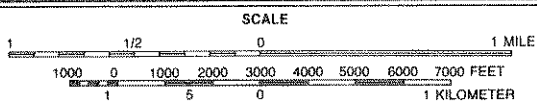
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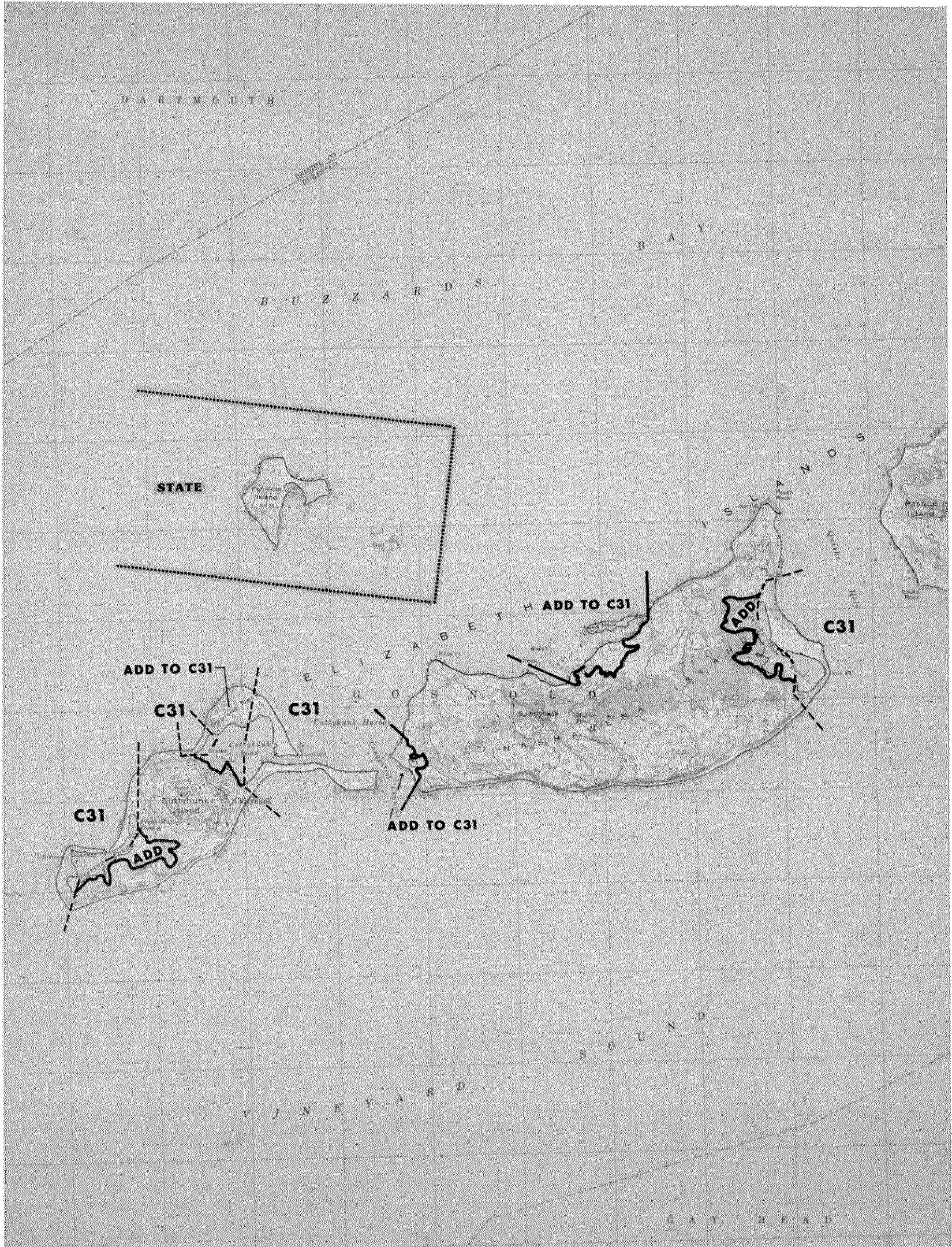
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QUADRANGLE
NAUSHON ISLAND
MASSACHUSETTS



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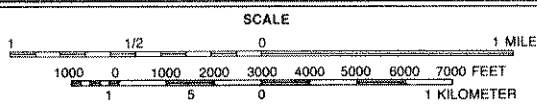
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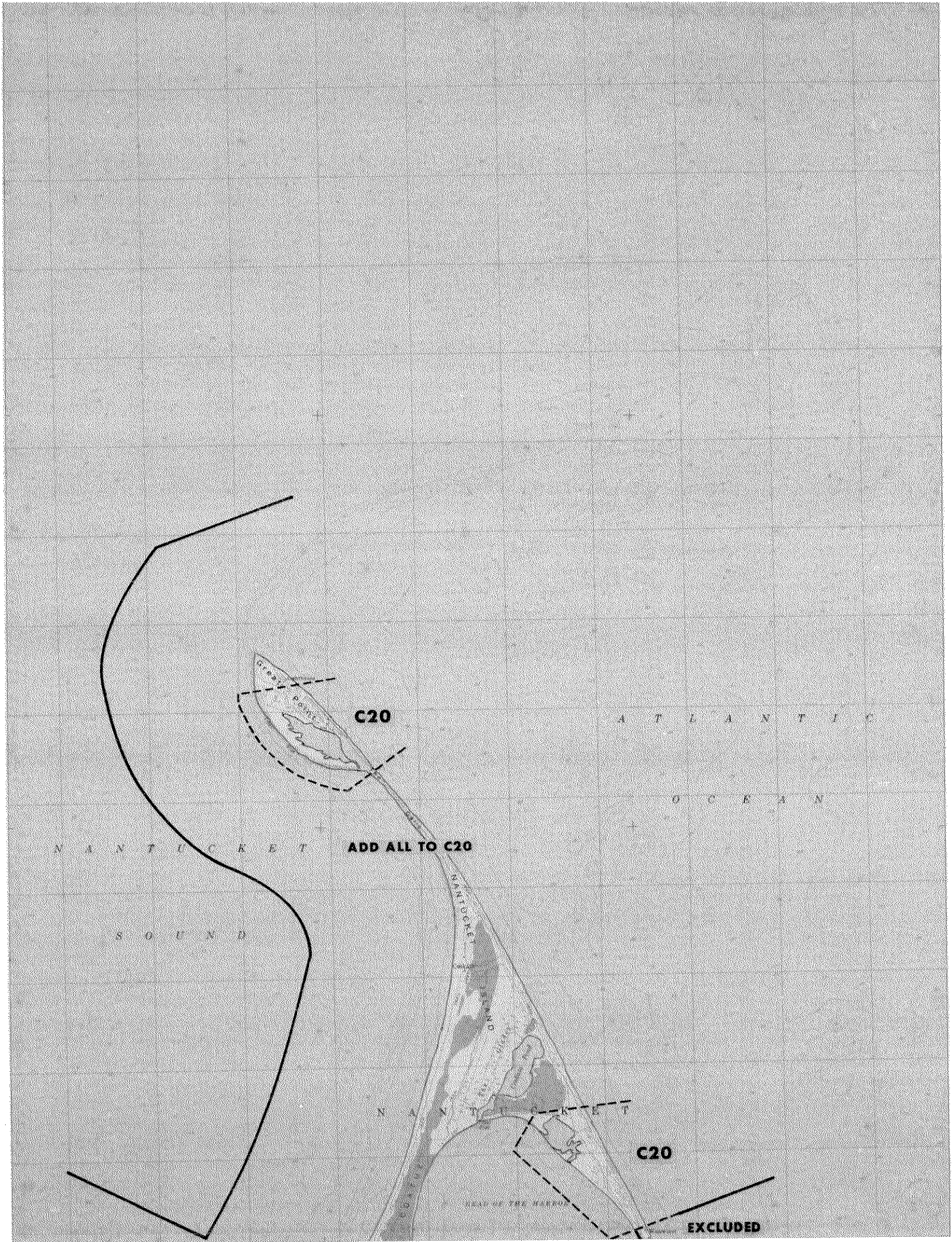
QUADRANGLE
CUTTYHUNK
MASSACHUSETTS



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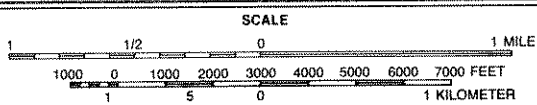
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QUADRANGLE
GREAT POINT
MASSACHUSETTS



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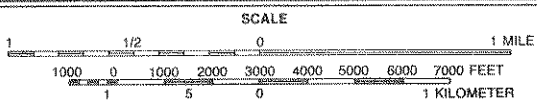
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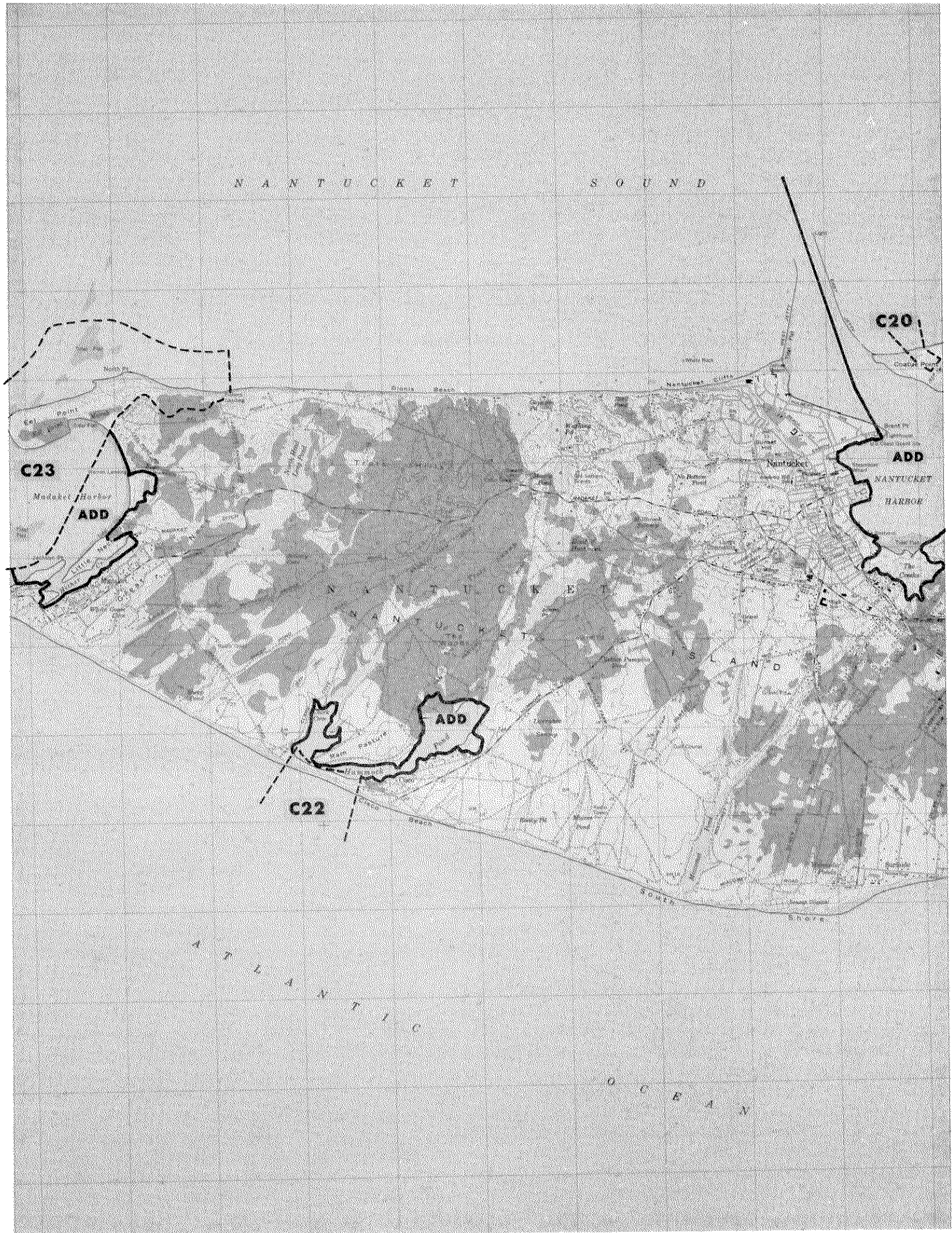
QUADRANGLE
SIASCONSET
MASSACHUSETTS



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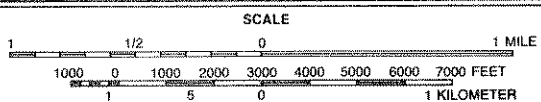
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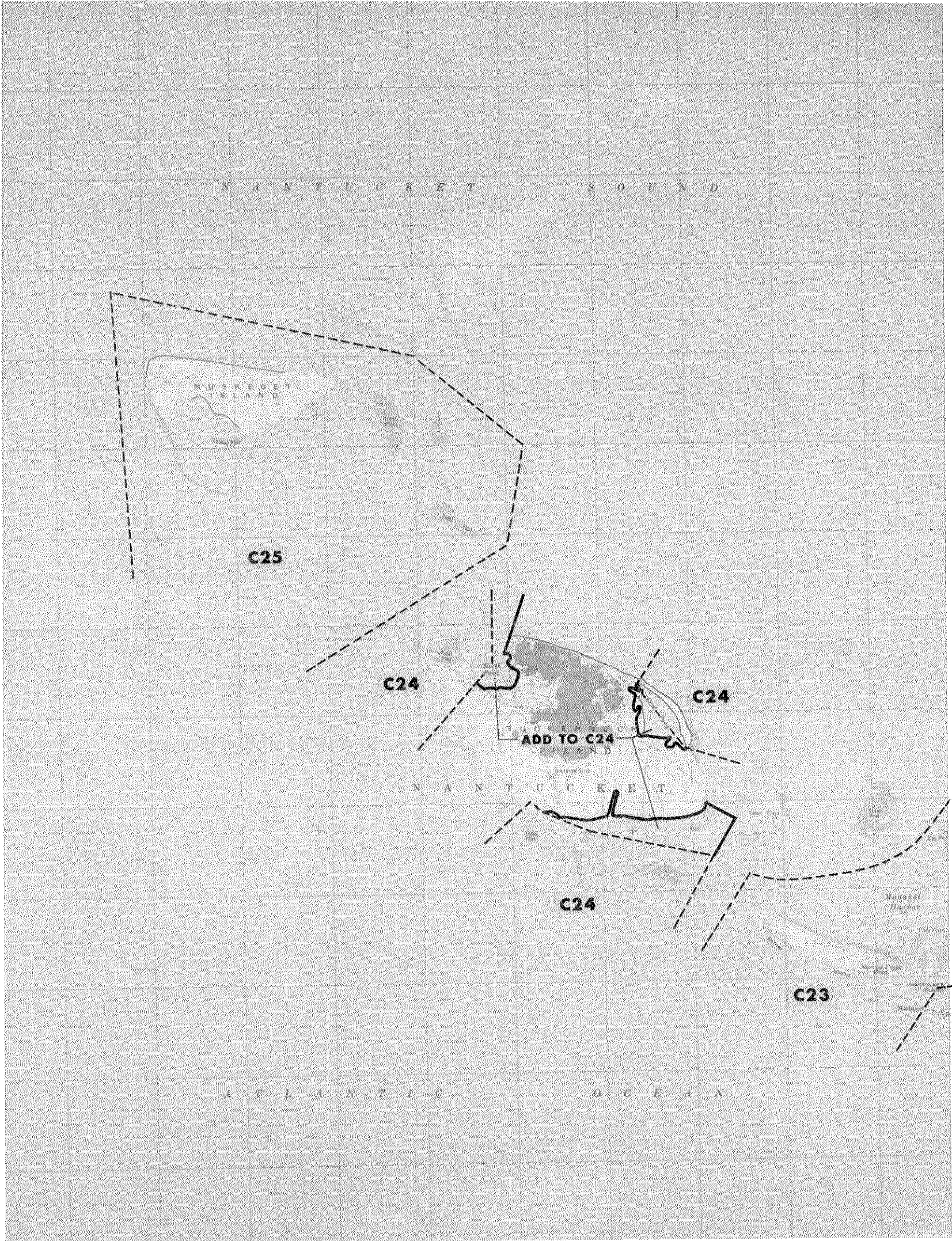
QUADRANGLE
NANTUCKET
MASSACHUSETTS



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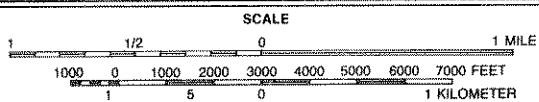
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DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

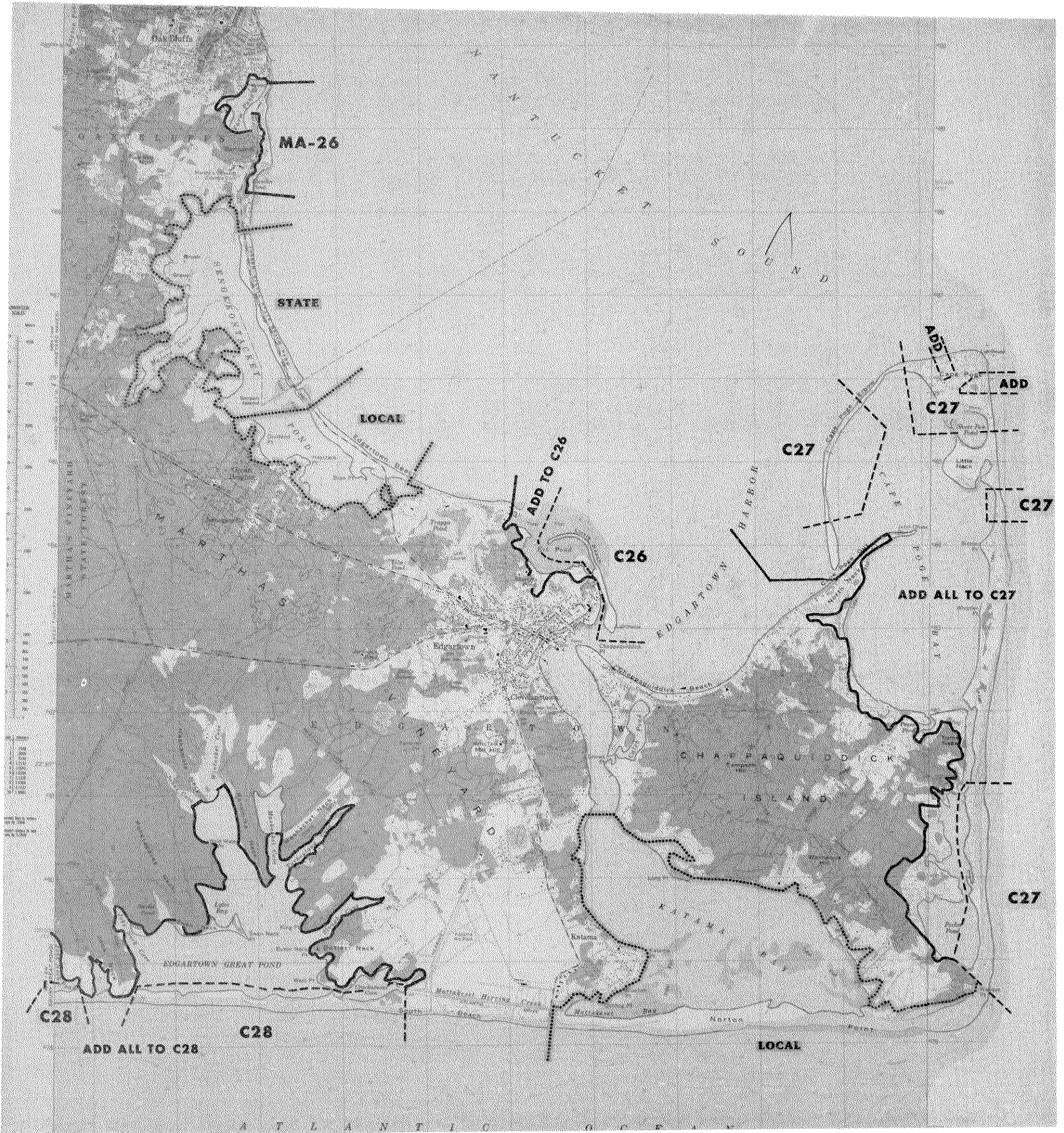
QUADRANGLE
TUCKERNUCK ISLAND
MASSACHUSETTS



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Base Map is the U.S. Geological Survey 1:25,000 scale quadrangle.



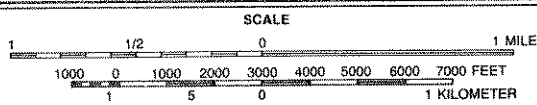
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
EDGARTOWN
MASSACHUSETTS



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C27 - CAPE POGE

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: The Edgartown Conservation Commission requested the deletion of the Dyke Bridge from the proposed additions to the unit so that all funding options for maintaining the bridge would remain open. Their letter is reprinted below.

Response: As discussed in Volume 1, maintenance, replacement, and/or repair of an

existing bridge is an allowable exception to the CBRA funding restrictions under Section 6. There is no need to exclude Dyke Bridge from the CBRS to assure its upkeep.

DOI Recommendation: The DOI recommends adding additional coastal barrier segments and associated aquatic habitat to the existing CBRS unit as delineated to include Dyke Bridge.



EDGARTOWN CONSERVATION COMMISSION
BOX 1065 EDGARTOWN, MASSACHUSETTS 02539

1217

June 16, 1987

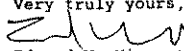
Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Group Members,

The Edgartown Conservation Commission reviewed the proposed changes to the Coastal Barrier Resources Act maps. Below is a summary of the changes that the Commission would like to see made in the designated areas on the maps, and the reasons they are asking for these changes.

1. Make an exclusion of the Dyke Bridge in the area of C-27 which connects the Dyke road to the barrier beach on the eastern side of Chappaquiddick. There has been much discussion in the town of the future of the town-owned bridge, either as a bridge or as a dyke, and the Commission would like to see that all options for funding remain open.
2. Eliminate MA-26 and MA-27 from the map entirely. This area contains a road which is a vital link between the towns of Oak Bluffs and Edgartown. It also contains a heavily used bicycle path. The barrier beach portion of MA-27 contains a town and state beach with a parking area that extends the length of the beach. In addition, the land along the pond behind the beach has already been built to the maximum. For these reasons, the Commission would like to see these areas excluded.
3. The Commission would like to see a provision made that the maps be subject to review in 20 years for changes to the coast line.

Thank you for considering these comments in your revisions to this Act.

Very truly yours,

Edward W. Vincent, Jr.
Chairman

cc: Richard Delaney

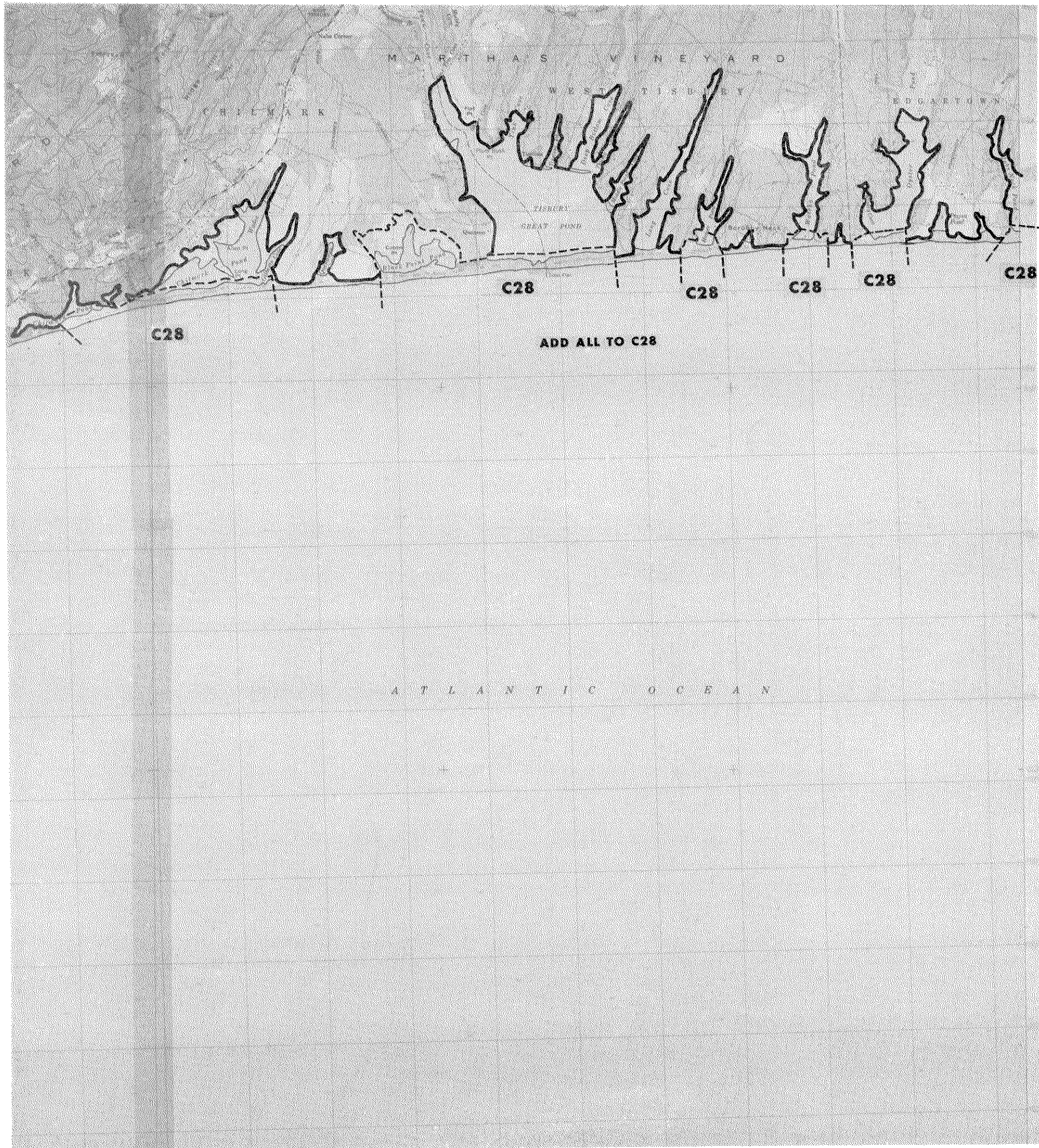
MA-26 - HARTHAVEN

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: One letter was received opposing the addition of MA-26 because of nearby development and a road. It is reprinted under C27 (letter number 1217).

Response: Proposed unit MA-26 is undeveloped and fully meets DOI criteria for addition to the CBRS.

DOI Recommendation: The DOI recommends adding MA-26 to the CBRS.



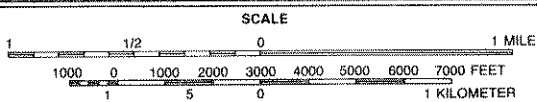
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Report to Congress on the Coastal Barrier Resources System

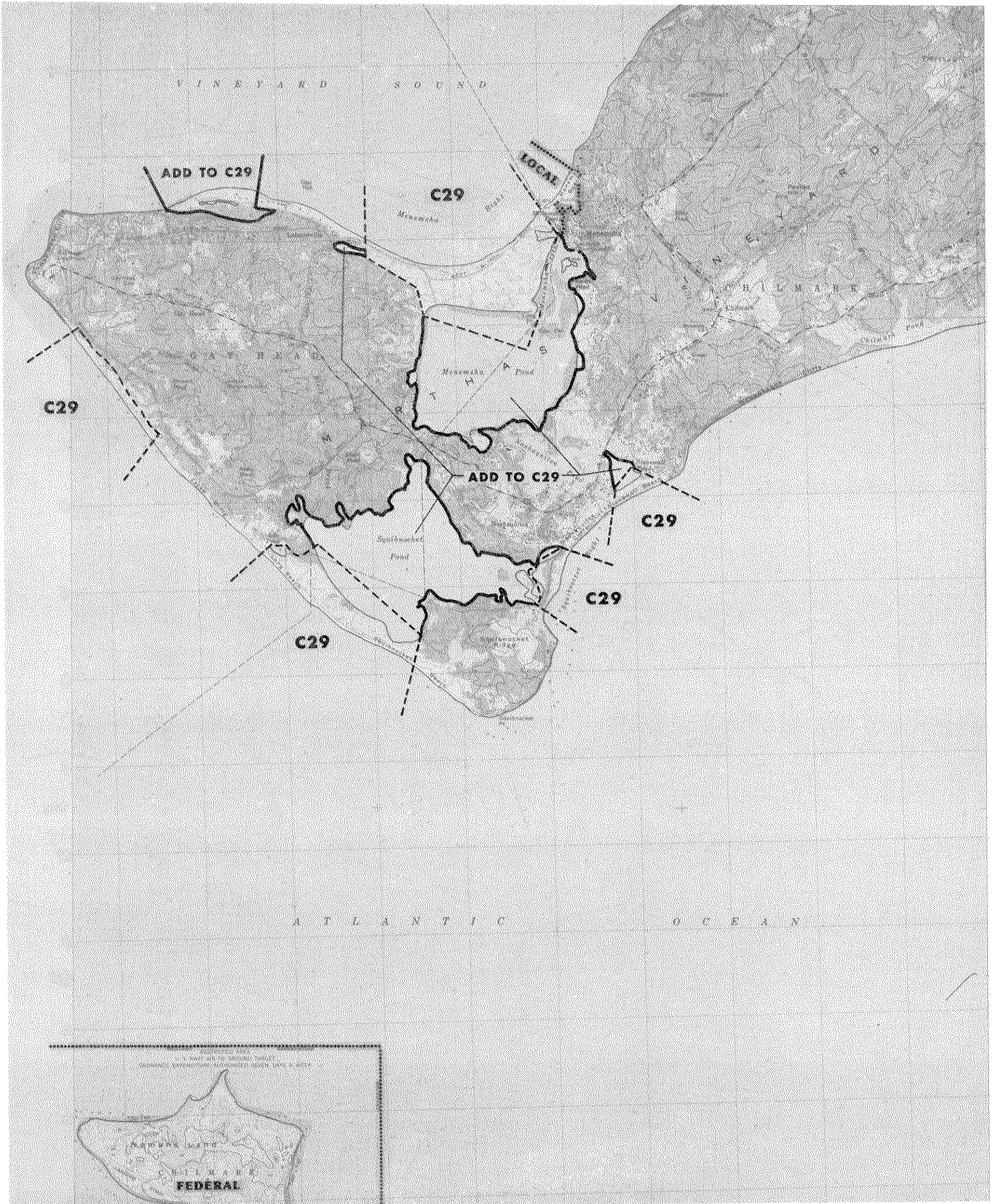
QUADRANGLE
TISBURY GREAT POND
MASSACHUSETTS



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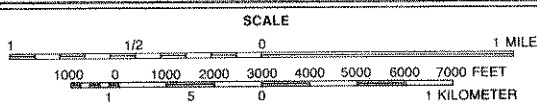
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Report to Congress on the Coastal Barrier Resources System

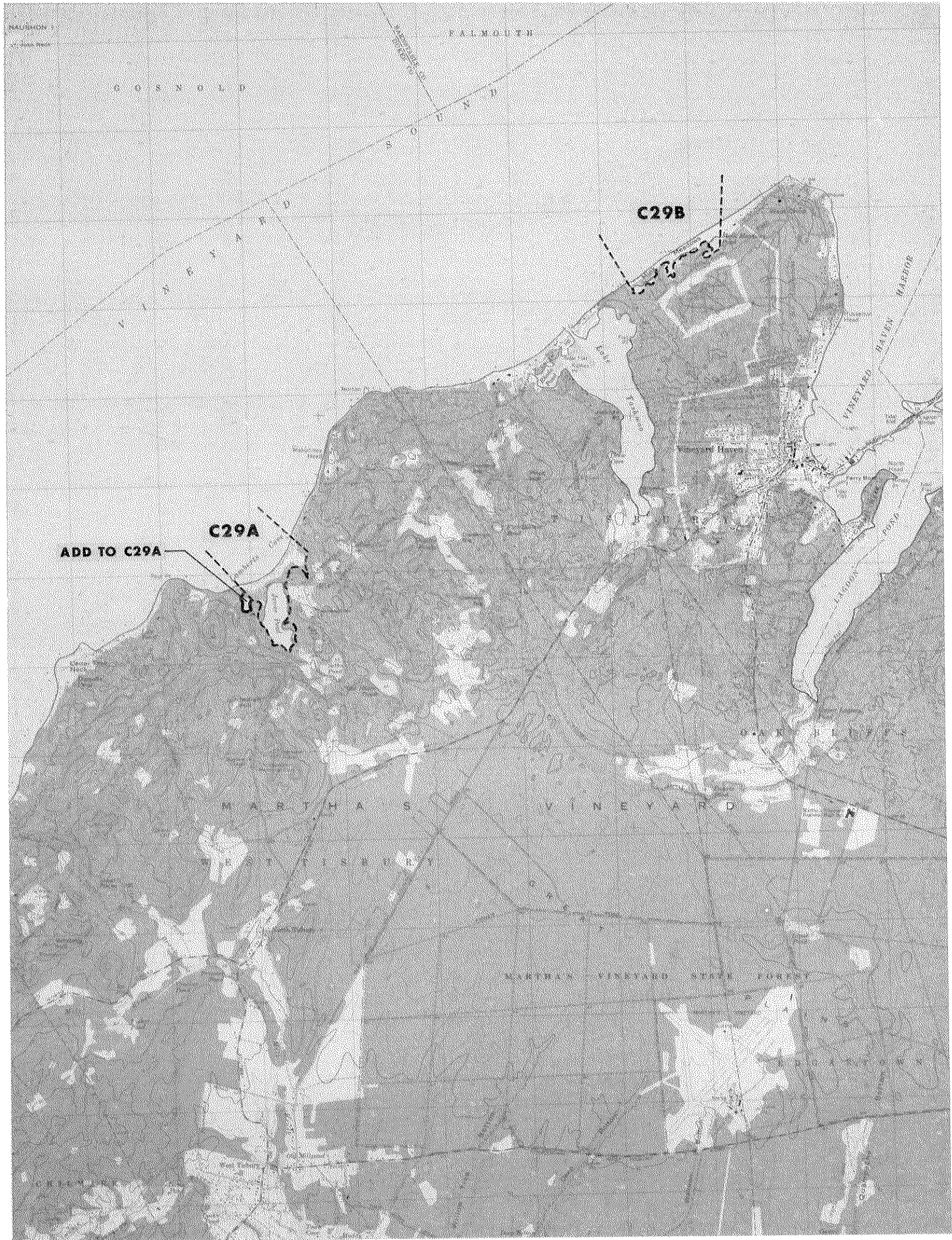
QUADRANGLE
SQUIBNOCKET
MASSACHUSETTS



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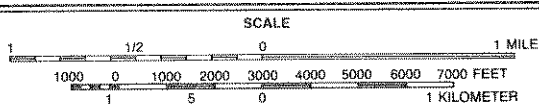
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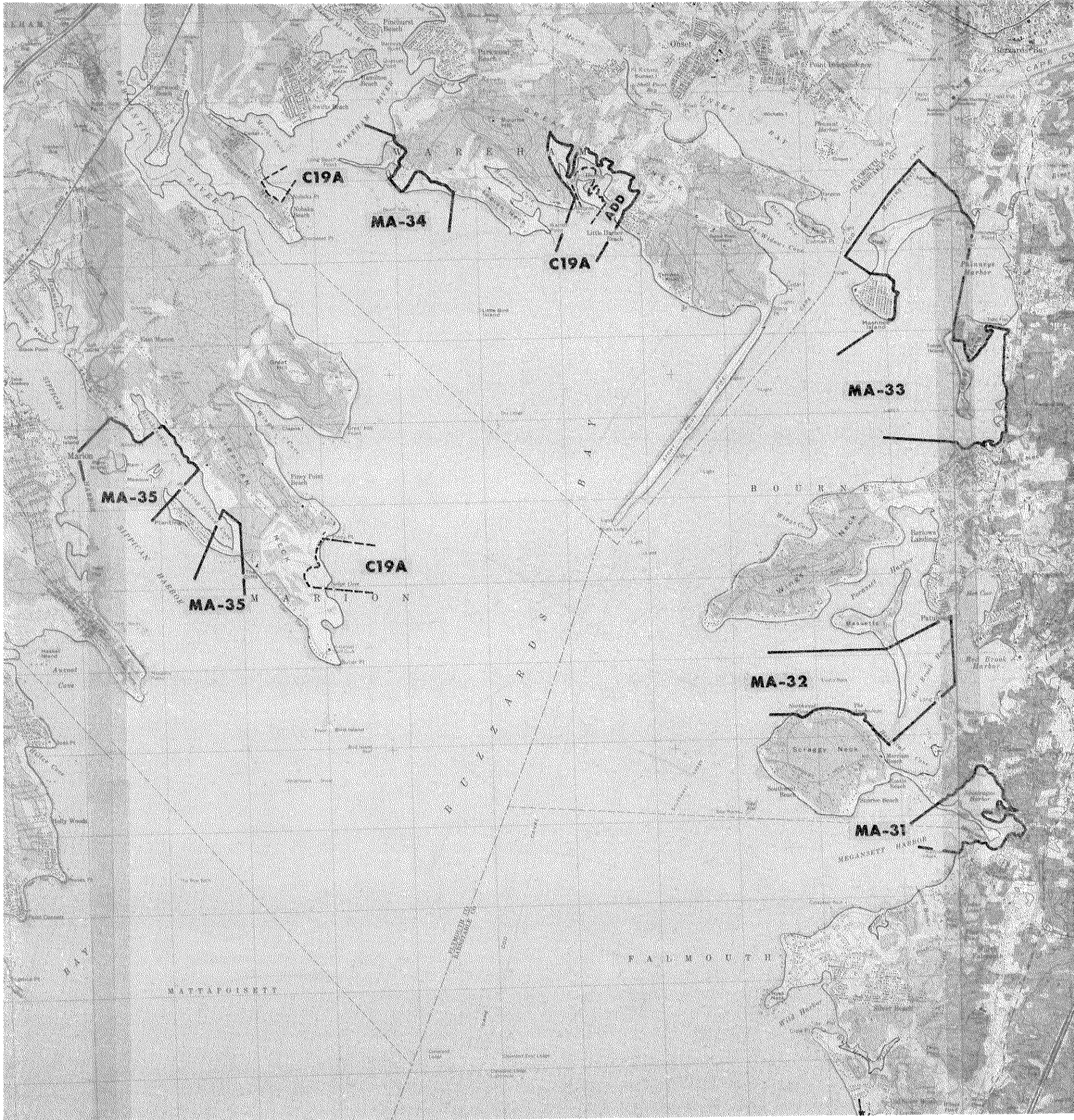
QUADRANGLE
VINEYARD HAVEN
MASSACHUSETTS



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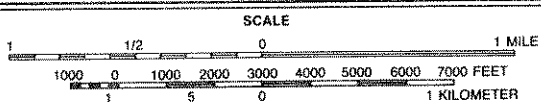
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QUADRANGLE
ONSET
MASSACHUSETTS



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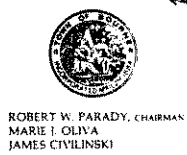
MA-31 - SQUETEAGUE HARBOR; MA-32 - BASSETTS ISLAND

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on these particular units was expressed.

Other Comments: One letter of support for the addition of these two units was received

from the Town of Bourne. It is reprinted below.

DOI Recommendation: The DOI recommends adding MA-31 and MA-32 to the CBRS.



TOWN OF BOURNE
Board of Selectmen
24 Perry Avenue
Buzzards, Bay, Massachusetts 02532
(617) 759-4486

149



April 28, 1987

Coastal Barriers Study Group
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

RE: Comments - U.S. Coastal Barrier Resources Act

Gentlemen:

Please be advised that we are in support of your proposal to designate the areas of Squeteague (MA-31) and Bassetts Island (MA-32) as indicated on DOI map number 51 as Coastal Barrier Resource System areas.

We do not, however, support the proposal of designating the areas of Phinneys Harbor (MA-33). It is our understanding that this designation may preclude the possibility of this area being eligible for any future federal funding. The designation of this area could have a negative impact on any future plans we may have to install sewer lines or possibly upgrade the beach area with use of federal funding.

Thank you.

Very truly yours,

BOARD OF SELECTMEN

Robert W. Parady
Robert W. Parady
Marie J. Oliva
Marie J. Oliva
James J. Civillinski
James J. Civillinski

cc: Coastal Zone Management (Boston)
Congressman Gerry E. Studds

MA-33 - PHINNEYS HARBOR

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: The Town of Bourne opposes the addition of MA-33 because of concerns about funding sewer lines through the area and beach maintenance projects. The Town's letter is reprinted under MA-31; MA-32 (letter number 149).

Response: As discussed in Volume 1, the DOI is recommending an amendment to Section 6 of

CBRA to allow Federal monies to be used for essential utility lines that must cross CBRS units to service developed coastal barriers. Beach renourishment, but not structural stabilization projects, is an allowable exception to the CBRA funding prohibitions under Section 6 as long as it is implemented in a manner that is consistent with the purposes of the CBRA.

DOI Recommendation: The DOI recommends adding MA-33 to the CBRS.



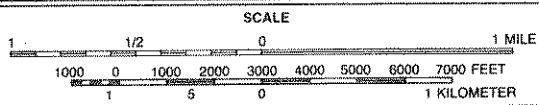
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

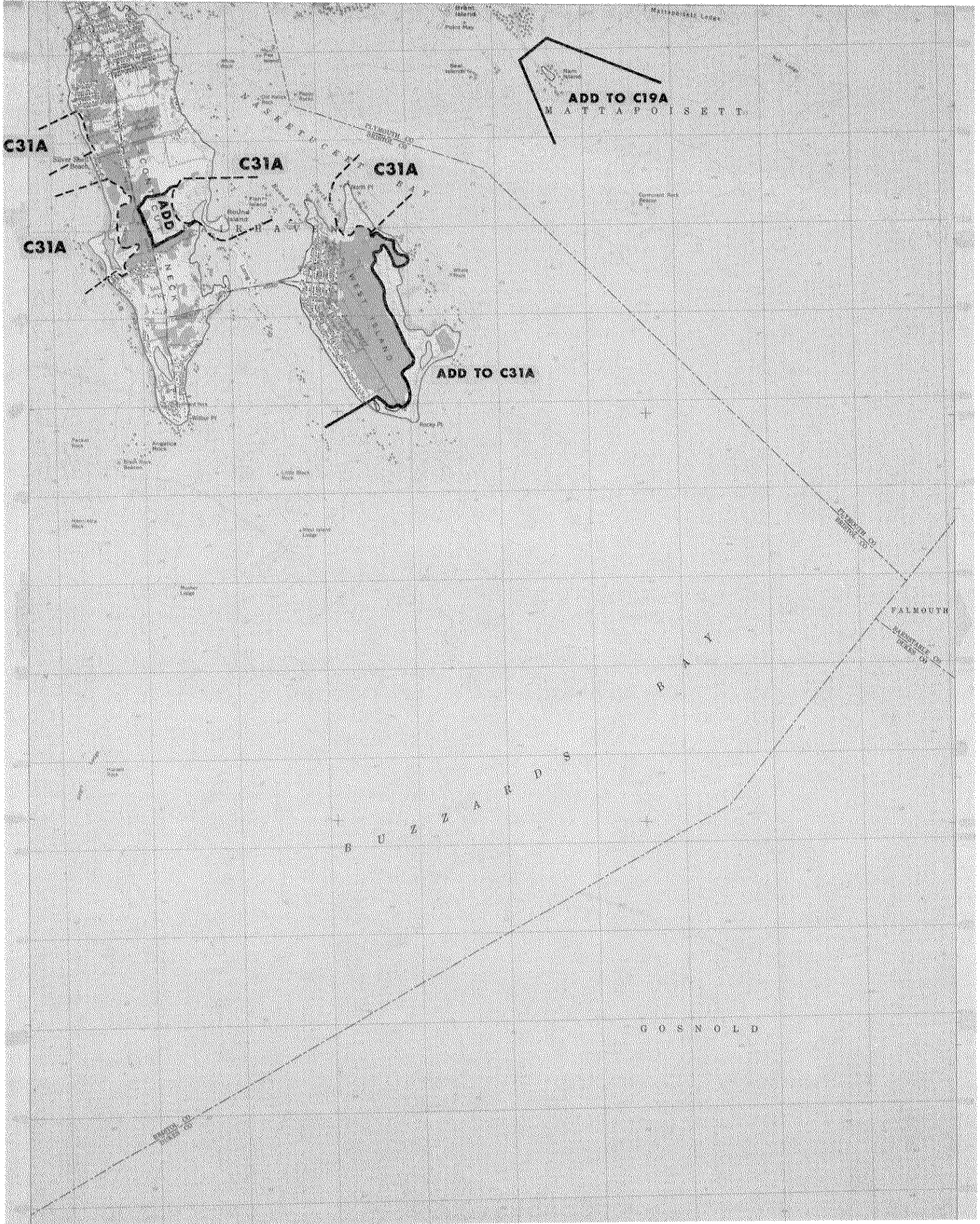
QUADRANGLE
MARION
MASSACHUSETTS



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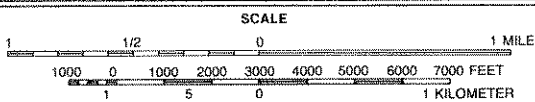
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Washington, D.C. 20240

QUADRANGLE
SCOTCUT NECK
MASSACHUSETTS



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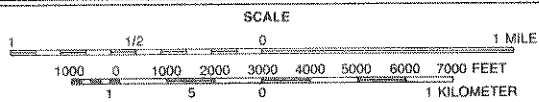
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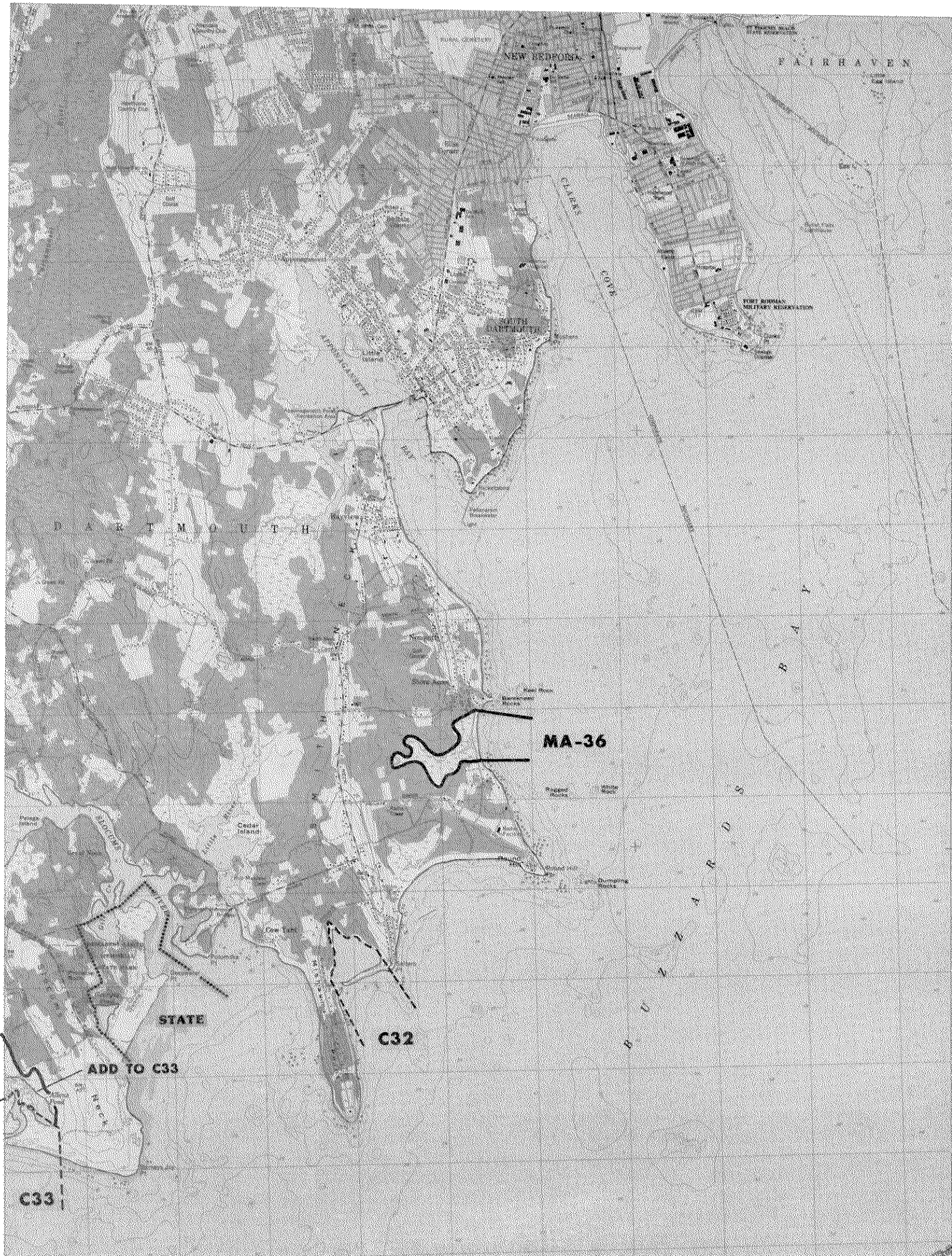
QUADRANGLE
NEW BEDFORD NORTH
MASSACHUSETTS



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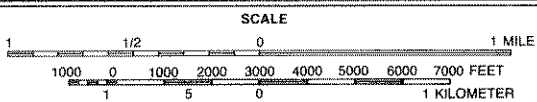
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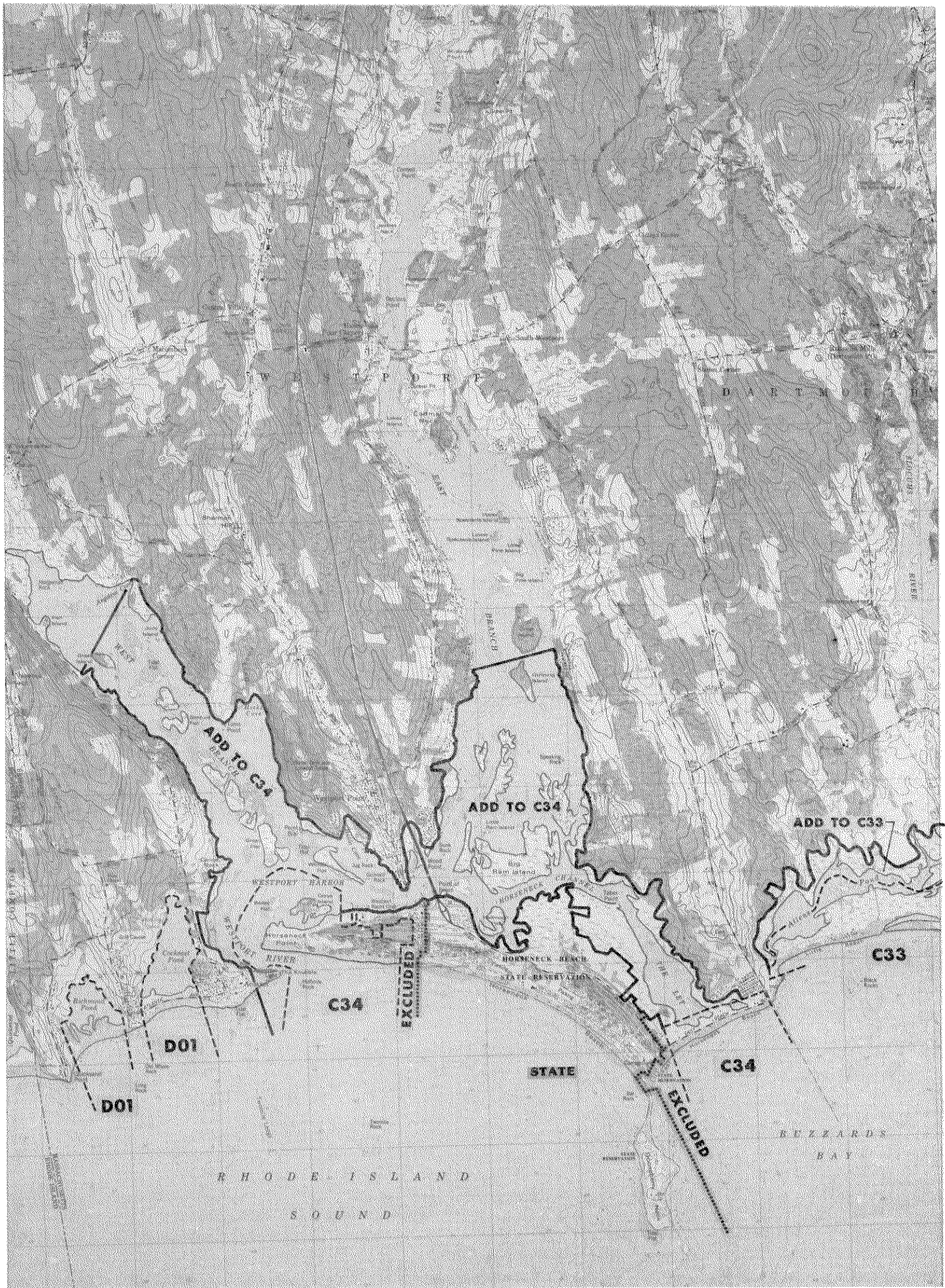
QUADRANGLE
NEW BEDFORD SOUTH
MASSACHUSETTS



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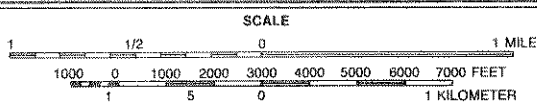
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QUADRANGLE
WESTPORT
MASSACHUSETTS



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C34 - HORSENECK BEACH

State Position: The State of Massachusetts supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: Two letters were received requesting deletion of a five-lot, subdivided parcel on Horseneck Beach from the existing CBRS unit. The two letters are reprinted below.

Response: All of C34 fully met DOI's definitions of "undeveloped" in 1982. Development since 1982 is not justification for deletion from the CBRS.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to the existing CBRS unit. No deletions from the unit are justified.

68

THOMPSON, REED & BOYCE, P.C.
ATTORNEYS AT LAW
10 NORTH MAIN STREET
P. O. BOX 100X 3288
FALL RIVER, MASSACHUSETTS 02722-100X 3288

CHARLES E. REED
GEORGE R. BOYCE
CAROL A. HELLWELL

TEL. 875-3043
AREA CODE 617

ALLEN THOMPSON (1913-1979)

April 23, 1987

The Coastal Barriers Study Group
Department of the Interior
P.O. Box 37127
Washington, DC 20013-7127

RE: Cory Property Trust.

Gentlemen:

This letter is submitted in response to invitation for public comment on proposed new maps which we understand will expand the total area covered by the Coastal Barrier Resources Act from 453,000 to 1.4 million acres and will affect lands next to Horseneck Beach in Westport, Massachusetts.

I am deeply concerned and opposed to the proposed action inasmuch as I serve as Trustee of the Cory Property Trust which owns over 26 acres of land in the Horseneck Point area which would be affected by your proposal as highlighted in red on the enclosed map. This land has already been divided into eight house lots and building plans are in progress.

We are strongly in favor of protecting our natural resources in general and more particularly, our coastal areas. The key question is, how such protection can be achieved without adversely affecting the rights of existing property owners.

We believe that it is fundamentally unfair to owners of coastal lands to impose or to expand any system which will have the effect of diminishing the value of their properties. However laudable the purpose may be of protecting these areas, the fact of the matter is that such new limitations amount to a form of indirect land taking without compensation. In my opinion, such an approach will damage the goals of fair dealing and cooperation with coastal land owners which our Government should strive to promote.

The Coastal Barriers Study Group
Page Two
April 20, 1987

A better approach, I believe, would be to develop a system of incentives and goals which would reward landowners for limiting perceived undesirable development of their property. Rather than stripping landowners of traditional prerogatives of ownership, this approach using techniques such as conservation easements, tax incentives or fair compensation for purchased properties would better develop a partnership between the public and private sectors to assure that desired goals are achieved.

For these reasons, we are strongly opposed to the expansion of the areas to be covered by the Coastal Barrier Resources Act and hope that a more even-handed approach will be developed to better protect the interests of all taxpayers. I would be willing to come to Washington in person to give testimony on these matters if it would be helpful to the Study Group.

Very truly yours,

THOMPSON, REED & BOYCE, P.C.

George R. Boyce

George R. Boyce
Trustee of Cory Property Trust

GRB:sas
Enc.

cc: Michael Thompson
Robert Kirsh, Esq.

1203

HALE AND DORR
COUNSELLORS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
60 STATE STREET
BOSTON, MASSACHUSETTS 02109
(617) 742-9100

CABLE MAIL BOX
TELETYPE UNIT
TELEPHONE
(617) 387-6133 (617) 742-9100

WASHINGTON OFFICE
1455 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20004
(202) 393-0800
CABLE MAIL BOX
TELETYPE UNIT: 393-4487

June 22, 1987

Coastal Barriers Study Group
U.S. Department of the Interior
National Park Service - 498
1375 K Street
Hamilton Building, 4th Floor
Washington, D.C. 20240

Re: Coastal Barrier Resource System
Recommended Deletion from Unit C34,
Westport, Massachusetts

Dear Sir or Madam:

On behalf of the Cory Property Trust, the owner of lots 382-386 on Cherry and Webb Lane in Westport, Massachusetts, I request that you delete a small, road-side portion of each of those lots from the Coastal Barrier Resources Act System. The details of and justification for this request are set out below.

Recommended Action:

We recommend the deletion of a small area of private property from CBRS Unit C34 in Westport, Massachusetts (see attached maps). The specific area consists of portions of five (5) subdivided lots (lots 382-386) on the south side of Cherry and Webb Lane. We request that this deletion extend from Cherry and Webb Lane to a line drawn (generally in an East-West direction) parallel to and approximately 250 feet south of Cherry and Webb Lane to the present Northern terminus of this section of CBRS Unit C34. This recommended deletion is shown on the attached maps.

Justification:

The area proposed for deletion is sandwiched between long-existing areas of development on this relatively stable coastal barrier. Several structures, consisting of a mix of seasonal and year-round homes sit on the properties which form the Western boundary of the area proposed for deletion. That development extends beyond (to the South of) the proposed Southern boundary of

Coastal Barriers Study Group
June 22, 1987
Page 2

the area proposed for deletion. Similarly, the properties to the East of the area proposed for deletion also contain seasonal and year-round homes. These homes have had no noticeable adverse affect on the resources of the coastal barrier or on its stability.

This land is not in a high hazard or hazard prone area. Rather it is several hundred feet landward of a major barrier dune system which has elevations of over 50 feet above sea level. After deletion, a minimum of 200 feet of mature forest would provide a buffer between the proposed area for deletion and the dune and beach area. All portions of the buffer zone, dune area and beach would remain in the system.

The Horseneck Beach Coastal Barrier would not be adversely affected by this minor deletion. The buffer from the Southern boundary of the deleted portions of the lots on the ocean side will be over 1,000 feet, and a Northern buffer, extending to the Westport River, will be over 300 feet.

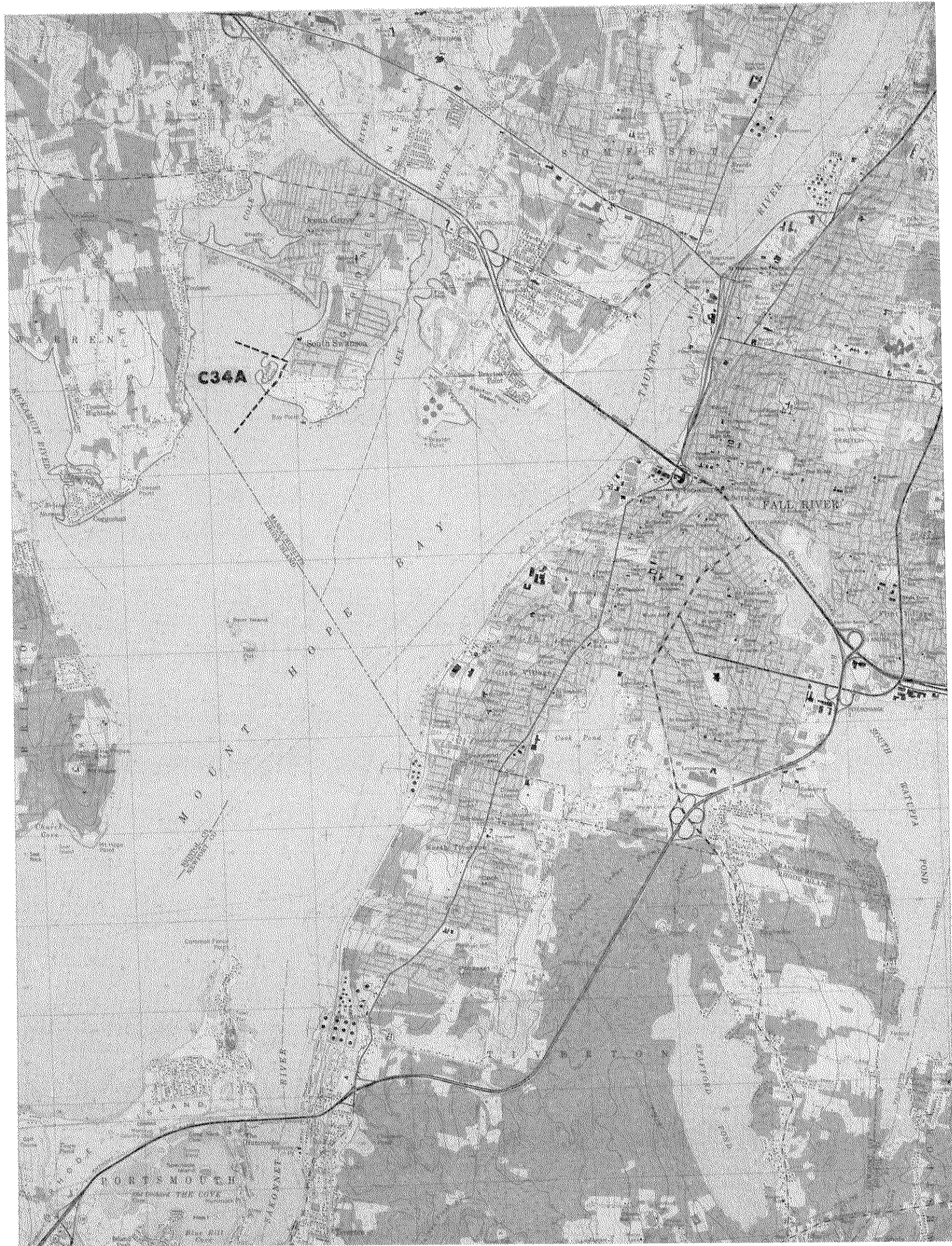
If the secretary deletes these roadside portions of lots 382-386 from CBRS Unit C34, that action will be consistent with the statute and purposes underlying the Coastal Barrier Resources Act System. Any alteration or development of the deleted property must comply with the requirements of the Massachusetts Wetlands Protection Act and the recently amended regulations promulgated under the Act. Moreover, any such action would be subject to public review and comment before local officials and the Massachusetts Department of Environmental Quality Engineering.

Thank you for your attention. Please contact me if you have questions regarding any of the above.

Very truly yours,

RCK
Robert C. Kirsch

RCK/dmm



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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
FALL RIVER
MASSACHUSETTS

SCALE



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