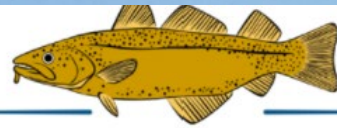


# Barnstable County

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REGIONAL GOVERNMENT OF CAPE COD



# BARNSTABLE COUNTY

DREDGE

Dredge Advisory Committee  
Dredge Summit II - May 15, 2025



# **Cape & Islands Dredging Summit**

**Hosted by**

**Barnstable County Government and the Dredge Advisory Committee  
With Support from Senator's Markey and Warren**

Thursday, May 15, 2025, 10:00 AM – 12:00 PM  
with an Afternoon Roundtable Discussion to follow after lunch.

Mary Pat Flynn Conference Room  
Barnstable County Complex  
3195 Main Street, Barnstable, Massachusetts 02630

## **WELCOME FROM BARNSTABLE COUNTY**

Introduction from Commissioner Mark Forest, Barnstable County Commissioner

Moderator David DeConto, Chair, Barnstable County Dredge Advisory Committee

**OPENING REMARKS**

**Mark Lannigan  
Office of Senator Ed Markey**

## **DREDGE PERMITTING PROJECT & STUDY UPDATES:**

### **Barnstable County Dredge Advisory Committee – Dredge Permitting Process Recommendations from Dredge Summit I**

Dave DeConto, Chair, Barnstable County Dredge Advisory Committee

### **MA Department of Environmental Protection Permit Streamlining Project**

Lisa Rhodes, Wetlands Program Chief, MassDEP

### **Barnstable County Dredge Permit Optimization Study**

Lauren Folkert, Anchor QEA

**Barnstable County Dredge Advisory Committee – A Review of the Dredge  
Permitting Process Recommendations from Dredge Summit I – December 2023**

Dave DeConto, Chair, Barnstable County Dredge Advisory Committee





## **Dredge Permitting Process Review – Priority List of Recommendations**

### **Submitted on behalf of the Barnstable County Dredge Advisory Committee**

#### **Goals:**

Establish a multi-agency workgroup that works within the existing regulations to develop recommendations to improve the dredge permitting process at the Federal & State levels, with the intended outcome of:

- A Reduction in the permitting time for both individual and 10-year comprehensive maintenance permits to no more than two years.
- A Reduction of costs to each town.
- Results in consistent project scheduling by the County Dredge department and improved efficiency of the dredge program
- Clarify & codify various stages of the permitting process.

March 8, 2024



## **Top Recommendations:**

### **1. Federal:**

- a. USACE - Create an online site to monitor and track projects going through the review process (also includes the state permits).
- b. USACE – Define the specific review timelines with the deadlines (if any) for each approval required in the process.
- c. USACE – Create a review process flow chart and provide contact information for each step in the review process.

## 2. State:

### a. DEP Electronic Filing System (E-Place)

Initiate additional guidance & training with the towns & their consultants.

### b. DEP Electronic Filing System (E-Place)

Improve the combined 401 and Ch91 review process to reduce permitting time and costs. Currently, the combined permit process is not working and has resulted in increased permitting time and costs.

### c. DMF - Create more flexibility with Time-of-year (TOY) permit conditions and TOY waiver requests. For example:

- i. Allow dredging during Horseshoe Crab Lunar Cycles in April & May.
- ii. Allow for additional allowable dredging days during the Winter Flounder closure (Entrance / Inlet Channels).
- iii. Once DEP grants the waiver, the ACE should automatically grant their waiver (or concurrently). No need to wait for the ACE's waiver.

### 3. Federal & State:

- a. Re-instate the Joint Processing (JP) review meetings.
- b. NHESP (National Heritage & Endangered Species Program) review relative to ACE review. Define the process, i.e. Is the NHESP review required prior to the 408 review?
- c. Streamline the State & Federal review process for maintenance permit renewal applications for projects that have been dredged routinely and have not had any material change since the last permit.
- d. Review select Cape projects as a 'unique region' where common conditions exist. Establish standard review criteria for maintenance projects within this Cape Region.

## **DREDGE PERMITTING PROJECT & STUDY UPDATES:**

**MA Department of Environmental Protection Permit Streamlining Project**

Lisa Rhodes, Wetlands Program Chief, MassDEP

**DREDGE PERMITTING PROJECT & STUDY UPDATES:**

**Barnstable County Dredge Permit Optimization Study**

Lauren Folkert, Anchor QEA

## **AGENCY UPDATES:**

### **Federal Agencies**

#### **U.S. Army Corps of Engineers**

Katelyn M. Rainville, Project Manager

#### **U.S. Fish & Wildlife Services**

David Simmons, Supervisory Biologist - Endangered Species Program

#### **National Oceanic & Atmospheric Administration**

Alexa Cacacie, Marine Resource Management Specialist, Habitat & Ecosystem Division

Roosevelt Mesa, Environmental Specialist, Protected Resources Division

#### **U.S. Environmental Protection Agency**

Alexa Sterling, Ph. D. Ocean & Coastal Protection Section, US EPA, Region 1

## **AGENCY UPDATES:**

### **State Agencies:**

#### **Massachusetts Coastal Zone Management**

Sean Duffey, Project Review – Dredging Coordinator

#### **Massachusetts Department of Environmental Protection**

David Wong, Program Manager

#### **Massachusetts Division of Marine Fisheries**

John Logan, Ph. D. – Environmental Review

#### **Massachusetts Division of Fisheries & Wildlife (Natural Heritage)**

Amy Hoenig, Senior Endangered Species Review Biologist



## **TOWN PERMIT UPDATES**

### **Towns with permit applications submitted / pending & permits pending submission (planned):**

Barnstable, Griffin Beaudoin, Town Engineer

Chatham, Greg Berman, Director, Natural Resources

Sandwich, Dave DeConto, Director, Natural Resources

Wellfleet, John Wolf, Chair, Board of Selectman

**CLOSING COMMENTS / QUESTIONS:**

Mark Forest, Barnstable County Commissioner

**LUNCH - 12:00 p.m. to 1:00 p.m.**

**There will be a roundtable discussion commencing at 1:00 p.m.**

The Barnstable County Dredge Committee has invited the regulatory agencies, the towns and their consultants to a roundtable discussion on Time of Year restrictions. All attendees are welcome to stay and listen.

**Moderators:** Ken Cirillo, Dredge Director and Stephen McKenna, CZM Cape Cod and Islands Regional Coordinator.

**This is intended to be an informal discussion and will hopefully be the first of several meetings on this most important subject.**

Why are we holding this meeting?

There has been some significant turnover this year in each towns dredging agent. These are the folks that manage the towns dredging permitting along with their respective consultants.

There are new harbormasters in Harwich (John Harker), Yarmouth (Dave Condon), Provincetown (Peter Whinn) and in Wellfleet (John Cavanaugh). There is a new Coastal Resource Director in Chatham (Catherine Ricks) after the retirement of Ted Keon.

With all of these new folks, and to offer a refresher to some of the other members, we thought it best to use this opportunity to have an informal discussion on the Time of Year Restrictions in place. We'll review some of the basics and discuss some of the problems on hand from the additional costs incurred by each town on requesting waivers (by their consultant), to the burden on the regulatory agencies in managing these waivers and ultimately the impact on the County Dredge department on managing all of the projects and trying to prioritize one project over the other.



As a reminder, the dredging projects on Cape Cod aren't optional, they are required in order to maintain



**Problem Statement:**

The number of dredging projects has steadily increased over the few years. This is in part due to the backlog from permitting delays from the past few years as well as the increase in shoaling in many of the channels throughout the Cape. Projects that are usually done every four or five years now need to be done every other year.

The dredge schedule typically falls apart after the first month of the season.

Delays due to weather (up to 40% of the days in a dredge season) and from the unplanned mechanical breakdowns further reduce the number of projects that can be completed each year.

Unfortunately, waiver requests are becoming the norm rather than the exception that they were originally intended for.

**Goal:** Working together as was done in 2008 to address the TOY changes and find some “low hanging fruit” by dealing each project on a case-by-case basis as well as to explore Adaptive Management Practices that are commonplace in other parts of the county to allow dredging to continue into closed TOY windows while at the same time protecting the resources.

## **Items for discussion:**

Review of the 2012 Cape & Islands TOY Restriction Review – why this was done, and why we need to do it again.

Review the current TOY's by town – overlap and reasons for differences.

Review the allotment of waivers by region (north side v south side).

Horseshoe Crab – 2024 reg changes – any new changes planned?

Endangered Shorebirds:

    Moving April 1 to March 15 for Chatham – Are others pending?

    What is the planned TOY for the Red Knot?

eDNA Winter Flounder stock assessment – what are we hoping to get out of this?

Winter Flounder – Why 1/15 in some places and 1/30 in others?

The differences in Embayment v Inlet/Entrance v Approach Channel TOY's.

Why are the dredging TOY's different than nourishment TOY's?

How far in advance do waivers need to be filed?

Which agency do you start with?

DEP ePlace - training for first time users?



## Possible Ways Forward

The limited available dredging and filling days due to time of year (TOY) restrictions makes scheduling dredging projects extremely difficult. TOY restrictions are established to minimize adverse impacts to marine fisheries' resources. Barnstable County could explore the possibility of adaptive management approaches that allow for some flexibility in the in-water TOY restrictions based on real-time data and a contingency plan. This would involve data collection, such as turbidity monitoring during dredging operations, and implementation of pilot projects to test the feasibility of more flexible dredging schedules while ensuring environmental protection. This would involve consultation with DMF and other agencies to refine the testing program, monitoring protocols, reporting requirements, and determining key milestones or thresholds where management decisions will be evaluated based on the monitoring data.

### Adaptive Management Practices:

Turbidity Monitoring

On-Site monitoring of dredging/material discharge (ex. Are Horseshoe Crabs getting picked up by the dredge?).

Pipe placement – dewatering basin – extended pipe placement

### Example of a TOY Restriction Waiver Criteria Scheme:

Tier 1 – Low Risk Projects with no to low current activity -

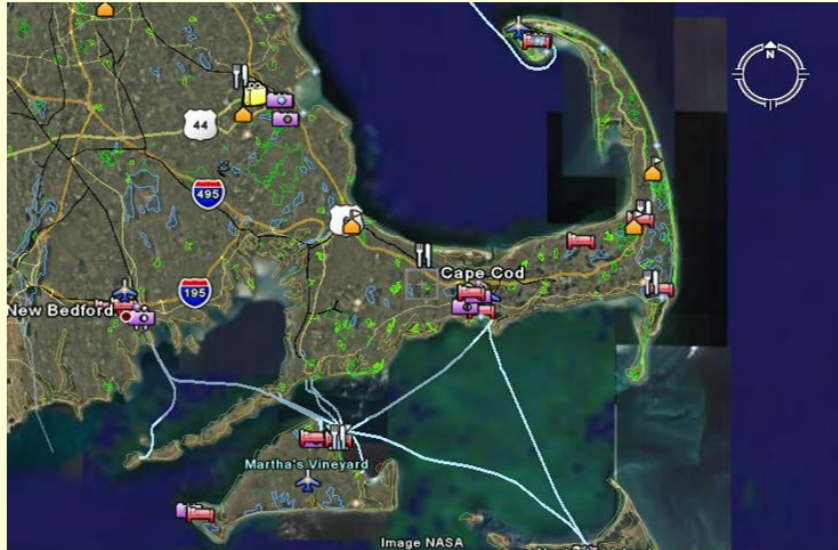
Tier 2 – Low to Medium Impact Risk – implement Adaptive Management Practices\*

Tier 3 – Don't fit into either Tier 1 or Tier 2 – follow current process (Endangered Shorebirds...)

# Barnstable and Dukes Counties

**Dredging operations for navigation,  
shoreline protection, & habitat maintenance**

***Discussion among Municipalities, MassDEP & DMF***



**Date, 2008**

Massachusetts Department of Fisheries and Game  
Division of Marine Fisheries

Summary of Marine Fisheries Resource  
Recommendations

for  
Municipal Maintenance Hydraulic Dredging  
Activities on Cape Cod and the Islands



**Prepared by:**

Kathryn Ford, Ph.D., Eileen Feeney, and N. Tay Evans

MA Division of Marine Fisheries  
South Shore Field Station  
1213 Purchase Street, 3rd Floor  
New Bedford, MA 02740

March 2012



# Technical Report

**Massachusetts Division of Marine Fisheries  
Technical Report TR-47**

## **Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts**

N. T. Evans, K. H. Ford, B. C. Chase, and J. J. Sheppard

Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
Department of Fish and Game  
Massachusetts Division of Marine Fisheries

April 2011

*Revised January 2015*



Massachusetts Division of Marine Fisheries  
Technical Report TR-47



## **Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts**

**N. Tay Evans, Kathryn H. Ford, Brad C. Chase, and John J. Sheppard**  
Massachusetts Division of Marine Fisheries  
1213 Purchase Street  
New Bedford, MA 02740

April, 2011

*Revised January 2015*

Commonwealth of Massachusetts  
Deval Patrick, Governor  
Executive Office of Energy and Environmental Affairs  
Richard K. Sullivan, Jr., Secretary  
Department of Fish and Game  
Mary B. Griffin, Commissioner  
Massachusetts Division of Marine Fisheries  
Paul Diodati, Director

A list of the participants (and their affiliations) who attended the larger meetings is below:

Carey Murphy, Selectman, Town of Falmouth

Ken Bates, Chairman Mashpee Waterways Commission

Jim Hanks, former Mashpee Waterways Commission (Chairman)

Dr. Brian Howes, Mashpee resident, Professor, School of Marine Science and Technology (SMAST)

Perry F Ellis; Mashpee Harbormaster

Mike Kinney, Chairman Falmouth Waterways Committee

Joe Voci, Falmouth Waterways Committee

Lynne Fraker, Dredging Consultant to Falmouth and Martha's Vineyard Towns

Gregg Fraser, Falmouth Harbormaster

Robert Whritenour, Falmouth Town Manager

Terry Clen, Dennis Harbormaster

Mark Galkowski; Town of Sandwich Natural Resource Officer

Karl Von Hone, Yarmouth Department of Natural Resources and Harbormaster

Ted Keon, Chatham Natural Resources Officer

Henry Lind, Eastham Harbormaster

Lou Chiarella, NOAA

Steve McKenna, CZM

Bob Boeri, CZM

Dr. Kathryn Ford, MA DMF

Eileen Feeney, MA DMF

John Logan, MA DMF

David M Keddell, USACE

Richard Kristoff, USACE

Michael Leitzel, Bourne

Mo Johnson,

Jo Ann Muramoto, APCC

Elizabeth Kouloheras, Mass DEP Division of Waterways

Lealdon Langley, Mass DEP Division of Wetlands and Waterways

Kevin Mooney, DCR - Waterways

Tom Leach, Harwich Harbormaster

Curt Duane, Bourne

Wayne Jaedtke, Barnstable County Dredge Superintendent

Maggie Downey, Assistant County Administrator County

Sheila Lyons, Barnstable County Commissioner

Sen. Rob O'Leary

Rep. Sarah Peake, Provincetown

Stefanie Coxe, aide to Cleon Turner

Rep. Cleon Turner, State Representative, First Barnstable District

Micaelah Morrill, Chief of Staff for Dan Wolf

Jacqueline Horigan, aide to Sen. Murray

Sue Rohrbach, aide to Senator O'Leary

# Review on Determination, Timing, and Waivers

**Key Resources:**

- [Summary of Marine Fisheries Resource Recommendations for Municipal Maintenance Hydraulic Dredging Activities on Cape Cod and the Island](#) (2012)
- [Recommended Time of Year Restrictions \(TOYs\) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts](#) (2011)

**Overview**

Dredge projects can result in deleterious impacts to marine fisheries resources and habitats, but the degree of impact varies widely depending on the method, frequency, timing, and location of dredging operations. Since maintenance dredging in Cape Cod’s coastal embayments has become routine, it is important to strike a balance between municipal maintenance dredging needs with protecting and managing marine fisheries resources. The above resource clarifies when and where different time of year restrictions (TOYs) are needed and to identify other standard resource recommendations.

**Why do we recommend TOYs for diadromous fishes, horseshoe crabs, and winter flounder?**

**Diadromous Fishes** - Blueback herring, alewife, rainbow smelt, shad, and white perch, all utilize fresh and tidal waters for spawning, while American eel use estuarine and freshwater habitats for forage, refuge, and development. Most of these diadromous species are at historically low population levels in Massachusetts. Because of their dependence on channels for migrations and their high degree of aggregation during migrations, these species have a high risk of impact when dredging projects coincide with migration routes or occur in areas of spawning and settlement.

**Winter Flounder** - The commercial harvest of this species is strictly regulated due to declining populations. The Gulf of Maine (Cape Cod Bay) and the Southern New England /Mid Atlantic Bight (southern Cape and Islands) stock are both highly dependent on nearshore bays and estuaries for spawning and nursery habitat. Winter flounder eggs are sensitive to the impacts of sedimentation. Therefore, this species has a high risk of impact when dredging and nearshore disposal projects coincide with spawning and settlement.

**Horseshoe Crabs** - Horseshoe crabs are commercially fished for bait and for biomedical harvest. Their population have experienced periods of decline in recent decades. Horseshoe crabs utilize beaches for spawning and nearshore channels for migration. Because of its dependence on nearshore shallow beaches and channels as habitat, horseshoe crabs have a high risk of impact during channel dredging

and beach nourishment. Horseshoe crabs have a high risk of impact when dredging and nearshore disposal projects coincide with staging, nesting, and egg hatching events.

**Time of Year Restrictions**

Diadromous	Spring TOY	Fall TOY
Alewife	April 1 - June 15	Sept. 1 - Nov. 15
Blueback herring	April 1 - June 30	Sept. 1 - Nov. 15
American shad	May 1 - July 15	Sept. 30 - Oct. 31
Rainbow smelt	March 1 - May 31	none
American eel	March 15 - June 30	Sept. 15 - Oct. 31
White perch	April 1 - June 15	none
Atlantic tomcod	Feb. 15 - April 30	none

Other finfish	Spring TOY	Fall TOY
Winter flounder	<i>Southern Massachusetts</i>	none
	Jan. 15 - May 31	
	<i>Cape Cod Bay</i>	none
	Feb. 1 - June 30	
	<i>North Coast</i>	none
	Feb. 15 - June 30	

Atlantic horseshoe crab	<i>in -water</i>
	May 1 - June 30
	<i>Beach</i>
	May 1 - July 31



## Determining dredging TOYs in Cape Cod



## TOY Waiver Recommendations

A TOY waiver may be recommended depending on

- Waterbody type
  - Embayment
  - Inlet channel
  - Approach channel
- Region + Number of Waivers Already Given
  - Buzzards Bay East
  - Islands
  - North Cape Cod
  - South Cape Cod East
  - South Cape Cod West
- Volume of Dredge Material
- Timing within the TOY
- Turbidity controls

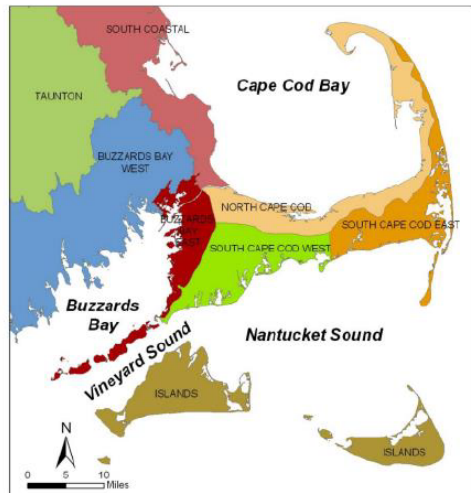


Figure 2. Regions used for considering impacts to resources.

## TOY Waivers based on Waterbody Type + Region

### Embayments

- **No waivers** will be recommended for winter flounder for municipal dredging projects in embayments.
- A three day TOY waiver under the cumulative impact cap **may be** granted for diadromous fishes.

### Inlet Channel

- A TOY for winter flounder and diadromous species **may be** recommended for municipal dredging projects in inlet channels. A three day TOY waiver under the cumulative impact cap can be granted for winter flounder and diadromous fishes.
  - o Diadromous Fishes - The total number of inlet channels that can be impacted per year for each region are
    - 1 – Buzzard's Bay
    - 3 – Islands and North Cape Cod
    - 2 – each of the South Cape Cod regions
  - o Winter Flounder - The total number of inlet channels that can be impacted per year for each region are
    - 3 – Buzzard's Bay
    - 5 – Islands and North Cape Cod
    - 3 – South Cape Cod East
    - 5 – South Cape Cod West

### Approach Channel

- If the dredge volume is less than 10,000 CY, there will not be a TOY
- If the dredge volume is greater than 10,000 CY, a TOY restriction may be recommended. A TOY waiver may be recommended on a case by case basis.