Agenda & Meeting Access Information
Herring River Executive Council (HREC)
Thursday, July 15, 2021, 3:00 pm
Virtual meeting via Zoom (information is provided below)

-AGENDA-

-Welcome and introductions

-Approval of minutes: April 15, 2021

-Herring River Restoration Project Updates
- Permitting
- Town lay out of High Toss Road
- Construction management planning
- Fundraising

-Presentation on tide gate management alternatives

-Updates on land transfer between Town of Wellfleet and Cape Cod National Seashore

-HREC member announcements

-Public comment (15 minutes) * *Any discussion of an issue not on the agenda that is raised in the public comment section shall be limited to whether that issue should be placed on a future agenda.*

-Next meeting dates and meeting format:
- Thursday, September 16, 2021, 3:00 pm
- Thursday, December 16, 2021, 3:00 pm

-Adjourn

Zoom Meeting Information
Topic: Herring River Executive Council
Time: Jul 15, 2021 03:00 PM Eastern Time (US and Canada)

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Meeting Minutes
Herring River Executive Council (HREC)
Thursday, April 15, 2020, 3:00 pm

Virtual meeting via Zoom

HREC members present: Janet Reinhart, Maria Broadbent, Brian Carlstrom, Geoff Sanders, Helen Miranda Wilson; Coordinator: Carole Ridley; Others present: Tim Smith, Christine Odiaga, Beth Chapman, Gail Ferguson, Laura Runkel, Moe Borocas, Lynne Southey

Welcome and introductions

Minutes
Helen Miranda Wilson made a motion to vote on the approval of the minutes of December 17, 2020, and Brian Carlstrom seconded the motion. The roll call vote was 5-0-0 in favor. Ms. Wilson then moved to approve the minutes of December 17, 2020. Janet Reinhart seconded the motion. The roll call vote was 5-0-0 in favor.

Herring River Restoration Project Update
Carole Ridley provided the following project updates.

Permitting Update:
The following permit applications have been submitted to Massachusetts Department of Environmental Protection:

- §401 Water Quality Certification – for dredge and fill activities in waters of the U.S. in the Commonwealth. Town of Wellfleet and Cape Cod National Seashore are joint applicants.
- M.G.L. Ch. 91 Waterways – for dredge and fill or structures in tidelands. Town is sole applicant on four license applications and co-applicant with CYCC on one application.

A 21-day public comment period on the §401 commenced with the publication of notices on April 7th. Public notices for M.G.L. Ch. 91 Waterways license applications will be distributed pending guidance from MassDEP.

Applications are available to the public at: https://www.wellfleet-ma.gov/home/news/herring-river-project

Geoffrey Sanders asked about the timeline for §401 Water Quality Certification. Ms. Ridley replied that pre-submission consultations helped to ensure that the application materials provided MassDEP with the information they need for review, and hopefully will avoid requests for information. Water Quality Certification is needed for submission of Notices of Intent to the Conservation Commissions, and the project team is targeting third quarter of 2021 for those submissions.

Based on consultations with US Army Corps of Engineers, the project will file for a §404 General Permit, rather than an Individual Permit. This approach is a result of the project's extensive ecological restoration benefits, which are consistent with one of the General Permit categories. This approach should streamline the US Army Corps' review process significantly. Submission of the General Permit application should occur within the coming weeks. The General Permit will also streamline Federal Consistency Review with the Massachusetts Coastal Zone Management. The Town has also applied to the US Coast Guard for Advanced Approval of the Chequessett Neck Road Bridge.

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Once Water Quality Certification is obtained, the Town and Cape Cod National Seashore can file Notices of Intent with the Wellfleet and Truro Conservation Commissions. The Notices of Intent also require the filing of additional documentation. As noted in previous meetings, the Technical Team is developing a habitat management plan in consultation with MA Natural Heritage and Endangered Species Program. In July, the Technical Team will share information to assist the HREC in making decisions about an initial Tide Gate Management Policy. Operations and Maintenance Plans for water crossings and culverts and for stormwater management measures have been developed in collaboration with design engineers and Wellfleet DPW.

Ms. Wilson requested that the HREC be provided with advice and recommendations from the Herring River Technical Team with respect to tide gate management, as required in MOU IV. Ms. Ridley explained that the intention is to provide the range of scenarios, and associated issues and implications that will allow the HREC to focus on key decision points and understand the implications of different decisions. This process worked successfully in presenting design options to the HREC for High Toss Road.

With respect to Operations and Maintenance Plans, these plans spell out the procedures and responsibilities for maintaining newly built structures. Budgets for ongoing operation and maintenance activities are being developed by the design engineers in consultation with Wellfleet DPW. The current drafts reflect the language of MOU IV that the Town and Cape Cod National Seashore are responsible for the operation and maintenance of the infrastructure they own, unless the parties mutually agree to hand these responsibilities another way. This draft language can be revisited by the Town and Cape Cod National Seashore before the plans are finalized.

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Construction Management:

Fuss and O'Neill has been hired to prepare a construction management assessment focused on:

1. Recommendations for organizing the bidding packages to select contractors for construction of multiple project elements,
2. Construction sequencing scenarios and timelines for multiple project elements, and
3. Options for structuring and coordinating construction management activities for different project elements.

This analysis will generate advisory input to Town of Wellfleet and Seashore to ensure that construction activities proceed efficiently and minimize any disruptions on local roadways.

Mr. Carlstrom commented that construction management assessment will provide useful information. However, he noted that construction management with respect to Mill Creek Water Control Structure will be directed by the National Park Service.

Lay out of High Toss Road:

The Town is proceeding with accepting the Town lay out of High Toss Road. This will allow the Town to proceed with work proposed for High Toss Road. It is also a requirement of some funding agencies. The lay out process is proscribed by Massachusetts General Law, and will include upcoming public meetings and a vote at the June 5th Town Meeting. Notice has been sent to the adjacent property owners to notify them of the process and upcoming meetings. Friends of Herring River has been in frequent contact with property owners who have been made aware of the proposed design plans. The design changes adopted by the HREC last summer, to limit the length of the road elevation and to maintain the elevation in the current road configuration, will result in fewer impacts to private properties.

Fundraising:
The project team is proceeding in exploring multiple federal funding opportunities emerging in connection with infrastructure legislation, additional appropriations to federal grants and programs, and transportation funding authorization. Rep. Sarah Peake, Sen. Julian Cyr, and Congressman William Keating and their staffs have been exceedingly helpful in pursuing these opportunities. Ms. Ridley also noted the formation of the Coalition to Restore Herring River. Members of the coalition include many local and regional organizations, as well as national groups such as Ducks Unlimited, Restore America's Estuaries, The Nature Conservancy and National Parks Conservation Association.

Mr. Carlstrom asked about the nature of the coalition and what they were asked to do. Ms. Ridley explained that a statement of purpose had been prepared for prospective members. For the most part members are asked to provide support letters or sign on to support statements, and share information about the project with their members. It is hoped that over time the coalition will become an information clearinghouse for restoration science.

Mr. Carlstrom asked if the Coalition statement could be share with the HREC.

Land Exchange Update:
The land exchange process is progressing and a June meeting of Mr. Carlstrom and the Wellfleet Selectboard is tentatively planned. This would be an opportunity to review and discuss options for the land exchange.

Mr. Carlstrom noted that progress continues to be made in this lengthy process.

HREC Member Announcements:

Ms. Wilson noted that any actions related to the land transfer that require Town Meeting action should be initiated soon, because planning for the warrant will be getting underway.

Mr. Carlstrom reiterated his appreciation to the team for making progress on permitting applications.

Ms. Reinhart expressed appreciation for the extensive progress reported in the meeting.

Mr. Sanders praised Friends of Herring River and the volunteer herring counters for their work and dedication. He expressed interest in the effects of restoration and culvert upgrades on herring migration.

Ms. Wilson confirmed that MOU IV requires the HREC to obtain advice and recommendations from the Technical Team in making decisions.

Public Comment
Bill Biewenga expressed appreciation to the entire project team for the progress on permitting and other matters.

Next Meeting Dates
The following meeting dates for 2021 were agreed upon in December 2020:

Thursday, July 15, 2021, 3:00 pm
Thursday, September 16, 2021, 3:00 pm

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Adjournment
The meeting adjourned at approximately 4 pm by unanimous consent.

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