



February 14, 2024

Dear Ms. Brennessel,

It was a pleasure meeting with you and members of the Wellfleet shellfish community last week. You requested that CZM provide some input to the Wellfleet Conservation Commission regarding vehicle use in sensitive areas and potential impacts to salt marsh resources. At the recent site visit, we walked the area and saw some of the current vehicle use and activity. The following observations and comments will try to address your question regarding conservation commission jurisdiction; potential impacts to coastal resource areas from vehicle use and provide some recommendations to minimize potential impacts from current and future vehicle operations.

Conservation Jurisdiction

Off-road-vehicle (ORV) use has been established as an “activity” subject to review under the Wetlands Protection Act. Typically, ORV use is regulated through an ORV management plan which is reviewed and approved by the local conservation commission. Examples of ORV management include Nauset Beach, Sandy Neck, Duxbury Beach, and the Cape Cod National Seashore ORV Corridor Rules and Regulations. To effectively manage vehicle operations, specific regulations are developed and enforced.

Potential Impacts to Coastal Resource Areas

Potential impacts to sensitive coastal resource areas from ORV include damage and loss of vegetation, changes in beach morphology, impacts to bird forage and nesting habitat and potential pollution from vehicles.

Existing conditions

The landing at the end of Old Pier Road provides vehicle access to the flats for shellfish activities. Vehicle access only occurs during the off-season months to allow easier access for fishermen. The vehicle corridor runs along the beach above the existing fringe salt marsh resources. Fishermen access the flats by existing paths that cross the salt marsh at various places. Vehicle access to the flats is located close to the Old Pier Road landing in an area devoid of salt marsh vegetation. During our site visit, vehicles were observed parked on and within vegetated areas of coastal beach and dune resources.

To help minimize impacts to coastal resources, CZM recommends the following management items be considered:

- Install symbolic fencing to delineate areas for ORV use. These areas should avoid existing beach, dune or salt marsh vegetation.
- Identify specific areas for vehicles to turn around and reverse direction.
- Identify specific paths to cross the existing fringing salt marsh to access flats.
- Require vehicles to “air-down” tire pressure to 10-15 lbs. to minimize impacts from vehicle tires.
- Consider prohibiting vehicle parking on the beach and limiting vehicle use for dropping or picking up shell fishing equipment.





THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
100 Cambridge Street, Suite 900, Boston, MA 02114 • (617) 626-1200

- Consider the use of mats along paths through salt marsh to help minimize compaction and impacts to vegetation.

CZM recommends that the Wellfleet Conservation Commission reach out to the Massachusetts Department of Environmental Protection for further guidance on this issue. CZM is available to provide technical assistance to the Wellfleet Conservation Commission and recommends that the Commission work with the Wellfleet shell fishermen to develop management protocols that allow continued vehicle access while protecting sensitive coastal resources.

Sincerely,

Stephen McKenna
CZM Cape & Islands Regional Coordinator



