

Herring River Stakeholder Group

Summary for Meeting #8

June 10, 2020 | 3:00 to 5:00 PM

Online Zoom Meeting

Meeting in Brief

The Herring River Stakeholder Group (HRSBG) met on June 10, 2020, from 3:00 to 5:00 PM on the online Zoom meeting platform. The Meeting included a discussion of project updates; an overview of the draft public survey for the Adaptive Management plan; a discussion of recreation in the Herring River system and potential impacts from the project; and an overview of future meeting topics and next steps.

Action Items

Who	What
HRSBG Members	<ul style="list-style-type: none">• Provide a short bio to CBI & the Chair if you have not already.• Send comments / corrections for this (June 2020) meeting summary.• Draft a list of potential audiences for the social factors elicitation survey outreach.
Planning Team	<ul style="list-style-type: none">• Post all materials on the Friends of Herring River website along with the recording of this meeting.• Technical Team share final draft of survey when complete.• Planning/Technical Team create a draft survey feedback form for HRSBG representatives to complete after the June 10th meeting.• Circulate the Project Key Activities timeline pdf

Find details on upcoming HRSBG meetings, as well as prior agendas and materials at <http://www.herringriver.org/Herring-River-Stakeholder-Group>

HRSBG Members in Attendance

Bill Biewenga (Chair)	Ed Fontenot
Moe Barocas (Vice Chair)	Fred Gaechter
Mark Borelli	Alfred Kraft
Barbara Cary	Bob Prescott
R. Paul Faxon	Laura Runkel

Planning and Technical Team members Tim Smith (Cape Cod National Seashore [CCNS]), Elise Leduc (Woods Hole Group), Carole Ridley (Herring River Restoration Project), Martha Craig (Friends of Herring River), Stacie Smith (Consensus Building Institute [CBI]), and Maggie Osthues (CBI) were also in attendance, as were many members of the public.

Meeting Opening

Welcome and Introductions, Agenda Review, Minutes

Bill Biewenga, HRSO Chair, began the meeting and introduced Stacie Smith, CBI facilitator, to review the agenda and objectives of the meeting. In addition to brief project updates, the objectives of the meeting were to review the draft public survey for elicitation of social factors for the Herring River's Adaptive Management approach, brainstorm what kinds of recreation would be valuable and desirable in the Herring River system following the project and the important stakeholders involved, and discuss future meeting topics and next steps. The meeting concluded with a public comment and question period.

The motion to pass the May 2020 minutes passed unanimously. Minutes can be found on the project website.

Due to impacts from COVID-19, Governor Charlie Baker issued an executive order on March 10, 2020, suspending certain provisions of Massachusetts's Open Meeting Law, allowing for online meetings open to the public in lieu of in-person gatherings. Meeting #8 of the HRSO took place on the Zoom online meeting platform, with access information shared in the agenda posted with the public meeting notice on the Town of Wellfleet's website.

Project Updates - Carole Ridley

Permitting update: Carole Ridley provided updates on then upcoming meetings relating to project permitting with the Cape Cod Commission (CCC). On June 11, the full CCC met and discussed resuming the public hearing on the Phase 1 of the Herring River Restoration Project Development of Regional Impact Review. On June 3, the CCC subcommittee held a workshop meeting following 2 public hearings by the subcommittee for the review of the project. This workshop was a public meeting, not a public hearing, where they reviewed a draft decision to approve the project and voted to recommend that draft decision to the full CCC for consideration. At the April 30 meeting, the subcommittee had continued the public meeting to the June 11 CCC meeting. Access information had been circulated to HRSO representatives to participate in that meeting if they wish.

Key Project Activities Timeline: This is information that is actually contained in the information submitted to the CCC and referred to in the decision. It is a framework for ongoing information sharing as the project goes through the permitting process, through implementation. The timeline is a high-level view of the main activities of the project over the next 5-8 years. The activities are organized into 3 main stages. Phase 1 is permitting and funding, where we currently are. The first stop for getting the necessary approvals is the CCC, and there are future permitting stops that are listed in this timeline as well.

During the permitting stage, one thing that will happen is that we will be further developing the Adaptive Management Plan, where one of the key components is the initial tide gate opening policy. This policy will be presented, discussed, and approved by the Herring River Executive Council (HREC). That policy will be the protocols for how the tide gates will be managed. The work that we are talking about in this meeting with the social factors, that is part of the information that is being gathered to feed into the structured decision-making framework to formulate that tide gate management policy.

In Phase 1, the project will continue to work with property owners who may require mitigation agreements as well as further develop a draft traffic management plan during the construction phase. The traffic management plan is an area where public input will be needed and an area where the HRSO could play a role in capturing that input. Work will also continue in finalizing engineering design for water control features, which permits may impact with requirements. There will also be fundraising continuing during this period as well as ongoing oversight through the Regulatory Oversight Group.

In Phase 2, bidding and construction, that's when the project will be putting work out to bid, receiving contractor responses, and complying with strict standards from the state about how these processes must be run. Once contractors are in place, they cannot be dictated to with means and methods; they need to provide a bid of their best approach consistent with the permit requirements. The project expects the construction phase to be 2 years.

Phase 3 is the initiation of tidal restoration and operation of initial tide gate management policy, vegetation management, and ongoing monitoring of the system and management of the tide gate.

HRSO representatives raised the following questions and comments. Responses and discussion are captured in bullets below:

- An HRSO representative asked about the involvement of local building and zoning authorities in the construction phase of the project.
 - A Planning Team member responded that the project would be mindful of any applicable local regulations during construction and provided the example of the project's need to obtain permits from local conservation commissions.
 - Another Planning Team member noted that, during the Chapter 91 permitting process, the Zoning Board and Planning Board both have to sign off on the application, so those local authorities do get a chance to review at that stage.
- An HRSO representative inquired if there would be any inspections done by the state.
 - A Planning Team member responded that there is a rigorous process for inspections and quality control when building public infrastructure, and there will be a person onsite to monitor contractors. There are some offsite and some onsite requirements for materials testing, and various levels of quality control and oversight are built into the process. The project is working closely with the Department of Public Works and other officials that have oversight of impacted infrastructure in order to be in step with their concerns and objectives.
- An HRSO representative asked about the appropriate time for HRSO to receive a briefing about the funding component of Phase 1, particularly to establish a timeline of funds being available and expenses being paid as well as where we are with funding and where jeopardies exist with regards to the timeline.
 - An HRSO Planning Team member responded that it would be a good presentation to give to the HRSO, while noting that the project cannot proceed without funding in place, so there should not be any concerns about the project outpacing its funding sources. Having funding in place is a pre-requisite for issuing bids and obtaining contractors.

- An HRSO representative requested that this timeline be circulated to HRSO representatives in pdf format.

Adaptive Management - Elise Leduc and Tim Smith

Members of the Technical Team - Tim Smith, NPS, and Elise Leduc, Woods Hole Group - provided an overview of the draft public survey for elicitation of social factors for the Herring River's Adaptive Management approach to gather feedback from HRSO representatives. The survey focuses on six social factors objectives, which, along with 30 other hydrological and ecological objectives, were formulated for the structured decision-making analysis tool to help determine the initial policy for tide gate management that best meets all objectives. The Technical Team was seeking input from the HRSO on how best to deliver this survey and promote it, and they are aiming to circulate this for public participation in July for one month and have data gathered for the decision-analysis tool by the end of the summer.

The Technical Team members shared a presentation with the questions laid out and asked for feedback from HRSO representatives on how the questions get at public values, opinions, and levels of satisfaction for different stages of the project for each of the named factors. Each objective has an introductory paragraph for context and then a handful of questions for the public. The following captures the comments provided by HRSO representatives for each of the discussed objectives:

- Public Safety at the Dike
 - An HRSO representative raised that the first question in this section ("What is your current level of concern about the public safety at the Chequessett Neck Dike?") does not make it clear enough that the focus should be on the existing public safety situation. A Technical Team member noted that this language will be clarified.
- Public Safety within the Herring River Project Area
 - An HRSO representative noted that it is unclear in the question language ("Do you think the Herring River project will increase public safety issues within and adjacent to the Herring River estuary?"; "To what extent does water depth affect your concerns about public safety issues throughout the Herring River Project Area?"; "What is your biggest safety concern throughout the Herring River Project Area presently? After restoration?") if the respondent should be commenting on public safety during normal weather conditions or extreme weather conditions. They suggested clarifying the question language to name normal conditions, and a Technical Team member noted that they could do so.
 - Another HRSO representative asked if the question language could be worded in such a way that indicates that the Herring River has the same water safety conditions of any other waterway, commenting that the way that the question is currently worded makes one feel that there is an extreme condition rather than a normal condition of any stream or river. A Technical Team member noted that language to this effect could be added.
 - Another HRSO representative raised that the questions seem to focus on post-completion, but that there may be an opportunity to ask public safety questions about the construction phase.

- A Technical Team member noted that, while there may be some feedback from the community on that topic, the goal of this survey is to elicit feedback about the management of the tide gates, which follows construction.
- Viewscales
 - A Technical Team member explained that this section will start with the question, "From what locations do you typically view the Herring River estuary?", and then display a series of 7 photos depicting different habitat types. Each respondent will be asked the same three questions for each image to understand if they would be satisfied if their favorite viewpoint had the viewscape in the image in general, on a temporary basis, and on a permanent basis. This would result in 21 questions.
 - A Planning Team member asked if there would be any benefit to respondents answering the questions with more than one viewscape in mind, given that some people might actually like a range of viewscales depending on the location. A Technical Team member responded that it would greatly increase the number of questions for the participant. Therefore, it was suggested that the Technical Team add in one additional question about the variety of viewscales preferred in the Herring River estuary.
 - An HRSO representative suggested including a map of the different locations to view the estuary as a fun way to encourage respondents to check out the different spots.
- Changes in Public Access to Intertidal Areas
 - "Which statement most closely matches your opinion about the potential for expanded public access for fishing, shellfishing, kayaking, etc.?"
 - I am very concerned about the potential for expanded public access
 - I am somewhat concerned about the potential for expanded public access
 - Neutral
 - I am somewhat supportive about the potential for expanded public access
 - I am very supportive about the potential for expanded public access
 - An HRSO representative noted that the word choice in the answer statements for the question ("Which statement most closely matches your opinion about the potential for expanded public access for fishing, shellfishing, kayaking, etc.?") was not clear. A Technical team explained that "concern" was meant to be negative or worried while "supportive" was supposed to be positive.
 - A Technical Team member noted that "opposed" would not be a good word choice because issues of access are baked into rights that already exist and won't change; this question is aiming to gather data about if respondents perceive changes in public access as somehow inhibiting or expanding their enjoyment of the estuary.
 - A Planning Team member explained that the purpose of this presentation today was to get additional feedback and that additional opportunities for HRSO review will be discussed by the Planning Team in more depth soon once the schedule for the survey is more complete.
- Recreation
 - An HRSO representative commented that it will likely be hard for respondents to rank their level of satisfaction for different types of recreation activities under

present day conditions and under restored conditions, as many don't know how restoration is going to be done, so they don't know how their particular recreation activities will be impacted.

- A Technical Team member suggested following up with Martha Craig, Friends of Herring River, after the meeting to create a plan to map where hiking trails are to show the lack of impact.
- A Planning Team member suggested adding in an answer choice that indicated that the respondent does not know if opportunities for recreation will increase or decrease.
- Salt Marsh Smell
 - An HRSO representative raised concerns about the question's wording ("Assuming that there would be periodic [i.e., occurring mostly during low tide for a few hours] and episodic [i.e., changing based on wind and other factors], to what extent would salt marsh odors impact your experience of the Herring River estuary?"), noting that there likely is not enough context in the question for the respondent. They also suggested putting the question in present tense to avoid predicting the future.
 - An HRSO representative commented that this answer is very subjective, given that the influence of smell depends on the degree of how each individual finds it offensive.
 - An HRSO representative questioned the goal of the question and what will be done with its data. A Technical Team member explained that the aim of the question is to understand how salt marsh smell influences the experience of the estuary, which will be combined with ongoing expert elicitation data about how the smell may change as the project progresses.
 - An HRSO representative raised the importance of demographic questions for sorting question responses based on different respondent types. They noted that abutters should likely carry more weight on a question like this, given their more frequent exposure to any smell changes. They suggested that HREC consider demographic splits as a factor when they consider implementation, as not all project impacts are equally dispersed among the various stakeholders.
 - Another HRSO representative suggested breaking apart "periodic" and "episodic," as those are different and combining them may skew the question results.

HRSO representatives raised the following questions and comments. Responses and discussion are captured in bullets below:

- An HRSO representative raised their frustration with not having received the materials discussed ahead of the meeting, noting that only having access to information in a screen sharing format makes it more difficult to respond to. It was shared that, in the future, it would be more productive to send a draft of materials out before the meeting rather than dedicating meeting time to reading through documents. The representative also noted that the messaging from Planning/Technical Team members around when the survey would be sent to the HRSO for public comments was unclear.
 - A Planning Team member responded that, in general, when materials in this forum are not sensitive to the public, the goal is to share them in advance.

- Another Planning Team member commented that they did not want to leave the impression that they did not want to circulate a draft. The member wanted to convey that this is a project in process, and there will be greater clarity shortly about when to circulate the survey for draft review, not if.
- A Technical Team member responded that, as soon as the project team is prepared to let it be circulated, the HRSO will receive the draft survey with time to comment. The original plan was always to present the questions at this meeting for input and give HRSO representatives time after the meeting to provide public comments. What was shifted was the time when the HRSO received the questions in writing.

Social Factors Elicitation Survey Outreach Plan - Elise Leduc and Tim Smith

The Technical Team shared that they will be discussing an outreach plan shortly following this HRSO meeting, with the idea of possibly reaching out to HRSO representatives for ideas on how best to circulate the survey. As this communication will have to happen before the next meeting, the HRSO Chair suggested sending out emails to the HRSO soliciting ideas on how to widen the net for the survey and using those responses to formulate a plan.

HRSO representatives did not raise any questions or comments.

Recreation - Brian Carlstrom

- Brian Carlstrom, Superintendent of the Cape Cod National Seashore (CCNS), joined the meeting to share the CCNS's views on how recreation opportunities could change with this project. He noted that recreation is a significant portion of CCNS's mission, and that the project will be an integral part of enhancing that offering. Some of the enhancements from the project will include improved opportunities for canoeing, kayaking, and wildlife viewing.
- Brian noted that recreational activities generate \$11 million annually for the local economy, and this restoration could create different opportunities in on-water activities as well as possible new hunting experiences.
- Currently, the upper Herring River system has limited access for recreation. Some trails and roadways exist, but they are not identified nor maintained by CCNS. Brian noted that, while there are more than 8 areas identified as hiking and walking trails as well as miles of fire roads used for recreation, it would be a stretch to take on enhancing their recreational values as a result of this project. CCNS is in a position to maintain the recreational aspects and significant access they have currently.
- Given budgetary and other constraints, CCNS cannot suggest that, as a result of this project, they will take on adding built access points in the seashore. Brian noted that there may be opportunities for modest, passive recreation enhancements.
- CCNS is completely supportive of the Herring River Restoration Project and passive enhancements to existing recreational opportunities but developing additional recreational elements within CCNS is not something that is supported.
- Brian shared that Geoff Sanders, who joined the meeting, is the Chief of Resources for CCNS and will serve as the primary point of contact for recreation.

The discussion was led by Bill Biewenga, HRSO Chair and recreational representative, and Moe Barocas, HRSO Vice Chair and business representative. HRSO representatives raised the following questions and comments. Responses and discussion are captured in bullets below:

- Bill acknowledged CCNS's budgetary constraints and asked if it would be possible for kayak racks to be maintained next to parking areas.
 - Brian responded that it is a possibility but within the rights of way of the town.
- Bill posed the question if private kayak rentals can go upshore in the system?
 - Brian responded that they absolutely can and that CCNS has guides to coordinate those activities. Brian also noted that CCNS is happy to work in conjunction with other organizations to enhance recreational opportunities and guide services.
 - An HRSO
- Bill and Moe raised a question about any structures that would be potentially within the purview of HRSO (like bird nest stands, hunting blinds, kayak racks, etc.).
- Brian responded that any proposed structures that involve the manipulation of habitat for an species, unless it is endangered species recovery, is generally within the CCNS's purview. Hunting has been part of CCNS since its inception and will continue, including turkey, deer, upland birds, and ducks. With regards to kayak racks, a lot of municipalities have these, and they would be within Wellfleet's purview, though CCNS would be happy to talk with the town about them. Brian noted that there are also archeological concerns raised whenever there needs to be digging in the seashore.
- Moe asked if Brian could think of a place in CCNS where kayaks could be launched that could be used in a rental sense.
- Brian responded that, to build a place in CCNS, would require going through a federal prospectus process, where it has to be a necessary and appropriate use for the seashore. The goal is to keep the built footprint within CCNS to a minimum; anything build within the seashore must meet strict requirements before consideration.
- Bill asked if there are limitations on trailering in kayaks or using park facilities within reason.
- Brian responded that CCNS would figure out different operational procedures. The seashore is capable of accommodating large groups of recreators.
- Bill asked HRSO representatives to share suggestions for relevant recreation organizations or stakeholders for summer outreach to in further discussion at the fall HRSO meeting.
 - An HRSO representative suggested that the Wellfleet Conservation Trust would be a good starting place, given their understanding and responsibility to open up public access to trails. Barbara Carey, an HRSO representative, works for the Wellfleet Conservation Trust, and noted that the Trust has two sets of kayak racks on their land in Wellfleet.
 - Bill noted that Martha Craig, Friends of Herring River, had mentioned the possibility of some hikers wearing GPS trackers to map locations of existing trails that are currently unmaintained. In response, Brian shared that CCNS completed an extensive mapping exercise and could have their GIS analyst come in and do a presentation of existing trail resources. Brian also noted that CCNS has a trip planner with at least 7 boat rentals for the public to access, and can share that information.

- Martha offered to start a list of people to contact who have expressed interest in participating in a community trail mapping exercise in order to develop visuals of what those trails will look like after restoration.

Next Steps - Stacie Smith

HRSG representatives will receive an email with a Doodle poll to schedule the next two HRSG meetings to occur in the fall. Stacie encouraged HRSG representatives to continue to reach out to Bill and Moe with suggestions for recreational organizations and stakeholders for engagement on this topic over the summer. Other actions include requests that HRSG representatives give their comments on both the draft survey and the survey outreach plan once they are circulated by the Technical Team.

Public Comment

Members of the public provided no comments.

The Chair adjourned the meeting.