

Meeting Minutes
Herring River Executive Council (HREC)
Thursday, September 30, 2021, 3:00 pm

Virtual meeting via Zoom

HREC members present: Deborah Freeman, Brian Carlstrom, Geoff Sanders, Helen Miranda Wilson; Coordinator: Carole Ridley; Others present: Tim Smith, Christine Odiaga, Martha Craig, Gail Ferguson, Laura Runkel, Bill Biewenga, Barton Morris, Gabrielle Sakolsky, Aubrey Paolino, Dave Koonce, Edouard Fontenot, Paul Faxon, John Portnoy, Philip Tabas, Al Kraft, Madeleine Kraft

Minutes

Following the meeting welcome and introduction, and at the suggestion of Geoff Sanders, the minutes of July 15, 2021 were approved by consensus.

Herring River Restoration Project Update

Carole Ridley provided the following project updates.

Permitting Update:

- It is anticipated that during this fall, the Massachusetts Department of Environmental Protection could issue a Section 401 Water Quality Certificate, and US Army Corps of Engineers could issue a Section 404 General Permit. Both agencies have had extensive reviews and preliminarily have indicated that they have the information they need.
- Notices of Intent are on schedule to be filed with the Wellfleet and Truro Conservation Commissions in October.
- The public comment period on the applications for licenses under MGL Chapter 91 closed in late August. There was only one comment received which was a request for clarification by a property owner abutting road work, and this question has been addressed. The Chapter 91 Waterways licenses can only be issued after the Conservation Commissions issue Orders of Condition.
- The Regulatory Oversight Group which consists of representatives of multiple local, county, state and federal agencies will be meeting in October to get an update on the project and in particular the Adaptive Management Plan, initial Tide Gate Management Policy and monitoring. Helen Miranda Wilson requested the names of the local representatives, Hillary Greenberg Lemos and Emily Beebe.

Martha Craig noted that all permit Applications are available to the public on the Town website (<https://www.wellfleet-ma.gov/home/news/herring-river-project>)

Construction Management Planning

- The Project team has engaged Fuss & O'Neill to develop
 - Recommendations for organizing the bidding packages to select contractors for construction of multiple project elements,
 - Construction sequencing scenarios and timelines for multiple project elements, and
 - Options for structuring and coordinating construction management activities for different project elements.

This work is being undertaken in consultation with Wellfleet DPW, Cape Cod National Seashore and the Chequessett Club. The intent is to have more detailed information on construction management options to review with the HREC in early 2022.

Road layouts

- The Project team is working with property owners affected by the roadwork to ensure that authorizations are in place. The land transfer between the Town of Wellfleet and Cape Cod National Seashore is part of this. In addition, certain private property owners will be asked to provide a temporary and/or permanent easement to accommodate low road work. These owners have been notified of this and provided permission for work on their property to be included in the permit applications. Easements are standard for public works projects on roads. Town Meeting action will be needed to accept easements, and the Project team is coordinating with the Town Administration on this.
- The Town acceptance of High Toss Rd as a public way is nearly complete. The final order and plan have been approved and are being signed by the Selectboard and will be recorded at the Registry of Deeds.

Fundraising

- The Project team is pursuing a number of construction funding opportunities. A visit from Senator Markey underscored the funding potential for projects like the restoration that have significant resilience and climate benefits.
- The Project is a key part of the Cape Cod Water Resource Restoration Project, and the Natural Resource Conservation Service is reviewing the entire regional plan including this Project for funding. If funding is provided from this program, there could be an agreement between the Town and NRCS in place this winter.
- In addition to NRCS, there are a number of other potential funding programs that are in the bipartisan infrastructure bill through federal agency partners: NOAA, U.S. Fish and Wildlife, and FEMA. Where this project will be shovel-ready and has numerous documented public benefits, agency partners believe the Project is very competitive for these potential sources.
- A grant proposal to the US Fish and Wildlife Service North America Wetlands Conservation Act grant program is under review and US Fish and Wildlife should make a decision by the end of the calendar year. Funds will be used for pre-construction vegetation management.

Timeline

- With all of the foregoing information, the Project is on track to start construction in 2022. By January, and once the funding picture is clearer, there should be more specifics on schedule to discuss. In this case, we would anticipate that bidding could begin in the spring of 2022.

Brian Carlstrom commented that the Project is thoroughly studied and is a shovel ready project and there is a high level of confidence in the construction funding prospects.

Vegetation management during initial tidal restoration implementation period

Tim Smith, Restoration Ecologist with the Cape Cod National Seashore, presented information on Vegetation management during initial tidal restoration implementation period.

He noted the distinction between Primary Management (Tide Gate Manipulation) and Secondary Management, which involves

- Removing Trees, Shrubs, Phragmites in Current and Future Brackish and Saltwater Habitats
- Removing Anthropogenic Fill From Marsh Surface
- Enhancing Tidal Flow in Natural Stream Channels
- Managing Flow in Anthropogenic Ditches for Salt Marsh Functions and Mosquito Control
- Enhancing Marsh Surface Elevation for Salt Marsh Functions and Mosquito Control

He also recapped the tide gate management policy that the HREC approved in July and the vegetation

management actions that correspond in the first three years.

- Year 0 - **begin vegetation management** (Phragmites mowing [45 acres]; Tree removal [42 acres])
- Year 1 **Continue vegetation management** (Tree removal [42 acres]; Shrub cutting [39 acres])
- **Year 3 of vegetation management** (Tree removal [42 acres]; Shrub cutting [39 acres])

This presentation expands on those activities. The Primary Purposes of Vegetation Management are to:

- Enhance/promote growth of salt marsh vegetation
- Avoid accumulation of dead material in tidal creeks and channels
- Improve/manage aesthetics through removal of dead above ground vegetation
- Promote Blue Carbon Benefits; Retain Carbon Within the Marsh Soil

Work will occur using a number of methods and all of the work described will occur on Cape Cod National Seashore land. Work on private land would require permission of property owners.

Phase 1 vegetation management involves 348 acres or 62% of the phase 1 area. Areas of focus are: removal of phragmites (43 acres), removal of shrublands (179 acres), and removal of woodlands (126 acres). A number of innovative methods of dealing with the slash and vegetation debris are being considered, including the use of wattle or bundled stems for stream bank stabilization and ditch filling, and bio-char, which is a method of burning without emitting Carbon.

Mr. Smith also described stream channel and drainage work that would eliminate about half of the channel miles, from 30 to 15, and restore the natural channel network. Most of the vegetation and channel work could be accomplished with funding from the North America Wetlands Conservation Act funding if it is received.

Ms. Wilson asked how the channel and drainage work would affect mosquito management. Mr. Smith explained that an immediate benefit of restoration is that drainage would improve, resulting in less standing water that tends to promote mosquito breeding. The clearing of vegetation would make access to areas for mosquito control easier.

Land Exchange Update:

Mr. Carlstrom reviewed the purpose of the land exchange to address the encroachment of road elevation work on Cape Cod National Seashore land, and reported that the land exchange process is progressing. Ms. Wilson noted that it is important to maintain consistent public information about this so that citizens understand the purpose of the land exchange. Ms. Ridley noted that it would be important to make sure that any Town Meeting actions are scheduled for the Annual Town Meeting, and Ms. Wilson indicated that the December 2021 Special Town Meeting could be an option for any actions that are needed.

Herring River Stakeholder Group charge and appointments

Ms. Ridley explained that the terms of several Herring River Stakeholder Group (HRSG) appointees expired and several others will expire at the end of the year. When this happened in the past, the HREC agreed to extend the terms of members to the end of the calendar year and ask the Chair of the HRSG to poll members and bring a new slate of Stakeholder Group members to the next HREC meeting for consideration. HREC members agreed by consensus that this would be the proper approach at this time and asked the Chair to put together a slate of candidates.

The HRSG charge was briefly reviewed. Mr. Carlstrom commented that he attends most HRSG meetings and finds the group to be very helpful and productive, and thanked Bill Biewenga for his leadership as Chair. Ms. Wilson and Mr. Sanders also commented on the value of the group. Ms. Ridley asked if the HREC was satisfied with the flow of HRSG communications facilitated by Project team members, and the HREC members said they were.

HREC Member Announcements:

There were no member announcements.

Public Comment

Mr. Biewenga asked the process for filling vacancies on the HRSB. Ms. Freeman suggested he send an email to the organizations for which there are vacancies and ask them to suggest a replacement member. All HREC members concurred and Mr. Biewenga agreed to do so.

Laura Runkel asked about whether vegetation management plans consider impacts on wildlife. Mr. Smith replied that vegetation management is included in the Habitat Restoration Plan under review by the Natural Heritage and Endangered Species Program to ensure protection of all state-listed species. The plan incorporates measures such as working in small areas at a time and doing vegetation management work in the winter when birds aren't nesting, will help all species just listed species.

Al Kraft asked whether there was an engineering plan to specify which trees and shrubs will be removed by vegetation management, and whether the high tide will be lower in the early stages of restoration. Mr. Smith replied that there was no need to provide a detailed engineering plan for tree removal in part because the plan is to move nearly all vegetation in the areas indicated. It would make sense to identify the trees or shrubs to save. Dr. Kraft noted that property owners need to provide such information and the project should be kept to the same standard. Ms. Freeman noted that identification of each tree is required of private property owners seeking Conservation Commission approval. Mr. Sanders noted that many of the trees to be removed are already dead. Mr. Carlstrom noted that the Park Service conducts a detailed review for vegetation management and that information will be available to the Conservation Commission. Ms. Ridley noted that the project is being filed as an Ecological Restoration Limited Project due to the substantial public benefits of tidal restoration and is reviewed under provisions in the state Wetlands Protection Act for such projects.

Madeleine Kraft asked if the Cape Cod National Seashore would allow the removal of sediment. Mr. Smith responded that the plan is not to remove sediment but to redistribute some to subsided areas. Much of the sediment changes would happen naturally, but some will require mechanical means.

Next Meeting Dates

It was agreed by consensus that the following Herring River Executive Council meetings would be conducted remotely via Zoom:

Thursday, December 16, 2021, 3:00 pm

Adjournment

The meeting adjourned at approximately 4 pm by unanimous consent.

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Minutes approved by HREC on December 16, 2021
Submitted by Carole Ridley