

Minutes
Herring River Restoration Committee (HRRC)
Cape Cod National Seashore Headquarters
Wellfleet, MA
July 26, 2016
9:30 am-5:00 pm

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

Others Present: Margo Fenn, Don Palladino, Martha Craig, Helen Miranda Wilson, Sophie Ruehr

Administration/Coordination:

Communications and Coordination with Friends of Herring River (FHR): Don Palladino updated the Committee on FHR activities. He provided the Committee with copies of a new book “Tidal Water- A History of Wellfleet’s Herring River” recently published by Friends of Herring River. Several FHR Board members collaborated to research and write this history of the River. FHR will be meeting with members of the Wellfleet Non-Resident Taxpayers Association later this week. John Portnoy and others are also preparing a new fact sheet to address questions that have been raised about the Wellfleet landfill plume. The summer seminar series at the Wellfleet Public Library is continuing. The Wellfleet Board of Selectmen will also consider some Project related topics at its July 26th meeting including discontinuance of maintenance of the portion of High Toss Road crossing the Herring River floodplain, authorization for the Chair of the Board of Selectmen to sign the Memorandum of Understanding (MOU III) for the next phase of the Restoration Project, and legislation to enable a land swap between the National Park Service (NPS) and a private landowner in the lower Herring River basin.

Don Palladino also reported that FHR is working on scopes of work for two new grants in Fiscal Year 2017. The MA State Capital Fund will provide a grant of \$600,000 through the MA Division of Ecological Restoration (DER), and the National Oceanic and Atmospheric Administration (NOAA) has recommended \$700,000 in grant funds for FY17. These funds will be used primarily to advance Project design plans to the permit-ready level.

Minutes: The Committee voted to approve the minutes of the June 30, 2016 HRRC meeting.

Meeting Schedule: The Committee discussed proposed meeting dates for August and September. There are several special meetings that may be needed in the fall including meetings with the U.S. Geological Survey (USGS) Adaptive Management team, the Blue Carbon team from Restore America’s Estuaries (RAE) and Waquoit Bay National Estuarine Research Reserve (WBNERR), and a kick-off meeting for the new Regulatory

Oversight Group (ROG) established under the July 15, 2016 MEPA Certificate. The Committee discussed the idea of holding two-day sessions in September and October in order to coordinate scheduling of these special meetings. The following meeting schedule was proposed:

August 10, 2016	HRRC regular meeting
September 14-15, 2016	HRRC regular meeting plus possible Adaptive Management workshop
October 12-13, 2016	HRRC regular meeting plus possible Adaptive Management workshop and/or Blue Carbon workshop

Consultation with Anderson & Kreiger: FHR is working with the law firm of Anderson and Kreiger to develop a framework for agreements with private property owners. This work is ongoing.

Discussion and Updates:

FEIS/EIR Schedule and Next Steps: On July 15, 2016, the Massachusetts Secretary of Energy and Environmental Affairs approved a Certificate finding that the Final Environmental Impact Report for the Herring River Restoration Project adequately and properly complies with the Massachusetts Environmental Policy Act (MEPA). The MEPA Certificate completes the state environmental review process and enables the Project to apply for state permits. The Committee discussed the MEPA Certificate and the creation of the ROG to succeed the existing Technical Working Group (TWG). The group also discussed the timetable for the National Environmental Policy Act (NEPA) process, which will be complete when the NPS issues its Record of Decision (ROD). The ROD is expected later this summer.

Gary Joseph noted that some local residents do not understand that further permitting is still required. The HRRC and FHR will continue to provide public education to help the public better understand the process. The FHR Annual Meeting on August 16, 2016 is one opportunity to do so. Don Palladino also suggested that FHR host monthly Project updates starting in the fall so that residents can stay current with Project activities. Helen Miranda Wilson suggested scheduling a meeting with the Wellfleet Shellfish Committee as well.

Proposed FY17 Work Program: The Committee reviewed the scopes of work for each task in the upcoming year's work program, as follows:

Chequessett Neck Road (CNR) Bridge and Tide Gates: Fuss & O'Neill has submitted draft permit-level design drawings and the MA Department of Transportation (DOT) 75% Design Plans. Next steps are to submit the 75% Design Plans to DOT for review and finalize the permit drawings. The Committee discussed whether further public outreach is needed on the CNR design. The Wellfleet Department of Public Works has been reviewing the plans throughout the process. The Committee agreed that each task in the

FY17 work program should include funding for public outreach meetings, as needed.

The Committee discussed the timetable for completion of permit-level plans and agreed that the goal is to have these ready by March of 2017. Hunt Durey asked about how to coordinate this work with the lead regulatory consultant for the Project. FHR and HRRC are finalizing a Request for Proposals (RFP) for a regulatory consultant to oversee and coordinate the entire federal, state and local permitting process. It will be important to have this firm's input on the content of the permit-level design plans for different infrastructure elements.

Mill Creek (MC) Dike: The Committee confirmed that the location on NPS land is correct. The group discussed the idea of a recreational trail along the east side of the River, and options for crossing Mill Creek.

Hydrodynamic Modeling: The Committee discussed other modeling priorities and agreed that further analysis is needed for the graphic user interface.

Ecosystem Modeling: Tim Smith noted that he has conceptual scopes of work for the ecosystem modeling tasks, but additional consulting capacity might be needed to simultaneously work on the needed hydrodynamic and ecosystem modeling tasks.

Adaptive Management: USGS is seeking additional funding to continue its work on the Herring River Project beyond the end of the calendar year. Funding will be needed this year for travel costs, if the USGS team is to come to the Cape for the planned fall meetings. FHR has funds in the NOAA budget, which could be used for this purpose.

Rare Species: Oxbow Associates will submit its final report in December 2016. There might be enough funding available under this task for acquiring additional remote sensing data for vegetation mapping.

Permitting: The Committee discussed how to allocate activities under this task between the DER and NOAA grants and agreed that the earlier tasks should be included in the DER scope.

Low-lying Properties: Work is ongoing for surveys for numerous properties in UPDC. HRRC and FHR need to review the draft survey plans and then set up meetings with property owners to review them.

CBI Facilitation: The Consensus Building Institute (CBI) is continuing to facilitate discussions between HRRC and the Chequessett Yacht and Country Club (CYCC). HRRC representatives consulted with CYCC officials regarding funding and an implementation plan for raising the CYCC golf course, the adaptive management process, project permitting and other related issues. CYCC has reviewed a draft conceptual agreement prepared by CBI and plans to provide comments in writing. The July meeting with CYCC was postponed so a new meeting date is needed, probably in September.

Preconstruction Monitoring: A site visit with USGS is planned for MC on July 27th. Following that visit, USGS will prepare a groundwater monitoring proposal for this basin. Other possible items for this task could include maintaining existing water quality monitoring stations in the River and baseline monitoring for private wells.

Adaptive Management Update: Jill Gannon and Dave Smith of USGS joined the meeting by phone. Jill Gannon provided the HRRC with an update on the Adaptive Management Plan. She reviewed six hydrograph-based alternative policies for how the tide gates at CNR could be managed and described the process for evaluating these different policies. She presented a draft consequence table, showing predictions about how well each of the policies would meet the adaptive management objectives at different points in time. Tim Smith and Eric Derleth developed these predictions, using the WHG model, scientific literature and expert judgement. USGS is currently using this draft consequence table to conduct a sensitivity analysis to determine which of the measurable attributes would make a significant difference in adaptive management decision-making. The goal is to develop an overall consequence table to calculate overall performance of each alternative policy. The USGS provided a general outline for the AM Plan.

The HRRC discussed the timeline of AM Plan and permit submissions. Permit applications are targeted to be submitted in the Spring of 2017. With existing funding, the USGS team can produce a prototype process for tide gate management and prepare a final report. This would not include analysis of the effects of secondary actions. Jill Gannon suggested setting up some face-to-face meetings with the HRRC, permit regulators (the new ROG) and stakeholders in the fall. The Committee discussed some potential dates for these meetings in September and October. Hunt Durey noted that the AM process needs to be distilled into a form that regulators and other interested parties can understand.

Documents Referred to in the Meeting:

- Minutes of the 6/30/16 HRRC Meeting
- Certificate of the Secretary of Energy and Environmental Affairs on the Final Environmental Impact Report (Herring River Restoration Project) July 15, 2016