

Minutes
Herring River Restoration Committee (HRRC)
Cape Cod National Seashore Headquarters
Wellfleet, MA
January 13, 2015
9:00 am-5:00 pm

Members Present: Tim Smith, Steve Spear, Steve Block, Eric Derleth, Hunt Durey, Charleen Greenhalgh, Gary Joseph

Others Present: Margo Fenn, Martha Rheinhardt, Don Palladino

Administration/Coordination with Friends of Herring River (FHR): Don Palladino provided an update on FHR activities. He noted that the school program that FHR has developed for 5th graders is going well. FHR plans to engage an audit firm to prepare a financial review for 2014, and prepare for a 2015 audit. The FHR Board is developing a public outreach program for 2015 including publication of new fact sheets about the Restoration Project, quarterly newsletters, meetings with donors and outreach to specific interest groups.

The Committee discussed public outreach and how to encourage town officials to become more engaged in the Restoration Project. The group agreed that another meeting of the MOU III Working Group should be scheduled to update the group on consultations with legal advisors and review next steps. The group reviewed the issues discussed in the December legal consultation.

Gary Joseph noted that the HRRC should get back to property owners with information about the survey work that was done last year. Members agreed but noted that the Committee must agree on some policy guidance regarding low-lying property mitigation prior to meeting with property owners. Margo Fenn and Eric Derleth agreed to develop a draft list of policies regarding low-lying property mitigation for the Committee to review.

The Committee discussed having a subcommittee to work with Friends of Herring River on communication and outreach efforts.

Approval of Minutes: The Committee voted (with one abstention) to approve the minutes of the December 17, 2014 meeting minutes.

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

Thursday, February 5, 2015 HRRC regular meeting

Thursday, March 5, 2015 HRRC regular meeting

The group also discussed the schedule for upcoming public meetings for low-lying roads design and engineering, and agreed to try to coordinate these meeting dates with the February HRRC meeting, if possible.

Updates on 2015 Work Plan:

Chequessett Neck Road (CNR) bridge and tide gate design: Tim Smith reviewed a recent

budget proposal received from the engineering firm of Fuss & O'Neill for the next phase of design work for the CNR bridge and tide gates. Steve Block and Hunt Durey suggested that HRRC set up a pre-application meeting with the MA Department of Environmental Protection (DEP) during the design process so as to flag any concerns that they might have prior to finalizing the 75% design plans.

Mill Creek dike and tide gate design: Fuss & O'Neill has provided a cost estimate for the next phase of design work for the Mill Creek dike and tide gates. This effort will include options based on whether landowner approvals are gained for use of private lands.

High Toss Road: FHR selected the engineering firm of ESS to develop conceptual designs for removal of High Toss Road and provision of pedestrian access to Griffin Island. A kick-off meeting with the consultants is scheduled for January 14, 2015 and a public input meeting will be held in early February. The Committee discussed whether any additional hydrodynamic modeling might be needed to prepare conceptual plans for the High Toss crossing.

Cultural Resources: The Public Archaeology Lab (PAL) conducted a walkover of the Chequessett Yacht and Country Club (CYCC) upland property and the Mill Creek dike area on December 30, 2014. PAL is preparing a contract proposal to FHR to do Phase 1B investigations in these locations and in and around the CNR bridge. Field investigations would begin as soon as the necessary permits are approved by the Massachusetts Historical Commission (MHC) and the National Park Service (NPS). Tim Smith noted that the staging area for the CNR bridge could be located further east than originally planned, which would reduce the amount of grading and site disturbance required. PAL has not yet submitted the formal scope of work and cost estimate.

Low-lying Road Design: Louis Berger Group (LBG) was selected to prepare design plans to raise portions of Old County, Bound Brook and Pole Dike Roads. A kick-off meeting with LBG was held on December 18, 2014. There will be a public outreach meeting for this design effort held on February 4, 2015. The Committee discussed whether the design work should evaluate potential removal of a section of the former railroad right-of-way (ROW). There are sufficient funds in the budget to cover this additional work, but the HRRC needs to determine who owns/controls this section of the ROW.

Low-lying Property Survey and Engineering: The Committee discussed ongoing survey work and upcoming efforts. Martha Rheinhardt agreed to contact property owners to coordinate a joint survey of several adjoining properties. She will also contact the next group of owners about future survey work.

Rare Species Monitoring: Tim Smith and Eric Derleth prepared a draft Request for Proposals for FHR to use in seeking expert help to design monitoring protocols for rare species. They reviewed the draft RFP with MA Natural Heritage and Endangered Species (NHESP) staff. Tim Smith has contacted a potential entomology expert to do the research/monitoring for water willow stem borers. Other experts will be needed to conduct the ornithology (bird survey) and herpetology (turtle survey) work. It is important that this work begin this spring.

The Committee discussed other potential funding needs during FY 2015, including additional

low-lying road design, low-lying property survey and engineering work, legal consultations and public outreach. Don Palladino and Margo Fenn noted that some adjustments might be needed in the DER and NOAA budgets to reflect the actual costs of different tasks, including Project Coordination and Management. Don Palladino and Margo Fenn agreed to prepare a revised draft budget for 2015 for the Committee to review.

CBI Facilitation Update: HRRC representatives updated the Committee on facilitation discussions with the Chequessett Yacht and Country Club.

MOU III Update: The Working Group has not met since October. Margo Fenn agreed to schedule an upcoming meeting.

FEIS/EIR Update: Tim Smith is updating Chapter 4 of the DEIS/EIR to incorporate new information and analysis. Remaining tasks include final edits to the Concern/Response Report, completion of the Adaptive Management appendix, updates to Chapter 5 (including developing the Section 61 Findings). Once these tasks are complete, LBG will produce a redline draft of the FEIS/EIR for internal review. Steve Block reminded the group that NOAA's NEPA staff wish to see the internal draft before it is released for public review.

Herring River Adaptive Management Plan (HRAM) Update: The USGS Adaptive Management team (Dave Smith and Jill Gannon) are continuing to refine the adaptive management objectives to incorporate stakeholder concerns and develop performance measures for the objectives. Part of the HRAM effort will involve establishing a core science team to advise on modeling and monitoring efforts. The HRRC discussed the idea of setting up a stakeholder group prior to signing MOU III. FHR has been developing a list of groups and organizations that might have an interest in the Restoration Project.

Project Fundraising: HRRC members and FHR have been consulting with representatives of The Nature Conservancy (TNC) and other non-government organizations about developing a fundraising strategy for the Restoration Project. TNC developed a short fact sheet about the Project to use in this effort. Another call with this group is planned for late January.

One question that has arisen during these discussions is whether the Project should be implemented in phases to make the construction fundraising more manageable. The Committee discussed this issue and agreed that the initial phase of the Project would need to include, at a minimum, construction of the CNR bridge and tide gates and the Mill Creek dike and tide gates. Other work could be phased as the adaptive management process proceeds.