**Minutes**

**Herring River Restoration Committee (HRRC)**

**Cape Cod National Seashore Headquarters**

**Wellfleet, MA**

**March 17, 2015**

**8:30 am-5:00 pm**

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

**Others Present:** Margo Fenn, Martha Rheinhardt, Don Palladino, John Portnoy, Dean Audet, Nils Wiberg, Mike Mitchell, Stu Harris

**Progress Meeting with Fuss & O’Neill: 75% Design for Chequessett Neck Road (CNR) Bridge and Tide Gates:** Nils Wiberg reviewed the agenda and purposes of the Progress Meeting, including:

-Response to MA Department of Transportation (DOT) Comments on the 25% design for the CNR bridge

-Review of construction staging area revisions

-Discussion of alternatives for public access and portage at the CNR bridge

-Schedule for a pre-permitting meeting with key regulatory agencies and a workshop for the public

-Next phase of design for CNR bridge (Permit-level design and 75% design)

-Next phase of design for Mill Creek Dike (Permit-level design and 60% design)

Wiberg reported that DOT had requested supplemental hydraulic, wave and scour analyses for the CNR bridge, as well as a supplemental geotechnical analysis of embankment stability where temporary sheeting is to be installed. Fuss & O’Neill has been working through these issues with DOT, recognizing that this is a town road. Tim Smith and Hunt Durey asked that Fuss & O’Neill provide written documentation of the final resolution of the issues raised in the DOT review.

Nils Wiberg reviewed several remaining design issues to be resolved including:

-ADA Fishing Railing

-Crash barriers

-Sidewalk ramps and crosswalk locations

-Design aesthetics

**ADA Fishing Railing:** In order to comply with guidelines for the Americans with Disabilities Act (ADA), Fuss & O’Neill had proposed to provide some lower sections of railings along limited portions of the fishing platform (34 inches in height instead of the standard 42 inches). The Committee discussed the tradeoffs about accessibility and safety with the different railing heights, and agreed that some area should be provided for wheelchair fishing access, adjacent to the handicapped parking space. Wellfleet Town officials should be consulted about this issue.

**Crash Barriers:** The crash barriers have been relocated and redesigned to provide CT-TL2 barriers along both sides of the road, which eliminates the need for another crash barrier between the walkway and fishing platform. The Committee discussed options for the fishing platform and agreed that no barrier would be needed but that it might be good to include benches in this area. In addition, Fuss & O’Neill noted that barriers along certain portions of bridge and harbor-side platform could be either a CT-TL2 barrier as currently shown or a pedestrian railing. Wellfleet Town officials should be consulted about this issue.

**Sidewalk Ramps:** The plans have been revised to keep the levels of the ADA wheelchair ramps, roadway and fishing platforms at consistent elevations, approximately 8 inches below the sidewalk elevations. This will allow a wheelchair user to proceed from either crosswalk within the roadway to either fishing platform without needing to go up or down a ramp.

**Design Aesthetics:** Nils Wiberg noted that the bridge surfaces could be designed to include aesthetic treatments that look like stone masonry, using textured forms when pouring the concrete (“formlining”). There are many issues and possible options to consider. The Committee noted that some type of textured surface with appropriate colors (brown/sand colored) might be desirable, but the group suggested again that this matter be discussed with Wellfleet town officials.

**Construction Staging Area:** Fuss & O’Neill will survey the area west of the CNR bridge where Duck Creek Road intersects Chequessett Neck Road. This work will enable the Project to define an appropriate area for construction staging. This area could later be developed into a small parking area for launching canoes and kayaks on the upstream side of the bridge. Plans would include a footpath from the parking area down to a landing area along the river.

**Public Access and Portage:** Nils Wiberg reviewed three possible options for providing canoe/kayak portage facilities at the west end of the bridge. Alternative 1 would include ADA compliant ramps along both sides of the embankment, immediately adjacent to the bridge abutment. This option has the largest footprint. Alternative 2 would provide a modified ramp with wide steps and landings. Alternative 3 would provide stairs on either side of the embankment with no landings. This option would have the smallest footprint, but it would be more difficult to use, requiring carrying a boat up a steeper incline. The Committee expressed a preference for Alternative 2, and noted that the portage design should be integrated with the path from the proposed new upstream parking area. Once again, this issue should also be reviewed with Wellfleet town officials.

Hillary Greenberg offered to work with Nils Wiberg to set up a meeting with key Wellfleet officials to review the design issues regarding the CNR bridge.

**Pre-permitting meeting with regulatory agencies:** The Committee discussed which agencies should be consulted regarding the CNR bridge design and agreed that it would be helpful to have a meeting with representatives of the Army Corps of Engineers (ACOE), MA Department of Environmental Protection (DEP), and the Wellfleet Conservation Commission. Margo Fenn noted that there would be a Technical Working Group (TWG) meeting at DEP offices in Lakeville on April 6, 2015. She suggested inviting the ACOE, DEP and Wellfleet Conservation Commission representatives to stay in the afternoon for a pre-permitting meeting with HRRC members and Fuss & O’Neill.

Nils Wiberg agreed to prepare a list of issues to cover in the pre-permitting meeting.

**Mill Creek Dike Design:** Nils Wiberg reported that Fuss & O’Neill is preparing a proposal for the next phase of design for the Mill Creek dike. This effort will include options for dike location and access based on whether landowner approvals are gained for use of private lands. The 60% design plans are expected to be completed by September 30, 2015.

**Updates on Work Plan for 2015:**

**High Toss Road:** Steve Spear reported that there had been some delays in preparing concept plans for providing improved tidal flow and pedestrian access at High Toss Road because of questions raised in the public meetings on this project. Hunt Durey said that Craig Woods of ESS would provide a draft evaluation matrix for review. The subcommittee working on this task will review the draft matrix and then ESS will complete it. The subcommittee will have a conference call to review alternatives and select a preferred alternative to recommend. HRRC members suggested that Wellfleet town officials be consulted about the alternatives before recommending a preferred one.

**Low-lying Road Design:** Martha Rheinhardt reported that the Louis Berger Group (LBG) would begin soil borings soon. LBG will evaluate the aesthetic and wetland impacts of providing different levels of freeboard (6” versus 12”) above the storm of record elevations for affected road segments. On April 15, 2015, the subcommittee for this task will meet with the Wellfleet Conservation Commission. A public meeting will be held that evening on the proposed roadwork. HRRC members need to be able to review and comment on draft plans before they are presented to the public on April 15th.

Tim Smith noted that the Cape Cod Commission (CCC) is working with the National Park Service (NPS) to map out potential routes for a bike path extension through Wellfleet and Truro. The HRRC and FHR should consult with NPS and CCC staff to coordinate planning for the bike path with Project plans to elevate sections of Pole Dike, Old County and Bound Brook Island Roads.

**Pole Dike Creek Hydrodynamic Modeling:** FHR recently received a Technical Memorandum from the Woods Hole Group, evaluating the following issues for Upper Pole Dike Creek:

-Determine the optimal size of the Pole Dike Road culvert to ensure the new opening would not restrict tidal flow under all conditions (including potential future conditions), as well as provide adequate head space for safety purposes.

-Evaluate the effects of potential tidal control measures at the Pole Dike Road crossing during low frequency storm surge events to determine the potential influence on water surface elevation conditions throughout the rest of the Herring River system. For example, if the Pole Dike Creek basin is made non-tidal, does removal of that storage volume result in an increase in water surface elevation throughout the rest of the system during a significant storm surge event.

-Evaluate the effects of potential rainfall events influence on the water surface elevation in the Pole Dike basin with tidal control active at Pole Dike Road. For example, during a rainfall event, would a closed off Pole Dike Road culvert (with a tide gate closed due to an elevated downstream head) result in flooding within the Pole Dike Creek basin.

The Committee briefly discussed whether the report provides adequate information about restoration impacts within Upper Pole Dike Creek. The group agreed to get comments on the draft Technical Memorandum and then determine what other information we might need for Upper Pole Dike Creek.

**CYCC Design:** ESS provided FHR with a draft proposal to refine plans for elevating the lower fairways of the Chequessett Yacht and Country Club (CYCC) golf course, in collaboration with three golf course design experts. Steve Spear consulted with CYCC representatives to review the proposal. ESS needs to refine the proposal to include specific deliverables and a timeline for each task.

**Low-lying Property (LLP) Survey and Engineering:** Slade Associates will begin survey work on a group of private properties in Upper Pole Dike Creek as soon as the snow cover is gone. The Committee discussed the status of discussions with some of the other affected property owners. Survey work will be needed for some other properties located on Bound Brook Island Road and Peace Valley Road. The HRRC and FHR also need to meet with owners of properties already surveyed to review the findings of that work.

Hunt Durey inquired about the status of the LLP database. Margo Fenn noted that the Zoho information about contacts with landowners is stored in spreadsheet format. Tim Smith offered to post the spreadsheet on the Google Drive site, so that others can add to it, as needed.

The group discussed getting a legal advisor to help draft agreements with LLP owners. Hunt Durey provided some sample information from a project in Salisbury, MA.

**Rare Species Monitoring:** FHR has contracted with two rare species experts to begin development of monitoring protocols for turtles and moths. A meeting is planned next week with the MA Natural Heritage and Endangered Species Program to coordinate this effort. A bird expert is still needed. FHR is seeking a Massachusetts Environmental Trust (MET) grant to continue this work. Martha Rheinhardt and Don Palladino will prepare and submit the grant proposal to the MET.

**Permitting:** FHR and HRRC developed a Request for Proposals for an environmental consultant to prepare a DRI application. The Committee discussed several potential firms to perform this work. Margo Fenn and Don Palladino agreed to finalize the RFP and send it to a list of potential consultants.

**Cultural Resources:** The Public Archaeology Lab (PAL) will begin Phase 1B field investigations as soon as the necessary permits are in place and the snow cover is gone.

**Administration:**

**Communications/Coordination with Friends of Herring River (FHR):** Don Palladino reported that the U.S. Fish and Wildlife Service (USFWS) had awarded FHR with a $25,000 grant to prepare a Graphic User Interface (GUI) for the hydrodynamic model. Additional funding ($14,785) from the (Year 2) NOAA grant will be needed to fully fund the WHG to develop the GUI. FHR will sign the grant agreement with USFWS. HRRC members and FHR agreed to review the WHG proposal for this task. Once the scope of work is approved, FHR will sign a contract with WHG.

Don Palladino also noted that FHR Board member Barbara Brennessel has written a children’s book that will be published soon and sold on Amazon.com. Proceeds from the sale will benefit FHR.

**Approval of Minutes:** The Committee voted to approve the minutes of the February 5, 2015 meeting.

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

April 6, 2015 TWG meeting, DEP Lakeville

April 15, 2015 Low-lying Road Design Public Meeting

April 16, 2015 HRRC regular meeting

May 18, 2015 HRRC regular meeting

The Committee agreed that the agenda of the TWG meeting should focus on review of the Concern Response Report for the Final EIS/EIR.

**Low-lying Property Mitigation Policies:** The Committee discussed some draft policies for both structural and non-structural impact mitigation for low-lying properties. Margo Fenn and Eric Derleth agreed to prepare a revised list of draft policies for further discussion and refinement. Hillary Greenberg offered to check to see if Americorps could assist with baseline well monitoring.

**FY 16 Grants and Budget:** The Committee discussed budget priorities and timelines for the coming year. The group also reviewed the likely timeframe for the regulatory permitting process and agreed that it would be preferable to begin preparation of permit applications as soon as possible.

The Committee also discussed the need for full staffing at FHR, including an Executive Director. Hunt Durey suggested that the search process for an Executive Director be expanded beyond simple advertisement of the position. Don Palladino, Margo Fenn, Hunt Durey and Steve Block agreed to work together to refine the FHR staffing proposal with job descriptions.

**Project Fundraising Strategy:** FHR and HRRC representatives are continuing to consult with The Nature Conservancy (TNC) and other non-government organizations (NGOs) about developing a fundraising strategy for the construction phase of the Restoration Project. A strategy meeting is planned for late May.

**Documents Referred to in the Meeting:**

-Minutes of the February 5, 2015 HRRC Meeting

-Woods Hole Group: Draft Technical Memorandum (3/6/15)