

Herring River Restoration Committee

21 January 2009

12:00 PM

CCNS Headquarters

Members Present: Carrie Phillips, Tim Smith, Charleen Greenhalgh, Steve Spear, Steve Block, Eric Derleth, Hillary Greenberg, Mark Adams

Regrets: Gary Joseph

Others present: John Portnoy, John Riehl, Maggie Geist & Margo Finn (APCC), John Sargent (ACOE)

I. Eve Schluter, Massachusetts Natural Heritage Program and Endangered Species Program

Schluter addressed the CYCC working group this morning and is willing to answer questions from the HRRC. Under MESA, habitat management exemptions can apply. A management plan would be submitted to NHESP and they would conduct a detailed review of such plan, active management and mitigations should be included in said plan. There must be a net benefit to species that are adversely affected. The active restoration could be considered as an exemption however upland associated projects such as relocating roads and a redesign of CYCC may not. NHESP prefers to actively work towards a resolution prior to paperwork being submitted as they have a 30 day timeline to issue a formal letter from submittal. Although NHESP can not issue a permit until the MEPA process is completed. Work being done on disturbed areas can be somewhat identified at this point and a map could be forwarded to NHESP to review. NHESP's main concern is rare species. Mitigations must be species by species. Adams inquired about creating maps of the study areas and submitting them to NHESP to begin sharing information and ideas. Schluter warned that they get new information all of the time and the new information will apply to this project because we have not begun any permitting activities. Schluter will put Adams in touch with Sara Haggerty of NHESP so they can begin sharing GIS maps. All potential impacts must be identified to NHESP. Smith inquired about decolon mitigations. NHESP can bring their invertebrate biologist to the table to discuss this issue. Research can count towards mitigation. Surveys will probably need to be conducted up front.

An overview of the CYCC discussions that occurred this morning were discussed. All were surprised about the most recent NHESP map, identifying eastern box turtle on the upland.

When a project comes in it is reviewed under MESA and WPA. They then review the application with the local Conservation Commission and / or the Planning Board if applicable. If two agencies lock heads they then have discussions with the opposing agency and the applicant and try to come to a

favorable resolution for both. TWG also will assist in making these decisions and compromises.

## II. Hydrodynamic Modeling

### A. Committee recommendation for next model run

Smith tried to get both suggested runs from WHG done for the cost of one. Both runs are being done currently. Removing the shoal with no anthropogenic alterations has been done. The bathymetry is being done below the dike next week to enhance the model and sediment transport. This is all being done under the Town of Wellfleet's contract. Another contract will be in place for an additional 2 runs, funded through CAF. WHG will provide a cost estimate for sediment transport studies and the process associated with this type of run. HRRC needs to get a copy of the animations along with the written report. A model run costs around \$3000.00. WHG should be present at the alternatives workshop to advise HRRC on what may or may not be possible. Comments to Tim by Friday on WHG modeling report.

## III. Low Lying Properties

### A. CYCC

Discussion with NHESP from the morning session was briefly reviewed. The Eastern Box Turtle resides on the upland of CYCC's parcel where the redesigned golf course was to be located. This proves very problematic as it is mapped habitat.

### B. Other Issues

Negotiations are ongoing with the Rosenberg's. The Feil's have filed a Jurisdictional Opinion with Wellfleet's Conservation Commission to remove and limb trees on their property.

## IV. EIS Timeline

### A. Lindsay's Matrix

Palladino and Phillips firmed up and revised the matrix. A revised matrix was handed out. Completion of EIS is slated for 2011. Two critical things to get moving on: Project Coordinator and hiring a contractor for the EIS. An overall scope of work has been requested of Berger.

### B. Plug in Dates

See matrix

### C. Work Plan for HRRC / Louis Berger Requested Scopes

An overall scope of work has been requested of Berger. Cost proposal for developing a statement of work from Berger was handed out and reviewed. Smith will request a timeline from Berger. Smith could get this contract signed and paid for with CZM money. Discussion ensued about what

additional information the scope of work will provide. Not only will we be getting a scope we will also get cost estimates to complete each task. Berger can provide project specific information that Lindsay can not. Smith will get a more detailed scope from Berger that will include a timeline, and then will email document back to HRRC. He would like feedback from HRRC prior to contracting with Berger. Discussions were had on cultural resources, Bill had recommended doing the 1B for the whole project but this could set back CYCC discussions for at least one year. It may be beneficial to contact MHC to discuss this option. A working group of NPS staff could be formed to advance this. Phillips and Adams will begin work on this along with Bill and Freddie.

#### D. Alternative Development / Workshop

Berger should be notified that HRRC would like a workshop for alternative development.

### V. Project Coordinator

#### A. Job Description

Block wondered whether the Park Service's restoration ecologist could serve as project coordinator. HRRC did not think this would work as we are a multi agency group and it is important to retain this. Smith identified 2 issues: focus on language of job description and the process of locating the individual or individuals to fill this post.

#### B. Hiring Process / cooperative agreement for services for HRRC

NRCS is not under requirement for competitive bidding to hire a project coordinator. NRCS would like to see that the product is what the HRRC had in mind. The product is completion and compliance with the EIS/ EIR documents and the scope of work. If HRRC chooses to release a RFR, that would go through CAF, as they are holding the money for NRCS. APCC should be considered for this role as they are a local organization with experience and expertise in this area. Qualifications would still need to be submitted for any and all applicants. Comments on RFR must be to Smith by Wednesday, January 28, 2009. Discussion ensued on possible applicants.

### VI. Army Corp Of Engineers

John Sargent ([john.c.sargent@usace.army.mil](mailto:john.c.sargent@usace.army.mil)) of the Army Corp of Engineer said the ACOE would like to be a cooperating agency in the restoration. Phillips will follow up with Lindsay on ACOE cooperating status. Phillips will send the cooperating agreement from NRCS to Derleth and Block.

#### A. East Harbor

Transferring the money to Herring River would not be the best use of the \$50,000.00. The money will stay in Truro and be used for a sediment study of East Harbor.

B. Decision

Joseph will invite Chris Adams (Delahunt's Assistant) to the next meeting.

VII. Friends Update

Palladino was not present to give an update.

VII. Minutes Approval

The meeting minutes were approved unanimously. Smith commented that Jack Whalen of CYCC would like the minutes emailed to him directly as he feels they are not posting in a timely fashion.

VIII. Next Meeting

19 February 2009, 12:00 pm