

Minutes of **Herring River Restoration Committee**

Wellfleet Senior Center

29 January 2008

Members attending: Gary Joseph, Chairman (Wellfleet), Eric Derleth (US FWS), Charleen Greenhalgh (Truro), Steve Spear (NRCS), Steve Block (NOAA), Tim Smith (MCZM-MWRP), John Portnoy (CCNS)

Others attending: Hillary Greenberg (Wellfleet Conservation Agent), Jack Whelan (Chequesset Yacht and Country Club), Carrie Phillips (CCNS), Linsay Gillham (NPS – Environmental Quality Division), Heather McElroy (Cape Cod Commission), Lisa Engler (Mass ACEC program).

The meeting was called to order at 1:45 PM.

Minutes of the 17 January meeting were accepted unanimously. Portnoy will send approved minutes to HR Technical Committee members and to Stakeholders Committee Chair Peter Watts.

Joseph summarized his 28 January meeting with the Wellfleet Conservation Trust regarding their continued support of the project. Trust President Denny O'Connell suggested that they may be able to pay for some of Mark Robinson's time in helping with lands issues, particularly in the Mill Creek sub-basin.

Smith summarized the committee's 28 January meeting with MEPA Director Deerin Babb-Brott and Assistant Director Richard Bourre. It was agreed that the project should be submitted for MEPA's Special Review Procedure (SRP), given project complexity, need for flexibility, and the conceptual plan for incremental restoration and adaptive management. It was further agreed that NEPA, MEPA and Cape Cod Commission compliance should be closely coordinated to save resources. Babb-Brott stated that MEPA would be committed to facilitating and supporting ecosystem restoration, while ensuring that the project met state environmental compliance. Phillips said that another major point from MEPA was that the EIR should serve as a "foundation" document to guide and accommodate adaptive management. MEPA will send a draft SRP to the HRRC for review and comment.

Gillham gave an overview of NEPA and the EIS process. The EIS and MEIR can be merged; we need to prepare only one document to satisfy both MEPA and NEPA. We should begin to prepare the Purpose and Need statement and list measurable objectives, in preparation for submitting the Notice of Intent (NOI) in the Federal Register. Both the federal draft EIS and the state draft EIR must indicate which of the listed alternatives is preferred by the lead and cooperating agencies (essentially the HRRC); the agencies must also indicate a preferred environmental alternative. The impacts of all alternatives must be identified. Regular public updates, via newsletter, public meetings, etc., are recommended throughout the process. Identify both short- and long-term impacts, being careful to use the same time frame and geographic scope for each impact topic, e.g. consistently consider the next 50 years of sea-level rise, and specifically on Cape Cod.

On the choice of a contractor to assist with ENF/EIS/EIR preparation, it was agreed that a selected contractor be tasked with producing only one or two EIS chapters, to test

competence prior to committing to contracting the entire project. Gillham will assist with contract scope. Block emphasized that good project management is critical to ensure good quality and consistency. He urged that we: 1) research whether projects supported with Coastal America funds need to be competed per federal standards; 2) develop an RFP for ENF, EIS and EIR; 3) interview and hire a consultant; and 4) submit the NOI and then ENF.

Gillham said that publication of the NOI could take up to four months, so public scoping for both the EIS and EIR should be delayed until about August 2008.

Smith stated that the Mass. Historical Commission could be consulted now, and will take up to 30 days to identify sensitive sites and potential problems.

Phillips emphasized the need to settle on a time line for the NOI, ENF, etc. at our next meeting.

Re continuing planning for the Mill Creek sub-basin, it was agreed that Mass CZM funding would be used for more study of the hydrologic impacts of diking this portion of the flood plain; we will also include Upper Pole Dike Creek in this study. Portnoy will seek help from NPS-Water Resources Division hydrologists on the design, scope and technical oversight of this project.

Re the proposed relocation of flood-prone fairways at the Chequesset Yacht and Country Club (CYCC), Derleth and Smith will draft a letter, for Chairman Joseph's signature, inviting various land-planning experts to meet soon to discuss options for funding this relocation. This letter will only go out after CYCC review.

Our next meeting is planned for 10 AM on 21 February at Seashore Headquarters.

The meeting was adjourned at 5 PM.

Respectfully submitted,

John Portnoy