


Town of Harwich
Harbormaster's Office
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Memo

To: Joseph F. Powers, Town Administrator
From: John C. Rendon, Harbormaster 
Date: September 23, 2021
Subject: Oyster Creek Dredging

In a meeting on August 30, 2021, Oyster Creek Preservation Inc., represented by Mr. Richard Harris and Mr. Jeffrey Dunn expressed their contention that the Town of Harwich should be responsible for dredging Oyster Creek waterway. Oyster Creek is a tidal inlet off the western edge of Allen Harbor. Oyster Creek is a local waterway, and therefore it is a town policy decision on whether town resources should be expended to dredge it. There are no federal, state or local regulations that require that the waterway be dredged. As the town official responsible for administering our dredge program, I do not believe the town has ever performed maintenance dredging of Oyster Creek, and I strongly disagree that the town should take on the responsibility of doing so.

Oyster Creek is a public waterway that provides boat access to approximately 20 private waterfront homes. There are no town waterfront facilities in Oyster Creek, such as docks, boat ramp, shore side public access or mooring fields. There are a couple of town permitted moorings from the Allen Harbor mooring field that I have allowed to be placed in Oyster Creek at the request of the waterfront homeowner.

After a successful appeal to the Barnstable Superior Court of the Harwich Conservation Commissions 2003 denial to issue an Order of Conditions for the dredging of Oyster Creek, Oyster Creek Preservation Inc. has dredged Oyster Creek on more than one occasion, with the most recent being November 2019. While the enclosed Superior Court ruling allowed Oyster Creek Preservation Inc. to dredge Oyster Creek, it did not rule that the Town of Harwich is responsible for maintaining the dredge permits or for contracting dredge services for Oyster Creek.

The Town of Harwich maintains a comprehensive General Permit for the maintenance dredging of the entrance channels to Saquatucket Harbor, Allen Harbor, Wychmere Harbor, Herring River, and Round Cove. In all cases, these channels provide for safe passage to and from offshore waters for thousands of boaters that operate from the town's municipal marina and town docks, commercial pier, moorings, boat ramps, private marinas and boatyards, and private yacht clubs. Every year the town spends approximately \$100,000 to keep these channels dredged to permitted depths, channels that support the safe navigation for our large population of recreational boaters, and channels that are critical to the economic livelihood of the local commercial fishing, charter fishing fleets, the passenger Ferry and other large passenger boats that operate out of Harwich. As a coastal community, expending town resources to maintain our primary harbor entrance channels is justified and needed. However, in my professional opinion, spending

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additional town funds needed to obtain permits, contract mechanical dredge services, and pay for the upland disposal of dredge material from Oyster Creek, a small inlet that only provides boat access for a small number of private homeowners, is not warranted and not recommended.

Encl (1) Oyster Creek Preservation, Inc. vs. Conservation Commission of Harwich, 449 Mass.859

Copy (1) Chairman, Board of Selectmen
(2) Chairman, Waterways Committee
(3) Mr. Richard Harris, Oyster Creek Preservation Inc.
(4) Mr. Jeffrey Dunn, Oyster Creek Preservation Inc.