

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

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

Others Present: Margo Fenn, Martha Rheinhardt, Don Palladino, Patrick Field

Background Interview for Facilitation Process: Consensus Building Institute (CBI) Patrick Field of the Consensus Building Institute met with the Committee to discuss a proposed facilitation process between the HRRC and the Chequessett Yacht and Country Club (CYCC). The Committee discussed a number of issues related to reconstructing and flood-proofing the CYCC golf course and building the Mill Creek dike. CBI was scheduled to have a similar discussion with CYCC representatives that afternoon. After these meetings, CBI will prepare an initial assessment of the situation and provide a proposal for a more in-depth facilitation process between the parties.

Administration/Coordination:

Approval of Minutes: The Committee voted unanimously to approve the minutes of the September 18, 2014 meeting.

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

November 13, 2014	HRRC regular meeting
December 18, 2014	HRRC regular meeting

Communications/Coordination with Friends of Herring River (FHR): Don Palladino updated the Committee on FHR activities. He noted that he had provided a presentation on the Herring River Restoration Project prior to the October 6, 2014 Wellfleet Special Town Meeting and answered questions from the public about the proposed design for the Chequessett Neck Road bridge and tide gates. Palladino noted that FHR had received the Notice-to-Proceed from the MA Division of Ecological Restoration (DER) on a grant that will fund ongoing engineering and design activities.

The Massachusetts Environmental Trust's next (MET) grant round will be available this fall; pre-applications are due October 24, 2014. The Committee discussed seeking a grant to fund continued rare species monitoring, in consultation with the MA Natural Heritage and Endangered Species Program.

Public Outreach- EEA Press Conference: The Committee discussed plans for a press conference to announce MA DER grant funding to take place at the Chequessett Neck

Road dike at 11:00 am on Tuesday, October 14, 2014. Representatives of involved state and federal agencies, and key elected officials will speak at the press conference. FHR has notified the public about the event and will assist with set-up activities.

Herring River Adaptive Management (HRAM) Plan: Dave Smith and Jill Gannon of the United States Geological Survey (USGS) were on-Cape this week to assist the HRRC and the National Park Service with the development of the HRAM Plan. There was a meeting with representatives of different stakeholder groups on October 7th and meetings with Cape Cod National Seashore leadership and staff on October 8th. Smith and Gannon led the HRRC members in an exercise to help develop some of the action strategies for management of the Restoration Project tide gates and related secondary activities. The Committee members developed a series of alternative actions and strategies including:

- Maximizing water quality
- Maximizing sediment accretion in the HR floodplain
- Maximizing desirable vegetation change
- Minimizing the time and costs to reach a natural hydrograph
- Maximizing safe fish passage and healthy shellfish populations
- Maximizing recreational opportunities

For each of these strategies, the group outlined a combination of potential actions for tide gate management, vegetation management, sediment management, channel restoration, and wildlife/shellfish management to achieve the primary objectives of the strategy.

Next steps in the HRAM process will include consulting modeling experts about how to predict changes (i.e. model) and monitor the results of different actions. Tim Smith suggested that the modelers should be presented with at least two, very different strategies to evaluate.

Updates on Work Program for FY 2015:

-Chequessett Neck Road (CNR) Bridge and Tide Gate Design: MA DOT is reviewing the 25% design plans recently completed by Fuss & O'Neill. Tim Smith and Nils Wiberg met with DOT staff in September. DOT officials were interested in how the Project would be operated and managed. DOT review of the 25% design plans is expected to be completed by January 2015.

Fuss & O'Neill has provided a cost estimate to prepare 75% design plans, but the HRRC still needs to clarify what work is needed in order to submit regulatory permit applications.

-Professional Facilitation for Low-lying Properties: As noted above, FHR and HRRC representatives are conferring with officials at the Chequessett Yacht and Country Club (CYCC) and the Consensus Building Institute (CBI) to set up a process to address issues related to the raising low-lying portions of the CYCC golf course and construction of the Mill Creek dike. CBI will provide FHR with an initial assessment of the situation.

-Mill Creek Dike and Tide Gate Design: Since the Mill Creek dike would primarily be

constructed on National Park Service (NPS) property, NPS must review the proposed design options and decide what type of structure to design. Superintendent George Price needs to consult with NPS officials on this matter. Tim Smith noted that he had requested a planning-level cost estimate from Fuss & O'Neill for two different designs/locations for the dike.

-High Toss Road Removal: In September, the HRRC agreed to hire a consultant through a competitive bidding process to develop and evaluate design options and conceptual plans for improving the hydraulic crossing at High Toss Road and providing pedestrian access across the marsh to Griffin Island. At the MOU Working Group meeting on October 8, 2014, the Working Group discussed what actions might be needed at Wellfleet Town Meeting to discontinue the road. The Working Group recommended that the road discontinuance should not be presented to Town Meeting until it is certain that the Restoration Project will go forward. Harry Terkanian suggested that the HRRC seek public input early in the design process about what type of pedestrian access to consider.

-Low-lying Road Design/Pole Dike Creek Tide Gate Design: Martha Rheinhardt is preparing a Request for Proposals (RFP) for bids to develop permit level design plans for elevating and re-grading low-lying segments of Old County Road, Bound Brook Island Road, and Pole Dike Road, and for installing a culvert with tide control structure at Pole Dike Creek. The RFP will be issued on October 14, 2014, with proposals due November 6, 2014. The Committee discussed the process for reviewing and evaluating the proposals. Interviews will be planned for the week of November 20th.

Chequessett Yacht and Country Club (CYCC) Golf Course Mitigation Plans: Steve Spear contacted a golf course designer regarding what plans are needed to get to the permit-ready design level for elevation and re-grading of low-lying sections of the CYCC golf course. Initiation of this task is predicated on completion of successful agreement between CYCC and the project proponents, facilitated as described above, to reach a non-binding written agreement between CYCC and HRRC regarding impact mitigation measures for this property.

The Committee discussed how to develop a scope of work for the golf course design. The group agreed that FHR should develop a brief RFP to seek an experienced golf course designer/engineer to outline the necessary steps and costs entailed in preparing permit-ready plans for the golf-course reconstruction. The HRRC will make all existing plans available for bidders to review.

-Low-lying Property Survey and Mitigation Plans: The Committee discussed ongoing work to provide ground surveys, engineering and design studies, and plan development for impact prevention measures for affected private properties. Before meeting with property owners to review survey plans, the HRRC needs to review policy issues regarding what types of mitigation are appropriate in different situations. The Committee will have a webinar on October 29, 2014 from 1:00 to 3:00 pm to discuss this further.

-Permitting: After the MA Secretary of Energy and Environmental Affairs signs a MEPA Certificate on the Final Environmental Impact Report the Committee will need to prepare a Development of Regional Impact application to the Cape Cod Commission.

-Cultural Resource Assessments: Phase 1B investigations will be needed in identified areas of construction disturbance in and around the Chequessett Neck Road bridge and Mill Creek dike. The National Park Service (NPS) prepared a draft scope of work for the Phase 1B work and FHR is expecting a proposal from the Public Archaeology Lab (PAL) soon. Deliverables from this task will include an assessment report and, as applicable, modified engineering design plans reflecting cultural resource avoidance and minimization measures. Work cannot begin until the Programmatic Agreement between NPS and the MA Historical Commission is signed. Tim Smith noted that the Mashpee Wampanoag Tribe had requested to be consulted in this process.

-Rare Species Monitoring: The Committee discussed rare species monitoring in the Herring River estuary. FHR will recruit qualified wildlife biologists with backgrounds and training in ornithology (bird survey), herpetology (turtle survey), and entomology (stem borer moth survey) to do this work.

-Administration and Overhead: FHR will contract with a Senior Project Manager to oversee, review and approve technical work and deliverables, and contract with a Grant/Fiscal Manager to provide grant management and project administration. Other administrative costs include office lease expenses, equipment, supplies, and other operational expenses required to support implementation of the above-described tasks. Don Palladino reported that an office lease has been signed and FHR is in the process of furnishing the office. Draft job descriptions for the two new contract positions have been prepared. FHR also needs to develop a job description for an Executive Director.

Hydrodynamic Model Interface: Eric Derleth reported at the September HRRC meeting that the U.S. Fish and Wildlife Service (USFWS) might have up to \$25,000 available to use to develop an interface for use of the Woods Hole Group (WHG) hydrodynamic model. Tim Smith and Eric Derleth consulted Kirk Bosma of WHG about this and got an estimate for several possible phases of work. The first phase (\$40,000) would provide tabular data from existing model runs, the second phase (\$30,000) would provide graphic/geospatial data and the third phase (\$15,000) would allow for the ability to do new model runs. The Committee discussed this idea and agreed that it would be useful to undertake at least phase one of the proposed work, using a combination of USFWS and NOAA funding through the FHR.

The Committee discussed problems with timely delivery of work products from the WHG, especially as it relates to upcoming engineering and design work for low-lying roads.

MOU III Update: Margo Fenn reported that the MOU Working Group is still seeking to set up a joint meeting with the legal advisors from the towns and the National Park Service. She will work with all parties to set up a date for this session.

FEIS/EIR Issues: The Committee briefly discussed how to address issues raised at the September 17, 2014 Technical Working Group (TWG) meeting regarding the organization and content of the FEIS/EIR. Margo Fenn and Hunt Durey reported on a recent phone consultation with MEPA officials regarding how to address the impacts of secondary management actions. Hunt Durey suggested that the FEIS/EIR should provide some quantification of areas possibly affected by vegetation removal, dredging, and related secondary actions. While the actual extent of these activities will be determined through the adaptive management process, the FEIS/EIR should provide some estimate of the range of potential impacts.

Sea Level Rise/Modeling: Steve Spear again asserted that additional modeling should be done to further estimate the effects of extreme storm surges and sea level rise beyond those already analyzed. At the September meeting the group agreed that it might be useful to have a model run that evaluates these effects. Subsequently, Eric Derleth and Tim Smith discussed this with Kirk Bosma of the Woods Hole Group (WHG), who agreed to perform an additional run with an extreme storm surge forcing event with all adjustable tide gates wide open and the removable panels still in place. Woods Hole Group agreed to conduct this work at no additional charge.

After discussion, the Committee agreed to move forward with the FEIS/EIR using the SLR projections already incorporated into the narrative. The modeling sub-committee will discuss new output data when provided by WHG.

Documents Referred to in the meeting:

-Minutes of the 9/18/14 HRRC Meeting