

Martha's Vineyard Beach Management Plan Working Group

Meeting Summary

Session 2 | November 10, 2022 | 10:00 AM – 12:00 PM ET

Meeting Objectives

- Hear presentations regarding regulations and priorities from state, county, and Trustees to further inform Working Group conversations
- Caucus on whether to livestream all sessions to ensure town representatives' participation

Welcome & Overview of the Evening

Dorit Price-Levine, Consensus Building Institute, welcomed Working Group (WG) members to the second session of the BMP (Beach Management Plan) WG. She welcomed the members of the public who were in attendance and introduced Working Group members who were not present for the first session. She reviewed posted materials, the meeting agenda, and the agreed upon WG community agreements.

To see the full list of WG members, attendance, and WG staff please see Appendix A.

Presentation: Dan Gilmore

Dorit introduced Dan Gilmore, Section Chief, Wetlands & Waterways Program, MassDEP Southeast Regional Office, to give a presentation on the guidelines for barrier beach management in Massachusetts. Dan reviewed the Wetlands Protection Act and its relevant resource areas including barrier beaches, coastal beaches, coastal dunes, and salt marshes. He discussed the ORV use impacts on barrier beaches, the DEP 1994 guidelines that impacted activities on barrier beaches, and the Barrier Beach Management Plan (BBMP) guidelines. He then opened the discussion to questions and comments from the WG which focused on the following topics:

- Guidelines and Regulations: Working Group members asked questions about what has changed since the DEP published the 1993 Guidelines that the group should consider. Dan explained that apart from a few new activities, the guidelines and regulations are the same. One member asked Dan to highlight the things that the new Beach Management Plan (BMP) would have to follow, versus what is not enforceable. Dan explained that the regulations around adverse effects are the red lines that beach

management plans cannot cross, and the guidelines are there to provide managers a pathway to staying within regulations.

- OSV Trails: Members asked questions about how to address having roadways in the dunes? Dan said there are certain design options that will ensure you stay in regulations and be resilient towards storms. One member noted that most of the trails Norton Point and Leland Beach travel are through inter-tidal areas and asked where Dan would recommend those trails be relocated, and what had he seen in other places that moved trails. Also, what guidance's must we consider versus should consider in the future? He explained that Beach Management Plans should be a regularly reviewed and updated document to keep up with climate change and resiliency. Roads and corridors must be maintained on a yearly or sometimes seasonal schedule. Significance of resource areas should be weighed based on resource area sensitivity and relevance and site travel corridors accordingly (understanding that might change).
- Boats: One member asked Dan to speak on the regulations and guidelines around boats in the BMP. Dan explained that while they are not specifically regulated under the Wetlands Protections Act they should be addressed in the BMP. The plan should consider addressing how impacts from boating activities are going to impact resource areas.

Presentation: Martina Thornton, Dukes County

Martina Thornton, Dukes County Manager, spoke about the county's priorities for Norton Point Beach. She explained that the management of Norton Point has been outsourced to The Trustees, and the goal is to preserve and protect the natural resources within the guidelines and allow public and OSV access. The county is looking for someone to be good stewards of this public resource, and said she appreciated the efforts of The Trustees to put this WG together.

Presentation: Ross Kessler, Division of Marine Fisheries

Ross Kessler, Division of Marine Fisheries, then spoke about the priorities for Leland Beach. Ross explained that the Division of Marine Fisheries owns part of the beach and has sourced its management to The Trustees. The department is specifically interested in beach access and access to the resource. Existing roadways and passage should remain open as federal and state regulations allow and avoid roadways staying closed to the point where they cannot be used. Closures should be objectively based on science and regulations. He closed by

highlighting the importance of proper staffing and training for the beach monitors to ensure respect of the land and residents.

Presentation: Russ Hopping and Darci Schofield, The Trustees

Lastly, Dorit introduced Russ Hopping and Darci Schofield, The Trustees, to speak about their priorities. Darci started by explaining the responsibility of The Trustees to care for the islands and provide meaningful access so that everyone and all resources can have a safe and healthy relationship with these places. She acknowledged the responsibility of The Trustees to engage with the public and their commitment to do that and build community trust in the drafting of the new BMP. She highlighted the key forces influencing The Trustees to rethink their management strategy. The factors driving change are record breaking number of piping plover pairs each year, increasing visitation, and accelerated erosion of the beaches with climate change impacts such as sea level rise and repeated storm surges. It is The Trustees and our community's responsibility to ensure these places are preserved with access for generations to come. Russ followed up on Darci's points by reiterating The Trustees mission of providing public access and enjoyment of natural, cultural, and scenic resources. Climate Change has come into the stewardship philosophy for The Trustees at the state level, and they will continue to prioritize adapting to these changes. The Trustees also focus on wildlife protection as a priority, particularly rare species. The management plan is mindful of these three components in its work. He closed by explaining The Trustees start with the regulations but will often go beyond that to advance the above stated priorities.

Dorit thanked all the presenters and opened the conversation for questions and comments from WG members:

Comments and questions for The Trustees:

- Darci and Russ, the regulatory guidelines have not changed since 1993, so this should not be one of the factors to what is driving the changes around the management.
- The collaboration with the community now is happening because of the push from community members and their feedback. I want to name the effort we made to get us here.
- There is a lot of anger from MV community members regarding the management over-reach. For example, beach closures that are longer than regulations. Russ, can you address some of the stickier issues around what you mean specifically when you say you are going to go beyond regulations? Who are the state representatives who come down and approve major beach closures?

- Russ: In the cases of bird and nest monitoring practices, we have standards that exceed state regulations (especially related to shorebird management). If we do not meet our goals of success for resources such as birds, we will exceed regulations. Regarding the part of the beaches that get closed, ecologists are hired to know where birds are likely to breed and nest. Then Heritage, who administers and ensures the implementation of the state Endangered Species Act, comes in to approve the fencing and other aspects of the 1993 guidelines.
 - Darci: One of the ways we exceed the guidelines is by having staff monitoring daily. We do this to collect data to plan for upcoming chick hatchings and plan ahead to continue to provide OSV access. Also, we do not stop access to the beaches for non-listed species.
- Communication is key to any good relationship. The communication breakdown from The Trustees and the community members has been severe and I hope we can also address that in this process. There are not enough boots on the ground to monitor for the resources and activities on the beach. There used to be regular patrols and enforcement, and going forward, we also need to think about *how* this plan will be managed and implemented.
- There was a focus on recreation use, but we should remember these roads also give people access to their homes and businesses. Do you see this as a legitimate use of the beach, outside of recreational use?
 - Russ: Anyone who must access their home would be considered an essential vehicle.
 - Darci: This is an important question. We want to do a deeper dive into this issue on another day because this is considered a transportation corridor.
- There is no such management agreement that exists for the land north of the Dike Bridge. From The Trustees perspective, do they have responsibilities or rights for that area?
 - Darci: North of the Bike Bridge is complicated. The Trustees own properties and feel a responsibility for good management strategies there. We want to work with the community to improve our working relationship and communication with them as we go forward.
- Can we say this area is unable to handle the productivity we are seeing regarding the habitat quality responsible for the piping clovers?
 - Russ: Overall, we are seeing the bird population is not replacing itself. Our daily monitoring allows us to know what impacts to these species are human versus predator management. The lack of success for shorebirds could include multiple limiting factors, but the overall habitat is good quality.

Comments and questions for Martina Thornton:

- Martina, what kind of feedback are you hearing about the state of management on Norton Point?
 - Martina: I got phone calls from some who are a part of this working group to bring attention to the issues they had with the old plan. The only other feedback I got was from a representative from the fisherman's group.

Comments and questions for Ross:

- Ross, you talked about management creep. Regarding Russ's comment about going beyond the regulations, is that what you would consider management creep?
 - Ross: There were a few examples. Let's separate the science from the art and come up with solutions that are going to preserve these places and make them usable for as long as we can for this community.

Dorit thanked the presenters for their presentation, and the members of the public for their attendance. She adjourned the public meeting, and the WG members moved to a separate caucus for the rest of the meeting.

WG Caucus

Public Access and Resources

In the Working Group Caucus, members continued discussion on the habitat and natural resources, The Trustees management strategies, decision making, staff turnover, and access to Norton Point for Chappy residents. One member explained that consistency with staffing creates better shorebird protection practices, but that shorebird techs were received abuse that contributed to high turnover rates. One member acknowledged how difficult fencing is to place, and noted confusion around the access route for people going to the island. Several members noted the difficulty of getting on and off Chappy, to which Darci explained the OSV trail from Norton Point to Wasque is interrupted due to shorebird habitat from the beach side to bayside, travelling from Norton Point to Wasque during the shorebird season.. Finally, one member wanted to acknowledge the growing number of people using the beaches and wondered what impact that has on the resources and management plan.

Public Webinars

Finally, Dorit asked the WG members to discuss whether they would like to continue to allow members of the public to join the WG meetings via Zoom Webinar. Some members expressed the importance of transparency to the community, as well as participation from town officials

who would only participate if the meetings were live streamed. Several members expressed a preference for the format this meeting took, where a majority of the meeting was open to the public with an opportunity near the end to meet privately as a WG.

After the meeting, The Trustees decided that going forward, the Working Group meeting would be held via public webinar, and that a portion of the meeting would be dedicated to private caucus.

Close and Next Steps

Dorit thanked everyone for their thoughtful feedback and considerations on the topics discussed in the meeting. She reviewed the following next steps:

- CBI will create a meeting summary and send it to WG members for their comments.
- The Trustees will make a document answering any questions asked by the public.
- All materials will be posted to The Trustees website.

Appendix A: Working Group Members and Attendance

Working Group Members Present

Peter Sliwkowski, MV Beach Access Group

John Piekos, MV Fishing Derby

Liz Olson, BioDiversity Works

Mark Osler, Cape Poge Resident

Martina Thornton, Dukes County Manager

Bill Brine, Partial Landowner, Cape Poge

Ross Kessler, MA Division of Marine Fisheries

Chris Kennedy, Consultant

Nina Coleman, Town of Barnstable

Ray Williams, Vice President, Tribal Council

Megan Landeck, Chappaquiddick Resident and Chappaquiddick Island Association

Rachel Self, DCPC Representative

Darci Schofield, The Trustees

Elizabeth McDonough, The Trustees

Russell Hopping, The Trustees

Working Group Staff

Dorit Price-Levine, Consensus Building Institute

Nate Lash, Consensus Building Institute

Simenesh Semine, Consensus Building Institute