

ITEMS to be addressed in this section from Town Planner markup of needs are located at the end of this document.

This section needs plan exhibit(s)

MARINE RESOURCES

Introduction

The Town of Cape Elizabeth is surrounded on two sides by the Atlantic Ocean which begins at the Town's northeast municipal boundary with the City of South Portland and extends along the Town's easterly and southerly coastline terminating at the Spurwink River which represents the Town's westerly municipal boundary with the Town of Scarborough.

The residents of Cape Elizabeth truly value their shoreline activities and many consider their accessibility to the Town's marine resources an important element of their inhabitation within Cape Elizabeth. A wide variety of users enjoy these natural resources through relatively passive activities such as picnicking, sunbathing, and sightseeing to more strenuous activities such as walking, swimming, kayaking, paddle boarding/sailboarding, surfing, and scuba diving. This resource is also used for recreational boating and fishing while being essential to the livelihood of the Town's commercial fishing and aquaculture industry.

Tourism is also an essential element of the Cape Elizabeth shoreline. The Town owns and maintains Fort Williams Park which with its approximately 5,700 feet of coastline access and an iconic lighthouse is a destination for residents and visitors alike. This 96-acre property located off Shore Road in the northeast quadrant of the Town is a former military installation which was sold to the Town in 1964 and later designated as Fort Williams Park in 1979 by the Town Council. In addition to sightseeing, historical points of interest, and picnicking opportunities, the park features various recreational opportunities through walking trails and open play and ball fields, playgrounds, and a rocky beach.

Coastline Inventory

A majority of the coastal properties in Cape Elizabeth are high value residential lands held by private landowners. The remainder of the coastal areas are controlled by various entities including the federal government, the State of Maine, the Cape Elizabeth Land Trust, and the Town of Cape Elizabeth. These entities cooperate with the Town's residents to maintain their facilities and provide opportunities for the public to readily enjoy shoreline activities.

The federal government through the U.S Coast Guard controls the access to the ocean from the lands associated with Dyer Cove at its facility at the end of Two Lights Road in the southeastern portion of the Town. The Coast Guard allows the public to access the rocky beach via a gravel parking lot beyond the paved roadway. The beach area is generally used for sightseeing, scuba diving, paddle boarding, and kayaking. Although there was historical use of a past mooring use here, the cove is exposed, frequently choppy, and subject to strong coastal current and does not represent a viable opportunity for mooring use.

The State of Maine owns and operates three state parks within the Town limits. These three parks are in close proximity to one another and are currently managed by one person. Two Lights State Park encompasses approximately 42 acres with approximately 2,200 linear feet of coastline. This park opened in 1961 and features a rocky coastline with sweeping views of ships entering the Portland harbor and the Atlantic Ocean. The park offers a network of paths crossing through forested lands and along seaside rock ledges. Popular activities include walking, sightseeing, picnicking, and sunbathing.

The State of Maine's other two parks are located in the southwestern portion of the Town and are intricately connected. Kettle Cove State Park encompasses approximately 57 acres of coastal area with approximately 4,400 linear feet of shoreline. This park is accessed from Kettle Cove Road and includes a 67+/- space paved parking lot for users of the park. The park features public beach access and commercial boat launches, a sandy beach area, and a supports a variety of coastal activities and wildlife habitat. Despite its open exposure and often rough seas, a large mooring field with a waiting list is located here. The Town's commercial fishing fleet and the Town's Water Extraction Team (WETeam) also uses Boat Cove within the park limits for boat launching in marine emergency response situations.

Crescent Beach State Park was opened in 1966 and includes approximately 100 acres. This park area is accessed publicly from its main entrance to its ample parking area off of Bowery Beach Road (Route 77). Beachgoers frequent the beach area and recreational boat and other marine related recreational equipment can be launched from this beach area as well. The park's sandy beach extends approximately 4,400 linear feet in a crescent shape that connects to the east with Kettle Cove State Park lands. In addition to picnicking, sunbathing and swimming, the park offers walking trails and opportunities for fishing, kayaking, and paddle boarding/sailboarding.

Another entity with control along the Cape Elizabeth shoreline is the Cape Elizabeth Land Trust (CELT). The CELT operates independently from the Town of Cape Elizabeth, but its lands are open to the public. CELT properties may also contain additional restrictions associated with their use depending on the specific terms agreed upon during the property acquisition process.

A key property within CELT's landholdings is Trundy Point which is less than two acre property area located within the southeast portion of the Town contains approximately 1,300 feet of coastline. Parking for this land area is along nearby Reef Road, but this area is most frequently visited by the neighborhood residents by foot. CELT also controls a 1.25 acre area along Pond Cove is accessed from Shore Road and encompasses approximately 300 feet of rocky shoreline. Parking is available on the inland side of Shore Road near the CELT owned Robinson Woods. A short CELT trail starts at Shore Road and then leads onto the rocky beach at Pond Cove.

Beyond the very popular and heavily visited Fort Williams Park, the Town actually owns very limited landholdings with very little coastline access under its control. Cliff House Beach is a one-quarter-of-an acre property is located in the northeast quadrant in the Town on Danforth Cove that includes a rocky beach of about 200 feet in length. The area can be accessed on foot by people in the nearby neighborhoods or from vehicles parking alongside the road. The Town also owns substantial land areas alongside the Spurwink River which is tidally influenced, but the Town's land rights do not actually extend to the Atlantic Ocean.

High Value Plant and Animal Habitat

According to Maine Inland Fish & Wildlife Department provided mapping, the shoreline of Cape Elizabeth offers high value plant and animal habitat. Beginning in the northern portion of the Town at Danforth Cove and then along the shoreline of Fort Williams Park is located habitat for Harlequin Duck which is a threatened species. Fort Williams Park also offers habitat for the endangered New England Cottontail Rabbit.

Moving further to the south along the eastern shore, Alewife Brook offers inland waterfowl/wading bird habitat which opens up to Alewife Cove which includes shorebird areas. GET IF&W to DEFINE

Moving further to the south beyond Broad Cove, past Trundy Point and around Dyer Cove, and then along the southern shoreline associated with Two Lights State Park and Kettle Cove State Park are areas of habitat for Harlequin Duck and large swaths of the New England Cottontail Rabbit habitat.

Once along the coastline of Crescent Beach on the southerly shore, shorebird habitat extends for the endangered Piping Plover. A Pitch Pine Dune Woodland natural community is located westerly of the Crescent Beach State park parking lot. Further to the west extending toward the Spurwink River are Dune Grassland natural communities, additional Piping Plover habitat, and a pocket of habitat for the endangered Beach Plum species.

Clearly, the shoreline of Cape Elizabeth particularly in the southwesterly area offers essential habitat of considerable value. Contributing to the ability of these habitats to thrive is the sparse development in this portion of Town and the Town's stringent wetland and coastline zoning which further protects plant and animal habitats from impacts of development.

Boat Access

The Town has had a longtime tradition of commercial fishing which is focused at Kettle Cove and Crescent Beach in the southwesterly portion of the Town. Recreational activities such as boating and fishing along with paddle boarding, kayaking, swimming, sunbathing, and scuba diving are also major uses of the Town's marine resources which often complement, but sometimes compete for marine resources, with the Town's commercial fishing and aquaculture industry.

The Town of Cape Elizabeth does not contain any structural wharfs or pier to host marinas or launch boats. Commercial fishermen have historically held moorings at Kettle Cove, but some commercial fishermen also hold moorings off Crescent Beach. Moorings along the coves on the eastern shore are exclusively recreational and a majority are accessed from nearby private properties.

The Town of Cape Elizabeth administers moorings with its Police Department and its part-time Harbormaster. According to Town records, there were 59 registered moorings. By comparison, the 2007 Comprehensive Plan listed 104 registered moorings in 2006. The number of moorings by location were as follows:

LOCATION	2017 MOORINGS	2006 MOORINGS	CHANGE
Alewife Cove	3	7	-4
Broad Cove	1	1	0
Cliff House Beach	3	3	0
Crescent Beach	14	32	-18
Kettle Cove	13	15	-2
Maiden Cove	10	19	-9
Ram Island	1	1	0
Staples Cove	5	9	-4
Pond Cove	1	1	0
Trundy Point	3	10	-7
Zeb Cove	5	6	-1
TOTAL	59	104	-45

The Town also administers Beach Permits through its Police Department and offers day, pleasure, and commercial passes to the Kettle Cove/Crescent Beach area where boats and other marine equipment can be launched. Day permit with a fee of \$XX are issued to non-residents and seasonal pleasure permits with a cost of \$XX are issued to residents. This area is also where all of the Town commercial fishing fleet with is moored and commercial permits are issued with a fee of \$XX. Pleasure permits and commercial permits are free to those that have moorings in the area. (NOTE: this paragraph has been sent to the Police Chief for review of content, fee structure values, and mooring revenues)

As can be seen in the historical permit table below as prepared from information provided by the Town of Cape Elizabeth Police Department, the number commercial permits is down 20 from its decade high peak in 2010, but exactly the same as when the last Comprehensive Plan reporting was done in 2005. Meanwhile, the number of day passes has remained relatively stable over this period. The number of pleasure permits have risen dramatically over the past two years, however, so that total number of passes issued for the 2016 and 2017 years are 20% higher than the next highest level over the past 10 years and 16% higher than was reported in 2005.

The trends are to be discussed at the next meeting

Kettle Cove/Crescent Beach Permits

YEAR	DAY	PLEASURE	COMMERCIAL	TOTAL
2005 (from CP)	31	55	24	110
2007	29	45	23	97
2008	29	41	27	97
2009	23	16	34	73
2010	30	15	44	89
2011	35	49	24	108
2012	27	48	21	96
2013	31	56	21	108
2014	22	52	17	91
2015	27	54	17	98
2016	26	76	25	127
2017	27	78	24	129

Commercial Fishing

NEEED to include breakdown of DMR data on licensure and make analysis of trends. This section needs to be embellished and could also include a narrative on the harbormaster position based on the Police Chief's letter and information important to the fishing industry (i.e., the need or no need for dredging, location and impacts to shell fishing, etc.)

Kettle Cove/Crescent Beach Existing Conditions

The Kettle Cove/Crescent Beach area is the one coastline harbor area within Cape Elizabeth that currently needs solutions as it represents an ongoing challenge of varying commercial and recreational uses, State of Maine and local jurisdictional boundaries and responsibilities, and often conflicting neighborhood residential interests. These challenges are compounded by the natural conditions and physical space limitations of the area as well as the overall growing popularity of the area among its users, particularly during the summer months.

In 2017, the Cape Elizabeth Town Council created the Harbors Committee which is an ad hoc committee developed to investigate among other charges, solutions to the functional situation in the Kettle Cove/Crescent Beach area. One of the main issues that the Harbors Committee studied is the limited area available for commercial fishermen to use the boat launch area of Boat Cove which is within the Kettle Cove State Park property controlled by the State of Maine. While the State prioritizes the exclusive use of this boat launch area to the commercial fleet and the Town's WETeam, recreational users sometimes encroach upon this area which creates operational and safety issues diminishing the functional ability of the intended users of the launch to effectively use this area.

The Commercial fleet relies on this launch area to gain access to the ocean to not only launch boats, but also to transfer gear and bring in their catch to transport to markets. While limited use of the nearby sandy beach area of Kettle Cove is sometimes made by commercial fishermen at non-peak periods of recreational use of the beach, these instances are rare and the nearby beach is not a suitable reliable option for the commercial fleet.

Likewise, the Town of Cape Elizabeth WETeam relies on Boat Cove as its only suitable launch site in Cape Elizabeth. While the WETeam can use the nearby sandy beach area of Kettle Cove under ideal situations, the Boat Cove launch site is the only reliable area for the WETeam's use due to limitations often created by tide and surf conditions. The restricted gravel parking area of Boat Cove along with its limited suitable launch area further exacerbate any recreational use of these facilities.

Another issue related to the area is the Kettle Cove/Crescent Beach area is the conditions related to the launch area promoted for the public. This public access is currently located along a narrow gap between two portions of the Crescent Beach landholdings by the State of Maine. It is located to the north of the State's Kettle Cove Parking Lot and is accessed by a gap in the boulders which line the west side of Kettle Cove Road.

The relatively steep public use ramp is maintained by the Town and often requires the replacement of gravel caused by the loss of material to wave action due to the ramp's open exposure to the ocean. The launch's proximity to residences across Kettle Cove Road often creates conflicts with the neighborhood residents when users prolong the unloading of equipment and the launching of recreational crafts or use the launch area inappropriately.

Further, an open drainage course which crosses the beach area nearby to the northwest of the launch site often temporarily erodes a channel which cannot be passed over by most recreational vehicles. This situation creates a very restricted area near the launch site for users and prevents the access of the much wider and protected sections of Crescent Beach to the west.

Kettle Cove/Crescent Beach State and Local Interaction

Town of Cape Elizabeth and the State of Maine Park Staff enjoy a cooperative and mutually beneficial relationship. The State provides personnel during the busy summer time periods to prioritize the commercial use of Boat Cove within Kettle Cove State Park and actively works with the Town's commercial fishing fleet to address issues that may arise. Likewise, the Town's Police Department provides security during park off-hours and immediately responds to the State's requests for assistance during incidences that occur during the park's operational hours.

The State's current directive for users of the Crescent Beach/Kettle Cove area is to park at Crescent Beach State Park parking lot which has ample space and is less than a two mile drive from the limited 67+/- space Kettle Cove paved parking lot. The State also actively directs organized groups to go to meet and park at Crescent Beach rather than contribute to the congestion at Kettle Cove. In doing so, it is believed that future access to the non-commercial users of Crescent Beach would be reduced and allow the commercial users more exclusive use of Boat Cove.

The State Park Staff follow the State's overall guiding document of an Integrated Resource Policy for all its State parks. This policy focuses on the preservation of the human experience of the parks that they operate as well as promotes the obligation to protect wildlife and their natural habitat from human intervention. For the Kettle Cove State Park, the New England Cottontail and the federally protected Piping Plover species are prioritized and the State is actively manages a grasslands policy in the park to protect species that rely on that habitat. Therefore despite the appearance of ample land to do so, the State is not planning on expanding the parking lot capacity at Kettle Cove to promote more convenient visitor use. The Town understands and supports this policy.

Kettle Cove/Crescent Beach Solutions

Through the 2018 Harbors Committee Report to the Town Council, the local Cape Elizabeth Fishermen's Alliance (CEFA) and residents of the Town have proposed a relocation of the existing Town public beach access to a historical boat launching area further to the northwest off of Kettle Cove Road. The use of the boat launch was curtailed many years ago due to its improper activities and access to the area is currently restricted by a series of large boulders placed by the State along the west side of Kettle Cove Road. It is believed that the gravel placed for the original launch area is predominately still in place and is now overgrown with vegetation.

The State representatives stated that the State would be very much behind the effort to move the public vehicle beach access and would not impede its progress, however, any improvements to reuse it would need to be funded by the Town. Further, the improvements would need to be engineered and properly permitted. To do so, there would need to be a comprehensive agreement between the State and the Town that stipulates each party's responsibilities. That agreement would then need to be followed by an easement which would allow the Town to construct and maintain the improvements as well as operate the boat launch.

If this change were pursued, the existing boat launch could be utilized as a pedestrian-only access point to that section of Crescent Beach and vehicular use of the current launch would then be prohibited. The Town should devise a means through stairs, vehicle barriers, and signage to clearly demonstrate the location of the access and its purpose in providing pedestrian access to the beach area. In doing so, the rights of the public to access and enjoy the beach area would be clearly identified and enhanced by providing a safe, year-round means to readily access the beach by foot.

The clear separation of uses and proper signage stipulating these uses would resolve much of the conflict within the Kettle Cove/Crescent Beach area. By providing an improved public beach access and launching capabilities, the public users would be more inclined to use the more accessible public area and less apt to attempt to use the more restrictive Boat Cove launch area which should be limited to commercial users and the Town's WETeam. Also by moving the public vehicle beach access area to the northwest, conflicts with the drainage channel would be mitigated. In addition, the new public beach access location would create a buffer between boat launch activities and the nearby residential homes along Kettle Cove Road.

Finally while the Town recognizes that the State currently does not intend to restrict either the commercial fishing fleet or the Town's WETeam from using the launch area at Boat Cove, there is no definitive easement in place with those access rights being clearly documented and recorded. Recognizing the disastrous effect that a restriction or limitation of use would place on the Town's commercial fishing community and its water related emergency response abilities, the Town should negotiate with the State to obtain a recorded easement for the continued and unabated rights of its commercial fleet and WETeam to utilize the Boat Cove launch area.

Recommendations & Goals:

1. Receive an easement from the State of Maine that would allow the Town to construct and maintain the improvements and then operate the new public vehicle beach access site at the historical location accessed from Kettle Cove Road.
2. Plan, design, permit, construct, maintain, and operate the new public vehicle beach access area while repurposing the existing beach access area to provide safe pedestrian-only access to Crescent Beach.
3. Install signage to clearly designate uses and restrictions on Town owned property and encourage the State to clearly designate areas within their control for specific uses and restrictions. Of particular interest would be the parking and associated turnaround area and

the boat launch at Boat Cove to be restricted to the commercial fishing fleet and the Town's WETeam exclusive use.

4. As a long term step and to show its commitment to the local fleet and emergency preparedness, work with the State of Maine to secure an easement for the uninterrupted use of Boat Cove for use by the Town's commercial fishermen and WETeam.
5. Continue to support the collaborative activities of the Town's Police Department in providing enforcement and support to the State of Maine resources in the Kettle Cove/Crescent Beach area. Also continue to support the shared Harbormaster employee resource with the Town of Scarborough for formal and professional needs associated with the commercial and recreational usage of the Cape Elizabeth harbors.
6. Encourage the State of Maine to share and promote their management goals and priorities for the Crescent Beach, Kettle Cove, and Two Lights State Park. Continue to build upon the ongoing cooperative discussion with State of Maine representatives by establishing scheduled meetings at suitable intervals to review ongoing and developing issues associated with the Crescent Beach/Kettle Cove area and devise mutually beneficial solutions.
7. Follow and implement the recommendations included in the June 2015 "Cape Elizabeth Sea Level Rising Vulnerability Assessment" report as prepared by the Portland Council of Governments. This assessment report emphasizes that sea level rise affects must be taken into account in any future improvement project to the Town's shoreline access points and in any future planning along the Town's coastline.
8. Establish a means within the Town Council framework to formally review shoreline and harbors related issues on an interval not exceeding a 10-year timeframe.

ITEMS to be addressed in this section – From Town Planner markup of NEEDS:

5. Marine Resources (if applicable)

- a. To promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation and recreation;
- b. To manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources;
- c. To support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources;

- e. To encourage and support cooperative state and municipal management of coastal resources;

B. Analyses

- (3) Has closing of clam or worm flats threatened the shellfishing industry, and are sources of contamination known? If so, are sources point (direct discharge) or nonpoint sources?
- (4) Are traditional water-dependent uses thriving or in decline? What are the factors affecting these uses? If current trends continue, what will the waterfront look like in 10 years?
- (5) Is there reasonable balance between water-dependent and other uses, and between commercial and recreational uses? If there have been recent conversions of uses, have they improved or worsened the balance?
- (7) Is there a local or regional harbor or bay management plan? If not, is one needed?
- (8) Are there local dredging needs? If so, how will they be addressed?
- (9) Is there adequate access, including parking, for commercial fishermen and members of the public? Are there opportunities for improved access?

C. Conditions and Trends

- (2) A map and / or description of water-dependent uses.
- (4) A description of any local or regional harbor or bay management plans or planning efforts.
- (5) The location of facilities (wharves, boat ramps, pump-out stations, etc.), with a brief description of any regional or local plans to improve facilities.

D. Policies

- (1) To protect, maintain and, where warranted, improve marine habitat and water quality.
- (2) To foster water-dependent land uses and balance them with other complementary land uses.
- (3) To maintain and, where warranted, improve harbor management and facilities.
- (4) To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation, and tourism.

E. Strategies

Minimum strategies required to address state goals:

- (1) Identify needs for additional recreational and commercial access (which includes parking, boat launches, docking space, fish piers, and swimming access).
- (2) Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs.
- (3) Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.
- (4) Support implement of local and regional harbor and bay management plans.
- (5) If applicable, provide sufficient funding for and staffing of the harbormaster and/or harbor commission.
- (6) Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks. *for working waterfront purposes*