

**Minutes**  
**Herring River Restoration Committee (HRRC)**  
**Cape Cod National Seashore Headquarters**  
**Wellfleet, MA**  
**December 3, 2015**  
**9:30 am-5:00 pm**

**Members Present:** Tim Smith, Eric Derleth, Steve Spear, Steve Block, Hunt Durey, Hillary Greenberg

**Others Present:** Margo Fenn, Don Palladino, Chris Rein, Helen Miranda Wilson, Martha Rheinhardt, Mark Husbands (by phone)

**Administration/Coordination**

**Communications with Friends of Herring River (FHR):** Chris Rein updated the Committee on FHR activities. FHR has hired an administrative assistant, who will start work in mid-December. FHR has become an associate member of the Compact of Cape Conservation Trusts. Through this membership, FHR can make use of the Compact's administration, payroll and group health benefit services.

Chris Rein noted that the Wellfleet Harbor Conference was a big success and generated a lot of interest in the Restoration Project. Rein and Don Palladino met with Sarah Fleming of Ducks Unlimited (DU) in November to inform her about the Project and engage DU's help in the upcoming construction fundraising effort. Don Palladino and John Portnoy participated in an interview on WCAI regarding the Restoration Project.

**Schedule:** The Committee agreed on the following schedule for upcoming meetings:

January 7, 2016	HRRC regular meeting
February 4, 2015	HRRC regular meeting

**Discussion and Updates:**

**FEIS/EIR Schedule and Next Steps:** Mark Husbands joined the meeting by phone. The group discussed the remaining list of tasks to complete the Final Environmental Impact Statement/Report (FEIS/EIR) including preparation of a wetlands statement of findings, Section 61 findings, and completion of the adaptive management appendix. The Committee reviewed a draft schedule of steps to prepare and publish the FEIS/EIR prepared by the Louis Berger Group (LBG). Margo Fenn noted that MEPA and Cape Cod Commission processes should be combined with the federal steps. Mark Husbands noted that the FEIS would also need review by the Department of Interior (DOI) Solicitor's office. HRRC members expressed interest in reviewing the adaptive management appendix.

## **Work Plan Updates**

**CBI Facilitation:** The group discussed a conceptual framework for permitting, funding, and implementation of the Preferred Alternative D, including mitigation work on the Chequessett Yacht and Country Club (CYCC) property. The group discussed the substance of a potential agreement with CYCC as well as the process for reaching agreement. The Consensus Building Institute is continuing to facilitate this process.

**Modeling and Monitoring Activities:** The Committee reviewed the status of several consultant contracts including sediment modeling, water quality monitoring, isotope modeling, groundwater analysis and the graphic user interface (GUI). Tim Smith outlined a possible allocation of grant funds for these purposes.

**Secondary Management Plan:** The Committee discussed the need for developing a forest inventory to aid in planning for secondary management activities such as vegetation clearing. Since much of the area to be managed is within Cape Cod National Seashore, the NPS fire management program would likely handle vegetation clearing within the park. Work on private land would have to be negotiated with landowners.

**Permitting:** The Committee also discussed proposals to prepare the Development of Regional Impact (DRI) application to the Cape Cod Commission (CCC). Further detail is needed regarding responsibilities and costs. Also FHR needs to consult the towns about representing the Project before the Cape Cod Commission.

ESS prepared a draft regulatory guidance document for HRRC and FHR to review. This will be finalized after ESS receives comments from the Committee. The deliverables for this contract include templates for other consultants to use in preparing permit narratives and plans. The Committee discussed when to engage the lead regulatory consultant, given uncertainties about Project phasing.

**High Toss Road:** ESS is investigating federal requirements for accessibility. Public meetings to review the proposed designs will likely be held in early February. The HRRC would like to have an interim review of the designs prior to any public presentations.

**Rare Species:** The final reports are complete for this year's rare species monitoring. Tim Smith agreed to set up a meeting between the consultants and the MA Natural Heritage and Endangered Species Program (NHESP) staff to review the results and discuss if additional work is needed for the coming season.

**Chequessett Neck Road (CNR) Bridge:** Engineering design work is continuing for the CNR bridge and tide gates.

**Mill Creek Dike:** Survey work is underway for the Mill Creek dike and access road. There was a concern about gunshots in the survey area several weeks ago, which stopped work for several days. After consulting the Wellfleet police and NPS rangers, it was

determined that it was likely hunters in the area, and the survey crew has resumed work.

**Low-lying Road Design:** The Committee discussed a new set of deliverables from the Louis Berger Group (LBG) related to right-of-way requirements, right-of-way acquisition and alternatives. Committee members had a number of questions about this most recent analysis and agreed that a conference call is needed to discuss it further.

FHR is about to approve a second contract with LBG to design other low-lying segments.

**Low-lying Properties:** Martha Rheinhardt reported on recent meetings with affected property owners. The Committee discussed what monitoring might be needed for these properties. FHR has approved a new contract with LBG to survey the remaining structurally affected properties and to do mitigation design for others.

**Cultural Resource Assessment:** FHR has contracted with the Public Archaeology Lab (PAL) to conduct site investigations in the Mill Creek basin. PAL is seeking permits to do this work and hopes to complete the test pits before winter.

**MOU III Update:** The MOU Working Group will meet again on December 18, 2015 to review revisions to the draft MOU III. Helen Miranda Wilson commented that the sequence of decision-making in the MOU needs to be clarified.

**Fundraising:** Hunt Durey noted that there would be new funding rounds for both the National Oceanic and Atmospheric Administration (NOAA) and the Massachusetts State Capital Fund, starting in January. It is important to show progress on existing grant activities in order to be eligible for further grant funding. This includes resolution of key low-lying property questions. Another joint meeting of town and NOI legal counsels might be needed to discuss this.

FHR has not begun any formal fundraising activities for the next phase of the Project, but is continuing to consult with The Nature Conservancy (TNC) and other interested organizations about a fundraising strategy. One idea has been to consider using the National Fish and Wildlife Foundation (NFWF) as a possible conduit for Project funding.

In order to seek funds for the next phase of the Project, HRRC and FHR need to develop a more detailed Project schedule and budget. This will be an agenda item for the January 7, 2016 HRRC meeting.

**Adaptive Management:** Eric Derleth, Tim Smith and Margo Fenn are continuing to work with the U.S. Geological Survey (USGS) team to advance development of the Adaptive Management Plan, using input from the November 2015 meetings with local officials, stakeholders and scientists.

