



Marine Resources

Marine resources are a vital component of life in York. Marine-oriented businesses contribute to the local economy and York's coastal resources and facilities provide numerous recreational and scenic opportunities. Marine resources in York, including three harbors, several beaches, parks, and many rocky coastline areas, have been prominent in York's history and continue to be an essential part of the town's identity and economy. Previous planning efforts have consistently highlighted two major concerns regarding marine resources: (1) maintaining the environmental quality of the ocean and coastline, and (2) balancing the multiple, often competing, uses of the town's coastal areas. A third concern going forward will be preparing for and adapting to the impacts of climate change.

This topic includes...

- York's marine resources
- Water-dependent uses
- Public access points & facilities
- Ecological value
- Dredging
- Climate change impacts
- Current regulations impacting marine resources
- Recent planning efforts
- What the community said
- Key takeaways

York's Marine Resources

Marine resources in York include three harbors (York Harbor, Cape Neddick Harbor, and Brave Boat Harbor), four major beaches, six public parks with access to the coast, 12 islands (seven held by the state, two federally-owned, one Town-owned, two privately-owned), one



designated coastal resource barrier (Phillips Cove), waterfront facilities and access points, and scenic views and routes.

York Harbor is the only harbor in York that is truly passable at all tides. Located in the southerly section of York's coastline, it has depths of 8 to 20 feet at the mean low water (MLW) mark in the Harbor itself and depths of 11 to 18 feet at MLW in the York River channel between the bridges. York Harbor's normal mean high water (MHW) is 8.6 feet above the MLW. The York River begins at the Route 103 bridge with a fixed height of 15 feet at MHW and a channel width of 50 feet. Watercraft with high masts are restricted from going upriver because of the bridge's low height.¹

The land formations of "Rock's Nose" and "Stage Neck" project into the river and protect York Harbor from heavy sea conditions. Because of this protection, there are a large number of boat moorings in the harbor. York Harbor does not freeze in the winter, allowing year-round moorings.

Cape Neddick Harbor is considered by the Harbor Master to be one-half accessible because it is not passable below half tide. It is situated in the northern section of York and has depths of one foot to 17 feet at the mean low water mark. This harbor is exposed from the south and is particularly affected by winds from the east and the south. In the winter, however, it is the harbor is generally ice-free. There are a small number of moorings in Cape Neddick Harbor, which are kept in the water on a year-round basis.

Brave Boat Harbor is considered by the Harbor Master to be one-quarter accessible as it becomes primarily dry land at low tide. The harbor is located along the Kittery/York Town line. It has harbor depths of one to four feet at MLW. There are no public moorings situated in Brave Boat Harbor, since it is generally inaccessible for mooring purposes. The harbor is bounded by the Rachel Carson National Wildlife Refuge and privately-owned land.

There are 12 islands in York, including seven held by the state, two federally-owned islands, one Town-owned island (Harris Island), and two privately-owned islands.²

Phillips Cove is the only designated Coastal Barrier Resource System in York. Areas designated as coastal barrier resource systems include coastal barriers and adjacent wetlands, marshes, estuaries, inlets, and nearshore waters. Designation seeks to protect these resources by limiting expenditure of state or federal funds in these areas for incompatible

¹ *Town of York Comprehensive Plan*, Inventory and Analysis Natural Resources Chapter, Adopted 2006, as amended through 2013.

² Ibid.



purposes.³ The system is located along Shore Road, beginning just north of Wadleighs Head to the south and ending just north of Phillips Pond.⁴

York's four major swimming beaches provide direct access to the Ocean: Cape Neddick Beach, Short Sands Beach, Long Sands Beach, York Harbor Beach. There are also parks, walking trails, and scenic routes that provide physical or visual access to the coast. Other access points include docks, boat launches, and other waterfront facilities.

Coastal bluffs are steep shoreline slopes of sedimentary materials that are at least three feet tall. Sedimentary materials such as marine clays can be unstable. Maine Geological Survey mapping for portions of York indicates a small area of coastal bluff classified as unstable at Brave Boat Harbor and many segments of bluff classified as unstable or highly unstable along the York River.⁵

Originally the site of grist and sawmills that contributed to York's early prosperity, Barrell's Mill Pond is one of the largest and best preserved tide mill sites on the southern Maine coast. Today, a pedestrian causeway follows the course of the original mill pond dam, leading to York's Wiggly Bridge, a local landmark.⁶

Water-Dependent Uses

Water-dependent uses refers to those uses that require direct access to coastal or inland waters. In York, these uses generally fall into two categories: commercial uses and recreational uses.

In York, commercial waterfront users include lobstermen, charter fishing operations, tuna boats, marina or boat docking facilities, whale watching tour boats, wholesale and retail seafood dealers, bait vendors, boat storage and repair, marine railway, boat and motor sales, kayak and paddlecraft rental companies, and boating fueling. A 2016 Environmental Assessment by the U.S. Army Corps of Engineers documented \$13.7 million in estimated economic activity related to York Harbor, as well as 100 jobs directly dependent, and 160 jobs indirectly dependent, on the harbor being navigable.⁷

³ *Town of York Comprehensive Plan* Inventory and Analysis Natural Resources Chapter, adopted 2006 as amended through 2013.

⁴ U.S. Fish and Wildlife Service, Phillips Cove Unit ME-23, <https://www.fws.gov/cbra/maps/effective/23-018A.pdf>

⁵ Maine Geological Survey, Coastal Bluffs, and *Town of York Comprehensive Plan* Inventory and Analysis Natural Resources Chapter, Adopted 2006 as amended through 2013.

⁶ Tide Mill Institute, "Barrell's Mill Pond, York, Maine," February 8, 2021. https://tidemillinstitute.org/Portal/docs/Barrells_Mill_Pond_Illustr.pdf

⁷ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.



Recreational waterfront uses include restaurants, lobster pounds, boating, paddlecraft and other non-motorized vessels, beach-going, swimming and surfing, diving, and tourist-oriented businesses. There are also many lodging facilities and seasonal/year-round housing whose value is related to their waterfront location.

Harvesting

Harvesting in York includes both commercial and recreational fishing and lobstering, as well as non-commercial harvesting of scallops. Data from the State Department of Marine Resources categorizes commercial and recreational harvesters in York by harvest type (Table 1).

Table 1. Harvesters in York, Maine⁸

Row Labels	YORK	YORK BEACH	YORK HARBOR	Grand Total
Carrier (CAR)	1			1
Commercial Fishing Crew (CFC)	13	1		14
Commercial Fishing Single (CFS)	13		1	14
Commercial Pelagic and Anadromous Crew (CPC)	1	1		2
Lobster/Crab +70 (LCO)	4			4
Lobster/Crab Class 1 (LC1)	4		1	5
Lobster/Crab Class 2 (LC2)	14	1	2	17
Lobster/Crab Class 2 +70 (LC2O)	1			1
Lobster/Crab Class 3 (LC3)	3	1	1	5
Lobster/Crab Class 3 +70 (LC3O)	1			1
Lobster/Crab Non Commercial (LNC)	37	4	2	43
Lobster/Crab student (LCS)	2		1	3
Recreational Saltwater Fishing Operator (SWRO)	10	1		11
Recreational Saltwater Registry (SWR)	42	4		46
Scallop Non Commercial (NCS)	5	2		7
Grand Total	151	15	8	174

Source: Maine Department of Marine Resources, 2020 (accessed from 2021 state Comprehensive Planning dataset)

Commercial Fishing

Commercial fishing, primarily lobstering, has long been important to the local economy. Between 2008 and 2015, the total harvest weight (in pounds) of landings in York has fluctuated between approximately 500,000 pounds and 900,000 pounds. The total value of these landings has fluctuated between approximately \$2 million and \$4 million (Table 2, Fig. 1, Fig. 2).

⁸ It has been noted that this Maine DMR data may underestimate the number of commercial lobstermen and recreational saltwater fishermen in York: York Comprehensive Plan Steering Committee, August 2021.

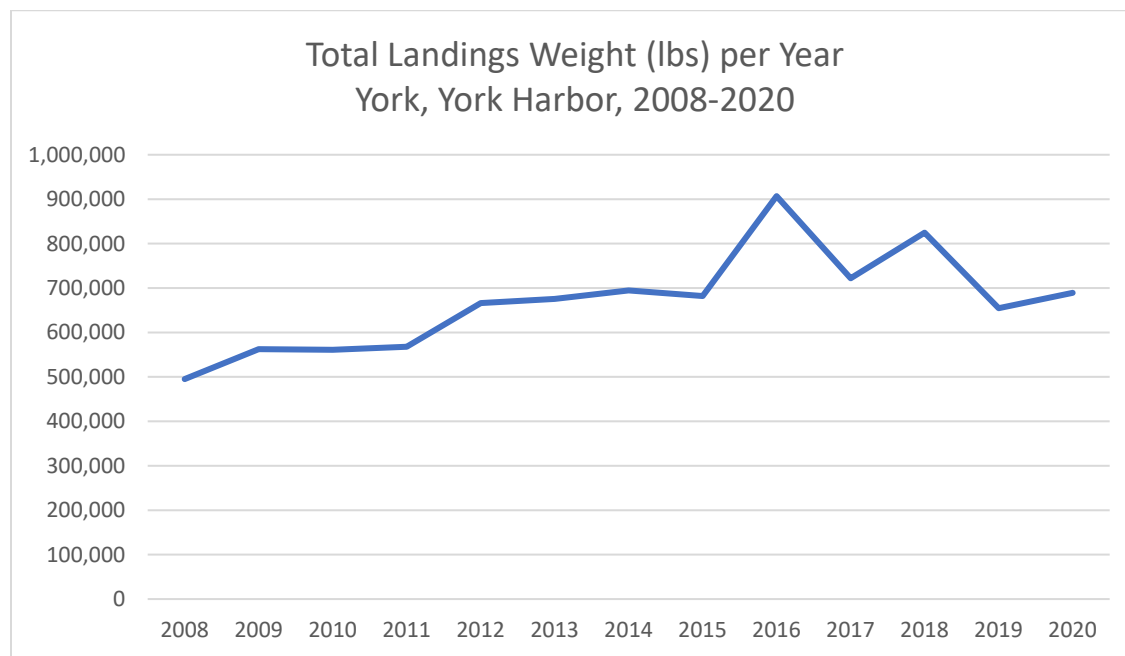


Table 2. 2015-2020 York/York Harbor Commercial Landings⁹

Year	Species	Weight (lbs)	Value
2015	Lobster	681,854	\$ 3,078,361
2016	Lobster	886,370	\$ 4,063,706
2016	Tuna	20,483	\$ 142,990
2017	Lobster	721,892	\$ 3,556,430
2018	Lobster	824,767	\$ 4,051,342
2019	Lobster	654,705	\$ 3,551,950
2020	Lobster	676,558	\$ 3,144,600
2020	Tuna	12,645	\$ 50,055

Source: Maine Department of Marine Resources, Landings Program, accessed August 2021

Figure 1. Total Landings Weight in Pounds (lbs) per Year, York/York Harbor, 2008 – 2020

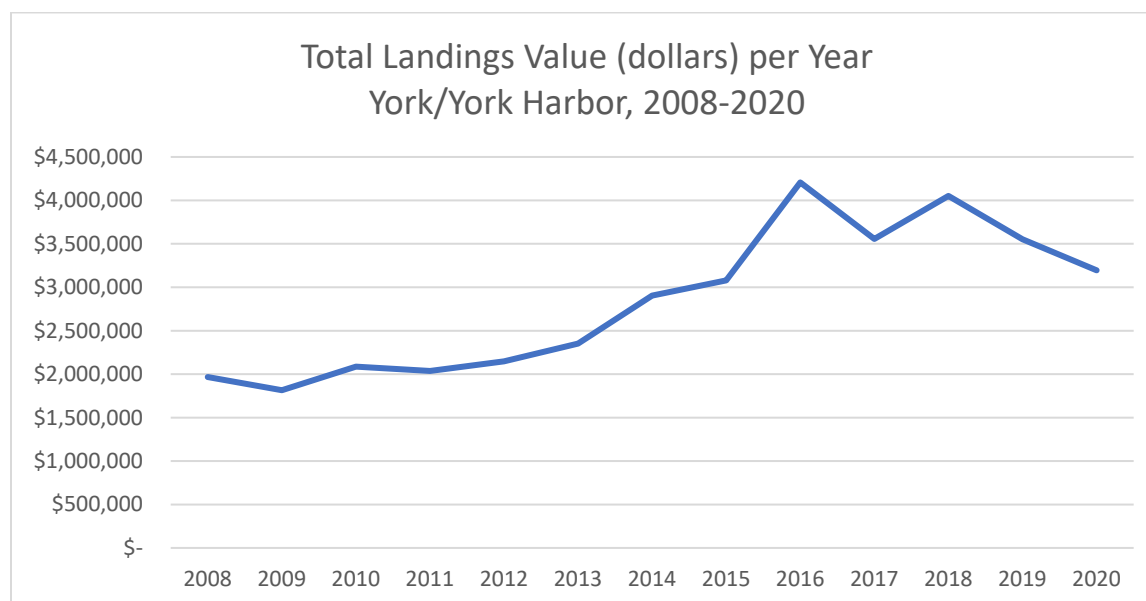


Source: Maine Department of Marine Resources, Landings Program, accessed August 2021

⁹ Totals do not reflect confidential landings, which are aggregated at the county and state scale only.



Figure 2. Total Landings Value in Dollars per Year, York/York Harbor, 2008 – 2020



Source: Maine Department of Marine Resources, Landings Program, accessed August 2021

Commercial Access

The Town of York's policies and practices, including administration of its Harbor Ordinance, give priority for use and access of marine resources to commercial fisherman, when possible. The two Town docks support fishing operations, particularly Town Dock 1, which is the only access many of the commercial fisherman have to the waterfront. Approximately 12 parking spaces near Town Dock 1 are reserved for commercial fishermen only. In addition to the Town docks, there are privately-owned docks that support working waterfront and commercial fishing. Some docks allow increased commercial use after the summer boating season is over, including Agamenticus Yacht Club, Edwards Dock, and the Donnell's Docks. Recent examples of efforts to maintain commercial access may serve as models for preserving the working waterfront.

John Hancock Wharf

The Old York Historical Society restored the John Hancock Wharf as a commercial fishing facility in 2011 and now leases the wharf to local fisherman, helping to preserve a historic site and a traditional waterfront use.¹⁰

Sewall/Donnell Dock at Sewall's Bridge

The York Land Trust (YLT) partnered with local fisherman in 2003 to maintain access and save the Sewall/Donnell Dock as working waterfront. The YLT purchased a conservation easement on the dock and the adjacent 0.15 acre of land, making the dock purchase more

¹⁰ York River Study Committee, *York River Watershed Stewardship Plan*, 2018.



affordable for the fishermen and protecting the land from future development. Requirements of the easements include that the property be used only as working waterfront, provide for public access to a portion of the property, and that its scenic beauty be protected. It was the first time a conservation tool for land preservation was used to protect a commercial dock and support the working waterfront.¹¹

Shellfish Digging

As of 2022, York only allows recreational shellfish digging. Productive clam flats in York (Fig. 3 and Fig. 4) are listed below. All other areas are closed to shellfish harvesting.

- York River open flats: all flats east of Sewall's Bridge to the mouth of the York River.
- Brave Boat Harbor open flats: all flats on the York side of Brave Boat Harbor from approximately Route 103 to the mouth of Brave Boat Harbor. A large section of Brave Boat Harbor (from approximately Route 103 to the eastern trolley tracks) that has historically been classified as "Prohibited" by DMR was reclassified as "Approved" in October 2021.

The York Shellfish Commission manages the clam flats by:¹²

- Determining the number of licenses issued;
- Opening and closing flats;
- Setting season dates and open/closed days;
- Organizing flat surveys;
- Collecting harvester take data;
- Organizing flat clean up days; and
- Planting seed clams.

For the last several years, the York Shellfish Commission has allocated 150 recreational licenses annually (Table 3).

Table 3. Allocation of Recent Shellfish Digging Licenses (as of 2021, 150 licenses total)

Number of Recreational Licenses	License Type	Cost
75	Resident Adult	\$15.00
25	Non Resident Adult	\$30.00
22	Resident Senior 65+	no charge
3	Non Resident Senior 65+	no charge
22	Resident Junior 14 and under	no charge
3	Non Resident Junior 14	no charge

Source: York Shellfish Commission

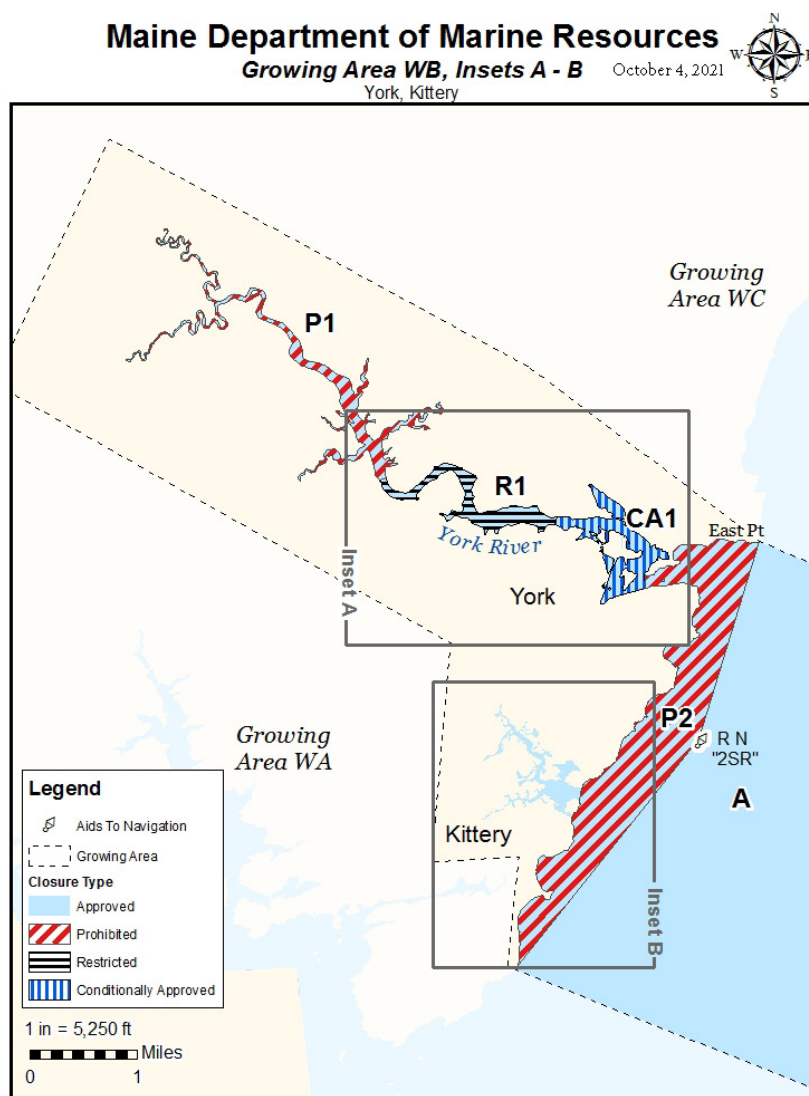
¹¹ Ibid.

¹² Correspondence with York Shellfish Commission, July 13, 2021.



York's most productive clam flats are in areas that traditionally were not impacted by tourists and beachgoers. However, just in the last five years, there has been a significant increase in people recreating on the flats. Areas with any available parking, including near the Wiggly Bridge, Strawberry Island, and Western Point Road, have become points for launching paddlecraft and enjoying the beach. These types of activities are detrimental to shellfish located in these areas.¹³ Since these areas are not considered beaches, the beach-related animal control ordinances do not apply; one bad fecal coliform test (a possible impact of left-behind dog excrement) could close an entire digging area for up to 24 months.¹⁴

Figure 3. Maine DMR Growing Area WB



This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Any navigation aids shown are not suitable for maritime navigation.

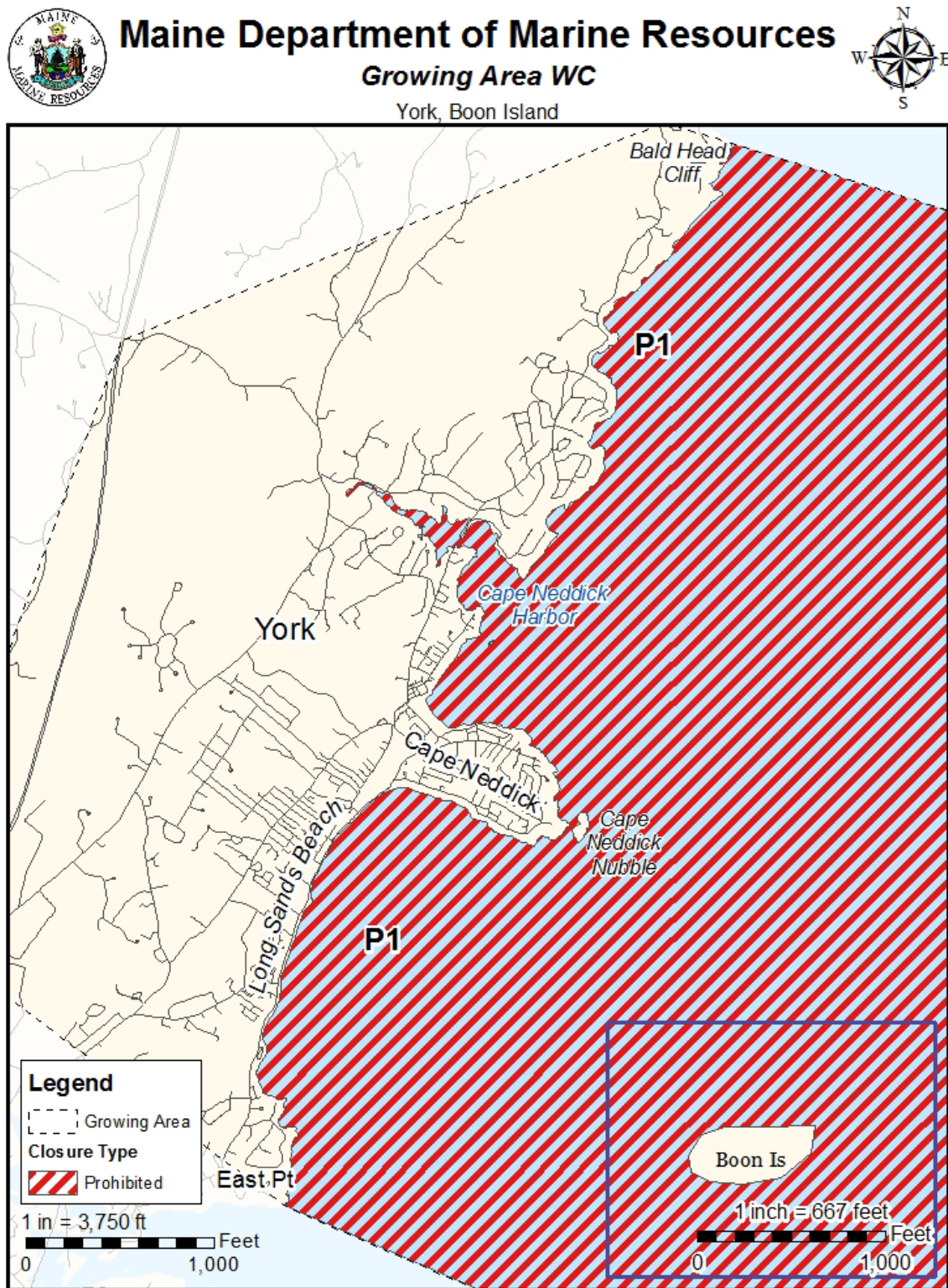
Source: Maine Department of Marine Resources

¹³ Correspondence with York Shellfish Commission, July 13, 2021.

¹⁴ York Comprehensive Plan Steering Committee, August 28, 2021.



Figure 4. Maine DMR Growing Area WC



This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Any navigation aids shown are not suitable for maritime navigation.

Source: Maine Department of Marine Resources



Recreational Boating

Recreational activities in the York River include boating, canoeing/kayaking/paddle boarding, tubing and rafting, swimming, and bridge jumping. Boating is particularly popular in York and the demand for moorings is significant. A survey as part of the 2019 *York Harbor & River Capacity Study* identified 315 boats on moorings and 158 boats on docks, slips, or dry storage. As of 2019, there were 270 names on the Town's mooring wait list.¹⁵ Approximately 70% of local vessels in York Harbor are 25 feet or less in size.¹⁶

Paddlecraft use is an increasingly popular activity in York Harbor. The 2019 *York Harbor & River Capacity Study* report included a summary of paddlecraft counts at Strawberry Island in 2017 and 2018 (Table 4). Results documented an average paddlecraft use of 30 per day in 2017 and 77 per day in 2018, with a peak observation of 120 paddlecraft in a single day on August 26, 2018. During field observations, Strawberry Island was observed to be heavily used by paddlecraft, while occasional use was observed at upriver locations.

Table 4. 2017 and 2018 Paddlecraft Counts

Date	Canoes	Kayaks	Paddleboards	Other	Total
July 29, 2018	5	29	5	---	39
August 5, 2017	1	20	---	---	21
August 12, 2017	---	9	17	---	26
August 19, 2017	---	18	8	---	26
August 26, 2017	---	27	7	---	34
September 2, 2017	1	31	4	---	36
Average per Weekend Day					30
July 28, 2018	---	48	13	2	63
August 5, 2018	---	66	22	3	91
August 19, 2018	---	34	7	2	43
August 26, 2018	---	84	31	5	120
September 2, 2018	---	43	23	1	67
Average per Weekend Day					77

Source: GEI Consultants, Inc. *York Harbor & River Capacity Study*, 2019.

Public Access & Facilities

The Town maintains two public docks. Town Dock 1 is located on Harris Island Road adjacent to Route 103. Two bait sheds are located at Town Dock 1. Town Dock 2 is also located on Harris Island Road, but farther from Route 103. The Harbormaster's office is located at Town Dock 2.

¹⁵ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

¹⁶ Ibid.



The Town-owned site at Strawberry Island, adjacent to Town Dock 1, is used exclusively for canoe and kayak launching from June 15 – September 15. Strawberry Island is open for public trailered boat launching during the offseason, prior to June 15 and after September 15.

In 2018, a new walkway and kayak landing were installed adjacent to Route 103 just 0.1-mi to the north of Strawberry Island. Along with the Town purchase of Strawberry Island in 2005, these actions have increased public access to the lower section of the river for paddlecraft, swimming, and other recreation, and are being heavily utilized. However, the location of both of these facilities in an already heavily-used area of the river has increased congestion in the Harbor.

Upriver canoe and kayak access is available at Scotland Bridge (ramp access for small non-motorized and motorized boats), Rice's Bridge (primarily hand carry, limited ramp access for small non-motorized boats), and Route 103 (carry-in access for canoes, kayaks, and other paddlecraft launching).

For powerboat launching, the only public option is the launch at Scotland Bridge on the York River. This launch is suitable for canoes and kayaks, as well as small, trailered boats. Boat size is limited because this site is located upstream of several low bridges that significantly limit the height of boats launched here. Parking is extremely limited, and there is little room to maneuver vehicles and trailers off of the travel lanes of Scotland Bridge Road. Access points for larger boats in the York River and onto the Cape Neddick River are available only via private facilities.

York's four major swimming beaches (Harbor Beach, Long Sands Beach, Short Sands Beach, and Cape Neddick Beach) provide access to the Atlantic Ocean, as do a number of waterfront parks, including Goodrich Park, Steedman Woods, Hartley Mason Estate, Ellis Park, Sohier Park, and the Rachel Carson National Refuge. Walking trails, including the Wiggly Bridge and causeway, Fisherman's Walk, and the Cliff Walk, provide pedestrian access along the coast. Sewall's Bridge and the Route 103 Bridge are used for bottom fishing and approved clam flats for shellfish digging are located in the York River and Brave Boat Harbor.

Many people view the ocean and tidal waters from public roads, including:¹⁷

- Route 1A, which runs along Long Sands and Short Sands beaches, is the most traveled and has a sidewalk for pedestrian views.
- Shore Road, which connects York Beach with Ogunquit to the north, follows the coast and has several significant vantage points.
- Cider Hill Road (Maine Route 91) and Birch Hill Road have magnificent views of the tidal marshes near the headwaters of the York River.

¹⁷ List from *Town of York Comprehensive Plan* Natural Resources Chapter, adopted 2006 as amended through 2013.



- The Fishermen’s Walk and Cliff Walk are public walkways that begin in Steedman Woods and follows the York River downstream to Harbor Beach and the Hartley Mason Reserve (Fisherman’s Walk), and then follows the rocky coastline for 0.5 mile (Cliff Walk). Walkers on this path have spectacular views of the River and Ocean.
- From the summit and trails of Mt. Agamenticus, one can have a broad view of the Atlantic Ocean, out to Boon Island and the Isles of Shoals, the coastline all the way to Cape Ann, as well as the White Mountains to the North. This view is preserved through shrubland management which takes intensive hard labor each year

The 2019 *York Harbor & River Capacity Study* identified that access to the York River above Sewall’s Bridge is very limited. The boat launch at Scotland Bridge has limited parking, tidal limitations, and is not well improved for trailered boat use. The launch at Rice’s Bridge has limited parking, tidal limitations, is narrow, and is not well improved for trailered boat use (in addition, its location along busy U.S. Route 1 is not ideal for truck/trailer turning movements).¹⁸ Table 5 and Fig. 5 provide information on all public access points to coastal waters.

Table 5. Public Access to Coastal Waters

Access Category	Public Access Point	Use, Capacity, and Physical Condition
Boat Dock	Town Dock 1	Timber commercial pier with 83' +/- berthing at pier face. 580' +/- float face. Parking: 12 +/- spaces for commercial fishermen only. Dinghy/tender tie up at floats. Condition: The floats and pylons need to be replaced. Used by more than just the mooring holders of York, the floats are scheduled to be replaced 2025/26 per the Town of York <i>Capital Improvement Plan</i> . The Harbor Board is exploring adding floats to the Town Dock 1 float system to gain more dingy storage space for its mooring holders.
Boat Dock	Town Dock 2	Timber pier with 365+/- float tie up. High water landing for ground vessel ground out. Parking: 40+/- spaces along Harris Island Road. The Harbor Board has identified the need to replace Town Dock 2 within the next ten years as the Dock was expanded in 1988 but not all the structure was replaced. When this dock is replaced it would be expected to replace the Harbor Master office at the same time as the structure is built on the dock.
Boat Launch	Strawberry Island	Hand carry during summer. Trailered launching during offseason. Gravel ramp. Tidal limitations. Parking: 21 +/- spaces along Harris Island Road. Dingy/Tender storage on beach. The area was bought with harbor mooring holders funds and town funds for a hand carry paddlecraft launch area. There is an issue of people using this as another beach and recreation area and not as it was intended as a launch site. It's also a sensitive area to pet waste as there is a clam flat maintained by the town adjacent to the area.

¹⁸ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.



Boat Launch	Wiggly Bridge/Route 103	Hand carry only. Kayak launching float. Parking: 14 permit spaces at Route 103.
Boat Launch	Rice's Bridge	Primarily hand carry. Narrow gravel ramp allows for limited trailered launching. Tidal limitations. Parking: 15-16 spaces not delineated.
Boat Launch	Scotland Bridge	Hand carry and trailered. Gravel ramp. Tidal limitations. Parking: 5-7 spaces not delineated.
Park	Sohier Park	Town-owned park that is highly-trafficked as the gateway to the Nubble Lighthouse, a nationally-recognized attraction. Recreational activities include sightseeing, scuba diving, and fishing. Facilities include a welcome center with restrooms and a gift shop.
Park	Ellis Park	Located adjacent to the Atlantic Ocean at Short Sands Beach, the Park includes dunes, lawns, a playground, a parking lot, and a bathhouse. Metered parking.
Park	Hartley Mason Estate	Four-acre seaside park with scenic views, located adjacent to Harbor Beach. Limited parking.
Park	Steedman Woods	This 17-acre area includes scenic walking trails along the York River and is owned by the Old York Historical Society. The Wiggly Bridge and Causeway connects the public paths in Steedman Woods to the Fisherman's Walk. Parking is very limited.
Park	Goodrich Park	Town-owned park that provides shoreline views and passive recreation along the York River. Amenities include picnic areas, short walking trails, parking, and the adjacent Rice's Bridge public boat ramp. The Harbor Board has expressed interest in developing this property into a paddlecraft launch site to take the pressure off the harbor area.
Park	Rachel Carson National Wildlife Refuge	Part of a larger complex of lands managed by the federal government for wildlife purposes, use of this land is restricted to active hunting with a permit during hunting seasons.
Beach	Long Sands Beach	1.5 miles of mostly sandy beach with some tide pools and rocky areas. Restrooms are available. Metered parking is available along Long Beach Avenue. Handicapped parking and access ramps are located near the bathhouse.
Beach	Short Sands Beach	0.25 miles long and located within Ellis Park. Offers public restrooms, seasonal lifeguards, metered parking, a playground, basketball courts, large grassy area, and a promenade walkway along beach.
Beach	Cape Neddick Beach	Smallest of York's beaches, located at the mouth of the Cape Neddick River. No bathroom facilities available.
Beach	York Harbor Beach	Family-oriented beach with a high local population. Limited parking here requires resident permit parking sticker. Access to public restrooms, seasonal lifeguards,

Source: compiled from Town of York Comprehensive Plan Inventory and Analysis Natural Resources Chapter (adopted 2006, amended through 2013) and GEI Consultants, Inc., York Harbor & River Capacity Study, 2019.



Figure 5. Public Access to Coastal Waters



Data Sources: Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie.

- Boat Dock
- Boat Launch - Carry In
- Boat Launch - Ramp
- Park
- Beach



The 2019 *York Harbor & River Capacity Study* identified 83 docks and piers in the York River and Harbor. The majority of docks (63%) are located in the upstream section of the River, however the density of dock development is lower for the upstream section compared to the downstream section due to the much longer length (Table 6).¹⁹

Table 6. Upstream and Downstream Waterfront Facilities

Area	No.	Description	Boat Launches	Working Waterfront Sites	Docks & Piers	Dock Density (docks /mi)
Up-stream	1	Limit of Study to Scotland Bridge	0	0	5	1.3
	2	Scotland Bridge Road to Route 1	1	0	13	7.6
	3	Route 1 to Sewall's Bridge	1	0	35	17
	Total Upstream		2	0	53	6.8
Down-stream	4	Sewall's Bridge to Route 103	1	5	13	20
	5	North Basin: Route 103 to "G-11"	1	1	6	22
	6	South Basin: "G-11" to "R-9"	2	1	11	30
	Total Downstream		4	7	30	23
Total River			6	7	83	9.1

Source: GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

According to 2022 Town of York Assessor Data, private facilities with commercial docks on the York River include: the Stage Neck Inn; the Harborside (with pier and dock); Donnell's dock and launching ramp facility; York Harbor Marina; Agamenticus Yacht Club; John Hancock Wharf (a.k.a. Marshall Wharf), and; York Golf & Tennis Club.²⁰ There are an additional 83 properties along the York River with residential docks and wharves.

The distribution of docks, moorings, and other infrastructure in the downstream area of the York River, from Sewell's Bridge to the York Harbor as of 2019 is shown in Fig. 6.

¹⁹ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

²⁰ Town of York Assessor, January 2022.



Capacity Challenges & Conflicts Between Uses

Demand for water access and adjacent parking in York exceeds existing supply and a rise in demand for recreational uses has created increased pressure on traditional uses of York's marine resources. Maintaining a balance between the competing interests of recreational users and supporting traditional working waterfront users is a concern.

Paddlecraft use has increased significantly in York Harbor in recent years. The rise in paddlecraft users has created additional congestion near Route 103 as two of the primary launch sites are in this location. Congestion at Scotland Bridge has required the York Police Department to increase the number of no parking zones due to the number of vehicles parked in an unsafe manner along Scotland Bridge Road.²¹

The 2019 *York Harbor & River Capacity Study* noted that demand for additional dockage and moorings on the river has been significant for many years and that as of summer 2019 there were 270 names on the Town's mooring wait list.²² The study identified that the mooring and channel layouts were not optimized for capacity or channel safety. The study noted that the approximately 75 parking spaces near the harbor was not enough to support even the current level of moorings and that any expansion of the number of moorings would require additional parking.²³ Since then, moorings have been moved around or floats added as per the study recommendations. The Harbor Board reports that the limitation on parking and facilities prevents any major additions of moorings beyond the revised reconfiguration.²⁴

Anecdotally, there is enough parking for commercial fishermen because the fishermen get started early before the parking lots fill up. After 8 am in the summer, most of the parking has filled up in the harbor area. The Harbor Board has reported challenges of visitors parking near Town Dock 2 and carpooling to area beaches or restaurants. This results in mooring/slip holders not being able to park to access their boats. Parking near Town Dock 2 is being reviewed by the Harbor Board in collaboration with the York Police Department.

The 2019 *York Harbor & River Capacity Study* identified that certain high-use areas were nearing their spatial capacity at peak times due to the amount and types of uses being accommodated within those areas. It specifically called out these conflict areas:

- a. The area near the Route 103 bridge, which includes commercial use of Town Dock 1, paddlecraft use of Strawberry Island and new Kayak Landing, recreational use of boats in adjacent mooring fields, bridge jumping off the Route 103 bridge, and swimming

²¹ York Traffic Safety Ordinance, amended 9/28/20.

<https://www.yorkmaine.org/DocumentCenter/View/728/Traffic-Safety-Ordinance-PDF?bidId=> page 14, amended 9/28/20.

²² GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

²³ Ibid.

²⁴ Correspondence with York Harbor Board, July 14, 2021.



near the causeway to Wiggly bridge. The study stated that while individually these areas may not exceed capacity, when combined there are congestion issues and safety concerns.

- b. The area at the mouth of the harbor, which includes heavy use by boats from York Harbor Marine as well as the adjacent mooring fields and Agamenticus Yacht Club. The study noted that the narrow channel at low tide and high currents at ebb tide add to navigation challenges at this location.

There is no formal paddlecraft management program to regulate paddlecraft use or promote user education. In general, many paddlecraft users do not undergo formal safety training. The 2019 *York Harbor & River Capacity Study* identified that lack of knowledge and training likely contribute to non-compliance and safety issues observed among paddlecraft users.²⁵

Ecological Value

In addition to its recreational value, the York River is also a valuable natural resource. A Class SB marine waterway under the Maine Water Classification Program, the river has free-flowing conditions that support abundant fish and wildlife habitat, aquatic plant life, and fringing marsh.²⁶ The health of the York River is integral to both recreational and commercial use; recreational boaters depend on good water quality for safety of their activities and fishermen depend on the river to support thriving fisheries.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) Beginning with Habitat Program identifies areas of statewide ecological significance. The York River Headwaters Focus Area encompasses the many uplands and wetlands that comprise the headwaters of the York River. The river's Tidal Marsh Estuary Ecosystem includes the intertidal bays and one of the largest unprotected spartina saltmarshes, a rare community type. Rare plants and animals and extensive areas of high value habitat are found throughout the focus area. Additionally, the Brave Boat Harbor – Gerrish Island Focus Area includes a rich association of natural community types, including upland forests, dune grasslands, spartina saltmarshes, oak forests, freshwater swamps, pocket swamps, vernal pools, and coastal features that provide the habitat needed to support native plants and animals.²⁷

Parking and access challenges are reflective of larger capacity challenges of York's natural resources. The high level of recreational use in some areas is having an impact on the ecological value of York's resources and is creating safety hazards in the harbor. Increased

²⁵ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

²⁶ Ibid.

²⁷ Beginning with Habitat Focus Areas documentation provided as part of the 2021 Comprehensive Planning Dataset from the state.



wakes and activity speed up rates of sedimentation and siltation in the York River. Increasing the number of parking spots or moorings could worsen these existing trends. Expanding access options upriver could have impacts on fragile ecosystems and natural resources in that area.

Coastal Water Quality Monitoring

Maine Department of Marine Resources (DMR)

The Maine Department of Marine Resources monitors bacteria levels at seven stations in the York River six times per year to help inform decisions about classifying shellfish growing areas. Samples are tested for fecal coliform on a regular basis and each site is assigned a P90 score which factors in sampling results over five years.²⁸ To be eligible for shellfish harvesting without needing depuration, sampling sites must have a P90 score below 31. In 2020, all but one of the sampling stations located in the York River had P90 scores below the approved standard of 31. This sampling location with a P90 Score of 45 is the DMR's most upriver station on the York River, near the U.S. Route 1 bridge.

The DMR has assigned "Growing Area" designations to different zones along the coast and classifies areas as Prohibited, Restricted, Conditionally Approved, or Approved. York is within the WB and WC growing areas (Fig. 3 and 4 earlier in this section). The following designations apply in York:

Prohibited:

Upper York River (York): north of U.S. Route 1 bridge

Brave Boat Harbor and vicinity (Kittery, York): west of a line beginning at Sisters Point (Kittery), then extending northeast to red nun "2SR", and then extending northeast to the tip of East Point (York); AND east of a line starting at the southernmost point of land at the mouth of Brave Boat Harbor northern shore (York) and running south across the mouth of the harbor to the most northeastern point of the prominent point of land, located on the opposite shore (Kittery); AND east of a line beginning at the most western point of Stage Neck (York) and running south to a red painted post on the mainland shore located approximately 72 yards west of the old pilings. (A large section of Brave Boat Harbor (from approximately Route 103 to the eastern trolley tracks) that has historically been classified as "Prohibited" by DMR was reclassified as "Approved" in October 2021.)

Upper Brave Boat Harbor: north and west of a line beginning at the old train trestle pilings, located on the northern shore of Brave Boat Harbor (York) and running southwest across the mouth of an unnamed creek to the opposite shore.

²⁸ York River Study Committee, *York River Watershed Stewardship Plan*, 2018.



East Point to Bald Head Cliff: north of a line beginning at the east tip of East Point (York) extending southeast along the Growing Area boundary to the three-mile line; AND south of a line beginning at Bald Head Cliff extending southeast along the Growing Area boundary to the three-mile line; AND inside of a line following the three-mile boundary around Boon Island Light.

Restricted:

York River (York): north and west of Sewalls Bridge; AND south and east of U.S. Route 1 bridge. (The section of river from U.S. Route 1 to Sewall's Bridge was updated from Prohibited to Restricted in 2019, in response to improving water quality and reduction in risk sources on the River).²⁹

Conditionally Approved (Seasonal):

Lower York River (York): east of Sewall's bridge; AND west of a line drawn from the most western point of Stage Neck running south to a red painted post on the opposite shore (closed May 1st through November 30).

Approved

Growing Area WB.

In 2009, recreational clam flats were closed in York, Kittery, Ogunquit, and Wells after a lack of state funding meant that federally-mandated water quality testing was not performed. Town staff and stakeholders worked actively with DMR to acquire the data needed and the flats were reopened in 2010.³⁰

Water quality around closed clam flats has been improving and, according to the state, all overboard discharges have been identified and removed. There are still areas west of Sewall's Bridge that are closed to digging based on testing and water samples. The Cape Neddick River and surrounding area is listed as impaired for shellfishing because of its proximity to the York Sewer District's Wastewater Treatment Plant outfall pipe.³¹

Run-off from non-point sources, such as impervious surfaces and residential lawns, is a primary contributing factor to water quality challenges in York. The area from Sewall's Bridge to the U.S. Route 1 bridge was upgraded in 2019 from Prohibited to Restricted. This is a step in the right direction but does not allow for recreational digging yet. While improvements to

²⁹ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

³⁰ Susan Morse, Portsmouth Herald, "Lack of inspectors closes clam flats from Kittery to Wells", February 26, 2009, <https://www.seacoastonline.com/article/20090227/NEWS/902270424>.

³¹ I Maine Department of Marine Resources, Maine Shellfish Growing Area Classification Program, <https://www.maine.gov/dmr/shellfish-sanitation-management/programs/growingareas/>



water quality are beneficial to the shellfish, better water quality also increases predators like green crabs and worms.³²

Maine Healthy Beaches

The Maine Healthy Beaches Program (MHB) is a statewide effort to monitor water quality and protect public health at Maine's participating coastal saltwater beaches. It is a partnership between the Maine Department of Environmental Protection and local municipalities/state parks and is funded by the U.S. Environmental Protection Agency (EPA) through the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000. Participating beaches, which in York consist of Cape Neddick Beach, Long Sands Beach – North, Long Sands Beach – South, Short Sands Beach, and York Harbor Beach, are routinely monitored for fecal bacteria between Memorial Day and Labor Day.

The Cape Neddick Beach has been listed in the state's most recent Integrated Water Quality Monitoring and assessment Report as a Category 3 listing, indicating that recreational uses may be impaired based on a high percentage of monitoring tests exceeding state and federal thresholds. More information on water quality testing results can be found in Appendix A3: Natural Resources Current Conditions.

Maine Department of Environmental Protection (DEP)

Maine DEP's Marine and Engineering Units conduct regular monitoring throughout marine waters to determine whether water quality standards are being met. In 2017, Maine DEP's Marine Unit conducted field monitoring to characterize water quality conditions in the York River estuary and determined that overall water quality conditions are appropriate to consider the estuarine portions of the York River unimpaired.³³

Town of York

Between 2007-2011, the York Community Development Department oversaw testing at bacteria sampling locations in the Cape Neddick River, many of which were shown to exceed EPA bacteria standards. Following this testing, a watershed-based plan was completed in June of 2014. In 2017, the Town applied for, and received, a 319 Nonpoint Source Grant for the Cape Neddick River Watershed to address bacteria which is the primary pollutant of concern. The Town partnered with the Wells Estuarine Research Reserve to implement the work covered under the grant. The ongoing key issues that need to be addressed regarding bacteria levels are:

³² Correspondence with York Shellfish Commission, July 13, 2021

³³ York River Study Committee, *York River Watershed Stewardship Plan*, 2018.



- Pet waste and water quality;
- Geese deterrents (installing vegetative barriers along the shoreline); and
- Regulated septic system plumbing and maintenance.³⁴

Dredging

A federal dredge project in York Harbor in 2018 improved navigable areas and anchorages creating the potential for added moorings and berths. Prior to 2018, the last dredging of York Harbor was in 1996. The York Harbor Board recognizes that the harbor needs to be dredged more often than the 22 years between previous dredge projects and has laid out a timeline for submission of paperwork for federal approvals and an overall plan for the process. The Harbor Board plans to start the dredge application process in 2025 in hopes to conduct the next dredge of York Harbor between 2030 to 2033, 13 to 16 years after last dredging of the harbor.³⁵

Driven by possible factors such as residential development, increased motor vessel traffic, and sea level rise, the Town has observed increased rates of sedimentation in the harbor, which could indicate a need for additional dredging sooner than anticipated.

Dredging spoils were historically placed in a location west of Harris Island Road or trucked to the Ramsdell pit. Dredging spoils from the 1996 dredging and the most recent dredging in 2017/2018 were disposed of in an offshore dump site.

Climate Change Impacts

Sea level rise (SLR) has the potential to damage infrastructure, reduce public access to recreation areas on the waterfront, and worsen contamination from runoff. With 1.6 feet of sea level rise, 42% of York County's dry beach (above the high tide line) will be at risk of inundation, which will limit accessible beach areas.³⁶

Town Dock 1, Town Dock 2, the Harbormaster Office, and the Strawberry Island boat launch area are all projected to be exposed to inundation with as little as 1.5 feet of sea level rise and storm surge, which could happen by 2050 or earlier.³⁷ This would eliminate York's only public harbor access points. The York Harbor Board has begun preliminary discussions about dock heights in regard to sea level rise, including planning for replacing Town Dock 2. Harris Island Road itself may become inaccessible at 1.5 feet of sea level rise and storm surge. This means

³⁴ Town of York, Cape Neddick River, <https://www.yorkmaine.org/174/Cape-Neddick-River>.

³⁵ Correspondence with York Harbor Board, July 14, 2021.

³⁶ Adapted from Slovinsky (2020, unpublished). Maine Climate Council Scientific and Technical Subcommittee, *Scientific Assessment of Climate Change and Its Effects in Maine*, 131.

³⁷ Maine Geological Survey sea level rise/storm surge models.



that even if the harbor infrastructure was raised above inundation levels, it still may not be usable without modifications to prevent flooding on Harris Island Road.

York's projected increase in rainfall and more frequent and intense flooding events will create a greater volume of stormwater carrying pollutants such as pet waste, failed septic system runoff, lawn fertilizers, trash, and fuel and oil from cars and boats.³⁸ These pollutants contain high concentrations of nutrients and other harmful substances that, along with shifts in species and rise in bacteria, can harm aquatic life and make water unsafe for swimming, resulting in closures to beaches and other swimming areas.

Increases in ocean temperatures will prompt many cold-water species in the Gulf to move northward and expand the geographic ranges of warm-water species. Continued warming is likely to push lobster populations farther north and decrease productivity, a trend that Connecticut and Rhode Island have experienced over the past 10-15 years. Warming waters can lead to higher rates of disease, declines in female size at maturity, suffocation due to declines in oxygen in seawater, and mass die-offs during ocean heat waves. Based on current warming trends, some projections estimate that by 2050 lobster abundance in Maine will decline by 45%.³⁹

Climate change can also open up invasion windows of harmful species. Invasive plants and wildlife are often more tolerant of environmental changes and can more quickly adjust to new climates compared to native species. Green crabs, Asian shore crabs, tunicates and invasive seaweed are common invasive that will continue to threaten marine ecosystem health and warmer temperatures can increase risk for toxin-producing harmful algal bloom species.⁴⁰

Current Regulations

Shoreland Overlay District

At the direction of York voters, the Town has the most stringent shoreland regulations when compared to other neighboring towns and contains multiple provisions that exceed the state minimums, including regulation of land use around all wetlands rather than just those required by the Mandatory Shoreland Zoning Act (MSZA).

The Shoreland zone is a 250-foot area surrounding water bodies, wetlands, and 75 feet from protected streams. The Shoreland Overlay District specifies dimensional standards (including

³⁸ [Cities of Portland and South Portland, "Climate Change Vulnerability Assessment."](#)

³⁹ Eastern Research Group, Cost of Doing Nothing Analysis, 2020, https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/ERG_MCC_Vol2_CostOfDoingNothing_9.29.2020.pdf

⁴⁰ Maine Climate Council, *Scientific Assessment of Climate Change and its Effects in Maine* http://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/GOPIF_STS_REPORT_092320.pdf



minimum land area and frontage requirements, erosion and sediment control standards, parking are requirements, and general stormwater runoff standards) and permitted and prohibited land uses in the shoreland zone. Many uses require a permit from the Code Enforcement Officer (CEO). Resource protection sub-districts include coastal wetlands, inland wetlands, map-designated areas, steep slopes, 100-year floodplain, bird habitat areas, and unstable bluffs. A map of the Shoreland Overlay District can be found in Appendix A3: Natural Resources Current Conditions.

The 2019 *York Harbor and River Capacity Study* evaluated the Shoreland Overlay District requirements related to marine infrastructure and found that the Town's current shoreland zoning regulations are extremely limiting in terms of allowing new dock development. The study determined that little or no new dock development is allowed under current shoreland zoning regulations. The study recommended that the Town consider revisions to these regulations to allow new dock development that is consistent with local goals and marine resources access.

Floodplain Management Ordinance

The Floodplain Management Ordinance requires a permit from the Code Enforcement Officer (CEO) prior to any construction or other development within any areas of special flood hazard. This requirement is in addition to any other permits which may be required pursuant to the codes and ordinances of the Town. The Ordinance includes mechanisms for determining that all permits have been obtained from federal, state, and local government agencies, notifies adjacent municipalities, the Department of Environmental Protection, the Maine Floodplain Management Program, and dictates specific development standards for various types of construction.

Harbor Ordinance

The Town of York has adopted a Harbor Ordinance, most recently amended in May 2021, to regulate the use of the town's harbors, channels and tidal waters. The Town employs a Harbormaster to enforce town rules and regulations, including assignment of mooring spaces. The Town utilizes a Harbor Board to manage harbor planning and operations, including consideration of applications for new and existing structures such as docks. York collects harbor usage fees for mooring and Town float assignments, as well as waiting list fees, winch fees, and bait fees. This revenue, as outlined in the Harbor Ordinance, is used for improvements to the harbor, channels, and tidal waters including capital improvements, wharf construction and repair, dredging equipment and land acquisitions. Currently harbor usage fees are assigned to a capital improvement fund (55 percent of fee revenue) and a dredging fund (45 percent of fee revenue).⁴¹

⁴¹ Town of York, Harbor Ordinance, Enacted 1990, as amended through May 2021.



Shellfish Conservation Ordinance

The Shellfish Conservation Ordinance establishes a shellfish conservation program through licensing, limiting the number of shellfish harvesters, restricting time and area where digging is permitted, limiting the minimum size of clams taken, and limiting the amount of clams taken daily by a harvester.⁴²

State & Federal Regulations

In addition to local regulations contained within the Zoning Ordinance, Floodplain Management Ordinance, and Harbor Ordinance, construction of piers and docks in coastal wetlands is an activity that is regulated by multiple state and federal agencies. A typical dock construction project on coastal waters in Maine will require permits from Maine DEP, the U.S. Army Corps of Engineers, and a Submerged Lands Lease from the Maine DACF Submerged Lands Bureau.⁴³

The Natural Resource Protection Act requires property owners to secure a permit from the Maine DEP in order to build a dock.⁴⁴ In addition, construction is subject to Maine DEP's stormwater laws and regulations, which were developed to protect and restore surface water and groundwater impacted by stormwater flows, including site location of development, stormwater management, and stormwater waste discharge. Army Corps of Engineers Permits are necessary for any work, including construction and dredging, in the nation's navigable waters.⁴⁵

Recent Planning Efforts

York Harbor & River Capacity Study (2019)

In July 2019, the Town of York retained GEI Consultants, Inc (GEI) to undertake a capacity study of the York River and Harbor (Fig. 7). The primary purposes of the study were to assess the existing uses on the river and evaluate how those uses compare to river and harbor capacity in order to inform management and regulatory decisions.⁴⁶

This study includes specific recommendations and strategies for improved management of the river's physical and spatial resources as well as user education. Key takeaways are summarized below:

⁴² Town of York, Shellfish Conservation Ordinance, Enacted 1998, as amended through November 2017.

⁴³ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

⁴⁴ Maine DEP, Natural Resources Protection Act, <https://www.maine.gov/dep/land/nrpa/>

⁴⁵ U.S. Army Corps of Engineers Headquarters Website, <https://www.usace.army.mil/missions/civil-works/Regulatory-Program-and-permits/Obtain-a-Permit/>

⁴⁶ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.

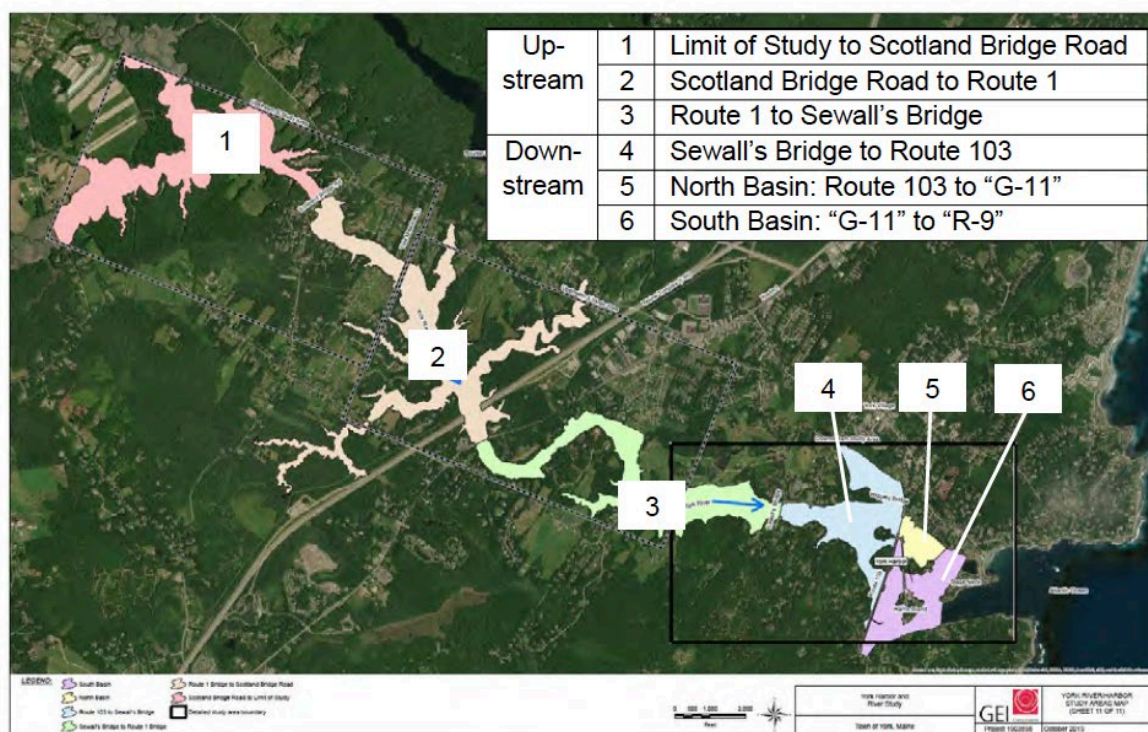


- Waterway capacity in York is a balance of spatial, facility, ecological, and social factors, and effective management of varying uses is necessary.
- Increase in demand for recreational uses creates increased pressure on traditional uses of the river.
- The need to accommodate a wide range of users in a small area leads to conflicts between user groups and congestion at high-use times in high-use areas. Separation of uses could help to minimize these conflicts.
- There is significant unmet demand for additional moorings (wait list 270 entries).
- The volume of recreational use on the river and harbor is highly dependent on season. July and August see the highest use and most potential for congestion. Use drops off significantly in the shoulder seasons.
- While existing uses do not appear to exceed ecological capacity, a significant increase in use would create increased pressure on ecological capacity that should be carefully managed to avoid excessive impacts and to minimize added risk.
- Compliance with rules and regulations is an important factor in social capacity. Lack of compliance by some users can lead to increased user conflict, safety issues, and ecological impacts. Lack of compliance includes: boats exceeding headway speed, users swimming from new kayak dock at Route 103, tie up of powerboats at the new kayak dock Route 103, paddlecraft users navigating throughout all areas of the channel, paddlecraft users operating without lifejackets, and towing of recreational devices. There is no formal paddlecraft management program that would provide the ability to regulate paddlecraft use or promote user education.
- There is limited access to the river upstream of Sewall's Bridge. Existing launches at Scotland Bridge and Rice's Bridge are tidally limited, not well improved, and have limited parking.
- Two of the major paddlecraft access sites are located in one of the most heavily used areas of the river, near Route 103, which contributes to congestion during heavy use times.
- Parking near the harbor is limited for current levels of use and would likely be inadequate to support significant increases in public moorings/berths.
- Dingy storage is limited for current levels of use and will likely be inadequate to support significant increases in public moorings/berths.
- There is currently no local vessel pumpout service on the river or in York. Boats with holding tanks must either travel to a facility with a pumpout (the nearest are in Kittery or Wells) or call for a pumpout vessel to come from Portsmouth.



- The Town's current shoreland zoning regulations are extremely limiting in terms of allowing new dock development.
- York may want to consider management of distinct river areas rather than regulating the York River as a whole.
- There are several key issues not addressed by the Town's ordinances that, if included, would help to reduce the ecological impact of boating related activities. These include: regulating storage of floats on marshes in the offseason, requiring docks to be adequately elevated above the marsh to minimize ecological impacts of shading, and regulating storage of small craft on the marsh.

Figure 7. 2019 York Harbor & River Capacity Study River Study Areas



Source: GEL Consultants, Inc., York Harbor & River Capacity Study, 2019.

York River Wild & Scenic and York River Watershed Stewardship Plan (2018)

The *York River Watershed Stewardship Plan* was completed in 2018 and submitted for Congressional designation. If the pending bill introduced to the U.S. Senate in December 2020 to designate the York River as 'Wild and Scenic' is passed by Congress and signed by the President, the York River and its major tributaries would be designated into the National Wild and Scenic Rivers System. The *York River Watershed Stewardship Plan* that was completed in 2018 would serve as the "comprehensive management plan" required for all congressionally designated rivers and provide a framework and priorities for a Partnership



Wild and Scenic River (PWSR) designation implementation and long-term protection of the river's values and watershed resources. This status would provide an administrative structure and crucial funding needed to implement the stewardship plan, enable a watershed coordinated approach across the four-town area included in the plan, leverage additional technical and financial resources, engage key partners and citizens in river stewardship, and bolster ongoing initiatives to protect important watershed resources. Designation of the York River into the Wild and Scenic River System would not preclude maintenance dredging of the existing York Harbor Federal Navigation Project (FNP).⁴⁷

Cape Neddick River Watershed Management Plan (2014)

The Town completed a *Watershed Management Plan* for the Cape Neddick River which was approved by the Maine DEP in 2014 as an EPA nine element plan, with eligibility for state funding to help correct impairments.⁴⁸ The Town has continued efforts to improve water quality and conduct testing in coordination with the Cape Neddick River Association to identify and correct bacteria water quality impairments.⁴⁹

Mt Agamenticus to the Sea Initiative (MtA2C)

MtA2C is a coalition of ten organizations working together to conserve fields, wetlands, and marshes in a regional focus area that includes parts of Kittery, Eliot, York, Ogunquit, Wells, and South Berwick. Partners involved in the MtA2C initiative include the Great Works Regional Land Trust, Kittery Land Trust, Maine Coast Heritage Trust, Maine Department of Inland Fisheries and Wildlife, The Nature Conservancy – Maine Field Office, Trust for Public Land, US Fish and Wildlife Service/Rachel Carson National Wildlife Refuge, Wells National Estuarine Research Reserve, York Land Trust, and York Rivers Association. The initiative identifies six broad areas as conservation targets:

- Significant contiguous forestlands, unfragmented forested uplands, and freshwater wetlands
- Water quality and quantity, coastal and tidal communities
- Rare or sensitive habitat patches
- Early successional habitat, Blanding's turtles, vernal pools
- Working farms, forests and waterfronts, and traditional sustainable uses of the land and waterways
- Cultural landscape and historic structures, features, and viewsheds⁵⁰

⁴⁷ York River Study Committee, *York River Watershed Stewardship Plan*, 2018.

⁴⁸ Town of York, Stormwater Chapter for the *York Comprehensive Plan*, 2015.

⁴⁹ Town of York, Cape Neddick River, <https://www.yorkmaine.org/174/Cape-Neddick-River>

⁵⁰ Mt. Agamenticus to the Sea Conservation Initiative, *A Conservation Plan for the Mt. Agamenticus to the Sea Conservation Initiative*, 2005, <https://www.yorkmaine.org/DocumentCenter/View/356/Conservation-Plan-by-the-Mt-Agamenticus-to-the-Sea-Conservation-Initiative-PDF>



NOAA's Gulf of Maine Marine Debris Action Plan

The *Gulf of Maine Marine Debris Action Plan* is one of several initiatives being implemented in coastal regions across the country. The plan establishes a comprehensive framework for strategic action to ensure the Gulf of Maine and its coasts, people, and wildlife are free from the impacts of marine debris. This plan encompasses work that will be undertaken in the five years including 2019 – 2024.⁵¹

State of Maine Climate Action Plan: Maine Won't Wait

As part of the State of Maine's climate action planning and *Maine Won't Wait* plan, scientific researchers, like those from the Bigelow Laboratory for Ocean Sciences, and aquaculture businesses in Maine are now partnering to experiment with growing kelp alongside shellfish growing operations to naturally improve water quality and reduce local acidification.⁵² Acidification of marine waters is the result of global warming and resulting climate impacts.

What The Community Said

The summary of community feedback below represents the common themes heard during public meetings and events, as well as through other forms of outreach. When information is provided from the Fall 2021 Comprehensive Plan Community Survey⁵³ results, this is specifically noted with the percentage of respondents who replied in this way.

- When asked what the top priority is for planning the York River and Harbor in the community survey, top responses included protection of marine ecosystems (52%) and reduction of contamination and runoff from surrounding properties (50%). Approximately 30% of survey respondents viewed access for recreational users as the top priority and 25% viewed access for commercial fishermen as a top priority. Only 14% of survey respondents said the current use/restrictions of the York River and Harbor were adequate (1016 responses to this question).
- Survey respondents indicated that marine resources in York are some of the town's most vulnerable natural resources and should be prioritized for protection, including York's beaches and ocean (69%), the York River and Harbor (60%), and waterfront areas such as the Cliff Walk and Fisherman's Walk (60%) (1016 total responses to this question).

⁵¹ 2019 *Gulf of Maine Marine Debris Action Plan*, November 2019, https://marinedebris.noaa.gov/sites/default/files/publications-files/2019_Gulf_of_Maine_Marine_Debris_Action_Plan_508.pdf

⁵² Maine Climate Council, *Maine Won't Wait*, A Four-Year Plan for Climate Action, December 2020, https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf

⁵³ There were 1163 responses to the survey. Not every question had a 100% response rate; the total number of responses for a particular question is noted where applicable.



- Survey respondents reported that York's beaches and ocean are some of the recreational resources that they use most regularly (90.5%). Another 54% said the Cliff Walk and Fisherman's walk were used most regularly. The York River and Harbor (52%) and waterfront parks (40%) were also popular (864 total responses to this question).
- Approximately 67% of survey respondents said they would support the Town purchasing riverfront property to expand recreation access to the York River (1003 total responses to this question).
- York allows only recreational clam digging at this time. There has been some interest in allowing commercial clam digging or aquaculture in York.
- Capacity at York's marine resources is a major challenge, particularly in regard to parking and moorings. However, expansions to capacity could have negative impacts on safety and critical environmental resources (i.e., clam flats).
- Survey responses at the CompFest! Plan launch event reflected that York's rivers and beaches are some of the most-loved resources in town. Many residents expressed that these same resources are particularly vulnerable.
- Impacts of sea level rise on Town infrastructure are already being seen, with water levels reaching the Wiggly Bridge causeway much more frequently in recent years.

Key Takeaways

Balancing Uses

Planning for marine resources will require achieving a balance between uses that can often compete with one another. This balance includes ensuring sufficient access to the working waterfront for commercial fishermen, allowing public access for recreation, and protecting and growing valuable habitats and natural areas to maintain the environmental quality of York's coastline. Increased paddlecraft use and swimming have created safety challenges in the harbor. Demand for parking and moorings far exceeds existing supply. With high levels of use of York Harbor and the York River and impacts from runoff pollution, the Town has observed increased rates of sedimentation in the Harbor. The Town has observed increased recreational use of environmentally sensitive areas, such as clam flats, including those adjacent to the Strawberry Island launch site. Assuming that current trends continue, over the next ten years York's waterfront is likely to see increased pressure from recreational uses.

It will be important to continue implementation of recommendations in the York Harbor & River Capacity Study including evaluating and improving existing parking at access points.

Public Education & Awareness

Compliance with rules and regulations is important for minimizing negative environmental impacts and keeping York's waters safe. There are reports of boats exceeding headway speed,



users swimming from kayak launch sites, paddlecraft users navigating in all areas or operating without lifejacket, and towing of recreational devices. Some conflicts between recreational and commercial marine uses may be avoided by providing enhanced educational materials for recreational users, requiring rental facilities to give short instruction sessions to those renting watercraft, and posting clear signage at all access points with rules for small craft operators/users. Additional staff capacity during peak use times would also help ensure compliance with rules.

Instituting Demand Management Systems

Options to control access and also to support environmental protection efforts might be include demand management strategies, such as a pay to launch system for Strawberry Island, with York residents exempt from launching fees.

Increasing Recreational Capacity

Demand for recreational access far exceeds supply and recreational activities currently create conflicts in York Harbor. Most launching facilities direct users to York Harbor, where overcrowding has created safety concerns. There has been discussion about developing a paddlecraft launch and dock area (Town Dock 3) at an upriver site, such as Town-owned Grant House/Goodrich Park, to increase recreational access to the York River and direct use away from the harbor. The deed has restrictions in place for motorized vessels but specifically references creating a paddlecraft launch and/or dock at the site.

Other opportunities for improved access might be for the Town to purchase a waterfront property or acquire an easement to access waterfront property, or to require any future waterfront subdivisions or developments to set aside land for public access.

Demand for harbor access is limited by parking constraints and there is currently a years-long waiting list for moorings. Opportunities for additional parking access include expanding offsite parking with a shuttle to alleviate pressure for parking near the harbor. The Town of York Zoning Ordinance does not include standards for off-street parking for waterfront facilities. While standards vary by municipality, a range of one space per mooring/slip to one space per three moorings/slips is typical in Maine.⁵⁴ The Town might consider amending zoning to include parking requirements for waterfront facilities.

⁵⁴ GEI Consultants, Inc., *York Harbor & River Capacity Study*, 2019.



Assessing Regulations that Impact Dock Improvements or Additions

York's existing zoning regulations make it very difficult to construct new docks in the York River. The 2019 *York Harbor & River Capacity Study* identified some opportunities for dock regulations that the Town could consider to better control dock usage and mitigate negative impacts, perhaps allowing for loosened overall restrictions. These include considerations for:

- Offseason float storage – York's Harbor Ordinance currently does not include regulations related to offseason storage of floats.
- Storage of Paddlecraft and Dinghies – Town does not currently have regulations to address the storage of paddlecraft/dinghies/small vessels on the marsh or the intertidal area.
- Filing of float plans – Some communities require that as part of a dock application, the applicant file a float plan to document the proposed arrangement, size, and type of vessels that will use the dock. The Harbor Ordinance does not currently require that dock applications include a float plan. Float plan review would help the Town to better understand impacts of new docks on vessel traffic and navigation.
- Height of structure above marsh – York's Harbor Ordinance does not address the height of docks above the marsh substrate. Specifics about dock heights can help protect marsh area.
- Community docks – Community docks would allow for access for a group of property owners through a single larger structure that serves many users, which would reduce total number of docks installed and associated impacts.

Considering Commercial Shellfishing and Aquaculture

York allows only recreational shellfishing at this time. There has been some community interest in allowing commercial shellfishing and aquaculture. The Town may wish to evaluate feasible locations for this activity, and, if appropriate, develop a management plan to increase opportunities while mitigating negative impacts.



Adapting to Climate Change

Sea-level rise has the potential to increase floodplain areas and storm damages, and reduce public access to recreation areas on the waterfront. High Astronomical Tide (HAT) plus 1.6 feet of Sea Level Rise (SLR)/storm surge, which could happen by 2050 or earlier, will lead to inundation of 29% of York County's undeveloped sand dunes, 84% of its developed dunes, and reduce dry beach area by 42%.⁵⁵ With as little as 1.5 feet of SLR and storm surge, both the Town docks and the boat launch on Harris Island Road may be inaccessible, which would eliminate York's public harbor access points. Warming waters could have a devastating impact on the local lobster industry, and invasive species and increased threats for algal blooms threaten water quality. These trends will impact York's waterfront over the next ten years and beyond and preparing York's marine infrastructure for the impacts of climate change will be essential.⁵⁶

⁵⁵ State of Maine, *Assessing the Impacts Climate Change May Have on the State's Economy, Revenues, and Investment Decisions: Volume 2: Cost of Doing Nothing Analysis Final*
https://www.maine.gov/future/sites/maine.gov/future/files/inline-files/ERG_MCC_Vol2_CostOfDoingNothing_9.29.2020.pdf

⁵⁶ Information taken from the Town of York's 2021-22 climate planning work.