

Meeting Minutes
Herring River Executive Council (HREC)
Thursday, December 17, 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, Martha Craig, John Portnoy, Christine Odiaga, Beth Chapman, Gail Ferguson, Dave Koonce, R. Paul Faxon, Moe Borocas

-Welcome and introductions

-Meeting minutes of September 17, 2020 were approved by unanimous consent of members present.

-Herring River Restoration Project Update –

Carole Ridley provided the following project updates.

Permitting Update:

The following permit applications are in development and are scheduled to be submitted to the regulatory agencies early in calendar 2021:

- §401 Water Quality Certification – MA Department of Environmental Protection – this permit addresses dredge and fill activities in Waters of the US in the Commonwealth
- Ch. 91 Waterways – MA Department of Environmental Protection – this series of licenses permits activities in the intertidal zone
- §404 Individual Permit – US Army Corps of Engineers – this permit govern fill in Waters of the US

The Technical Team is working with design engineers to develop impact calculations and design plans specific to each set of regulatory requirements. In addition, there are a number of documents that need to be developed and attached to the applications that describe project implementation activities. These include: a habitat management plan developed in collaboration with MA Natural Heritage and Endangered Species Program, Operations and Maintenance Plans for water crossings and culverts and for stormwater measures developed in collaboration with design engineers and Wellfleet DPW, and fisheries and rare species assessments conducted with MA Division of Marine Fisheries (MADMF), NOAA and US Fish and Wildlife Service. Every effort is being made to provide all information anticipated by regulators to make their review as efficient as possible.

Additional permit applications are in earlier stages of development. The timing of these submissions is dependent on the progress of the foregoing permit applications. These include:

- Federal Consistency Review – MA Coastal Zone Management
- Wetlands Notices of Intent – Wellfleet and Truro Conservation Commissions

It is anticipated that these permits applications will be submitted later in 2021.

Helen Miranda Wilson requested that the HREC be provided with an explanation of which entity applies for each permit, and an explanation of the respective roles of the Town, Seashore and HREC in the permitting process.

Brian Carlstrom requested that, in addition to the information requested by Ms. Wilson, a

timeline on the permitting process be provided, and that this be a standing agenda for the HREC.

Construction Management:

A Request for Proposals (RFP) was issued by Friends of Herring River on behalf of the Technical Team and project partners, to engage a firm to develop construction management scenarios. The scenarios are intended to help the project team think through the logistics of having multiple project elements under construction at the same time, to achieve efficiencies where possible and minimize disruptions. This information will help in the development of construction bid specifications. Two firms responded to the RFP and it is anticipated that a firm will be engaged in early 2021. The HREC will be updated as this work progresses.

Baseline well monitoring:

Private property owners with a residential well within 200 feet of the estuary were offered an opportunity for well water testing. The testing is intended to generate baseline information on well conditions, so that this data can be compared with post restoration conditions if residents contend that there is a change to their well water following restoration. There is no expectation that there will be an impact to these wells based on extensive science and investigation of groundwater, and this testing is offered as a service to property owners to allay any potential for concern.

Ms. Wilson asked if the 200 feet was measured from the Phase 1 restoration area or full restoration area. A follow-up response to this question will be provided.

Fecal coliform monitoring:

Dr. John Portnoy shared the results of fecal coliform monitoring conducted in the summer of 2020, which updates previous fecal coliform monitoring in 2005. Despite significantly higher concentrations of coliforms in discharging river water above the dike this year, conditions below the dike to Egg Island were similar to those recorded in 2005. This shows how well the harbor's natural tidal mixing and salinity control fecal bacteria, and suggests that tidal restoration will greatly extend this protection to shellfish waters both below and above the new bridge at Chequessett Neck Road. The final report will be available on the Friends of Herring River website.

In response to a question from Geoff Sanders, Dr. Portnoy confirmed that the improvement would be seen below the dike in Wellfleet Harbor, as well as above the dike in Herring River.

Martha Craig asked if the findings could be put in the context of levels that MA DMF uses to allow re-opening of shellfish areas. Dr. Portnoy said MA DMF's allowable concentrations are low because shellfish are filter feeders and concentrate pollutants that can cause illness in humans. The observed concentrations surveyed are still much higher than allowed by the MA DMF, but would continue to go down as restoration proceeds.

Ms. Wilson noted that even if concentrations are not low enough to allow re-opening of shellfish areas below the dike, the improvement will be significantly beneficial to shellfish resources because of the expansion of habitat area for shellfish to set and spawn, and this will benefit the resource in the Harbor.

Mr. Carlstrom emphasized the significance of the findings because the anticipated reduction in fecal coliform concentrations helps to address one of the factors that has led to the river being designated as an impaired water under the Clean Water Act.

-Land Exchange Update—

Ms. Ridley summarized the discussion about management of the Duck Harbor Road parking area occurred at the September 17th HREC meeting. The site is in the Seashore on federal land, and could be managed by the Seashore. Alternately, the site could be included in the Town right of way and managed by the Town. The management and ownership decision would need to be factored into the inventory of parcels for the land transfer between the NPS and Town. Ms. Ridley reported that the area in question is 8,674 square feet.

Mr. Carlstrom noted that there is some logic to adding the area to the Town's right of way, so that it and the bridge would be managed by the same entity, the Town. This would allow for more flexibility for recreational use of the area. He noted that the Town and Seashore now have the information they need and will continue discussions about this management decision.

-Adaptive Management Plan—

Decision support tool:

Tim Smith provided a presentation on the Decision Support Tool being developed to inform the selection of tide gate management policies (slides attached).

The restoration is guided by five objectives, each of which has sub-objectives and ways to measure performance toward desired restoration outcomes. However, there are overlaps and tradeoffs in achieving different objectives. Mr. Smith described several scenarios for pacing the opening of tide gates. Some objectives will be sensitive to different scenarios for pacing the tide gate openings, while others will not. Working with USGS, the Technical Team is developing a rigorous decision tool that will integrate modeling data, input from subject matter experts and public perceptions from a community survey in a process to sort through how different tide gate scenarios will affect outcomes of objectives. This information is collected in a consequence matrix, and quickly becomes too complex to discern management preferences. The decision support tool takes the data from different sources and helps to isolate the more promising scenarios in terms of achieving multiple objectives. This information will be presented to the HREC, which is responsible for selecting tide gate management policies. It is anticipated that the information will be ready to share with the HREC in Winter/Spring 2021.

Janet Reinhart thanked Mr. Smith for his presentation and noted that this helped her understand the process of how data will be integrated in making decisions about project implementation.

Ms. Wilson noted how important the science is to her decision making process.

Mr. Carlstrom noted that science-based adaptive management methods are increasingly used by US DOI agencies for large, complex, natural resource projects such as this restoration project. This by far the most rigorous and carefully planned example of such a method in the NPS.

Mr. Sanders wanted to confirm his understanding that there are multiple subject matter experts involved in the data collection process. Mr. Smith confirmed that fact, and noted that more input is still being collected.

Maria Broadbent asked if there is support for local and state permitting officials who may not be familiar with this type of technical decision analysis. Mr. Smith noted that the Regulatory Oversight Group consisting of local, regional, and state regulators will be involved in detailed discussions about the development of the decision support tool.

Community perceptions survey:

Ms. Ridley presented summary findings of the community survey (slides attached). The survey was based on community issues raised by stakeholders in 2013-14. Input on the survey design was provided by the current Herring River Stakeholders Group. Friends of Herring River helped to publicize the survey. There were 286 responses. The demographics of the respondents mirrored the community, and more than half of respondents were fulltime or seasonal residents of Wellfleet and Truro. The survey topics covered public safety at the dike, public safety in the Herring River system, viewscapes, recreation access, and salt marsh smells. The perceptions recorded by the survey suggest widespread satisfaction with the outcomes expected from the project as relate to these issues.

Mr. Carlstrom thought the survey was very thorough and insightful.

R. Paul Faxon, who lives near the Herring River system, noted that not all respondents are from the same place and this may affect their perceptions of concern. He noted that people who live closer to the river may have relatively greater concern about smells and access issues than people who live farther away.

Ms. Wilson asked how many respondents were well informed about the project. Mr. Smith noted that the survey did not ask about levels of awareness, but the large sample size would help to adjust any influence on results based on level of knowledge about the project.

-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 noted that Lauren McKean of the Seashore staff is continuing to work with he NPS Lands Office to keep the transfer process moving.

Ms. Reinhart and Ms. Broadbent expressed appreciation for the extensive progress repoted in the meeting.

-Public Comment—

Ms. Craig noted that the Town DPW is actively involved in the construction management scenario planning described earlier in the meeting.

-Next Meeting Dates—

The following meeting dates for 2021 were agreed upon.

Thursday, April 15, 2021, 3:00 pm

Thursday, July 15, 2021, 3:00 pm

Thursday, September 16, 2021, 3:00 pm

Thursday, December 16, 2021, 3:00 pm

The HREC will plan on the April meeting being virtual. Ms. Wilson will seek to reserve the Council on Aging for the July, September and December meeting dates, in the event that restrictions on in-person meetings are lifted.

The meeting adjourned at approximately 5 pm by unanimous consent.

Minutes were approved by the HREC on April 15, 2021
Submitted by Carole Ridley

Herring River Executive Council

December 17, 2020

The meeting will be recorded by the HREC. Anyone else desiring to record the meeting may do so only after notifying the HREC and may not interfere with the conduct of the meeting in doing so.

Agenda

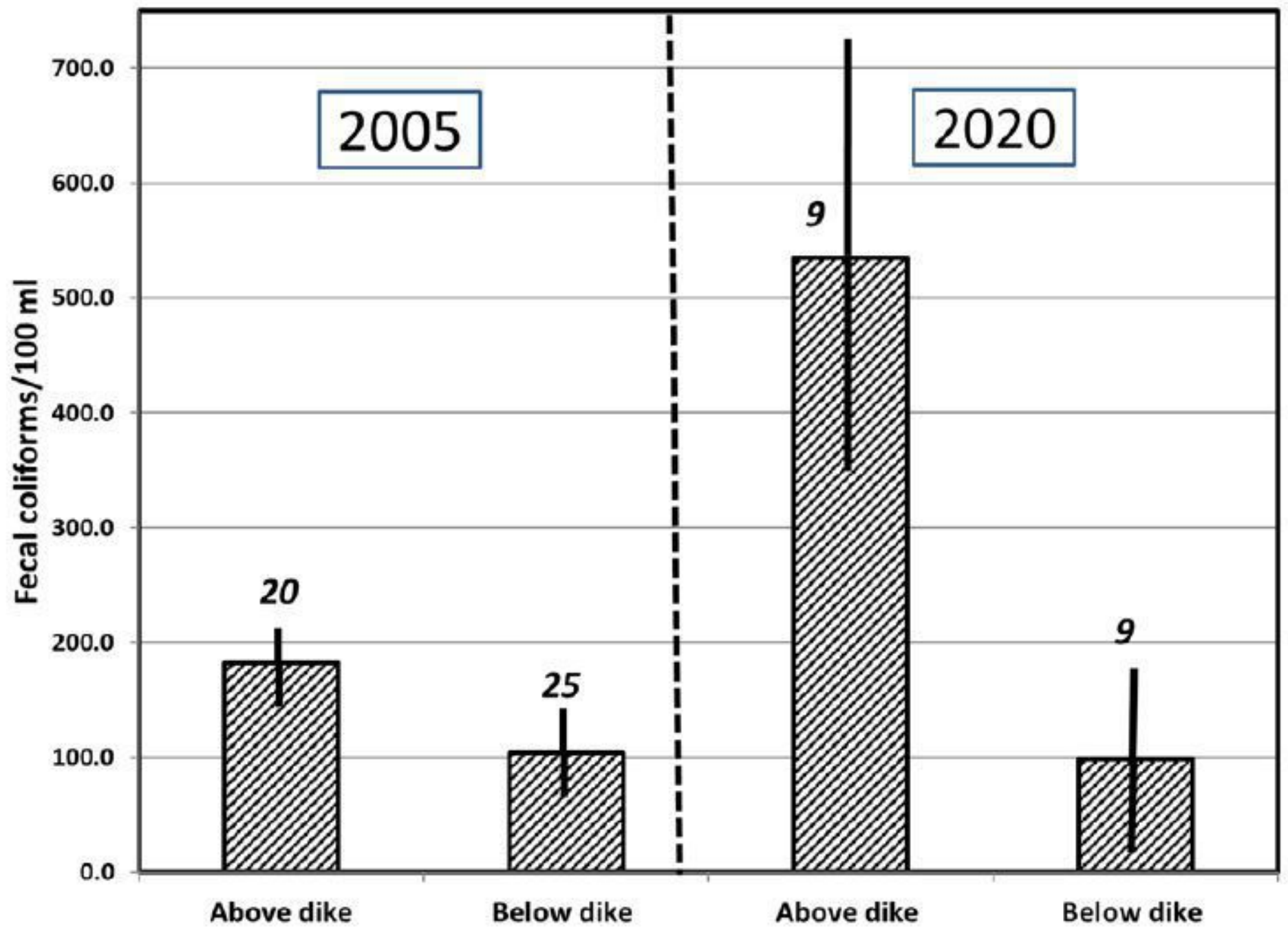
- Welcome and introductions
- Approval of minutes: September 17, 2020
- Herring River Restoration Project update
- Updates on land transfer between Town of Wellfleet and Cape Cod National Seashore
- Adaptive Management Plan
- HREC member announcements
- Public comment
- Next meeting dates
- Adjourn

Approval of Minutes

- September 17, 2020

Project Updates

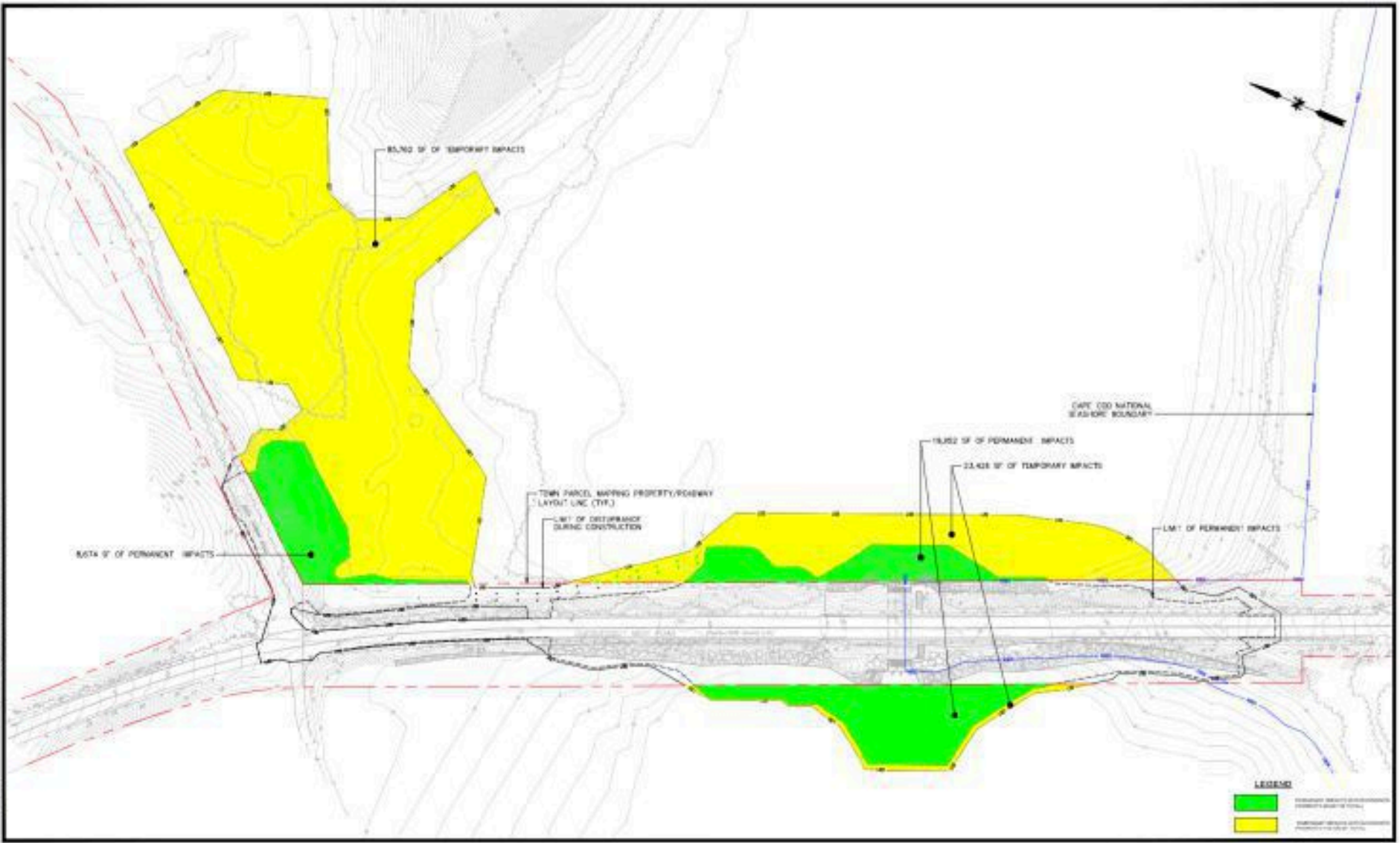
- Permitting update - Next permit applications in 2021
 - §401 Water Quality Certification
 - Ch. 91 Waterways
 - §404 Individual Permit
 - Attachments: habitat management, O&M, stormwater management, fisheries
 - Subsequent applications
 - Federal Consistency Review
 - Wetlands Protection (Wellfleet, Truro)
- Construction management planning
- Baseline well testing
- Fecal coliform monitoring



Town & CCNS/NPS Land Transfer

- Duck Harbor Road Parking Area

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■	PERMANENT IMPACTS (PERMANENTLY ALTERED OR DESTROYED)
■	TEMPORARY IMPACTS (TEMPORARILY ALTERED OR DESTROYED)

**PRELIMINARY
FOR REVIEW**



FRIENDS OF HERRING RIVER
IMPACT AREAS WITHIN CAPE COD NATIONAL SEASHORE/NATIONAL PARK SERVICE PROPERTIES
HERRING RIVER RESTORATION PROJECT
CONSTRUCTION WALKWAY/BIKEWAY/ACCESS FACILITY CONSTRUCTION
CELESTINE NICK SHAW MARCYA HITS

FIG. 1

Adaptive Management Plan

- Overview of Decision Support Tool
- Summary of community survey results

HERRING RIVER RESTORATION PROJECT
– ADAPTIVE MANAGEMENT AND
DECISION ANALYSIS PLAN

SUMMARY OF 2020 COMMUNITY SURVEY

USE OF SURVEY: To document baseline attitudes and perceptions of specific community objectives and integrate them into the Project's decision-analysis process

- Community Objectives Formulated During Ad-hoc Stakeholder Meetings
- Restoration Committee and USGS in 2013 and 2014:
- Public Safety at the Dike
- Public Safety in the Project Area
- Views
- Landscapes
- Changes in Public Access to Intertidal Areas
- Recreation
- Salt Marsh Smell
- Stakeholder Group Reviewed Draft Survey and Provided Comments and Advice
- News of Herring River Publicized On-line Survey in Summer 2020
- Two Polling Webinars Conducted in August
- Technical Support from Woods Hole Group and USGS Social Scientists
- Survey to be Repeated During Project Implementation



THE HERRING RIVER RESTORATION PROJECT NEEDS YOUR HELP TAKE THE SURVEY

Your input will help determine the best course of action for restoration.

What views do you prefer? What recreational activities do you currently engage in within the Herring River estuary? How might the restoration affect your preferred activities? Do you have safety concerns? Now's your chance to shape how the restoration proceeds - share your thoughts in this online survey: <https://bit.ly/2BQGI2y>

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SURVEY DEMOGRAPHICS

- 286 Responses
- Male ~60%
- Female ~40%

- 18-35: 6%
- 36-64: 44%
- 65+: 44%

- Year-round Wellfleet Resident: 36%
- Wellfleet Non-Resident Taxpayer: 20%
- Year-round Truro Resident: 5%
- Seasonal Visitor: 13%
- Other Cape Resident: 10%

TOPIC: Public Safety at Chequessett Neck Road Dike

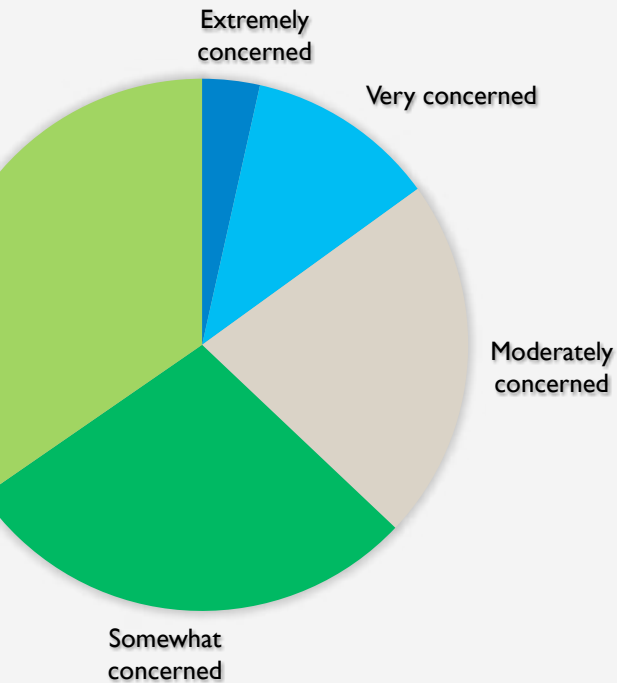
QUESTIONS:

What is your level of concern about public safety at the existing Chequessett Neck Road Dike?

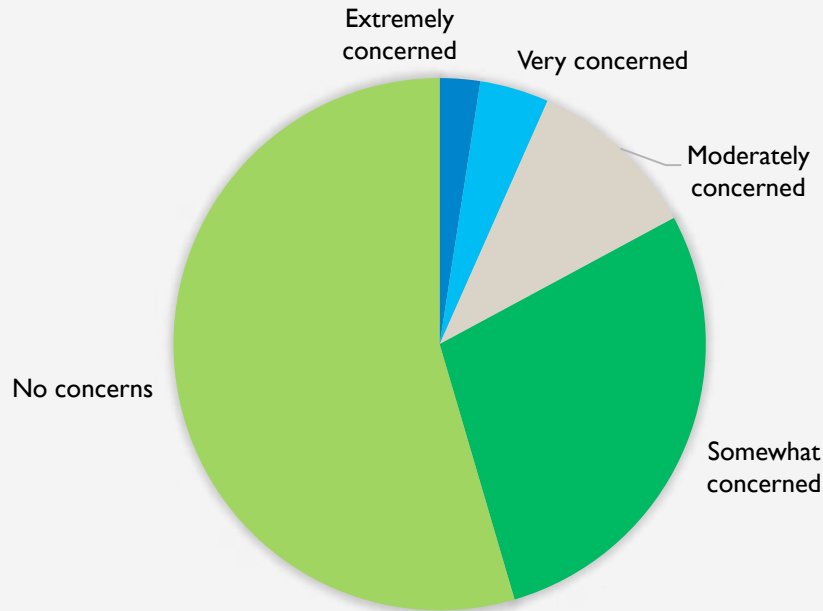
What would be your level of concern about public safety at the new bridge when the tide gates are partially open?

What would be your level of concern about public safety at the new bridge when the tide gates are completely open at the end of Phase I?

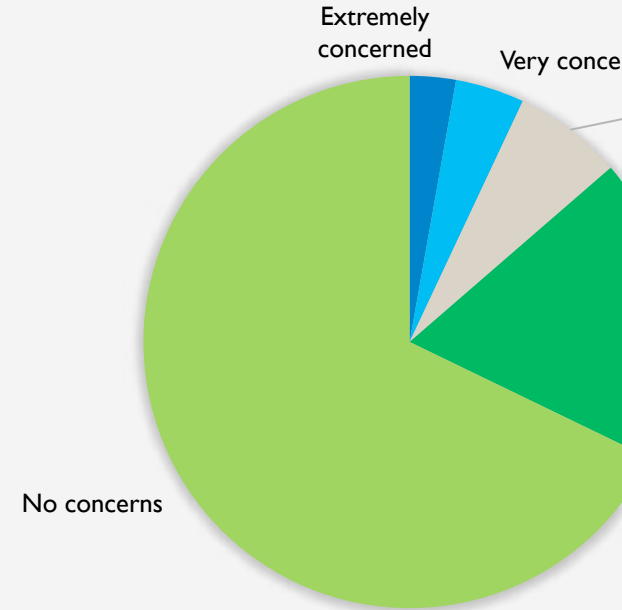
EXISTING CONDITION



PARTIAL OPENING



FULL PHASE I OPENING



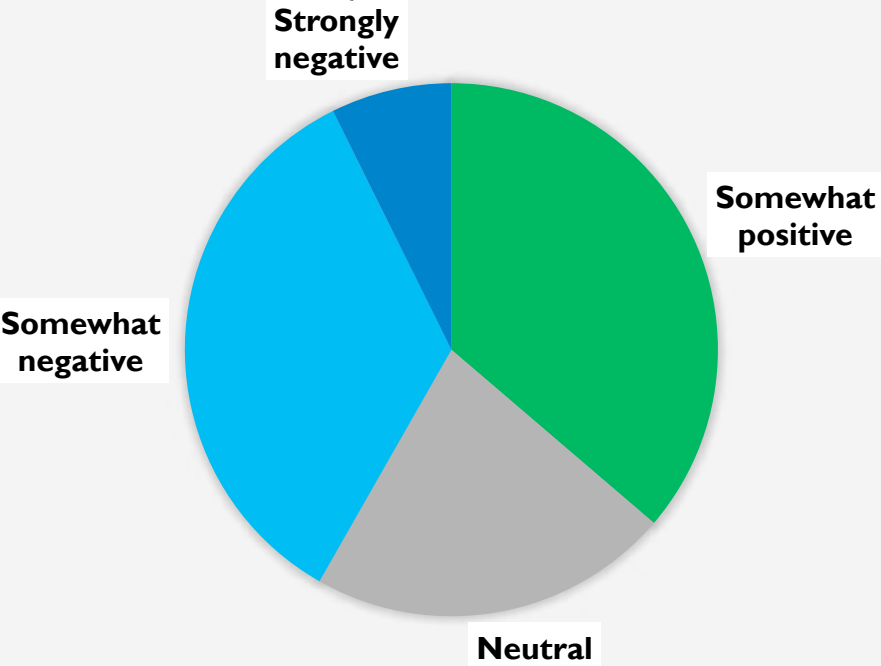
TOPIC: Public Safety in the River

QUESTIONS:

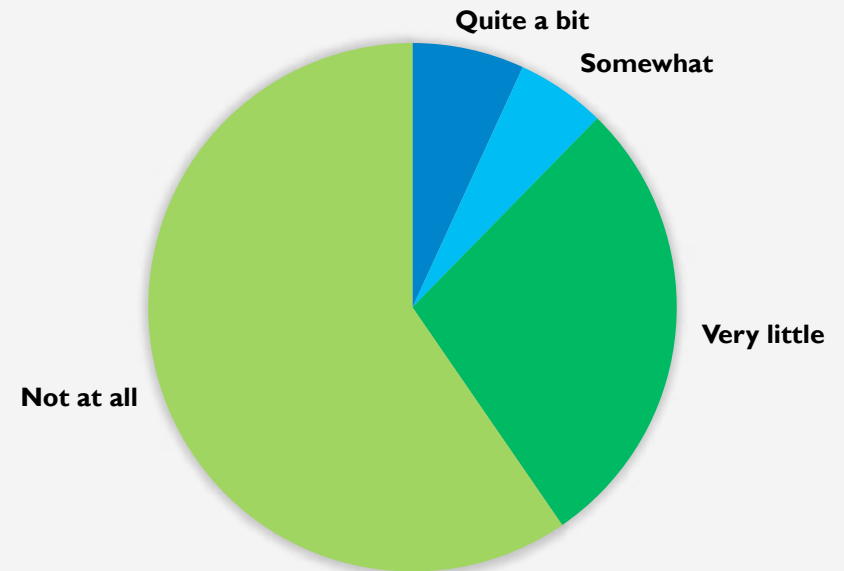
Do you think the Herring River project will impact public safety within and adjacent to the Herring River estuary? (Please consider typical daily tidal conditions only, not potential storm impacts.)

To what extent does water depth affect your concerns about public safety issues throughout the Herring River Project Area?

QUESTION 1



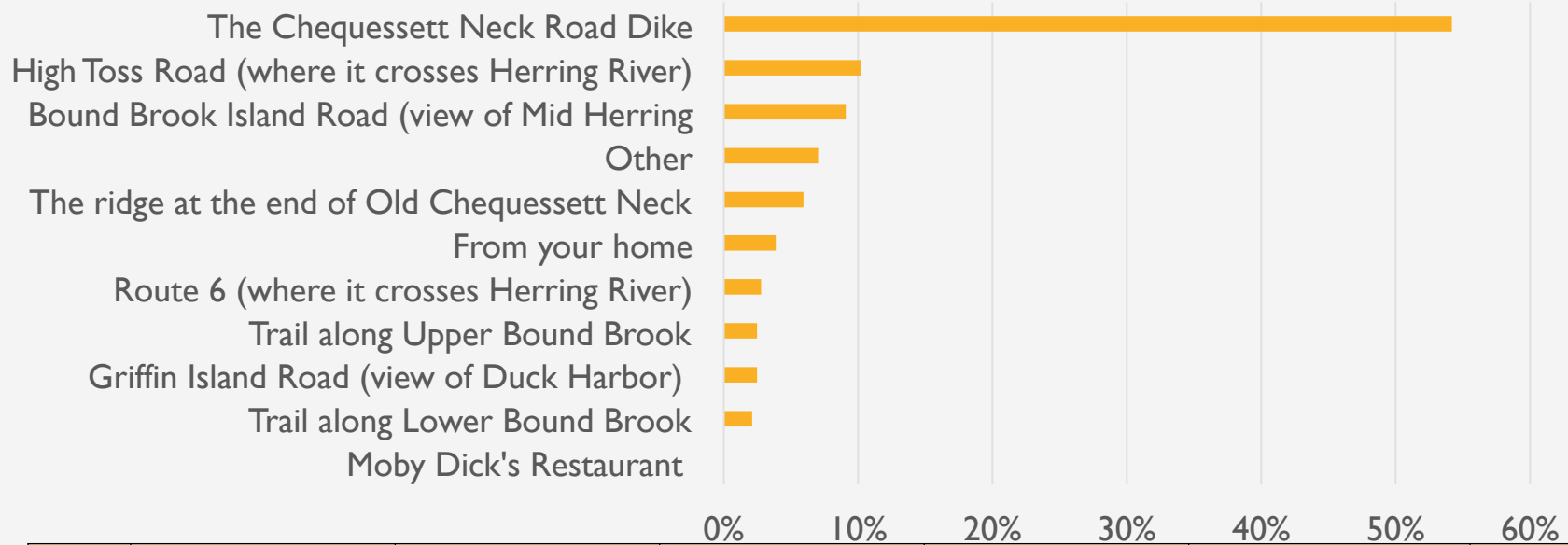
QUESTION 2



TOPIC: Viewscapes

QUESTIONS:
 What is your favorite location from which to view the Herring River estuary?
 From your favorite viewing point, how satisfied would you be with this viewscape?

QUESTION 1



QUESTION 2:

Rank	Lower Herring River	MHR/LPDC	Duck Harbor	Upper Herring Riv.	Lower Bound Brook	Upper Bound Brook
1	Salt Marsh	Salt Marsh	Salt Marsh	Salt Marsh	Salt Marsh	Salt Marsh
2	Open Water	Open Water	Open Water	Cattail	Open Water	Cattail
3	Cattail	Cattail	Mudflat	Open Water	Shrub Forest	Open Water
4	Mudflat	Mudflat	Cattail	Phragmites	Mudflat	Shrub Forest
5	Phragmites	Shrub Forest	Dead Trees	Dead Trees	Cattail	Phragmites
6	Dead Trees	Phragmites	Phragmites	Shrub Forest	Dead Trees	Dead Trees
7	Shrub Forest	Dead Trees	Shrub Forest	Mudflat	Phragmites	Mudflat

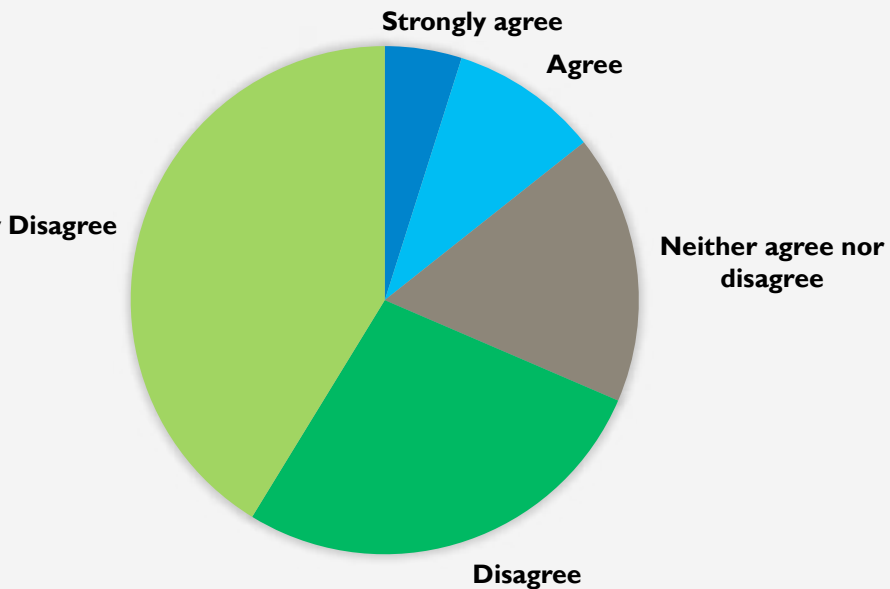
TOPIC: Changes in Public Access to Inter-tidal Areas

QUESTIONS

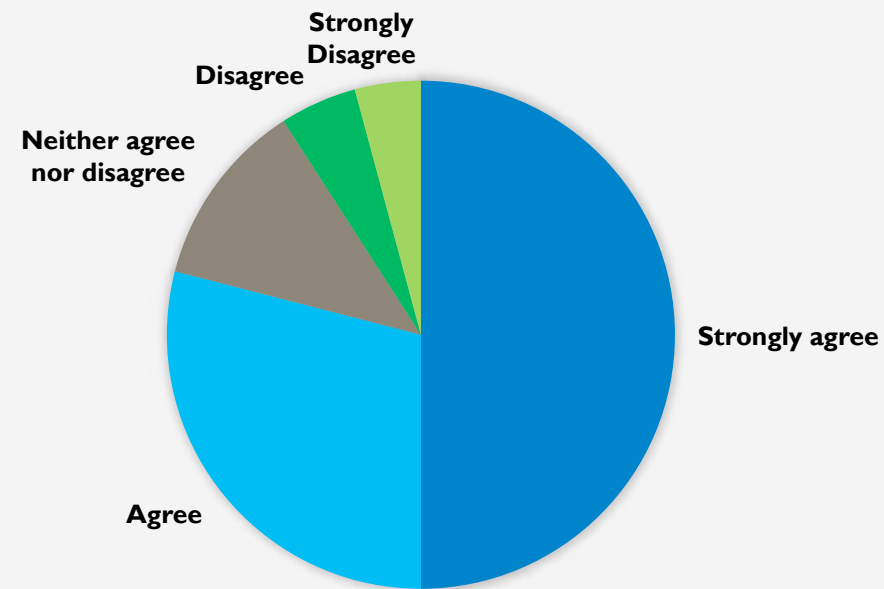
I am worried about the potential for expanded public access for fishing, shellfishing, kayaking, etc.

I am excited about the potential for expanded public access for fishing, shellfishing, kayaking, etc.

QUESTION 1



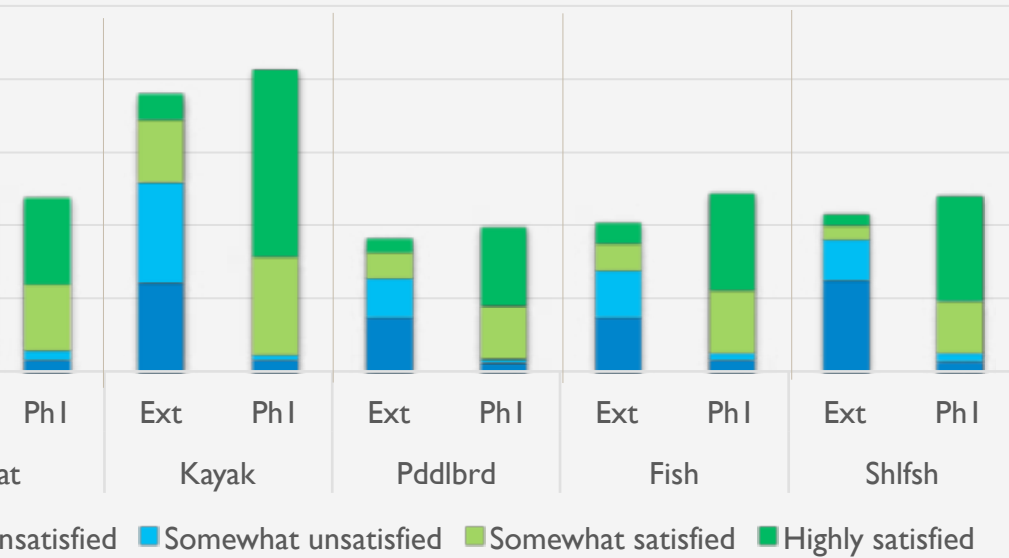
QUESTION 2



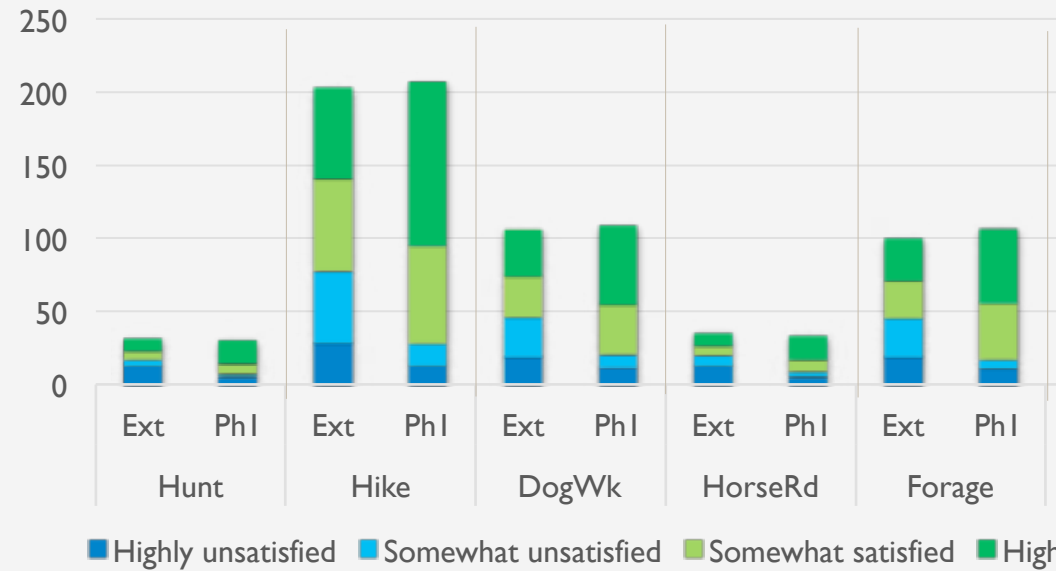
TOPIC: Recreation

Please indicate your level of satisfaction with your ability to participate in the following activities under present conditions and at the end of Phase 1 in the Herring River Project Area (north of Chequessett Neck Road only).

Water-based Recreation

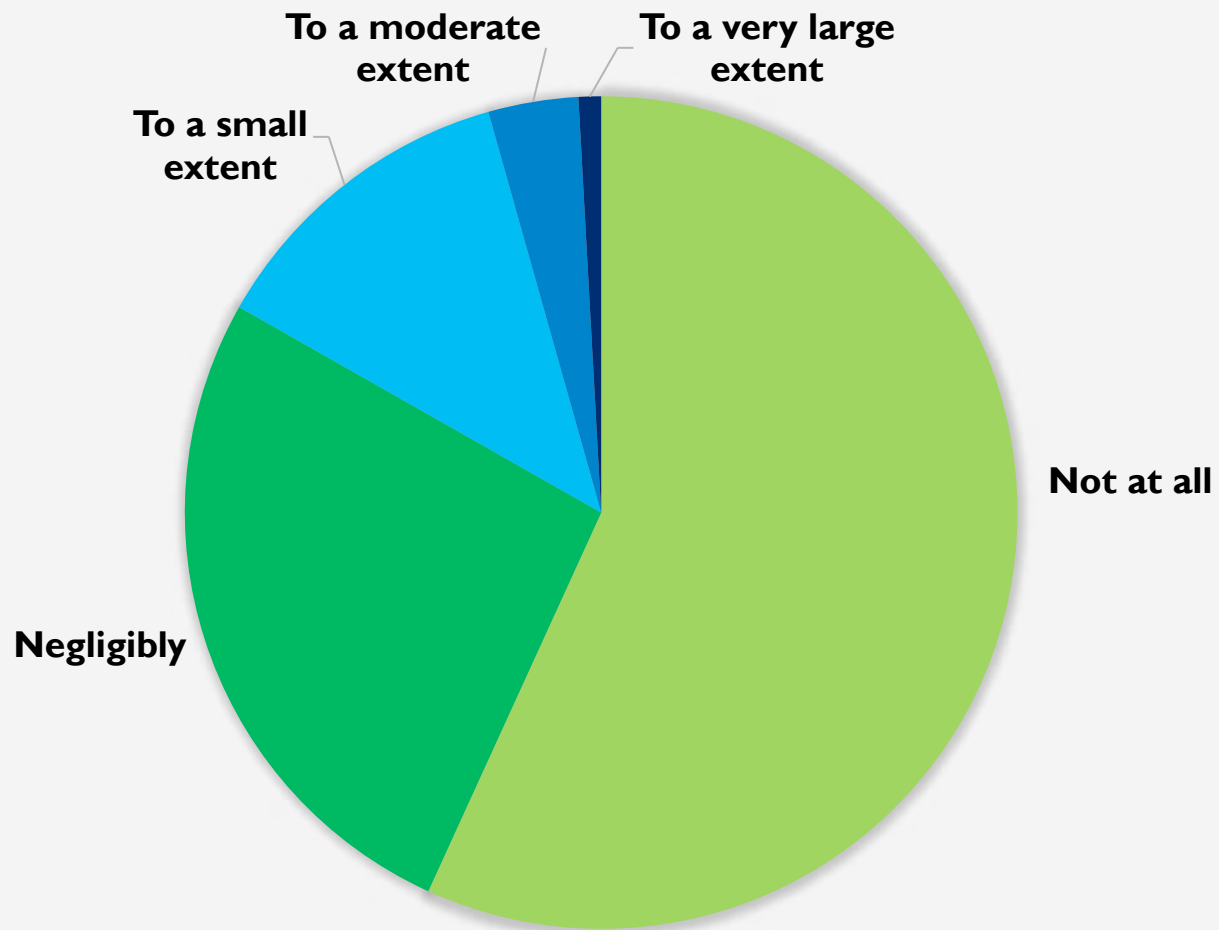


Non-Water Based Recreation



TOPIC: Salt Marsh Smells

QUESTION: To what extent do periodic salt marsh smells negatively impact your experience of the Herring River estuary?



HREC Member Announcements

Public Comments

- (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, April 15, 2021, 3:00 pm
- Thursday, July 15, 2021, 3:00 pm
- Thursday, September 16, 2021, 3:00 pm
- Thursday, December 16, 2021, 3:00 pm

Adjourn