

Minutes
Herring River Restoration Committee (HRRC)
Cape Cod National Seashore Headquarters
Wellfleet, MA
May 14, 2014
9:30 am-5:00 pm

Members Present: Tim Smith, Steve Spear, Hillary Greenberg, Hunt Durey, Steve Block, Eric Derleth, and Charleen Greenhalgh (in the afternoon session)

Others Present: Margo Fenn, Martha Rheinhardt, John Portnoy, Alan Platt, Melanie Gange (by phone), Jill Gannon, Dave Smith, and Nils Wiberg (in the afternoon session)

Administration/Coordination:

Communications/Coordination with Friends of Herring River (FHR): John Portnoy provided an update on FHR activities, as follows:

-Grants & Contracts: There is no news yet on the National Fish and Wildlife Foundation (NFWF) grant or for the NOAA Grant Year 2 funding. Melanie Gange indicated that decisions of the Year 2 funding would likely be made in the next week or so. There is approximately \$44,000 unobligated in NOAA Year 1 funding. These funds could be used for cultural resource studies, potential legal work to prepare property owner release documents and/or legal review of FHR by-laws. Tim Smith reported that NPS archaeologist Jim Harmon is preparing a scope of work and cost estimate for needed cultural resource investigations.

John Portnoy noted that although there is no funding at the present time, it might be a good idea to engage a fundraising consultant to help develop a fundraising plan – with the project now taking shape and the environmental work nearing completion, it is now time to pursue funding sources for the coming years and build public and private support for the project. The Committee deferred discussion of this matter until a later date.

Martha Rheinhardt reported that the Louis Berger Group (LBG) had just submitted a proposal to provide wetland delineation and survey work for some additional low-lying private properties. The MA Division of Ecological Restoration (DER) agreed to provide up to \$25,000 to fund this work, but it must be completed by June 30, 2014.

Under a contract with FHR, the Louis Berger Group (LBG) and its subcontractor, Slade Associates is currently conducting a survey of two low-lying properties. Slade Associates is in contact with the property owners to confirm location of their well. Don Palladino met with Hillary Greenberg to discuss the impact of the newly adopted FEMA maps on this property.

FHR anticipates that there will be about \$8,000 available in the current DER Project Coordination grant that could be used to cover the costs of Fuss & O'Neill's participation in the May HRRC meetings and to complete the needed ice and wave analysis for the Chequessett Neck Road bridge design. Hunt Durey confirmed that DER funds could be used for this purpose.

Fuss & O'Neill's invoices should be included with the monthly FHR invoice to DER.

Corporate Wetlands Restoration Partnership Grant: Martha Rheinhardt reported that the WHG scope of work for Pole Dike hydrodynamic modeling work had been clarified. The cost estimate is slightly more than the \$20,000 provided in the grant, so other funds will be needed to supplement this grant.

MA Bays Program Grant: Stantec, the contractor selected to do a site survey and develop conceptual designs for the replacement of the culverts on the upper Herring River at Old King's Highway and Patience Brook conducted a site survey last week. The work is funded by a \$20k grant from MA Bays Program. Slade Associates will do a survey of the area. Hunt Durey noted that DEP's new regulations would be in place this summer and asked that Stantec take into account the new regulations in designing the culvert replacements.

Project Coordination: John Portnoy noted that FHR needs to secure a new funding source for project coordination for next year. Hunt Durey indicated that he has proposed funding for this purpose in the MA DER FY15 budget, but the funds might not be available right away. Melanie Gange said that it would be possible to use some Year 1 NOAA funds to cover project coordination costs until the DER funds become available.

FHR Board Term Limits: John Portnoy reported that the FHR Board voted to delete term limits from the FHR by-laws. The Board felt in view of the status of the project and the potential transformation of the mission of FHR that it would be inappropriate to lose continuity and experienced Board members at this time. A full review of the By-laws is expected later this year at which time the issues of Board composition, terms and size will be addressed. FHR has begun identifying skill sets needed and potential candidates.

Approval of Minutes: The Committee voted unanimously to approve the minutes of the April 9, 2014 HRRC meeting.

Schedule of Meetings: The Committee agreed to the following schedule for upcoming meetings:

May 20, 2014	MOU Working Group meeting
June 19, 2014	HRRC Regular Meeting
July 10, 2014	HRRC Regular Meeting
August 19 & 20, 2014	FHR Annual Meeting and HRRC Regular Meeting(s)

The Committee discussed when to schedule another Technical Working Group meeting and agreed that it would make sense to do so in the fall, when the Adaptive Management Plan is further along. The group agreed that it would make sense to have some consultations with key regulatory agencies once the Concern/Response Report for the FEIS/EIR is completed. These consultations should include:

- MA Department of Environmental Protection (DEP)
- MA Natural Heritage and Endangered Species Program (NHESP)
- MA Division of Marine Fisheries (DMF)

Cape Cod Commission
MA Environmental Policy Act Unit (MEPA)
US Army Corps of Engineers (USACE)
US Environmental Protection Agency (EPA)

Project Updates:

Low-lying Properties: The Committee discussed ongoing work funded by FHR and conducted by the Louis Berger Group and Slade Associates for two private properties. Meetings with these owners will be arranged when they are on-Cape. While both owners have provided verbal permission for LBG and Slade Associates to go on their properties to do the needed survey work, FHR should still seek to get written permission to access the sites.

The Committee reviewed several other properties that could be structurally affected by the Restoration Project and discussed how to contact the owners to get their permission to access the sites to do survey work and wetland delineation. The group agreed that it would make sense to have one person make the contacts with these owners and supervise the consultants' work. Martha Rheinhardt agreed to take on this responsibility.

Public Outreach-Project Update Brochure: FHR is preparing a brochure to update the public on the Restoration Project. Text has been drafted and a graphic designer will lay out the brochure. The estimate for design and printing (5000 copies) is \$3,500, not including mailing costs. There is \$3,000 remaining in a Coastal America Foundation grant that could be used for this purpose. FHR expects to have the brochures ready for mailing in late June.

Update on MOU III Development: The MOU Working Group met in April to review a revised draft MOU III. The Working Group requested some additional changes in the document to clarify ownership and management responsibilities for Project infrastructure. The Group will meet again on May 20, 2014 to review the latest version of the MOU. Eric Derleth suggested some possible changes and clarifications to the MOU. Margo Fenn requested that he put those suggestions in writing.

FEIS/EIR Concern/Response Report: Tim Smith distributed a draft of the Concern/Response report to the HRRC prior to the meeting. The Committee briefly discussed the draft report and agreed that it is well-crafted. Members asked for a little more time to review sections of interest. HRRC members agreed to review the draft Concern Response Report and provide any suggested changes and/or additions to the Report to Tim Smith and Margo Fenn by the end of May.

Permit Sequencing: Hunt Durey noted that the HRRC needs to develop a strategy and timetable for seeking necessary permits for the Restoration Project. He suggested that this issue be included in the June HRRC meeting agenda.

Adaptive Management Workshop: During the afternoon segment of the HRRC meeting, Dave Smith and Jill Gannon of the U.S. Geological Survey (USGS) led the Committee in a workshop session to begin development of a prototype Adaptive Management Plan for the Restoration Project. The group reviewed the elements of a structured decision-making process including:

- Defining the Problem
- Developing Fundamental and Means Objectives
- Developing Action Alternatives
- Evaluating the Consequences of Different Actions
- Determining Tradeoffs

Dave Smith reviewed both the ecosystem and the socio-economic objectives of the Project and noted that there are two kinds of decisions that will need to be made during the adaptive management process: Decisions about tide gate management and decisions about secondary management actions (such as vegetation management, stream channel modifications, secondary flood control structures, etc.). He stressed that management decisions will need to take into account both physical and ecological consequences as well as the values of the decision-makers (the Towns and the National Park Service). There will be both spatial and temporal variations in how the restoration process proceeds. Results of monitoring will drive the frequency and timing of management decisions. The prototype Adaptive Management Plan assumes that in the initial phase, tide gate management will begin at the new Chequessett Neck Road (CNR) bridge while secondary tide control structures (at Mill Creek and Pole Dike Creek) remain closed.

Dave Smith, Jill Gannon, Tim Smith and Eric Derleth developed several alternative tide gate management strategies for the HRRC to consider, including:

- Small, incremental openings of the CNR tide gates (the “Slow” strategy)
- Larger, more frequent tide gate openings at CNR (the “Fast” strategy)
- Opening and closing the CNR gates at different stages of the tides (the “Sediment Management” strategy)

A consequence table can be constructed to evaluate the comparative advantages of these different management strategies. The consequence table lists all of the ecological and socioeconomic objectives of the Project and outlines ways to model and measure progress towards those objectives. This is a tool to compare how well each of the gate management strategies meets the objectives. A table of this kind can also be weighted to reflect which objectives are more important, incorporating the values of the decision-makers.

The Committee discussed how the Project might be phased. Funding is uncertain and it might not be possible to complete all elements of the Project infrastructure at the same time. The group agreed that at a minimum, the CNR bridge and tide gates and the Mill Creek dike would need to be in place before the restoration process could begin. While it would be possible to focus on the lower basins first, a bigger package incorporating restoration of more substantial acreage might be more likely to be approved. There are also efficiency issues with staging the construction process.

The Committee discussed how to rank and weight the objectives and noted that it will be important for decision-makers to have a clearly defined set of assumptions to use in order for the evaluation process to be meaningful. Different stakeholders may have different priorities and these differences will need to be reconciled.

The Adaptive Management Workshop was continued to the afternoon of May 15, 2014.