

Agenda
Herring River Executive Council (HREC)
Thursday, April 16, 2020
Virtual meeting via Webex
(Webex access information is provided below)
3:00 pm

-Welcome and introductions

-Approval of minutes: January 16, 2020

-Administrative matters

-Herring River Restoration Project update

-Permitting update

-ROW land transfer

-Report from Chair of the Herring River Stakeholders Group

-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

Thursday, July 16, 2020, 3:00 pm

Thursday, September 17, 2020, 3:00 pm

Thursday, December 17, 2020, 3:00 pm

-Adjourn

[https://globalpage-](https://globalpage-prod.webex.com/join?url=https%3A%2F%2Fsignin.webex.com%2Fcollabs%2F%23%2Fmeetings%2Fjoinbynumber%3FTrackID%3D%26hbxref%3D%26goid%3Dattend-meeting&language=en_US)

[prod.webex.com/join?url=https%3A%2F%2Fsignin.webex.com%2Fcollabs%2F%23%2Fmeetings%2Fjoinbynumber%3FTrackID%3D%26hbxref%3D%26goid%3Dattend-meeting&language=en_US](https://globalpage-prod.webex.com/join?url=https%3A%2F%2Fsignin.webex.com%2Fcollabs%2F%23%2Fmeetings%2Fjoinbynumber%3FTrackID%3D%26hbxref%3D%26goid%3Dattend-meeting&language=en_US)

Join the meeting at <https://webex.com> and go to “Join” at the top of the Webex home page

Meeting number (access code): 291 870 034

Meeting password: 3s66HEeMGPd (37664336 from phones and video systems)

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Tap to call in from a mobile device (attendees only)

[+1-408-418-9388](tel:+14084189388) United States Toll

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[Global call-in numbers](#)

Join from a video system or application

Dial [291870034](tel:291870034)@meetingsamer.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial [291870034](tel:291870034).meetingsamer@ync.webex.com

Draft Minutes
Herring River Executive Council (HREC)
Thursday, January 16, 2020, 3:00 pm
Wellfleet Council on Aging
715 Old Kings Highway
Wellfleet, MA

Attending: HREC members: Geoffrey Sanders, Brian Carlstrom, Janet Reinhart, Helen Wilson, Dan Hoort; Coordinator: Carole Ridley; Attending: Martha Craig, Mary Ann Bragg, Denise Coffey, David Smith, Karen LaRocque, Tim Smith, Bill Biewenga, Dave Koonce; Moe Boracas, Gary Joseph, Ginie Page, Beth Chapman, Gayle Ferguson

The meeting opened at 3:00 pm with introductions of the HREC and others present.

Approval of minutes: Helen Wilson offered two amendments to the draft minutes of October 24, 2019. On page 2, top bullet, replace the word "source" with the phrase "possible cause" and end the sentence with a period, followed by the following: "The state has designated the structure as a "point source" of bacterial contamination. John Portnoy agreed." On page 5, third paragraph above public comment, strike the second sentence in the paragraph and replace it with the following: "Wilson noted that Phase 1 included two phases; a construction phase during which contractors are bonded and insured, and an implementation phase during which adaptive management is to be implemented as permitted to protect against potential adverse impacts. John Portnoy agreed." Dan Hoort moved to accept the minutes as amended. Geoff Sanders offered a second to the motion and the vote was 5-0-0 in favor.

-Administrative matters

Revised HREC operating procedures were noted as being in the HREC members' meeting packet for informational purposes. These were amended on October 24, 2019.

The agenda item regarding revisions to the HRSG charge based on the October 24, 2019 discussion was deferred until later in the agenda.

Video-taping of meetings was discussed. Helen Wilson expressed the importance of video-taping as a way for citizens to remain engaged and informed about the project. Janet Reinhart noted that citizens seem to like the video-taping of meetings and it does not impose a cost burden on the Town. Brian concurred that it is another opportunity for public engagement. By consensus the HREC agreed to the video taping of future meetings, pending availability of the Town's media staff.

-Herring River Restoration Project update

Carole Ridley provided a brief PowerPoint presentation (attached) on the DRI application to Cape Cod Commission and next steps.

-Report from Chair of the Herring River Stakeholders Group

Bill Biewenga provided an update on recent stakeholder group activities. The group met on November 6, 2019. The meeting focused on shellfish resources and included presentations by John Portnoy, Martha Craig and Nancy Civeta. Carole Ridley provided a project update and Tim Smith provided information about adaptive management. The conversation was largely positive about the benefits of the restoration for shellfish resources. There was discussion about the formation of a shellfish working group to participate in the Adaptive Management process.

Helen Wilson reported that at a recent Shellfish Advisory Board meeting, the discussion of a working group was discussed. The Shellfish Advisory Board felt that it would be better to have the entire Shellfish Advisory Board function as the work group, so that information could be shared on a regular basis in a public forum. Ms. Wilson also noted that the Shellfish Advisory Board has provided a list of issues to FHR Board member Barbara Brennessel. The list of issues represented topics related to the project that were raised at a recent meeting and that the Shellfish Advisory Board would like to discuss responses to these topics at a future meeting.

In response to the HREC's request for a Vice Chair of the Stakeholder Group, Bill identified Moe Barocas as a Vice Chair. Moe serves on the HRSG as one of the two commercial representatives and is an active and engaged member.

Bill also presented a slate of members for re-appointment (attached). In order to stagger stakeholder group terms, the appointments are for a mix of one- and two-year terms. The terms reflect the members' preferences, if given. Going forward, all re-appointments or appointments would be for a two-year term.

Revisions to the HRSG charge that were discussed on October 24th were also reviewed. In addition, Carole noted that the charge sets a limit of three consecutive two-year terms, which does not account the introduction of the transitional one-year terms.

The HREC made the following decisions by consensus:

- To appoint Moe Barocas as Vice Chair of the Herring River Stakeholder Group
- To re-appoint the slate of stakeholders as presented as of January 16, 2020. One-year terms would expire January 16, 2021, and two-year terms would expire January 16, 2022.
- To strike the term limitation in the stakeholder group charge, and otherwise affirm the changes that reflect the October 24th discussion.

Dan Hoort noted that re-appointment of stakeholder group member terms should occur in the last (December) meeting of each year.

-Public comment

Beth Chapman, President of the Friends of Herring River, announced a robust series of public programs:

January 19th – Barbara Brennessel program on Wellfleet's shellfish history (Library)

February – John Cumbler program on early colonial history (Library)
March – Informational program on river herring (Library)
April – Andrew Gottlieb, APCC, program on State of our Waters (Bookstore restaurant)

Beth Chapman also announced that the Friends would be asking the Select Board to appoint May as Herring River month. This designation would kick off a month of public events.

-HREC member announcements

Brian Carlstrom announced that the National Park Service and Cape Cod National Seashore are continuing to make forward progress with the Mill Creek Water Control Structure portion of the project.

The meeting was adjourned at 4:00 pm.

Upcoming HREC meetings:

Thursday, April 16, 2020, 3:00 pm
Thursday, July 16, 2020, 3:00 pm
Thursday, September 17, 2020, 3:00 pm
Thursday, December 17, 2020, 3:00 pm

Herring River Executive Council

Thursday, April 16, 2020

Virtual meeting via Webex

HREC Agenda

April 16, 2020

1. Welcome and Introductions
2. Approval of Minutes: January 16, 2020
3. Administrative Matters
4. Herring River Project Update
 - A. Permitting
 - B. Right of Way land transfer
5. Report from HRSG Chair
6. Member Announcements
7. Public Comment
8. Next Meeting Dates
9. Adjournment

4. Herring River Project Update

A. Permitting

- 1) Cape Cod Commission Development of Regional Impact Review
 - i. 3/9 Public Hearing Continued to 4/30 (virtual)
 - ii. Supplemental filing
 - iii. Extension agreement to July 2020
- 2) Section 401/404, C. 91 and MCZM Consistency Review (July Meeting)

4. Herring River Project Update

B. Right of Way Land Transfers for Low Roads

- 1) Elevation and increased slope of low road segments encroaches on NPS land
 - i. Encroachment from town roads elevation extends ≈ 2 non-contiguous miles ≈ 2 ac of encroachment
 - ii. Add'l encroachment from High Toss Rd elevation - TBD
 - iii. Road design minimizes encroachment on private land; maintains $\approx 3:1$ slope for wildlife

4. Herring River Project Update

B. Right of Way Land Transfer for Low Roads

- 2) NPS unable to grant ROW permit for transportation—requires land swap
- 3) Steps (apply to town and NPS parcels)
 - i. Finalize encroachment areas & identify town parcels
 - ii. Legal description of parcels with metes & bounds
 - iii. Appraisal of parcels
 - iv. Execute/transfer
- 4) Request: Set-up Town – NPS work group to discuss details, identify resources and actions needed

5. Report from HRSBG Chair

6. Member Announcements

7. 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.*

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9. Adjourn