

Minutes
Herring River Executive Council (HREC)
Wednesday, May 16, 2018
Truro Community Center
North Truro, MA

Members Present: Helen Miranda Wilson, Janet Reinhart, Dan Hoort, Rae Ann Palmer, Brian Carlstrom, Maureen Burgess (sitting in on behalf of the Truro Selectmen)

Members of Herring River Stakeholders Group (HRSG) Present: Bill Biewenga, Barbara Cary, Al Kraft, Mark Wisotzky, Jake Ketchum, Paul Faxon, Laura Runkel, Fred Gaechter, Zach Dixon, Mark Borrelli, Bob Prescott

Others Present: Margo Fenn, Patrick Field, Kathy Tevyaw, Tim Smith, Martha Craig, Christine Odiaga, Carole Ridley, Steve Spear, Steve Oliver, Karen Larocque, Sylvia Smith, Gail Ferguson, Pat Barry, Beth Chapman

Welcome and Introductions: Members of the HREC and other meeting participants introduced themselves.

Approval of Minutes: By consensus, the HREC members approved the minutes of the September 25, 2017 meeting.

Herring River Stakeholder Group Start-up: By consensus, the HREC members approved two new appointments to the HRSG: Jake Ketchum will represent the Chequessett Yacht and Country Club (CYCC) and Zach Dixon will represent the Wellfleet Shellfish Advisory Board (SAB).

Dan Hoort recommended Bill Biewenga to serve as Chair of the HRSG. Mr. Biewenga introduced himself to the group. By consensus, the HREC approved the appointment of Bill Biewenga as Chair of the HRSG.

Margo Fenn introduced Pat Field from the Consensus Building Institute (CBI). Friends of Herring River (FHR) has contracted with CBI to help facilitate the start-up and operations of the HRSG. Pat Field reported that he had conducted interviews with most of the members of the HRSG in early April. He noted that it is a talented and diverse group of people. He was impressed by both the level of interest and the healthy questions that he heard during the interviews.

Mr. Field reviewed with the HREC the substance of draft operating protocols that CBI is proposing for the HRSG. The protocols were developed using the basic Stakeholder Group charge from the HREC. He reviewed the key sections including:

- Purpose and Scope of the HRSG
- Membership and Participation
- Meeting Ground Rules

- Decision Making
- Roles and Responsibilities of the Chair, Facilitator, HRRC and FHR
- Media and Public Communications

He noted that the HRSG is advisory to the HREC. He stressed that there should be two-way communication between the HRSG members and the constituent groups they represent. Members should represent the interests and views of their constituent organizations rather than personal views. The HRSG will operate according to the MA Open Meeting Law, with adequate public notice of meetings, postings of minutes etc.. The HRSG will meet quarterly or as needed.

To the greatest extent possible, the HRSG will operate by consensus, seeking to find common ground in its recommendations. The Chair and the Facilitator will enforce the groundrules and help the participants resolve their differences. The HRRC will provide technical presentations and information and FHR will provide logistical support for meetings.

Helen Miranda Wilson notes that minutes will be important to document the nature of the discussions, especially if there is disagreement. She asked that all members of the HRSG be provided with a copy of the MA Open Meeting Law. She also asked that HREC members be copied on agendas, meeting notices and minutes.

Pat Field reviewed proposed agendas for the first two meetings of the HRSG. He suggested that the first meeting should include an overview presentation on the Restoration Project, a discussion of roles and responsibilities among the HREC, HRRC, and HRSG, and a discussion of the proposed operating protocols. The second meeting could focus on adaptive management and modeling and review of potential topics proposed by the HRSG's constituent groups.

HREC members had a number of suggestions to the HRSG. Rae Ann Palmer encouraged the members to check with their constituents in formulating questions and comments. Maureen Burgess suggested that there be a "check-in" meeting between the HREC and HRSG annually. Helen Miranda Wilson asked that there be a mailing list established for other interested parties to be notified about HRSG meetings.

Update on the Restoration Project: Carole Ridley provided the HREC with an update on Project activities. She noted that at the September 2017 meeting, HRRC presented information about project phasing, and indicated that project permit applications would seek permission for Phase 1 of restoration.

Phase 1 encompasses 570 acres of restoration area.

- All of this land is currently regulated wetlands.
- 95% of this area is owned by the Cape Cod National Seashore.

Phase 1 includes all major infrastructure elements:

- The Chequessett Neck Rd (CNR) dike and tide gates
- The Mill Creek dike and tide gates
- Elevating low-lying portions of Pole Dike Road and installing tide gates
- Elevating low-lying sections of Old County and Bound Brook Roads and installing upgraded culverts
- Removing the portion of High Toss Road that crosses the estuary and blocks tidal flow, and elevating an upland portion of that same road to maintain access to all private properties
- Completing flood protection measures at CYCC and specified private properties.

The tide gate at Pole Dike Road would be configured to allow outflow only, and would not allow any tidal restoration. Tide gates at Mill Creek would allow partial restoration. Any restoration of tidal flow beyond what is proposed in Phase 1 would require permit amendments or new permits, and agreements with any landowners for any necessary flood protection measures.

Tidal flow will be restored incrementally over a number of years through the CNR and Mill Creek tide gates while system responses are carefully monitored.

Carole Ridley reviewed the benefits of tidal restoration, including:

- Vastly improved water quality and habitat for fish, shellfish and coastal wildlife
- Re-opening and expanding harvestable shellfish beds which is a benefit to the local economy and help to sustain jobs in that industry
- Restoring tidal marsh, and the many benefits provided
- Removing barriers to fish passage
- Reconnecting the river system to Cape Cod Bay and the Gulf of Maine
- Improving views and recreational opportunities
- Reducing mosquito breeding habitat
- Generating spending in the local economy from construction and implementation of the restoration
- Road improvements alone are expected to save Wellfleet millions in needed road repair

Permitting: Carole Ridley reported that the Project has secured approval of its federal and state Final Environmental Impact Statement/Report in 2016 and is now seeking environmental permits and financing. The HRRC and FHR are working on the development of permit applications. The first of these will be submitted to the Cape Cod Commission, for a Project of Community Benefit Hardship Exemption from the Development of Regional Impact designation under the Cape Cod Commission Act and regulations. This application should be submitted early this summer. Subsequent permit applications to local, state and federal agencies will follow. It is

expected that permitting activity will proceed over the next two years.

Ms. Ridley also provided the HREC with a brief update on the Project's public outreach activities.

Public Comment: Steve Oliver asked about the status of sign-offs from owners of affected low-lying private structures. Carole Ridley responded, noting that the Project has identified five private properties as having structures that may require flood protection measures under Phase 1 restoration: Chequessett Yacht and Country Club (which has entered into a conceptual agreement for flood protection); one property owner currently in negotiations with the Cape Cod National Seashore for a land exchange; and three other property owners with structures that may require flood protection measures. The Project team has engaged these three owners with the goal to develop mutually agreeable flood protection plans for their structures. Two of these property owners indicated that they would not consent to having onsite flood protection measures proposed for their respective properties described in permit applications. As a result, alternative flood protection measures are being incorporated into the project design that fully protect structures on these two properties and do not require work to be performed on the properties. A third owner has consented to having flood protection measures on their property described in permit applications. The measures, if agreed to, would be funded by the Project and be completed prior to a change in water level that could affect those properties.

Steve Oliver also questioned how high Old County Road would have to be raised to be above the floodplain. Martha Craig described existing and proposed road elevations, and invited Mr. Oliver to come to the FHR office to review the road design plans.

Gail Ferguson asked if other members of the public would be able to attend and participate in the HRSG meetings. All meetings will be open to the public, and participation by non-members would be at the discretion of the Facilitator and/or Chair. Pat Field noted that the HRSG could set aside a time on agendas for public comment.

Paul Faxon asked if the HRSG could set up subcommittee meetings with constituent groups. HREC members did not support setting up official subcommittee meetings, noting that all the HRSG members should all be privy to the same information. Pat Field said that he would work with Bill Biewenga to explore how best to organize outreach meetings for different constituent groups.

Laura Runkel requested that the risk management memo that was developed by the HRRC for the HREC be provided to HRSG members.

Wrap-up and Next Steps: The HREC briefly discussed when to schedule upcoming meetings. Margo Fenn agreed to provide a Doodle poll to identify future meeting

dates. The meeting was adjourned at 3:00 pm.

These minutes were approved by the HREC on October 24, 2019, and submitted by Carole Ridley.