

Herring River Restoration Committee
14 May 2009

LBG Contract for Phase 3 EIS/EIR: Data Source Review and Alternatives Development

The Committee reviewed the cost proposal prepared by LBG and was concerned about the estimated costs, especially for the Data Source Review. After a lengthy discussion, it was agreed that HRRC should prepare an annotated bibliography of all pertinent reports and materials for Berger to review. Maggie Geist offered to have APCC staff spearhead this effort, using:

- a. The Reference list from the Conceptual Restoration Plan (CRP, pp114 – 131)
- b. Materials on the Town of Wellfleet web site and
- c. A list of documents recently scanned by a NPS intern.

The goal is to eliminate duplication and create one list of documents that is cross-referenced to the twelve impact areas outlined in the draft Chapter 1 of the EIS/EIR.

In order to do this, APCC will need a Microsoft word version of the CRP (either Tim Smith or Carrie Phillips to provide this) and the NPS list of scanned documents (Carrie or Mark Adams to provide list). John Portnoy offered to provide his notes as well.

APCC will compile a draft annotated bibliography in the next few weeks and circulate it by email to HRRC members. HRRC members agreed to review the draft and make notes about any other documents that should be added. Members should also identify missing information needed for the EIS/EIR in their areas of expertise. The full HRRC will discuss the bibliography at its next meeting. After reviewing the draft, HRRC may wish to invite Craig Woods and Spence Smith of LBG to participate in that session. The goal of this effort is to streamline the Data Source Review process so as to reduce consultant costs. However, it will likely delay the timing of the Alternatives meeting.

Draft Scope of Work (SOW) for EIS/EIR Development

Tim Smith noted that he did not get comments from other HRRC members on the draft SOW prepared by LBG for the April meeting. He made a number of suggested changes in the draft and provided those to LBG. Berger will provide a revised version of the SOW by May 19, 2009. Tim will email the revised version to HRRC members. There will be an opportunity for a second revision before Berger provides cost estimates for the entire SOW. Hunt Durey commented that it would be helpful to compare the proposed costs to other similar projects. Carrie Phillips offered to ask NPS staff if there are some similar projects that we could look at for comparison. She also noted that the draft SOW needs to focus more on state, county and local compliance, not just NEPA.

Process for Reauthorizing Town (\$1.2 Million) Funds

Don Palladino reported on his meeting with Wellfleet town officials regarding the process for reauthorizing town funds for open space protection/mitigation for the Herring River Restoration. Because the original appropriation was tied to a specific plan (which is no longer feasible), the funds will have to be re-appropriated through a new town meeting article. This will require review and approval through the town's Community Preservation Act (CPA) Committee. The deadline for CPA applications is September 30, 2009. Town officials indicated that in order for a proposal to be competitive in that process, it must be tied to a specific plan. A new plan will require the agreement of the CYCC Board of Directors.

HRRC members agreed that the time frame is very tight to come up with some kind of agreement, especially during the Club's busiest season. However, David McGowan suggested the idea of crafting a Conservation Restriction (CR) for the entire property with a "floating" golf course design. This would enable the HRRC to submit a funding proposal for CPA consideration in the fall while allowing more time for negotiating a final design for the course and protected open space on the site. Any plan will require matching funds from other funding sources (state, federal, private?) but the goal is to retain the town's funding commitment while the EIS/EIR Alternatives are evaluated.

David McGowan offered to draft a simple CR for review. It was agreed that the HRRC golf course subcommittee should review the draft and meet with CYCC officials as soon as possible to make their Board aware of the time constraints and explore the "floating CR" concept. Margo Fenn will meanwhile find out about the application process for CPA funds.

Communication/Coordination with Friends of Herring River

Don Palladino provided a written report on Friends activities, noting that they have filed their incorporation papers with the state and are seeking 501c3 non-profit status. He noted that the Friends need to plan out their public outreach strategy in coordination with HRRC. It was agreed that a small joint communications committee would be useful to handle this. Margo Fenn and Tim Smith agreed to work with Don Palladino, Beth Chapman and John Portnoy (if he is willing) on a communications subcommittee. Don asked that Margo attend the next Friends meeting to discuss this further.

Low-lying Properties

Margo Fenn presented an inventory of low-lying structures compiled from information provided by Tim Smith and Mark Adams. Tim explained that the inventory was based on the historic floodplain elevation and included structures located below the 10' contour. The inventory does include any Truro properties. It was not clear whether there are no structures at those elevations in Truro-or whether that area had not been inventoried.

This needs to be checked and the methodology for compiling the information needs to be documented.

Hunt reiterated his concern that abutter issues could be “show-stoppers” and that we need to address these issues sooner rather than later. Tim noted that the first step is to review the modeling results and then refine the likely impacts on specific properties. Hunt noted that there are legal issues that may go beyond just impacts to structures. It was agreed that the analysis of low-lying properties needs to include not just structures but impacts to property access, changes in development potential, vegetation changes and aesthetic changes. HRRC may need to seek legal advice as to how to handle these issues.

CYCC Golf Course Update

LBG and Howard Mauer are still working on the golf course redesign. The geotechnical work is complete but the design work is not due to be finished until the end of June 2009. Eric Derleth asked to see the geo-tech results. Tim agreed to get available information from WHG and email it to HRRC members.

Draft Gantt Chart Work Program

Margo Fenn presented a rough draft Gantt chart for HRRC review. Tim Smith indicated that there are some software programs that would allow the work program to be integrated with other functions like document-sharing, flow-charts, budget-tracking and scheduling tools. It would require all members of HRRC to learn the system. Maggie Geist offered to have APCC staff investigate available resources for this and report back to the HRRC. It was noted that draft materials (like the rough draft Gantt chart) should be labeled as draft in order to keep the administrative record manageable. Both hard copies and email documents should be labeled as draft and final.

Coordination with the Technical Working Group (TWG)

Tim Smith reported that MEPA will convene the TWG whenever the HRRC is ready. He suggested that the likely time to do so is when the golf course plans and EIS/EIR Alternatives have been drafted (late summer/early fall). HRRC needs to give MEPA about a month’s notice prior to scheduling a TWG meeting. The first meeting will need to cover logistics and process issues as well. Hunt Durey noted that it will be critical to better define the adaptive management process so that the TWG and the agencies they represent can understand how it will work with their permitting processes. Carrie Phillips noted that it is part of LBG’s Scope of Work to do define the adaptive management approach.

APCC Project Coordination Invoice

The Committee discussed the process for handling consultant invoices through the Coastal America Foundation (CAF). It was agreed that invoices should be sent to the

whole HRRC, and that the HRRC member representing the funding agency for individual contracts should sign off on the invoice and notify the Coastal America Foundation (CAF) that it is OK to pay the bill. In the case of APCC, since NRCS is providing the funding, Steve Spear needs to review and approve the invoice. Tim agreed to contact Steve to let him know about the process. Members agreed that the first APCC report/invoice had adequate detail, but Eric Derleth noted that HRRC needs to keep track of expenditures and deliverables over time. Margo Fenn agreed to meet with Tim Smith and Carrie Phillips to put together a master spreadsheet to track funding and expenditures.

Matters for the Next Meeting

The June meeting was scheduled for Thursday, June 11 at 12 pm at Seashore Headquarters. The main agenda item will be review of the Data Sources bibliography compiled by APCC. Other agenda items will be added to address the ongoing issues outlined above.

Short-term To Do List:

APCC/Geist:

1. Prepare annotated bibliography of pertinent reports and materials cross-referenced to the twelve impact areas outlined in the draft Chapter 1 of the EIS/EIR.
2. Circulate bibliography to HRRC members for comment prior to June 11 meeting.
3. Research software programs for project tracking and document-sharing/report findings and recommendations to HRRC.

Smith:

1. Email revised LBG Scope of Work (SOW) to HRRC for review prior to 6/11 meeting
2. Circulate latest hydro info from WHG to HRRC.
3. Obtain results of geo-technical work on CYCC golf course from LBG and email to HRRC members.
4. Talk to Steve Spear on APCC invoice processing
5. Coordinate with Fenn/Phillips/Block to create master tracking system for funding and expenditures.
6. Participate in joint communications subcommittee with Fenn and Friends of Herring River.
7. Work with McGowan and Derleth to prepare draft "floating CR" concept and meet with CYCC officials to discuss.

Derleth:

1. Oversee additional hydro model runs with WHG.
2. Work with McGowan and Smith to prepare draft "floating CR" concept and meet with CYCC officials to discuss.

Phillips:

1. Provide list of NPS scanned documents to APCC for bibliography.

2. Investigate with NPS whether there are comparable projects for EIS Scope of Work.
3. Coordinate with Fenn/Smith/Block to create master tracking system for funding and expenditures.

Fenn:

1. Update draft Gantt chart.
2. Research Wellfleet CPA application process.
3. Participate in joint communications subcommittee with Smith and Friends of Herring River.
4. Coordinate with Smith/Phillips/Block to create master tracking system for funding and expenditures.

All HRRC Members:

1. Review draft bibliography, make notes about other documents that should be added, identify most important documents for LBG to review and note any missing information for EIS prior to June 11 meeting.
2. Review revised draft Scope of Work (SOW) from LBG.