

Herring River Restoration Committee
8/19/09 Meeting Minutes
CCNS Headquarters

Members Present: Gary Joseph, Tim Smith, Eric Derleth, Steve Block, Charleen Greenhalgh, Steve Spear, Carrie Phillips, Hillary Greenberg, Others Present: Margo Fenn, Maggie Geist, Lisa Engler, John Portnoy, Don Palladino

Informational Updates

I. Hydrodynamic Modeling: New Model Runs

Eric Derleth reported on the latest hydro model runs. A run is in progress that removes all tidal restrictions above High Toss Road and removes High Toss Road and the culvert below it. The second run replaces the High Toss Road Culvert and replaces it with a structure as wide as the river channel. Deliverables will be available for the September alternatives workshops. Kirk Bosma of the Woods Hole Group (WHG) will be available for the first day of the workshop.

II. Status of Town Open Space Funding

Don Palladino contacted key town officials including Rex Peterson, Marilyn Creary, and Peter Hall. A meeting was held with the above and the town officials confirmed that the 2005 land bank appropriation of 1.2 million dollars is no longer valid or available. The total funding for CPC is estimated to be around 500,000.00 per year and this includes a state match. Any new appropriation for the Herring River project would need to be tied to a land protection strategy. The next step is to meet with CYCC and the town to come up with a desirable strategy for the Town to vote on. It will not be possible to prepare an article for the 2010 annual town meeting but funding may still be available in future years. Public access will likely be a requirement of the CPC application.

III. CYCC Golf Course Redesign Proposals

A meeting was held with at CYCC to review routing plans from the Louis Berger Group (LBG). There was a bit of confusion at the meeting because members of CYCC Board contacted LBG and requested revisions to the routing plan. These revisions were not part of the existing Massachusetts Coastal Zone Management Program (CZM) contract with LBG. Staff from key state regulatory agencies including the Department of Environmental Protection (DEP) and the Natural Heritage and Endangered Species Program (NHESP) and the Cape Cod Commission were present at the meeting. CYCC is somewhat opposed to filling the existing holes (Plan C). DEP was concerned about the amount of fill in these low-lying areas as well as it could be an adverse impact to existing wetlands. Plan A was CYCC's preferred

plan with the modifications they supplied to LBG. The agencies requested more detailed plans so that they could accurately view the impacts and disturbance amounts. NHESP wanted specific information on why Plan C was not feasible. CYCC is in the process of drafting a letter to address this. In the future we may have to quantify the impacts of Plan A and Plan C. Plan B has been dismissed at this point. The Committee is hoping that we can come up with a plan that is amenable to CYCC, all regulatory agencies, and the Town of Wellfleet for open space purposes and CPC funding. HRRC will be looking for an MOU type of document with regulatory agencies and CYCC that could be included in the EIS / EIR/DRI. This is needed to explain how the golf course design and mitigation will be viewed in the context of the larger project.

IV. Low-lying Properties Working Group

The Committee met and discussed a number of approaches. Carrie Phillips prepared an outline of how to systematically identify and evaluate affected properties including determining potential effects to each property and developing/negotiating mitigations where appropriate. She noted that it is critical to document all methods, decision criteria, decisions, and outcomes in accordance with Administrative Record requirements.

A database should be created and kept by one individual. Methods and results should be captured in a cohesive report for inclusion in the EIS/ EIR. The working group may also need legal advice about how to handle properties affected by the restoration. Tim Smith talked to Mark Adams and they created a database of all such properties that touch the 10' contour line above MSL as identified by USGS. This should capture all potentially affected properties. Smith will put together a small scope with deliverables based on Phillips' outline of the meeting. All steps will be systematically documented.

V. Cost Estimate for Master Scope of Work: EIS/ EIR/ DRI

The cost estimate for the Master Scope of Work prepared by LBG was emailed to all committee members. The biggest item on the task list was the schematic design. There is a bit of variability associated with this task hence the large number. This cost estimate is for planning purposes only. There is currently enough money budgeted to cover approximately 1/3 of this Scope. The NPS has requested additional funds to complete this scope of work. Tim Smith noted that HRRC had requested the LBG prepare a comprehensive master scope and it is possible to remove tasks as we proceed forward.

VI. NRCS Watershed Plan: 2010 Funding

The Steering Committee of the Coastal Resource Committee met and discussed this funding. There are a number of projects that have been approved already, however there may be some additional money left over for the Herring River. The possibility

of getting 2009 money is very remote. 2010 money will come out of the Cape Cod Watershed project, assuming that it is funded. The U.S. Senate will not take this matter up until September.

Discussion Items:

I. Agenda for September 1 & 2, Alternatives Workshop

The Alternatives Workshop will be held at the Highland Center in Truro. The agenda was emailed to all committee members. Five days prior to the workshop an outline will be sent to all members. Discussion about alternatives and impacts took place. Fenn will email homework to all committee members.

II. Public Use / Circulation of Maps and other Data

A process should be established for circulation of draft materials. Maps must be complete with meta-data prior to release to the public and all other documents must be dated and marked as draft or final. Margo Fenn and Maggie Geist will come up with text and formatting for all documents. Mark Adams suggested developing an educational document with key facts and definitions to give to interested individuals. Eric Derleth commented that HRRC needs a process for changing draft reports to final reports.

Administration / Coordination:

I. Communications / Coordination with Friends of Herring River

Don Palladino reported that 45 individuals attended the public meeting at the Council on Aging sponsored by the Friends group. Selectman Dale Donovan offered support for the restoration. Town Manager Paul Sieloff was also present.

II. Contract Extension for APCC

APCC is willing to extend its current contract with HRRC and Coastal America Foundation (CAF) until the end of October. A longer-term proposal will be submitted to HRRC to use up the available administration money from NRCS. As of November 1st a new contract should be agreed upon with no milestones set. The range of services may change as the project moves forward. A unanimous vote was taken to continue the current contract.

III. Approval of 7/8/09 Minutes

The minutes of the July Meeting were approved with Charleen Greenhalgh abstaining. Discussion took place on meeting minutes and a process for corrections. Hillary Greenberg agreed to prepare draft minutes and circulate them by email to all members with a comment deadline. All members are to review and provide track-

changes to Greenberg by the deadline. Greenberg will incorporate changes. Margo Fenn will review as a whole and send final version out before next meeting.

IV. Next Meetings

The Committee agreed on two future meeting dates: 24 September 2009, 28 October 2009.