

Minutes
Herring River Restoration Committee (HRRC)
Cape Cod National Seashore Headquarters
Wellfleet, MA
May 12, 2016
9:30 am-5:00 pm

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

Others Present: Margo Fenn, Don Palladino, Martha Craig, Chris Rein, Helen Miranda Wilson

Administration/Coordination:

Communications/Coordination with Friends of Herring River (FHR): Don Palladino updated the Committee on recent FHR activities. FHR completed a series of seminars at the Wellfleet Public Library, which were well attended. In addition, FHR held a public informational meeting about the Restoration Project on April 14, 2016. There were two articles relating to the Restoration Project on the Wellfleet Annual Town Meeting warrant:

Article VI-4 (“To see if the Town will vote to instruct the Board of Selectmen to ensure continued access to Griffin Island over the Town road known as High Toss Bridge Road. Such access shall continue to be open to pedestrian, equine, bicycle and light vehicle and not impeded upon by barriers or tides, or do or act anything thereon”) was not approved.

Town Meeting voters did approve an article to authorize the Board of Selectmen to appoint two of its members to the Herring River Executive Council, as proposed in the draft MOU III.

The Committee discussed next steps for High Toss Road design. A vote is needed from the Wellfleet Board of Selectmen to select the preferred design option for High Toss Rd.

Don Palladino reported that FHR will provide a briefing for Pat Montanio, Director of the National Oceanic and Atmospheric Administration’s (NOAA’s) Office of Habitat Conservation on May 20, 2016. In addition, Congressman Keating will visit the FHR office on June 17, 2016 for an update on the Restoration Project.

The Committee also discussed potential plans for a public event in mid-July to celebrate the signing of the Record of Decision on the Final Environmental Impact Statement/Report (FEIS/EIR). This event needs to be coordinated with senior officials among the partner federal, state and local agencies.

Approval of Minutes: The Committee voted to approved the April 14, 2016 HRRC meeting.

Meeting Schedule: The Committee approved the following schedule for upcoming meetings:

June 9, 2016	HRRC regular meeting
July 7, 2016	HRRC regular meeting
August 10, 2016	HRRC regular meeting (proposed)

Herring River Adaptive Management (HRAM) Plan Update: Jill Gannon of the U.S. Geological Survey (USGS) joined the meeting by phone to give the Committee an update on development of a prototype Adaptive Management Plan. USGS has been working with representatives of HRRC to refine the measurable attributes for all the adaptive management objectives, including defining the temporal and spatial scale for each attribute. For each objective, the team has been outlining units of measure and the specific assumptions that would apply. Jill Gannon reviewed some examples of measurable attributes for different objectives, including hydro-period, surface water quality, public safety, and shellfish beds.

The Committee discussed how to make predictions for consequences. This will require both scientific models and expert judgement. The analysis will be broken down by sub-basin, and predictions will be made for different points in time over the course of the adaptive management process. The initial analysis looks only at the effects of incremental tide gate openings, but other secondary actions (such as vegetation and sediment management activities) can also be factored in. HRRC members noted that this is a very complex process, and stressed that the practicality of implementing it needs to be considered, as the HRAM Plan progresses.

Budget: Division of Ecological Restoration (DER) Contract Modifications: The Committee discussed a number of modifications to the FY16 DER grant budget. Chris Rein reported that he had consulted all of the engineering contractors and gotten updated estimates on work to be completed by the end of the fiscal year (June 30, 2016). FHR estimates that approximately \$978,000 in DER funds will be expended by the end of the year. Committee members noted that contractors must provide their deliverables prior to June 30th so that there will be time to review them for adequacy.

Final Environmental Impact Statement/Report (FEIS/EIR) Schedule and Next Steps: The FEIS/EIR will be filed with MEPA and the Cape Cod Commission in late May, with publication of its availability in the June 8, 2016 MA Environmental Monitor. Under this timetable, the Cape Cod Commission would hold a public hearing sometime in June, public comments would be due by July 8th and a MEPA Certificate would then be expected by July 15th. The federal Record of Decision (ROD) would be expected in that same time frame. Mark Husbands of the Environmental Quality Division (EQD) of the National Park Service (NPS) joined the meeting by phone. The Committee discussed the logistics of publishing and distributing the FEIS/EIR.

The Committee also discussed the creation of a new regulatory oversight group, as anticipated in MOU III.

Work Plan Updates:

Legal Issues: FHR and HRRC representatives interviewed three law firms and selected the firm of Anderson & Krieger to help develop legal agreements with low-lying private property owners.

Cultural Resources Assessment: Tim Smith reported that the Public Archaeology Lab (PAL) would provide its latest draft report in mid-May.

Low-lying Road Design: Outermost Land Survey is completing its survey of the road rights-of-way for Old County, Bound Brook and Pole Dike Roads. Louis Berger Group (LBG) will then complete the engineering plans for these road segments and contact any property owners who might be affected. Right-of-way easements may be needed in some locations. Survey work is continuing for other low-lying road segments. LBG will provide technical memoranda for both these efforts prior to the June 30th deadline. Helen Miranda Wilson suggested that there is a low-lying spot on Peace Valley Road that should be checked.

Mill Creek Dike Design: Fuss & O'Neill (F&O) will complete the 60% design plans for the Mill Creek dike prior to the June 30th deadline. F&O submitted two contract amendments to cover preparation of a technical memorandum regarding the dike alternatives and potential development of a trail layout. The Committee discussed these amendments and agreed that they are not needed at this time. Consultation with NPS and other interested parties is needed to decide about any recreational trail routes before doing any engineering design.

CBI Facilitation: The Consensus Building Institute is continuing to facilitate discussions between HRRC and the Chequessett Yacht and Country Club (CYCC). HRRC representatives met with CYCC officials on April 20th and May 10th to discuss a funding and implementation plan for raising the CYCC golf course, the adaptive management process, project permitting and other related issues. The Committee discussed the permitting approach for the Restoration Project and needed monitoring for adaptive management.

Adaptive Management Monitoring: Tim Smith reported that he had received a draft proposal from USGS regarding groundwater monitoring in Mill Creek. He suggested that it might make sense to phase this work, in consultation with NPS and FHR staff. There is the possibility of sharing equipment and monitoring responsibilities.

The Committee discussed again installation of a stream flow gauge in Pole Dike Creek. Prior to installing it, the culvert needs to be cleaned.

Low-lying Property (LLP) Survey and Engineering: Martha Craig reported that survey work continues for numerous properties. There are a few property owners who have not yet agreed to the survey work. The Committee discussed the process for reviewing the draft survey plans and follow up with landowners. FHR is updating the

LLP database to keep track of contacts with LLP owners.

Hydrodynamic Modeling: The Woods Hole Group (WHG) has submitted some of the data needed for the first phase of Graphic Users Interface (GUI I). There are still other contract deliverables outstanding.

Rare Species Monitoring: Oxbow Associates will begin the next round of box turtle monitoring in May. They will provide an interim report at the end of June.

Permitting: ESS is preparing a rough draft of the Cape Cod Commission (CCC) Development of Regional Impact (DRI) application. They have contracted with the law firm of Singer & Singer to assist in this process. They are interested in scheduling a pre-application meeting with the CCC.

Chequessett Neck Road (CNR) Dike and Tide Gates: The 75% design plans for the CNR bridge and tide gates are complete but F&O has not yet submitted the plans to FHR for review.

Fundraising: The Committee briefly discussed next steps for Project fundraising.

Documents Referred to in the Meeting:

-Minutes of the April 14, 2016 HRRC Meeting