

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

**Virtual meeting via Zoom**

HREC members present: Geoff Sanders, Helen Miranda Wilson, Janet Reinhart, Jennifer Flynn, Deborah Freeman; Coordinator: Carole Ridley; Others present: Christine Odiaga, Tim Smith, Paul Faxon, Gail Ferguson, Barry McLaughlin, Josh Yeston, Al Kraft, Gabrielle Sakolsky, Bill Biewenga, Wes Stinson, Erika Pfammater, Jackie Fouse.

**Minutes**

Following the meeting welcome and introductions, Helen Miranda Wilson made a motion to vote on approval of the minutes of September 14, 2023. Deborah Freeman seconded the motion. The motion was approved 4-0-1 (D. Freeman abstained). Wilson then moved to approved the minutes of September 14, 2023. Geoff Sanders seconded the motion. The motion was approved 3-0-2 (Freeman and Jennifer Flynn abstained).

**Herring River Restoration Project Update**

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

Stinson reported that the contractor was nearing completion of the temporary bridge, and that the temporary bridge should be operational pending installation of temporary utilities. Temporary utility poles could be installed before the Christmas holiday, but that timeline is not certain. Completion of the temporary bridge is needed before work on the permanent bridge can commence. Regulatory agency review of water control plans for the permanent bridge construction is also pending. The project is has utilized 24% of the contracted budget, or approximately \$7 million.

Sanders asked if the utilities delay would require MIG to pause work. Stinson reported that yes, that was a possibility, and the project team is doing all it can to facilitate the utility installation.

Ridley reported that the Mill Creek water control structure is slated to start construction in early 2024. Sanders reported that the pre-construction meeting would likely occur in January, and construction would likely start in February. The National Park Service has received a grant of \$8 million from the USDA Natural Resources Conservation Service, in addition to \$1.425 million from the National Park Foundation. Ridley also reported that the easement and license needed for the access road are in place, and that an article seeking an extended license term would be submitted for Town Meeting approval in the spring.

Final design work on the low-lying roads and culverts continues. Geotechnical borings will be conducted in January 2024 to inform final design. The project is still on track to go out to bid in summer or fall 2024, with a construction start in early 2025.

Permitting activity includes applications to MA Department of Environmental Protection for Water Quality Certification and to US Army Corps of Engineers for re-authorization under the new General Permit. Both permit applications were anticipated.

Vegetation clearing planned for 2024 and 2025 includes an additional 40 acres of brush and trees in Duck Harbor, and up to 62 acres of area that would be impacted by tidal flow under the first three years of tidal restoration, in accordance with the approved tide gate management policy.

Bill Biewenga requested clarification of areas to be cleared along Snake Creek Road aka Way 672. Sanders explained that this area is not scheduled for clearing in 2024. It is also not expected that tidal flow will reach this area during the first three years of the tide gate management policy. Paul Faxon expressed a concern that this contradicted what he heard from Seashore officials during a recent site visit with neighbors. He questioned why modeling wasn't identifying areas where tidal flow would affect vegetation and also expressed his understanding that clearing before tidal inundation would be preferable to clearing once the area was wet. Sanders clarified that the project will continue to work with neighbors to refine the estimate of where tidal flow will go and take appropriate vegetation clearing measures. The area noted by Faxon is expected to be an area where Phragmites will be cleared in 2025, and possibly a small stand of trees, according to Tim Smith. It was agreed that the project team would conduct follow up discussions with Faxon and neighbors.

It was also reported that a pilot project is in development to remove remnant spoil berms created by channelization in the early 20<sup>th</sup> century. This project would utilize spoil berm material to fill unwanted man-made channels and augment areas where the marsh is subsided.

Monitoring of water levels, water quality and other factors continues and will generate data to inform adaptive management of the project.

Sanders announced that the Park Service has received \$350,000 in Inflation Reduction Act funds for the spoil berm pilot project and for ongoing research. He also noted that the Seashore would be issuing a media release about the additional clearing of vegetation that would be undertaken in Duck Harbor, to inform the community.

#### **Herring River Stakeholder Group (HRSG)**

Ridley explained that the HRSG was formed by the Executive Council in 2017 to provide advisory input on implementation issues. There are 19 members appointed by the Executive Council. A small number of terms expired at the end of 2022 and the remainder expire at the end of 2023. The current HRSG charge includes a term limit of 3 consecutive 2-year terms.

The Council agreed by consensus to extend expiring member terms and re-appoint expired member terms through June 30, 2024. The Council also agreed to relax the term limitation. As chair of the HRSG, Biewenga agreed to work with Ridley to notify members and seek their level of interest in continuing to serve on the HRSG.

#### **Member Announcements:**

Sanders announced that a media release and letter to neighbors would be sent out to inform the public about the planned construction of the Mill Creek water control structure.

#### **Public Comment:**

Al Kraft asked for clarification on the license going to Town Meeting and whether that would delay construction of the Mill Creek structure. Sanders explained that it would not as the current license issued by the Selectboard for 5 years is sufficient to start construction. Town Meeting will be asked to issue a license for a longer term than the Selectboard are able to issue.

Josh Yeston expressed his concern that the project is making a mistake in closing Duck Harbor and High Toss Roads as they provide secondary access to Griffin Island residents.

Wilson noted a chat comment about a Town Bylaw to protect certain trees from clearing and it was agreed this should be consulted in related to planned vegetation clearing.

**Next Meeting Dates**

The following meeting dates were agreed to for 2024

March 14, 3 pm

June 13, 3 pm

September 19, 3 pm

December 19, 3 pm

Sanders expressed interest in one in-person meeting a year, to provide an option for more personal interaction as restoration activities ramp up. Wilson supports continued Zoom meetings as more practical and for ease of participation. A separate onsite meeting in warmer weather was discussed. This issue will be revisited at the next Council meeting.

**Adjournment**

The meeting adjourned at approximately 4:15 pm.

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Minutes approved by consensus of the HREC on March 14, 2024  
Submitted by Carole Ridley, Project Coordinator

# Herring River Restoration Project

## Herring River Executive Council

December 14, 2023



# Agenda

1. Welcome and introductions
2. Approval of minutes: November 14, 2023
3. Herring River Restoration Project Updates
4. Herring River Stakeholder Group Appointments
5. HREC member announcements
6. Public comment
7. 2024 meeting dates
8. Adjourn

# Project Updates – Chequessett Neck Bridge Construction

## Chequessett Neck Bridge and Water Access Facility - Sequence of Construction Activity

- Temporary bridge construction – operational by early 2024
- Permanent bridge construction & estimated completion – 2025



# Project Updates – Other Project Elements

## Mill Creek Water Control Structure

- \$8,000,000 grant from USDA Natural Resources Conservation Service to NPS for construction; \$1,425,000 match contribution from National Park Foundation
- Contractor selected
- Easement and license agreement for access road finalized (2024 Town Meeting action)
- Anticipated construction start in Jan/Feb 2024
- Estimated completion Spring 2025



Figure 3 — General Project Location

# Project Updates – Other Project Elements

- Final Design Underway
  - Low road elevation/culverts
    - Geo-technical borings at 4 locations on Pole Dike, Bound Brook Island and Old County (Truro) Roads– January 2024
  - Property Impact Prevention
- Estimated Schedule
  - Bidding – Summer/Fall 2024
  - Construction - Fall 2024/Winter 2025
- Town-NPS Land Transfer





# Project Updates - Permitting

- Permits in hand:
  - MEPA Certificate and Record of Decision
  - Cape Cod Commission Development Regional Impact approval
  - §401 Water Quality Certification
  - Approval under §404 2018 General Permit
  - US Coast Guard Advance Approval
  - Notice of Intent for Ecological Restoration Limited Project (ERLP)
    - Wellfleet and Truro Orders of Condition received and recorded.
  - MGL Ch. 91 Waterways Licenses
- Under review - application with MA DEP for §401 Water Quality Re-certification
- Pending - application with USACE for §404 re-authorization 2023 General Permit

# Project Updates – Fundraising/Grants Management

- \$8,000,000 grant from USDA Natural Resources Conservation Service to NPS for Mill Creek Water Control Structure
  - \$1,425,000 Match from National Park Foundation
- \$64,560,000 grant agreements executed by Town:
  - \$27,200,000 - USDA Natural Resources Conservation Service
  - \$22,670,000 - MA Division of Ecological Restoration
  - \$14,690,000 - NOAA Transformational Habitat Restoration
- Funding for marsh/vegetation management
  - ≈\$2,000,000 - US Fish & Wildlife North American Wetlands Conservation Act through Ducks Unlimited
  - NPS/NPF funding for vegetation management
- Grant Administration & Reporting- EP & Clifton Larson Allen



# Project Updates – Vegetation Clearing

- Expected Sequence of Activities Through 2025
  - Duck Harbor - ~80 Ac cleared in 2022/23; Complete remaining ~40 Ac beginning ~ 12/2023
  - Winter 2023/2024: Clear ~62 Ac of Trees, Shrubs, and Vines in Area Flooded Within Year 1 of Tidal Restoration (Prior to Inundation)
  - Fall-Winter 2024/2025: Mowing ~45 Ac Phragmites (Prior to Inundation)



# Herring River Vegetation Management Locations, Phase 1

348 acres: About 62% of Phase 1 area

## Phragmites

FIGURE 1: Phase One Non-Woody Emergent Vegetation

- Phase One Project Area, 566 Acres
- Common Reed, 43 Acres
- Other Emergent Species, 209 Acres



## Shrublands

FIGURE 2: Phase One Shrubland Vegetation

- Phase One Project Area, 566 Acres
- Shrublands, 179 Acres



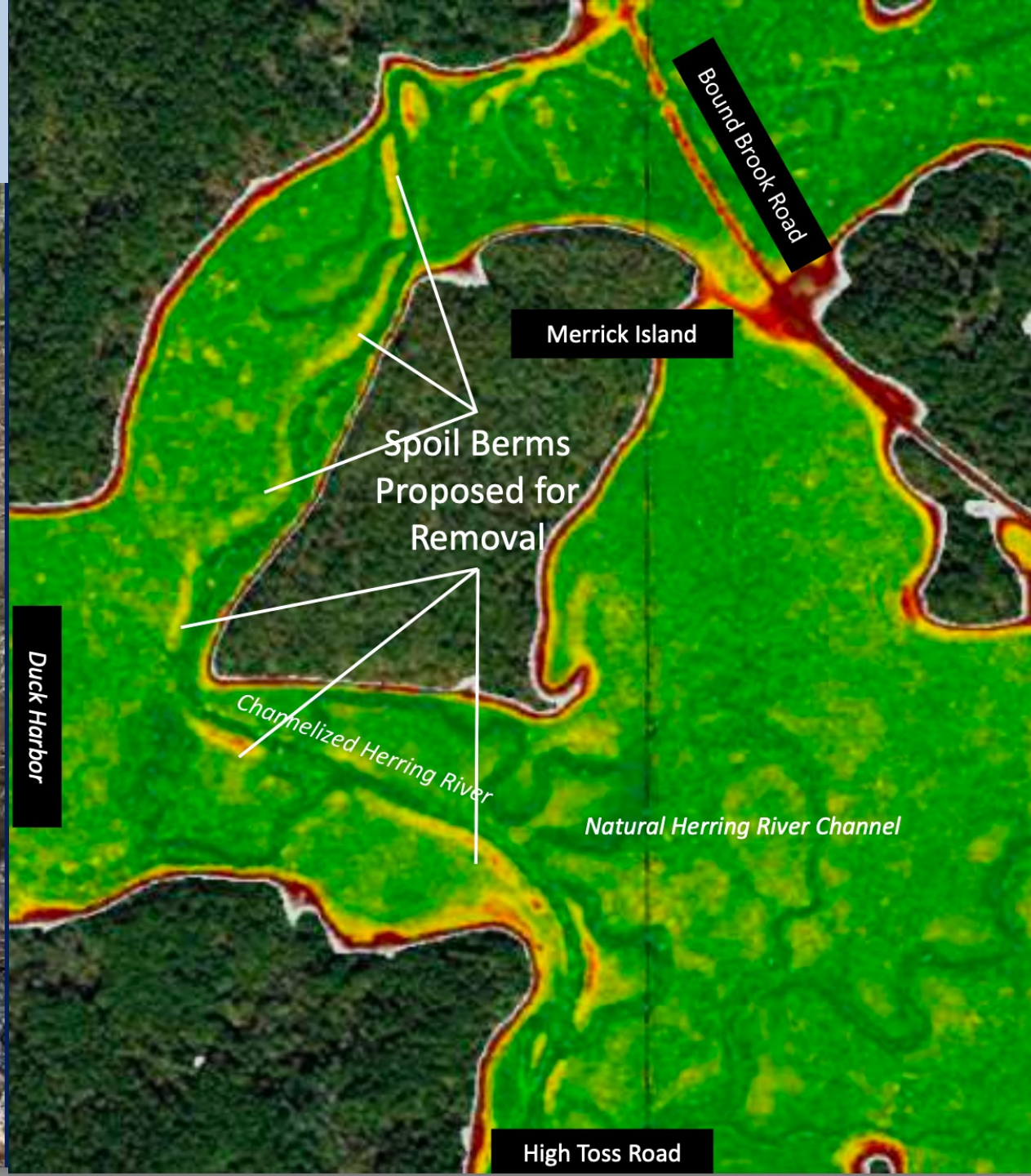
## Woodlands

FIGURE 3: Phase One Woodlands Vegetation

- Phase One Project Area, 566 Acres
- Woodlands, 126 Acres

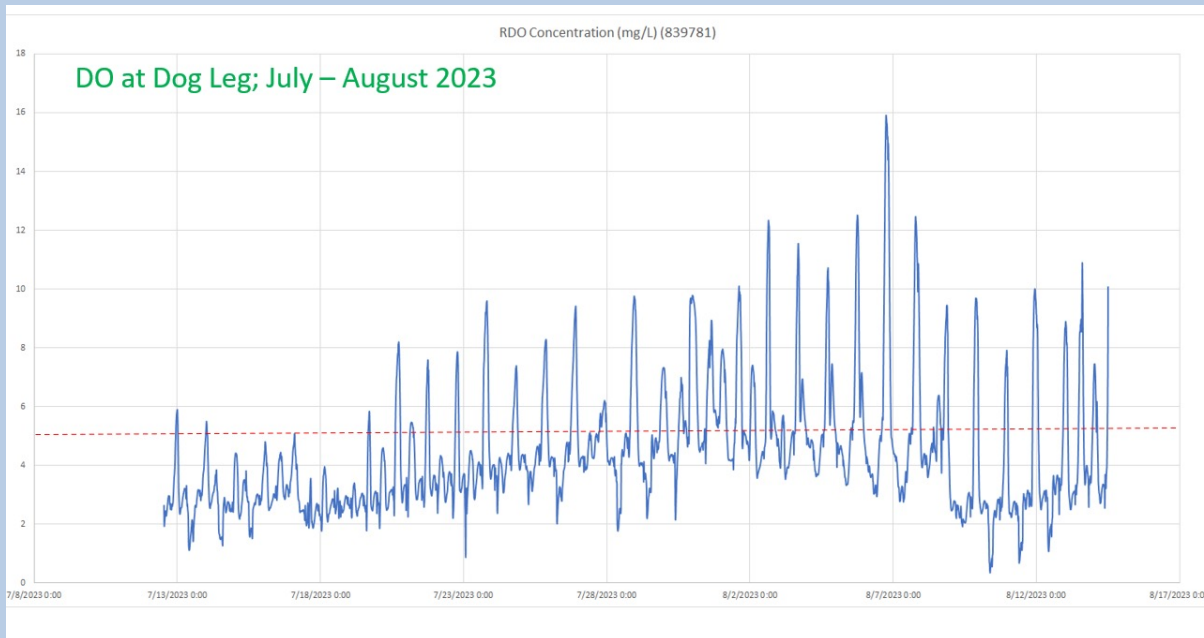


# Spoil Berm Pilot Project



# Project Updates - Adaptive Management

- Continuous water quality monitoring (ongoing)
- Water level monitoring (ongoing)
- Lower Herring River bathymetric survey (ongoing)
- Assessment of Blue Carbon and ocean alkalinity USGS, NPS, partners



## 5. Herring River Stakeholder Group

Possible action: Extend all terms expiring 12/31/23, and reappoint any terms expired 12/31/22, to March 31, 2024.

Discuss possible reconsideration of term limits.

Discuss possible areas of focus for HRSG.

## 5. HREC member announcements



## 6. Public comment

7. 2024 proposed meeting date:  
Thursdays at 3:00 pm via Zoom

March 14, 3 pm

June 13, 3 pm

September 19, 3 pm

December 19, 3 pm

8. Adjourn