

Agenda & Remote Meeting Access Information
Herring River Executive Council (HREC)
Thursday, December 14, 2023, 3:00 pm

-AGENDA-

Join Zoom Meeting

<https://us06web.zoom.us/j/88144706360?pwd=fnRa0anN2t2YRXeFzHjtKrkjSEqqaUQ.1>

By phone:

+1 646 931 3860

Meeting ID: 881 4470 6360

Passcode: 606039

-Welcome and introductions

-Approval of minutes: September 14, 2023

-Herring River Restoration Project updates

Construction Updates

Chequessett Neck Bridge

Mill Creek Water Control Structure

Low-lying road elevation and culvert replacements

Private property

Adaptive Management

Vegetation Clearing and Berm Removal Pilot

Regulatory

Funding and Grant Administration Funding

-Herring River Stakeholder Group Appointments

-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.*

-Proposed 2024 meeting dates (all Thursdays):

March 14, 3 pm

June 13, 3 pm

September 19, 3 pm

December 19, 3 pm

-Adjourn

**Meeting Minutes
Herring River Executive Council (HREC)
Thursday, September 14, 2023, 3:00 pm**

Virtual meeting via Zoom

HREC members present: Geoff Sanders, Helen Miranda Wilson, Janet Reinhart, Brian Carlstrom; Coordinator: Carole Ridley; Others present: Christine Odiaga, Tim Smith, Dave Koonce, Christa Drew, Gail Ferguson, Barry McLaughlin, Josh Yeston, Al Kraft, April Wobst.

Minutes

Following the meeting welcome and introductions, the draft minutes of June, 15 2023, were approved by consent.

Herring River Restoration Project Update

Carole Ridley introduced Wes Stinson of Environmental Partners, to provide an update on construction of the Chequessett Neck Bridge.

Wes Stinson reported that pipe piles for three piers that support the temporary bridge structure are being installed. There are 24 piers in total. Pier caps are in the process of being formed and concrete will be poured next week at piers 1 and 2. After that, concrete abutments will be poured. Beginning in mid October, sections of the temporary bridge superstructure will arrive on site. The temporary bridge should be operational by the end of the year. The relocation of existing utilities will be under this structure may cause a temporary loss of service to occur and those affected will be notified. The project is on budget with \$4.8M of the \$30M cost expended. The only significant change order thus far was a MA Department of Transportation requirement for larger piles. Work on the permanent bridge will begin in the winter.

Helen Miranda Wilson asked how the herring are doing, whether the Selectboard had decided on external cladding, and how long utility service would be interrupted. Stinson said that he was not sure if Herring out migration had occurred yet. Ridley noted that herring passage is allowed at all stages of construction. Stinson reported that Fuss & O'Neill is preparing a life cycle cost analysis of cladding treatments that will be presented to the Selectboard for its input on cladding. The temporary utility disruption should only be a few hours.

Brian Carlstrom asked if the project was on schedule. Stinson reported that the project is on schedule and things are going to plan.

Barry McLaughlin asked how temporary bridge components will be transported to the site. Stinson said that the bridge sections will be delivered by flatbed truck, with 2-3 trips per day.

Geoff Sanders provided the update on the Mill Creek Water Control Structure. The US Department of Agriculture Natural Resources Conservation Service has granted \$8M to construct the structure. The 25% non-federal match funding is being provided by the National Park Foundation and MA Division of Ecological Restoration. Bids were received over the summer and Sanders anticipates that a contractor will be announced soon. The earliest construction could begin is November 1 due to time of year restrictions for the Northern Long-eared bat.

Ridley provided an update on low road elevation and culvert replacements, and property mitigation. Final design for elevation of low-lying roads and culvert replacements is progressing. The bidding and construction start schedules for low road and culvert work have been revised to Summer 2024 (bidding)

and Fall 2024/Winter 2025 (construction start) to allow ample time for completion of final design and competitive bidding, and meet all applicable time-of-year restrictions. The revised schedule will not alter the timeline for restoring tidal flow to Herring River. Because flood mitigation work on four private properties is closely aligned with the timing of low road work, the schedule for installation of protective measures on private properties, including Chequessett Club golf course, also has been revised to begin late 2024.

Tim Smith provided an update on vegetation clearing. Clearing of woody vegetation on an additional 40 acres in Duck Harbor is expected to resume in December 2023, for a total of 120 acres cleared. Additional clearing of approximately 60 acres of woody vegetation between High Toss Road and the Chequessett Neck dike is expected to take place in Winter 2024. The clearing and access plan is still being developed and will need to go out to bid.

Smith also provided an update on the spoil berm pilot project. This project would utilize spoil berm material to fill unwanted man-made channels. He noted that 30% plans should be ready in November and permitting would begin early in 2024.

Wilson asked if woody material from tree clearing left at Duck Harbor was interfering with plant growth or drainage. Smith replied that the material is integrating with the soil and plants are growing through it. There is also no discernable change in drainage. She asked if changes on the Duck Harbor cleared surface are being monitored, and they are. Wilson also asked what is the dominant species of phragmites, which is *Phragmites Australis*.

Ridley reported on recent low dissolved oxygen readings in Lower Herring River which are being discussed with MA Division of Marine Fisheries and the Town Herring Warden in light of the herring outmigration. Low dissolved oxygen readings have been observed in Cape Cod Bay also. Dr. Kevin Kroeger of USGS recently presented an update on his Blue Carbon research, which is ongoing.

Member Announcements:

Brian Carlstrom announced that this would be his last meeting as he is taking a new post in Colorado beginning in October. He said the project is an example of conservation and community conservation and stewardship that is being noted around the country. He wished the project continued success. He also noted that Leslie Reynolds will capably fill in as Acting Superintendent until a new Superintendent is hired. Ridley and others thanked Carlstrom for his leadership of the project during a critical period and wished him well in his new role.

Public Comment:

Paul Faxon requested that neighbors to the vegetation clearing have an opportunity to meet with Tim Smith to review the clearing areas and access plan when that is available. With regard to the Mill Creek project, he noted that contractors may be tempted to park or transport heavy equipment over Chequessett Knolls Rd, which is a private road. Carlstrom remarked that both requests would be addressed.

Next Meeting Dates

The following meeting dates remain in 2023:

Thursday, December 14, 2023, 3:00 pm

Adjournment

The meeting adjourned at approximately 3:50 pm.

9-26-17

I. Background

The Herring River Restoration Project Final Environmental Impact Report (FEIR) Certificate requires that a stakeholder group would be established by the Herring River Executive Council (HREC) to represent community interests and concerns during implementation of the Project. This group would represent the broad interests of the community including, but not limited to, potentially affected landowners and business owners, recreational users of the Herring River flood plain, shellfishermen, and conservation and environmental advocates.

The 2016 Memorandum of Understanding (MOU III) between the Towns of Truro and Wellfleet and Cape Cod National Seashore ratifies the restoration plan set forth in the FEIR, enables activities necessary to implement the agreed-upon plan, and sets forth roles and responsibilities of an intergovernmental team and supporting independent organization to carry out implementation activities.

MOU III establishes the HREC to coordinate implementation activities, provide policy direction, review and approve the adaptive management plan and ensure compliance with applicable laws. In fulfilling its responsibilities, according to MOU III, the HREC may consult with individuals and organizations such as a stakeholder group and/or science advisors.

In consideration of the foregoing, and to ensure that the HREC has the benefit of input from diverse interests within the community, a Herring River Stakeholder Group (HRSRG) is hereby established. As required under the FEIR Certificate, the HRSRG is designed to represent community interests and concerns during project implementation.

II. HRSRG Charge

The duties and responsibilities of the HRSRG are as follows:

1. Communicate with stakeholder interests within the Towns to ensure public and private concerns are well represented and considered by the HREC in its decision-making during project implementation.
2. Provide advisory input to the HREC on key implementation issues, such as:
 - vegetation management
 - traffic management
 - recreational access
 - environmental monitoring
 - adaptive management
 - general community concerns

Revised Proposal for Herring River Stakeholder Group

III. Membership

The HREC shall appoint the members of the HRSG, and designate one member to serve as its chair. The Wellfleet Town Administrator and Truro Town Manager shall gather nominations and submit a slate of proposed HRSG members and Chair to the full HREC for consideration.

Membership shall be constituted as follows:

- Shellfishing (2)
 - Wellfleet Shellfish Advisory Board
 - Truro Shellfish Advisory Committee
- Wellfleet Herring Warden (1)
- Wellfleet Harbormaster (1)
- Conservation/Environmental Advocates (5)
 - Wellfleet Conservation Trust
 - Truro Conservation Trust
 - APCC Restoration Center
 - MA Audubon Wellfleet Sanctuary
 - Center for Coastal Studies
- Business Representatives (2)
- Recreational Users (1)
- Chequessett Yacht and Country Club (1)
- Flood Plain Property Owners (3)
 - Upper Pole Dike Creek sub-basin
 - Mill Creek sub-basin
 - Upper Bound Brook sub-basin
- Cape Cod Mosquito Control (1)
- Cape Cod National Seashore Advisory Commission (1)
- At-Large Member (1)

An Ex-Officio representative of the HRRC shall attend HRSG meetings to facilitate communications between the groups. The Ex Officio member shall not be a voting member of the HRSG.

IV. Term and Vacancies

Upon initial appointment, all of the members shall serve on the HRSG for a term of two years. Thereafter, upon appointment or re-appointment, members shall serve for a term of two years. Members may serve no more than three consecutive two-year terms.

Any vacancy would be filled in the same manner in which the original appointment was made.

Revised Proposal for Herring River Stakeholder Group

V. Administration

The HRSG shall meet quarterly or as needed. All meetings shall be posted in conformance with the Massachusetts Open Meeting Law. Minutes shall be taken and approved by the HRSG, and submitted to the Town Clerks of Truro and Wellfleet and the Superintendent of the Cape Cod National Seashore.

A majority of members appointed at the time of any meeting would constitute a quorum.

Members should represent the concerns and views of their constituent organizations, rather than personal views.

Any recommendation by the HRSG to the HREC should be in the form of a vote of a duly constituted quorum of voting members recorded at a posted public meeting.

The HRSG may report its input to the HRRC and the HREC orally and/or in writing.

The HRSG acts as a whole and its positions are articulated through a vote of its membership.

No individual member of the HRSG carries any individual authority unless designated to do so through a vote of the membership.

The HRSG is advisory in nature. While the HREC will make every effort to account for the input of the HRSG, it is under no obligation to follow the advice or recommendations of the group.

Stakeholder Group Appointments Approved 12/16/21

Representing	Representative	Proposed Term	Term Expires
Mill Creek Sub-basin	Al Kraft	2	12/31/23
APCC Restoration Center	April Wobst	2	12/31/23
Wellfleet Conservation Trust	Barbara Cary	1	12/31/22
Recreational User of Herring River	Bill Biewenga	2	12/31/23
MA Audubon Sanctuary	Bob Prescott	2	12/31/23
Upper Bound Brook Sub-basin	Edouard Fontenot	1	12/31/22
Wellfleet Herring Warden	Not confirmed	1 (when named)	
Truro Conservation Trust	Fred Gaechter	1	12/31/22
Cape Cod Mosquito Control	Gabrielle Sakolsky	2	12/31/23
Chequessett Club	Barry McLaughlin	2	12/31/23
Business Community	Not confirmed	1 (when named)	
Upper Pole Dike Creek Sub-basin	Laura Runkel	2	12/31/23
Center for Coastal Studies	Katie Costagno	2	12/31/23
CCNS Community	Open	1 or 2	
Wellfleet Harbor Master	Not confirmed	1 or 2	
Business Community	Moe Barocas	1	12/31/22
Member at Large	R. Paul Faxon	2	12/31/23
Wellfleet Shellfish Advisory Board	Request replacement	1 or 2	
Truro Shellfish	Request replacement	1 or 2	