

Herring River Restoration Committee  
10 September 2008  
CCNS Headquarters

Members Attending: Carrie Phillips, John Portnoy, Eric Derleth, Mark Adams, Charleen Greenhalgh, Steve Spear, Tim Smith, Hillary Greenberg

Members Absent: Steve Block, Gary Joseph

#### I. August Scoping Recap

All members felt meeting went very well. Commentary that was received was good. CCC meeting was continued however we should expect that a few representatives will be present at the scoping meeting on 24 September 2008. A microphone and podium will be needed for the meeting on 24 September 2008. A discussion ensued regarding formats for the next scoping meeting. Members like the formal meeting style used for the scoping meeting in August. Joseph will give an overview and serve as moderator, Phillips will give an overview of NEPA/MEPA integration, Berger will give the project overview, then we will open the floor to comments. Phillips will contact Berger to see if there are any changes that they would like to make to the presentation or meeting style. HRRC will convene as a group at 6:00 PM at the Wellfleet Council on Aging.

#### II. Wellfleet Money

The Town meeting article will only allow for the Town to pay for ½ of the appraised acquisition rate. The article and funding is set to run out after 12/31/10. We will need to go back to town meeting to change where the funding is going to be used. Funding may be used for rehabilitation if applied for under the CPA through the CPC. Potential other ways to use the money could include: trying to proceed with buying CYCC lands or trying to match federal dollars for river rehabilitation and restoration. Portnoy will contact CPC to discuss options for funds.

#### III. CYCC

The Committee would like to move full speed ahead. Mark Robinson put together a proposed conservation restriction (cr) for the property. The club discussed cr's but Jack Whalen (CYCC member) could not discuss it today. A letter from the club was supposedly sent but neither Smith nor Derleth has received it as of today. A meeting was scheduled for 19 September 2008. Whalen expressed that the CYCC was amenable to conservation restrictions however no specifics were shared with the committee. Whalen will confirm a meeting date and agenda.

#### VI. NRCS Funds

Phillips has been in communication with NRCS on mechanics of funding. The intent is still there but there is a bit of confusion as to how NRCS would obligate the money. NRCS is looking into CAF to hold the money and enter into an agreement. NRCS also needs to show that another agency is also participating. NRCS would like NPS to write a letter requesting service from their agency. A scope of work has been used

in the past in lieu of said letter. Follow up is needed. Spear will talk with Carl Gustaffson (NRCS). Phillips could draft a letter for Price to sign if needed. Funding will go to developing a plan of work for the project and providing meeting facilitation. A concern may be that the funding would only be available for a project manager for one year. The intention was not necessarily to hire a project manager but to develop a plan of work and facilitate meeting.

#### VII. Friends of Herring River

Don Pallidino was present and presented the HRRC with a status report for the friends group. The mission of the Friends group is to promote the restoration and ongoing environmental vitality of the Herring River Estuary by: informing and educating, coordinating outreach activities, and support restoration objectives. Committee suggested to Pallidino that he add and successor committee following HRRC as that committee will end with MOU II and another committee will be formed. HRRC is quite pleased with the mission statement. The ad hoc group has contacted Bob Prescott (Audubon), Maggie Geist (APCC), Judy Parmelee (Friends of Cape Cos National Seashore) to seek advice on the formation of the friends group. HRRC and Friends must establish relationship, roles, and reporting between friends and HRRC. MA ACEC program gives out grants with some regularity. Smith will let you know if and when they become available. IFAW could be contacted as well. HRRC is so pleased with the work of this group, their progress has been tremendous.

#### IV. Low lying properties

The Phyle's have made contact with the Town through a friend and wish to renovate the dwelling on Rainbow Lane. This property does not have a certificate of noncondemnation.

#### V. Army Corp. of Engineers

The purpose of the meeting on 29 September 2008 was discussed. Selectmen, HRRC members, and Army Corp of Engineers would be present to share concerns and questions. The question of total project cost keeps coming up as the towns could be responsible for 35% of the costs. The towns could recommend to Delahunt's office that a better way to fund this project is a line item to the NPS. We need to know from Delahunt's office if it may be possible to fund this in another way other than through the ACE. The timeline obtained from the ACE was longer than the HRRC would like to see. The Towns could request that Delahunt's office obtain funding through other agencies until the EIS is published at such time the Town's would again entertain the idea of having the ACE involvement. We must find out from Joseph what his intention was for the meeting on 29 September. We also want the ACE to participate in the HRRC. We want to address this with Delahunt's office and inform him we are interested in having a civil works individual and not a permitting individual. Perhaps it would be possible to have Delahunt's office recommend an individual or aid in funding an ACE employee to sit on the HRRC. Non federal matches are a huge concern for this committee. We need to have an idea of what the overall cost of this project will be.

### VIII. Carli Bertrand Handout Offer

Joseph needs to flesh this out further. She may be a great resource to the Friends Group

IX. Minutes of July meeting were voted on and approved. Greenberg will email all minutes to Greenhalgh

### X. New Business

DEP SERO meeting will be on 2 October 2008. It is hopeful that process will be discussed. Smith will keep HRRC in the loop. At a Joint Processing (JP) meeting HRRC should inquire of the federal regulators when they would like to have a site visit. The question that still remains is how the HRRC approaches the regulatory issues associated with this project.

### XI. Cultural Compliance

William Burke and Freddie Dimmick are present. Burke spoke with Jonathan Patton, Staff Archeologist for the Commonwealth. Burke offered to bring staff and HRRC members to give a presentation to his office. He was also invited to attend any meetings of the Committee. Burke drafted a response MHC. He will send a copy of the MOU's, large locus map with park boundary, road crossings and culverts, and Conceptual Restoration Plan. They will need a scope of work (Phase 1A, area of potential effect) and that will go off the MHC for their review. Committee members are still considering how MHC views tidal inundation. The Phase 1A will need to be contracted out. State and federal permits will be needed to dig test pits on federal and state lands involved. Patton would like to review the project as a whole this includes the work that was already done on CYCC. Burke also met with the Wampanoag and briefly discussed the restoration project. The Wampanoag's expressed some concern over the undeveloped CYCC lands. Burke will look for more information from Patton on the CYCC report (Phase IA) done by Berger and inquire if it would be possible to conduct the Phase IB for the entire restoration project, not just CYCC. Concerns regarding golf course redesign and cultural resources were discussed at length. We currently do not know enough to make comfortable decisions. It may not be premature to begin to plan for the Phase IA and Phase IB assessments. The CCC also laid out a few items that could currently be done. NPS believes Section 106 and NEPA should be integrated. Scope of work for Phase IA should be started immediately by an archeological firm with Burke and Dimmick reviewing all work done by the consultant. Burke is willing to mediate Berger and MHC to find inconsistencies in the current Phase IA.

Phillips will contact Berger and get an itemized estimate for the complete EIS for the entire project this includes the Phase IA and the list of items from the CCC. It would also be nice to get a timeline from the Berger Group.

### XII. Next Meeting

22 October 2008 at CCNS