

**Meeting Date:**

July 6, 2023

**Wellfleet Dredging Task Force (DTF) Committee  
Minutes of Meeting**

**July 6, 2023 – 7:00 pm**

**Meeting held via Zoom conference call**

**DTF Present:** Co-Chair Chris Allgeier, Charles Annett, Curt Felix.

**Others Present (DTF Committee Participants):** John Wolf\*

Others: Jude Ahern\*, Tim Sayre, Terri Sayre.

\* Part time; exited early.

1. Announcements, Open Session, and Public Comments - None
2. Administrative.
  - 2.1. Roll call was taken to confirm attendees.
  - 2.2. Approval of Minutes of Meeting, from the June 5, 2023, meeting.
    - 2.2.1.1. A motion to accept the Minutes was made by Curt and seconded by Charles.
    - 2.2.1.2. The motion was approved by a vote of 3-0.
3. Update on permit activity and the Mitigation Plan.
  - 3.1. Chris reminded that the mitigation plan no longer uses any site in the Herring River. The Mitigation Plan only uses a site in Blackfish Creek; that site will be initiated in Year One of the Plan, in 2023.
  - 3.2. Jude Ahern asked when the change to (elimination of) the Herring River site occurred. Chris responded that it was about June 20; it was discussed at the Selectboard meeting at about that time.
  - 3.3. Jude inquired how and why that change happened. The change evolved as a result of looking for ways to initiate Blackfish Creek site sooner rather than later to shorten the overall duration of the plan. The Herring River site was a place holder so we could get started in 2023. We discussed ways to initiate Blackfish Creek with US Army Corps of Engineers (USACE); it was suggested to eliminate Herring River site and start directly with Blackfish Creek. Both parties agreed this would be a desirable improvement to the plan.
  - 3.4. Jude asked what about the expanded amended Chapter 91 permit and the base study that needs to be done? The Chapter 91 permit is still a requirement. We will be initiating activities in Blackfish Creek with activities other than cultch while we await an amended permit. Spat on shell was recently placed in Chipman's Cove which will be moved to Blackfish Creek which will initiate the site. The timing for that is late October. USACE also advised that initiation of the site is no longer a condition precedent to the start of dredging on October 1; the site can be initiated in late October or thereabouts.
  - 3.5. Nitrogen will not be a metric evaluated for purposes of the mitigation plan. The nitrogen readings will be taken and recorded but it will not be an evaluated metric.
  - 3.6. The Mitigation Plan requires a baseline study for Blackfish Creek; that study has recently been completed.

- 3.7. Jude expressed her dissatisfaction with a mere one-day study and also requested confirmation that no cultch has been placed on the Blackfish Creek mitigation site. Jude stated she is looking forward to the baseline study and the updated documents.
    - 3.7.1. Curt made additional observations including ...people at various recent presentations have made comments regarding “changes to the plan” for what are actually improvements to the plan. The community has had concerns, the Selectboard have had concerns, the Dredging Task Force has had concerns – those concerns are what are being addressed and producing changes in the overall plan and ultimately making the plan better. For example, clarifying that nitrogen is a qualitative (not quantitative) metric, elimination of the Herring River site, etc.
  - 3.8. Tim Sayre asked since we are only going to count oysters, rounding up to 3 million (for the 28-acre site), why are we also placing quahogs in the mitigation site? Curt explained that biodiversity is also a metric and if we fall short of the 25 oysters/square meter we can point to the other metrics including improvement in biodiversity. Tim asked if that language is in the plan or is it just a good faith discussion? The language is in the plan – it is part of the Adaptive Management Plan.
  - 3.9. Chris made the following motion “Whereas Wellfleet Harbor Area 2, the South Mooring Field, is in desperate need of dredging, and whereas a US Army Corps of Engineers Permit is required to perform the dredging of Area 2; and whereas in lieu of paying a \$4.5 million permit fee, the Town can propose a mitigation plan that is acceptable to USACE, the Dredging Task Force strongly recommends that the Selectboard approve and submit a mitigation plan to USACE, such plan to be substantially in accordance with the Mitigation Plan Documents dated July 5, 2023, Rev. 1.” The motion was seconded by Curt.
  - 3.10. Discussion on the motion: Tim Sayre requested the motion not be approved and further opined, based on what he has been told: “we should pay for a portion of the permit we need; you don’t have to pay for the whole permit; at 40% that would be \$1.8 million. Tim has been told that the money could come from the \$2.5 million and the \$2.5 million we are matching it with because that is considered part of the actual dredging. I believe the dredging costs about \$3.2 million; it might have been \$3.5 million. At that point, it leaves \$1.5 million (if dredging is \$3.2 million it leaves \$1.8 million which would cover the 40% of the mitigation money we would need to dredge this year so I ask you to vote not in favor of this”.
  - 3.11. A roll call vote on the motion was taken; the motion passed 3-0.
  - 3.12. Jude noted that the vote means nothing because this is a shellfish issue, not a dredging issue and further expounded her thoughts on governing statute(s).
4. 2023 Dredging Plans.
    - 4.1. The apparent successful bidder is Burnham.
    - 4.2. Tim posed the following questions:
      - 4.2.1. The original bid was \$3.2 million? The original bid (i.e., base scope bid) was \$3,505,000 for a base scope of 100,000 cubic yards. The option price to do an additional 25,000 cubic yards is \$743,750 for a total of \$4,248,750. There is also a unit price of \$29.75 per cubic yard for additional cubic yards. Therefore, a possible scenario would be to award a contract to do \$4.8 million of dredging, which would result in approximately 143,000 cubic yards.

- 4.2.2. Tim asked what percentage of the mooring field 143,000 CY represents. Chris responded, not as a percent of surface area, but as a percent of volume to be dredged it would be approximately 143,000 of an estimated 210,000 CY. This is based on an estimated volume from previous surveys.
- 4.2.3. Can the \$2.5 million grant be used for permit costs, dredging costs, and mitigation costs? The state grant funding is for dredging not for permits; the Town (bond issue) funds are available for dredging costs and permitting costs.
- 4.2.4. Tim suggested there is approximately \$3.5 million left of the bond issue; Chris stated it is approximately \$2.9 million.
- 4.2.5. Tim said we have dredged the Federal channel to a depth of -10 feet; Tim has heard the present depth is -7 which, if true, suggests the custard is moving down into that area. Therefore, wouldn't it continue to migrate down until it reaches a standard level; wouldn't we be able to dredge that area without a permit spending the money to dredge the channel? Chris noted that the Federal Channel and the Federal Anchorage (the 500 ft X 800 ft area at the end of the channel were dredged in 2020 to -10 feet (plus a foot of over dredge). Those two areas are the responsibility of the feds so it would not make sense for us to pay money to dredge it.  
(Note: The \$2.5 million state grant is specifically for dredging Area 2, South Mooring Field).
- 4.2.6. Tim inquired "so we did not pay any money to have those areas dredged?". Correct, we did not.
- 4.3. Jude asked about funding for the amended Chapter 91 permit. Is it money provided by the state or is it money we appropriated? It is money we appropriated – it is a permit cost.
- 4.4. John Wolf stated he is considering introducing a motion to the Selectboard with respect to accepting the mitigation plan, to let voters decide at Town meeting if they wish to raise and appropriate the money to buy the permit. Once we start the mitigation plan, we can still buy out the permit at any time, i.e. invoke the opt-out clause.
- 4.5. Jude asked if the opt-out clause language would be in the agreement between the Town and USACE, not in the Mitigation Plan. The language is in the Mitigation Scenarios which is Appendix D to the Mitigation Plan. Jude further inquired if it would be in the agreement, the contract, between the Town and USACE. Chris advised there is no separate agreement; there will be the Permit itself with the normal Special Conditions and the permit will reference the Mitigation Plan and the Appendices thereto.
- 4.6. Jude further stated she has heard there will be a separate agreement/contract. Although Chris repeated his description of the documents Jude likewise repeated her understanding of what the documents will be, presumably to address "forever" and said she had received an email from the Town Administrator. Chris suggested she could reply to that email and pose her additional questions accordingly.
- 4.7. Curt noted that the documents reference a Certificate of Compliance. Once the Certificate of Compliance is achieved, which is expected to be within 5-7 years, we have complied with the mitigation agreement; there is no "in perpetuity or forever" restriction. The change is only a regulatory change from only allowing 3" oysters from being harvested from the flats to setting a population base whereby excess oysters beyond 2.5 million can be harvested from that 28-acre area. It is a resource enhancement effort that increases the overall population.

- 4.8. Tim asked to return to the mitigation plan discussion and asked about the mitigation plan reporting requirements after the 5 – 7 years. Chris responded that we do have ongoing reporting requirements, in the form of self-verification as outlined in the Mitigation Plan Scenarios. One of the objectives is that once we grow to significant oyster population density, we don't just open the area to unfettered harvest and pluck the area clean.
- 4.9. Curt further noted that once we get a Certificate of Compliance, we don't have any ongoing liability other than continued self-verification reporting. It is expected that we will maintain good faith efforts to reach the population target.
5. Future Plans to reduce sedimentation rate and future maintenance dredging.
  - 5.1. No additional discussion tonight. As stated in previous meetings, this item remains on the back burner for the next several months. We'll then seek opportunities to do maintenance dredging and alternate methods of disposal such as Thin Layer Deposition.
6. Sand/shoaling area at the breakwater- Engineering drawings and permit applications.
  - 6.1. No additional update. As noted previously BSC Group has completed the land survey and marine survey; we are awaiting the mapping to be sent to us.
  - 6.2. Tim observed that when he was a kid there wasn't any sand adjacent to the breakwater and asked if we knew when the area off the breakwater was last dredged? No, we do not. BSC was investigating any previous dredging since it may affect which agencies get involved in permitting.
  - 6.3. Curt confirmed Tim's observations of no sand being adjacent to the breakwater and further noted that years ago owners were not allowed to place sand for beach nourishment. In recent times, 15 to 20 years, beach nourishment has been allowed resulting in the migration of sand.
7. Next Meeting – it was agreed the next DTF meeting will be held on Monday August 7, 2023, at 7:00 pm.
8. Motion to Adjourn – a motion to adjourn was made by Charles and seconded by Curt. The motion to adjourn was approved, 3-0.

The meeting was adjourned at approximately 7:49 pm.