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COMMISSION

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OCEAN MANAGEMENT PLANNING DCPC

POLICY COMMITTEE RECOMMENDATIONS Sand and Gravel Mining Voted July 13, 2011

In order to ensure the protection of many resources significant to the Cape Cod Region, a map establishing areas where Sand and Gravel Mining shall be prohibited, based on the presence of several sensitive resources, shall be adopted as an implementing regulation. An expanded area of North Atlantic Right Whale habitat shall be designated an exclusionary area, where Sand and Gravel Mining is not strictly prohibited, but where the habitat is presumed significant for the protection of the federally endangered North Atlantic Right Whale.

Cape Cod Ocean Management Plan Map of Sand and Gravel Mining Prohibited Areas

The areas included as prohibited for Sand and Gravel Mining development include:

*North Atlantic Right Whale core habitat area
Fin Whale core habitat area
Humpback Whale core habitat area
Cape Cod Ocean Sanctuary*

The mapped extents of all the resource areas are taken from the Massachusetts Ocean Management Plan (MOMP).

*The area included as exclusionary for Sand and Gravel Mining development includes:
North Atlantic Right Whale expanded habitat area from the MOMP*



The Policy Committee makes the following additional recommendations for implementing regulations to address Sand and Gravel Mining:

1	Sand Mining operations should be located outside of the spatial extents of the whale core habitat areas, and the Cape Cod Ocean Sanctuary as delineated on the Cape Cod Ocean Management Plan Sand and Gravel Mining Prohibited Areas map.
2	Whales, terns, and other highly sensitive species and their habitats should be protected through designation of no-build zones in core habitat areas (as identified by OMP), through TOY restrictions, or through performance standards.
3	Whales, sea turtles, and their habitats should be protected during mining operations through TOY restrictions, vessel speed restrictions, and other mitigation actions. TOY restrictions should be coordinated with existing state-wide restrictions, including the “ <i>Summary of Marine Fisheries Resource Recommendations for Municipal Maintenance Hydraulic Dredging Activities on Cape Cod and the Islands</i> ”.
4	Important fish resource areas, including diadromous fish runs and shellfish, should be protected.
5	Regulations should ensure that Sand Mining operations do not adversely affect recreational or commercial fishing, including aquaculture.
6	Eelgrass beds and other biologically productive benthic habitats (e.g., hard/complex bottom) should be protected from alteration.
7	Sea duck habitat, including areas less than 20 m depth, should be protected.
8	Turbidity impacts to sensitive marine resources should be minimized during sand mining through best construction practices (e.g., turbidity/sedimentation monitoring) and TOY restrictions.
9	Regulations should ensure that shipwrecks, archaeological sites, and paleosols are not adversely impacted.
10	Sand mining should not result in changes to ocean currents or wave conditions that will adversely impact existing coastal landforms, infrastructure, and public or private property.
11	Designated navigation routes should be protected.
12	Regulations should ensure that Sand Mining operations are sited with adequate buffers to existing uses.
13	Regulations should ensure consideration of the cumulative impacts of development activities in the District, and possible changes in the type or quantity of development activities allowed within the district.
14	Sand mining operations should demonstrate a significant benefit to public resources and coastal ecosystems.



15	Sand Mining operations should not be sited such that they adversely impact seascapes.
16	Regulations should ensure that Sand Mining does not result in saltwater intrusion into freshwater lenses.
17	Materials extracted from Sand Mining within the district should be applied to beaches within Barnstable County. Sand Mining regulations should consider the effects of beach nourishment conducted as part of a Sand Mining operation.
18	Sand Mining should not result in the mobilization of hazardous materials into the water column.
19	Regulations for Sand Mining should be reviewed every five years, at a minimum, and revised as necessary to respond to new or improved data, information, or technology.
20	Regulations should ensure the protection of regional marine resources by requiring monitoring of the recovery of borrow sites, and restoring borrow sites to productive natural resource conditions, to the maximum extent feasible.



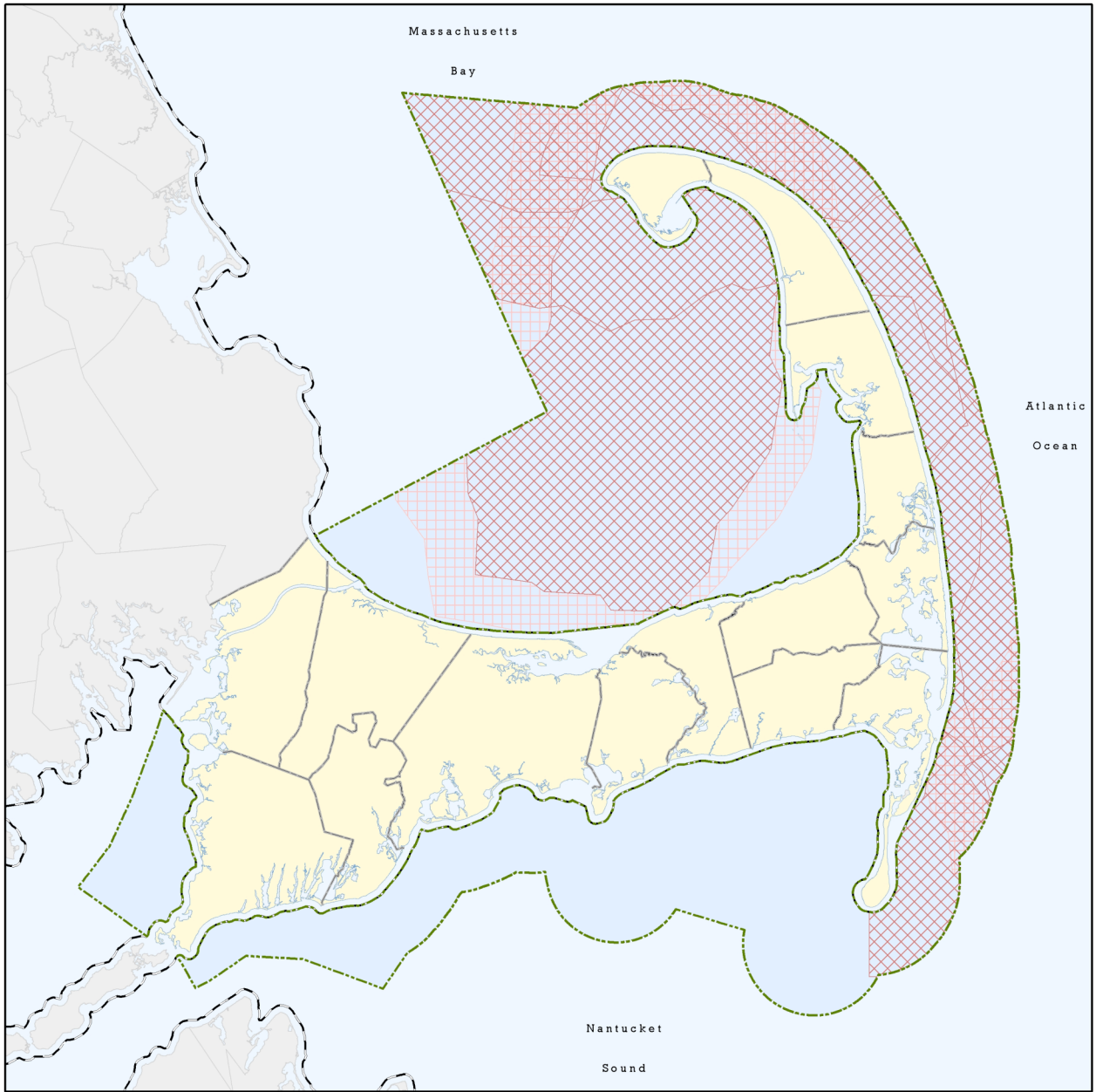


Exhibit C: Cape Cod Ocean Management Plan
Map of Sand and Gravel Mining Prohibited Areas

Legend

- Cape Cod OMP and Ocean DCPC Boundary
- Nearshore Mass Ocean Management Plan Boundary
- Prohibited Areas
- Exclusionary Areas
- Provisional Areas

