

Herring River Restoration Committee
October 22, 2008
Cape Cod National Seashore Headquarters
10:00 am

Members present: Carrie Phillips, Charleen Greenhalgh, Steve Spear, Gary Joseph, Tim Smith, Eric Derleth, Hillary Greenberg

Regrets: Steve Block, Mark Adams

Public present: John Riehl, Don Palladino

I. Scoping

The meetings are finished. Comments are very low, less than 15 written comments. The technical committee and the Conceptual Restoration Plan vetted many of the issues prior to the scoping meetings. The Committee is surprised that no shellfishermen were present. Stacy Justus's email was read to the group regarding the Cape Cod Commission's comments on the ENF to the MEPA office. Spear will attend a meeting to review the staff report from the Cape Cod Commission to MEPA on Thursday October 23, 2008 at the Cape Cod Commission office. Spear will ask the Cape Cod Commission to consider the restoration to be a project of regional benefit. Berger will prepare a report, due to the committee in December, for the HRRC with all comments from the scoping meeting. Phillips will again ask Berger for an estimate to prepare the rest of the Environmental Impact Statement. USDA may be able to aid the HRRC with a cultural resource review.

DEP SERO meeting- the permitting approach was reviewed. A meeting will be held on Monday October 27, 2008 at the MEPA office. Smith will bring Adams map to the meeting showing DEP regulated wetlands in the Herring River Floodplain. Regulatory agencies feel it may be better to work on the upland pieces of the floodplain prior to the restoration so those areas are non jurisdictional to regulatory agencies.

II. ACOE September 29, 2008 meeting

Meeting took place with Larry Oliver, Bill Hubbard, and Chris Adams. The purpose was to decide whether the Towns would ask the ACOE to do a feasibility study at a cost of \$300,000.00. ACOE would pay the first \$100,000.00 the rest would need to be a cost share with the towns. ACOE would need to do their own assessment of the restoration and could incorporate pieces of the CRP. Adams offered to try and find the Wellfleet and Truro's share of the money for ACOE involvement. Adams knows that the Wellfleet and Truro do not have the money for this match. The main advantage of the ACOE is funding, federal permitting, and management of project. The feasibility study will be completed no sooner than 2012. Derleth read a portion of Oliver's letter regarding participation in the 206 program. Greenhalgh and Palmer met with Mark Forrest and relayed the sentiment that Truro has no money to fund a restoration project but will fully support the Town of Wellfleet. Different scenarios

were discussed regarding options with ACOE involvement. Oliver will provide wording for letter to request ACOE support from the Towns of Wellfleet and Truro. Smith spoke of transferring money from the East Harbor project to the Herring River project to get immediate Corp. involvement. This could be possible because the East Harbor project still requires around \$100,000.00 non federal price match. The HRRC would then approach the congressional delegates and request an additional \$50,000.00 to re fund the East Harbor account. We would then consider both projects together as an outer cape restoration initiative. A meeting will take place, with Truro, CZM, CCNS, ACOE, and members of Delahunt's office to discuss East Harbor within the next two weeks. Smith will contact Adams and discuss East Harbor option. HRRC will write a letter to the ACOE by the January deadline.

III. EIS Process Update

IV. Low lying Properties update

A. CYCC

There is nothing new to report. No meetings took place since the last HRRC meeting. CYCC does not want to take part in discussions in an open meeting forum. HRRC members requested CYCC discussions be part of the HRRC committee general meetings. Conservation Restriction language was given to CYCC to contemplate. CYCC placed a proposed protected polygon on a map and was willing to only protect the existing golf course which has little to no conservation value and absolutely no development value. HRRC members offered to go to CYCC and have an open exchange on conservation restrictions. Perhaps the Wellfleet Conservation Trust could approach the CYCC Board and try and further explain the value of Conservation Restrictions. Phillips recommended drafting a paper of where we are to date with CYCC, monies spent, options discussed, potential golf course redevelopment, CR's, etc.. CYCC has a Board of Directors and three trustees, elected by the Board of Directors. The trustees have a fiduciary commitment to the club. The draft purpose and need statement for the EIS/EIR includes maintaining a playable 9-hole golf course. We may need to think of changing that objective to ensuring that with restoration, the CYCC will be no worse off than it would be under the "no project" alternative.

A meeting is necessary between the CYCC and the HRRC. We must establish who from CYCC we can meet with, with regularity and consistency. HRRC believes CYCC must be engaged and we must make progress and reach resolution. Joseph will attend the next Board of Trustees and / or Board of Directors meeting to broach these topics. HRRC must find out if CYCC is a restoration partner or a low lying property owner who we will not cause harm to.

B. Low lying Properties

How does the Committee want to handle low lying properties. We need to review the Truro abutters and make sure we have them all on the list. As part of the EIS we should identify the impacts to each property. All of this should be done before the

committee so we do not spin our wheels. This way all conversations will be documented. We have a list of structures that will be jeopardized but we do not have a list of all lots that will have vegetation changes. We should also look at changes in floodplain. We must be able to document all processes involved for NEPA compliance. The first step would be to list the range of effects: septic, wells, structures, FEMA floodplains, vegetation, regulatory changes and also come up with all of the affected properties. We already know that FEMA floodplain delineation will change.

V. NRCS

\$65,000.00 is in the hands of Coastal America Foundation. An MOU was signed between the Park Service and NRCS establishing cooperating partnership on the NEPA document. Money can be spent on planning for the NEPA process. A plan of work and meeting facilitation are items to consider under this funding.

VI. Wellfleet Monies

Land acquisition is the preferred option for the CPA committee. We will provide a list of other options to the committee. Greenberg will get the minutes from the CPA meeting that members attended. Deadlines from the CPC should be acquired now. Greenberg will inquire from CPC how to change the article and associated deadlines. CPC will get back to HRRC regarding other uses of money. It may still be possible to use the money for CYCC for fee acquisition or restrictions but we will have to return to town meeting.

VII. Friends of Herring River

Palladino was present. Friends of the seashore have donated start up money for friends of the Herring River. There was a presence of the Friends of the Herring River at the Wellfleet Oyster Fest. The friends group will officially launch at the Wellfleet State of the Harbor conference. A board is currently being established and they will seek out 501C3 status as soon as possible. Smith recommended that the Friends group seek out the Massachusetts Environmental Trust for start up funding and administrative funding. The friends are going to be looking for newsletter information at our next meeting.

VIII. Hydrodynamic Model

Existing conditions are completed. The first two runs are nearing completion. These include preexisting conditions a run with no structures, and backing into the smallest opening that would give full tidal flow (same as Harbor). Committee must decide on the next runs we would like seen. There is one run left on the existing contract. There are other monies available for additional runs that the HRRC would like to see. Derleth recommended looking at sediment transport. He had a preliminary discussion with Bosma of Woods Hole Group and suggested we discuss this further. WHG will come to the next HRRC and discuss the model runs. Phillips will ask at the lab for all data relative to sediment size. Smith will invite WHG and Charlie Roman to our next meeting.

IX. Approval of 22 September 2008 meeting minutes
Minutes were approved unanimously by the HRRC.

X. New Business

XI. Next Meeting
Woods Hole Group, Outcome of meeting with Truro (East Harbor)
November 19, 2008 10:00 AM