



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **August 2, 2022, at 7:00 p.m.** Under Chapter 107 of the Acts of 2022, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

Join the meeting hosted in Zoom by using the following link:

<https://us02web.zoom.us/j/85689604806?pwd=b1plVFZzVi0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode:**

611877 Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

- Zoom: Raise hand to be called on to speak.
- Phone: dial *9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

I. *Announcements, Open Session and Public Comments*

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

II. *Consent Agenda*

- A. Designate Chief Hurley to assign a police officer for each election and furthermore ~ Town Clerk Jennifer Congel
- B. Community Preservation Act Grant Agreements, Board signatures needed ~ Mary Rogers
- C. Access Agreement for Herring River Restoration ~ Judith Ellis, Jonathan Hirsch, & Robert Meek
- D. Live for Lou ~ Katrina Kozak ~ Wellfleet Memorial Garden ~ Sunday September 25, 2022; 2pm – 6pm.
- E. Pan Mass Challenge ~ Allan Eyden, Road Coordinator ~ Portions of LeCount Hollow Road, Ocean View Drive, Long Pond Rd, and Lawrence Road ~ Sunday August 7, 2022; 5am – 8am
- F. Judy Taylor ~ Reappointment to Local Housing Partnership
- G. Hardship Commercial Shellfishing permit ~ Jeremy Storer & Todd Mindrebo ~ Shellfish Constable Nancy Civetta

- H. Fire Department Purchase Order ~ Fire Truck, approved at Town Meeting ~ Chief Pauley
- I. Department of Public Works Purchase Order ~ John Deere Loader, approved at town meeting 2022
- III. ***Use of Town Property***
 - A. Paddle Cape Cod ~ Benten Niggel ~ May 2022 through September 2022, 8am to 8pm. ~ See packet for full application
- IV. ***Board/Committee, & Department Updates***
 - A. Dredging Update ~ Will Sullivan/Board Member Wolf
- V. ***Business***
 - A. Warrant for 2022 State Primary Election ~ Town Clerk, Jennifer Congel
 - B. Review Special Town Meeting Warrant ~ Vote to Insert and Recommend Articles.
 - C. Selectboard Goals ~ Review
 - D. Committee Liaison Policy ~ Board Member Barbara Carboni
 - E. Designate Committee Liaisons ~ Selectboard Members
 - F. Letter to Congressional Delegations re: Discharge of Nuclear Waste into Plymouth Bay
 - G. Financial Policies ~ Chair Ryan Curley
- VI. ***New Business***
- VII. ***Selectboard Reports***
- VIII. ***Town Administrator's Report***
- IX. ***Topics for Future Discussion***
- X. ***Vacancy Report***
- XI. ***Minutes***
 - A. June 23, 2022
 - B. July 12, 2022
 - C. July 19, 2022
- XII. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

I

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	NOTE: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

II

CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">• Designate Chief Hurley to assign a police officer for each election and furthermore• Approve Community Preservation Act Grant Agreements as printed• Approve Property Access Agreement for Herring River Restoration Project– Judith Ellis, Jonathan Hirsch & Robert Meek• Approve the use of the Wellfleet Memorial Garden ~ Live for Lou on September 25, 2022, to Katrina Kozak ~ and to waive the fee. Garden MUST be returned to pre-event conditions• Move to reappoint Judy Taylor ~ Reappointed to Local Housing Partnership• To approve the use of various roadways for Pan Mass Challenge ~ Sunday August 7, 2022, ~ \$50 processing fee to be paid.• Grant Hardship Commercial Shellfishing permits ~ Jeremy Storer & Todd Mindrebo• To authorize the town administrator to sign the Fire Department Purchase Order ~ Approved at town meeting• To authorize the town administrator to sign the DPW purchase order ~ approved at town meeting



TOWN OF WELFLEET

300 MAIN STREET WELFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

MEMO

Date: July 26, 2022

To: Selectboard

Re. M.G.L Chapter 54 §72

On June 22, the election reform law (the "VOTES act") was signed into law by Governor Baker. The VOTES act makes many of the changes from the pandemic permanent (i.e., Vote by Mail and Early In-Person Voting). In addition, the assignment of police officers at polling places now requires a vote of the Selectboard. In coordination with Chief Hurley, I ask that one officer be assigned to each election and furthermore, I recommend the Board of Selectman designate the Police Chief the authority to assign specific police officers according to scheduling and availability.

JMC

cc. Chief Michael Hurley, Rebekah Eldridge

WELLFLEET, MASSACHUSETTS
COMMUNITY PRESERVATION ACT
GRANT AGREEMENT FOR
Wellfleet Historical Society and Museum, Inc.

This GRANT AGREEMENT (“Agreement”) is made on this _____ day of _____, 2022 (the “Commencement Date”), by and between the **Town of Wellfleet**, a municipal corporation duly organized under the laws of Massachusetts and having its usual place of business at Wellfleet Town Hall, 300 Main Street, Wellfleet, MA 02667, acting by and through its Selectboard (the “Town”), and the **Wellfleet Historical Society and Museum, Inc.**, having an address of 266 Main Street, Wellfleet, MA 02667 (the “Grantee”).

WITNESSETH:

WHEREAS, the Wellfleet Community Preservation Committee (the “CPC”) invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the “Act”); and

WHEREAS, the Grantee submitted a proposal in response thereto (the “Proposal”), and the CPC reviewed and approved the Proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to be used for the purpose of the restoration of the mid-section of 262 Main Street (the “Property”) for use by the Grantee and the public as a historical society and museum (the “Project”); and

WHEREAS, the Wellfleet Town Meeting thereafter appropriated the funds recommended by the CPC for the Project and authorized the Town to enter into a grant agreement with the Grantee for the purposes set forth in the Proposal.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. **Funding.** As recommended by the CPC under Article 33 of the June 11, 2022 Town Meeting, and as appropriated by said Town Meeting, the Town shall grant to the Grantee the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) (the “Funds”) for the purpose of providing a new entrance to the museum, an elevator, reception area and bathrooms to ensure accessibility for all (the “Work”) on the condition that the Grantee shall use the Funds only for the purposes of the Project, as set forth more particularly in the Proposal and the documents attached thereto and in accordance with the terms of this Grant Agreement.

2. Conditions. The Funds provided pursuant to Section 1 above are subject to the following terms and conditions:
 - a) Work on the Project must commence within ninety (90) days from the Commencement Date. All work must be done within three (3) years from the Commencement Date (the “Completion Date”), unless the Town, acting through its Selectboard, grants an extension for good cause shown.
 - b) Excess or unused Funds will be returned to the Community Preservation Fund if the Project has not begun or the Project has not been completed as provided for in Section 2(a). The Selectboard may grant extensions to these terms for good cause shown, upon review at a public meeting.
 - c) Terms of the Preservation Restriction Agreement between the Grantee and the Town, dated April 18, 2018, recorded with the Barnstable Registry of Deeds in Book 31238 Page 311, shall apply to the Project.
 - d) The Grantee shall seek the approval of, and work closely with, the Town in the implementation of the Project.
 - e) Grantee shall perform the work in accordance with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties” (36 CFR 67 and 68), as these may be amended from time to time.
3. Contact. The Grantee shall identify in writing a contact person responsible for administration of the Project and a second person, authorized to act if the contact person is unavailable. Name, address, telephone number(s) and e-mail address, if any shall be provided for both contact persons. As of the date of this Agreement, the Grantee contacts shall be ~~John Connors~~Brad Williams and ~~John Ketchum~~Sam Bradford of the Wellfleet Historical Society and Museum, Inc.
4. Budget/Other Sources of Funding. Prior to the commencement of any work, the Grantee must submit a complete budget for the Project, including all final bids that account for: (a) the expenditure of all Funds awarded under this Agreement, and (b) all other sources of funding, if necessary, to complete the Project as described herein. Reimbursement for monies spent will not commence unless sufficient sources of funding have been secured to complete the Project, and the Project budget has been approved by the Town. The Town’s approval shall not be unreasonably withheld. If the Town determines that Funds have been spent on goods and/or services not included in the Project budget or otherwise not authorized under the Act, reimbursement may not be authorized, or if the Funds have already been provided pursuant to this Agreement, the Grantee shall reimburse the Town for any such unauthorized expenditure, said funds to be returned to the Community Preservation Fund.
5. Liability of the Town. The Town’s liability hereunder shall be to make the payment specified in Section 1 of this Agreement, provided that the conditions set

forth in Section 2 are followed, and the Town shall be under no further obligation and shall have no further liability. Nothing in this Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Agreement.

6. Indemnification. Grantee shall indemnify, defend, and hold the Town and its departments, officers, employees, representatives and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, of any nature whatsoever arising as a result of (a) any injury to person or property resulting from the Work, (b) the quality of the Work, (c) Grantee's performance of the Work or the negligence or misconduct of Grantee or Grantee's agents, employees, contractors and invitees, (d) the failure of any contractor hired by Grantee to perform the Work or any other act or omission of any such contractor, and (e) any and all claims for the payment by the Town of any amount in excess of the Grant Amount.
7. Inspections and Reports. The Grantee shall submit the Town with progress reports at three (3) month intervals beginning ninety (90) days from the date this Agreement is signed, for so long as the Funds remain unexpended, and with a final report, including digital photographs and other documents, within thirty (30) days of the Completion Date. All documents, including, but not limited to, photographs and videos, submitted to the Town shall become the property of the Town and shall be available for use by the Town and available to the public under the Massachusetts Public Records Law.
8. Record Keeping. The Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization of the Funds as are kept in the normal course of business and such additional records as may be required by the Town or the CPC. The Grantee further agrees to make these records available to the Town upon request.
9. Payments. The Town shall disburse the Funds during the construction of the Project, which disbursements shall be apportioned based on the work done and made no more than once a month and paid only upon the presentment of detailed invoices from the Grantee or the Grantee's contractor listing in detail the work performed and the cost thereof. The Town shall have the right to ask for supplementary information, including documentation from the restoration contractor confirming the extent of the work performed. Prior to any payment, the Town shall have the right to enter the Property to inspect the work. No payment shall be made until the Town reasonably determines that the work has been done in a good and workmanlike manner and substantially in compliance with the Proposal and this Agreement. The Grantee shall use the Funds only for the purpose of constructing the Project. The entire cost of constructing the Project in excess of the Funds shall be paid by Grantee. Notwithstanding anything herein to the contrary, if the actual total cost of the Project is less than the Funds (the difference

between the two amounts referred to hereinafter as the “Excess”), the Town shall have no obligation to pay the Excess.

10. Successors and Assigns. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town.
11. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Agreement, as determined by the Town, and such failure is not cured within forty-five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to terminate this Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Agreement. Upon termination, the Town shall be free to pursue any rights or remedies provided within this Agreement, including without limitation, recapture of Funds as set forth in Section 12 below. Upon the expiration or earlier termination of this Grant Agreement, all rights and obligations of the parties hereunder shall expire and be of no further force and effect, except that the provisions of Sections 5, 6, 9, 12, 13, and 17 shall survive said expiration or earlier termination.
12. Return of Funds. In the event the Grantee fails to fulfill all obligations under the terms of this Agreement and this Agreement is terminated pursuant to Section 11, any Funds granted to the Grantee under this Agreement and not yet expended shall be returned forthwith to the Town without further expenditure thereof. If the Grantee fails to fulfill its obligations under the terms of this Agreement as a result of negligent or intentional acts or omissions of the Grantee, its agents, employees, contractors or invitees, the Grantee shall be liable to repay to the Town the entire amount of the Funds provided under this Agreement, and the Town may take such steps as are necessary, including legal action, to recover such Funds. Any Funds so returned or recovered shall be placed in the Town’s Community Preservation Fund. In the event that the Town takes legal action under this Agreement, the Grantee shall pay any and all costs, including reasonable attorneys’ fees, expended by the Town for the enforcement of this Agreement.
13. Compliance with Laws. The Grantee shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required in connection with the Project. No local permit or license is waived by the award of this Grant or by this Agreement.
14. Notice. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or

furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

15. Community Preservation Act Awareness. Upon completion of the Project, the Grantee agrees to post, at a location mutually acceptable to the parties, a permanent sign stating that the Project was funded through the Community Preservation Fund program. The Grantee shall also identify that the Project was funded through the Town of Wellfleet in its written materials about the Project, including press releases, brochures, and similar materials.
16. Severability. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
17. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.


[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year first written above.


TOWN OF WELLFLEET
By Its Selectboard

GRANTEE
Wellfleet Historical Society
and Museum, Inc.

Ryan Curley, Chair

By: 
Name: Brad Williams
Title: President

Michael DeVasto, Vice-Chair

By: 
Name: Sam Bradford
Title: Treasurer

Kathleen Bacon, Member

Barbara Carboni, Member

John Wolf, Member

WELLFLEET, MASSACHUSETTS
COMMUNITY PRESERVATION ACT
GRANT AGREEMENT FOR

The Lily House Inc.

This GRANT AGREEMENT (“Agreement”) is made on this 20 day of July, 2022 (the “Commencement Date”), by and between the **Town of Wellfleet**, a municipal corporation duly organized under the laws of Massachusetts and having its usual place of business at Wellfleet Town Hall, 300 Main Street, Wellfleet, MA 02667, acting by and through the Selectboard (the “Town”), and **The Lily House Inc.**, having an address of 40 Pocahontus Road, Wellfleet, MA 02667 (the “Grantee”).

WITNESSETH:

WHEREAS, the Wellfleet Community Preservation Committee (the “CPC”) invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the “Act”); and

WHEREAS, the Grantee submitted a proposal in response thereto (the “Proposal”) for the purpose of contributing to renovations and upgrades of the Lily House to provide a home for the terminally ill (the “Project”) and the CPC reviewed and approved the Proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund the sum of Twenty Thousand and No/100 Dollars (\$20,000.00) to be used for the purpose of contributing to the capital improvements of community housing at 40 Pocahontus Road, Wellfleet, MA 02667 (the “Property”); and

WHEREAS, the Wellfleet Town Meeting thereafter appropriated the funds recommended by the CPC for the Project and authorized the Town to enter into a grant agreement with the Grantee for the purposes set forth in the Proposal.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. Funding. As recommended by the CPC under Article 30 of the June 11, 2022 Town Meeting, and as appropriated by said Town Meeting, the Town shall grant to the Grantee the sum of Twenty Thousand and No/100 Dollars (\$20,000.00) (the “Funds”) on the condition that the Grantee shall use the Funds only for the purposes of rehabilitation of the Lily House (the “Work”), as set forth more particularly in the Proposal and the documents attached thereto and in accordance with the terms of this Agreement.

2. Conditions. The Funds provided pursuant to Section 1 above are subject to the following terms and conditions:
 - a) Work on the Project must commence within ninety (90) days from the Commencement Date. All work must be done within three (3) years from the Commencement Date (the “Completion Date”), unless the Town, acting through its Selectboard, grants an extension for good cause shown.
 - b) Excess or unused Funds will be returned to the Community Preservation Fund if the Project has not begun or the Project has not been completed as provided for in Section 2(a).
 - c) The Grantee shall seek the approval of, and work closely with, the Town in the implementation of the Project.
3. Contact. The Grantee shall identify in writing a contact person responsible for administration of the Project and a second person, authorized to act if the contact person is unavailable. Name, address, telephone number(s) and e-mail address, if any shall be provided for both contact persons. As of the date of this Agreement, the Grantee contact shall be Dawn Walsh of the Lily House. Upon execution of this Agreement, Grantee shall provide the additional information necessary for compliance with this Section.
4. Budget/Other Sources of Funding. Prior to the commencement of any work, the Grantee must submit a complete budget for the Project, including all final bids that account for: (a) the expenditure of all Funds awarded under this Agreement, and (b) all other sources of funding necessary to complete the Project as described herein. Reimbursement for monies spent will not commence unless sufficient sources of funding have been secured to complete the Project, and the Project budget has been approved by the Town. The Town’s approval shall not be unreasonably withheld. If the Town determines that Funds have been spent on goods and/or services not included in the Project budget or otherwise not authorized under the Act, reimbursement may not be authorized, or if the Funds have already been provided pursuant to this Agreement, the Grantee shall reimburse the Town for any such unauthorized expenditure, said funds to be returned to the Community Preservation Fund.
5. Liability of the Town. The Town’s liability hereunder shall be to make the payment specified in Section 1 of this Agreement, provided that the conditions set forth in Section 2 are followed, and the Town shall be under no further obligation and shall have no further liability. Nothing in this Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Agreement.
6. Indemnification. Grantee shall indemnify, defend, and hold the Town and its departments, officers, employees, representatives and agents harmless from and

against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, of any nature whatsoever arising as a result of (a) any injury to person or property resulting from the Work, (b) the quality of the Work, (c) Grantee's performance of the Work or the negligence or misconduct of Grantee or Grantee's agents, employees, contractors and invitees, (d) the failure of any contractor hired by Grantee to perform the Work or any other act or omission of any such contractor, and (e) any and all claims for the payment by the Town of any amount in excess of the Grant Amount.

7. Inspections and Reports. The Grantee shall submit the Town progress reports at 3-month intervals, beginning ninety (90) days from the date this Agreement is signed, for so long as the Funds remain unexpended, and with a final report, including digital photographs and other documents, within thirty (30) days of the Completion Date. All documents, including, but not limited to, photographs and videos, submitted to the Town shall become the property of the Town and shall be available for use by the Town and available to the public under the Massachusetts Public Records Law.
8. Record Keeping. The Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization of the proceeds of the Grant as are kept in the normal course of business and such additional records as may be required by the Town or the CPC. The Grantee further agrees to make these records available to the Town upon request.
9. Payments. The Town shall disburse the Funds during the construction of the Project, which disbursements shall be apportioned based on the work done and made no more than once a month and paid only upon the presentment of detailed invoices from the Grantee or the Grantee's contractor listing in detail the work performed and the cost thereof. The Town shall have the right to ask for supplementary information, including documentation from the contractor confirming the extent of the work performed. Prior to any payment, the Town shall have the right to enter the Property to inspect the work. No payment shall be made until the Town reasonably determines that the work has been done in a good and workmanlike manner and substantially in compliance with the Proposal and this Agreement. The Grantee shall use the Funds only for the purpose of constructing the Project. The entire cost of constructing the Project in excess of the Funds shall be paid by Grantee. Notwithstanding anything herein to the contrary, if the actual total cost of the Project is less than the Funds (the difference between the two amounts referred to hereinafter as the "Excess"), the Town shall have no obligation to pay the Excess.
10. Successors and Assigns. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town.
11. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Agreement, as determined by the Town, and such failure is not cured within forty-

five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to terminate this Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Agreement. Upon termination, the Town shall be free to pursue any rights or remedies provided in this Agreement, including without limitation, recapture of Funds as set forth in Section 12 below. Upon the expiration or earlier termination of this Agreement, all rights and obligations of the parties hereunder shall expire and be of no further force and effect, except that the provisions of Sections 5, 6, 9, 12, 13, and 17 shall survive said expiration or earlier termination.

12. Return of Funds. If the Grantee fails to fulfill its obligations under the terms of this Agreement as a result of negligent or intentional acts or omissions of the Grantee, its agents, employees, contractors or invitees, the Grantee shall be liable to repay to the Town the entire amount of the Funds provided under this Agreement, and the Town may take such steps as are necessary, including legal action, to recover such Funds. Any Funds so returned or recovered shall be placed in the Town's Community Preservation Fund. In the event that the Town takes legal action under this Agreement, the Grantee shall pay any and all costs, including reasonable attorneys' fees, expended by the Town for the enforcement of this Agreement.
13. Compliance with Laws. The Grantee shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required in connection with the Project. No local permit or license is waived by the award of this Grant or by this Agreement.
14. Notice. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
15. Community Preservation Act Awareness. The Grantee agrees to post, at a location mutually acceptable to the parties, a permanent sign stating that the restoration/preservation of the Property was funded through the Community Preservation Fund program. The Grantee shall also identify that the Project was funded in part through the Town of Wellfleet in its written materials, including press releases, brochures, and similar materials.
16. Severability. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and

conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

17. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.


[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year first written above.


TOWN OF WELLFLEET,
By Its Selectboard

GRANTEE
The Lily House Inc.

Ryan Curley, Chair

By: 
Name: Dawn Walsh
Title: Executive Director

Michael DeVasto, Vice-Chair

By: 
Name: Carol Augat
Title: Treasurer

Kathleen Bacon, Member

Barbara Carboni, Member

John Wolf, Member

PROPERTY ACCESS AGREEMENT

This Property Access Agreement (this "Agreement") is made and entered into this ____ day of _____, 2022 (the "Effective Date") by and between **JUDITH ANNE ELLIS**, having an address of 25 High Toss Road, Wellfleet, Massachusetts (the "Grantor") and the **TOWN OF WELLFLEET**, a municipal corporation having an address of 300 Main Street, Wellfleet, Massachusetts (the "Town") (collectively, the "Parties").

WHEREAS, by Deed dated September 5, 1997 recorded in the Barnstable County Registry of Deeds at Book 10981, Page 176, Grantor owns the real property that is shown on the Town of Wellfleet's Assessor's Map 12 as Parcel 235-1, and commonly known as 27 Way #672, Wellfleet, Massachusetts (the "Premises");

WHEREAS, the Town will be completing improvements, including the elevation of roadways and related improvements necessary to protect public and private structures from the potential effects of tidal restoration in connection with the Herring River Restoration Project;

WHEREAS, in connection with the foregoing improvements, Grantor has requested and the Town has agreed to perform work on the Premises as described herein to ensure that the Premises is protected from the potential effects of tidal restoration;

WHEREAS, Grantor wishes to grant temporary access to the Town and its contractors, agents, employees and representatives to perform work on the Premises upon the terms set forth herein, and the Parties wish to document the agreed-upon terms of said access.

NOW THEREFORE, for one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. PERFORMANCE OF WORK AND ACCESS RIGHTS

The Town shall, at no cost and expense to the Grantor, complete the following work: (i) elevate a portion of Way #672 and the driveway on the Premises to match the elevation of Way #672 as shown on that certain plan entitled "Herring River Restoration Project, Permit Level Design Plans for Low-Lying Property Impact Prevention, Way #672, Hirsch-Meek Property (25 Way #672), & Ellis Property (27 Way#672), Wellfleet, Massachusetts, Notice of Intent Plans Not For Construction, November 17, 2021, Prepared for Friends of Herring River by WSP (11 sheets), scale 1" = 20" or as noted, stamped by Clayton Carlisle (#45839) (the "Plan"), a copy of which plan is attached hereto as Exhibit A; (ii) replace any an all trees damaged or removed to due construction with 7 native shrubs of the largest size available planted at the recommended spacing following best planting practices. Species and replacement location will be determined in consultation with the property owner, and (iii) install underground utilities from approximately Hopkins Drive along High Toss Road and Way 672 to replace overhead utilities that now service the Premises; disconnect and remove poles and wires on Way 672 after installation of the underground utilities is complete; (iv) relocate the private water supply well located on the Premises to an area approximately forty (40) feet southwest of the existing residence on the Premises and at least one hundred (100) feet from the existing onsite septic

system serving the adjacent property as shown on the Proposed Conditions plan for the Ellis property (Sheet 8 of the above-referenced plan set); and (v) disconnect and abandon in place the existing water supply well on the Premises (collectively, the “Work”).

Completion of the Work as specified constitutes the Town’s full and final obligation to protect the Premises from the effects of full tidal restoration resulting from the Project; and any future maintenance, repair or replacement of the Work or any portion thereof shall be the responsibility of the Grantor.

Commencing on the Effective Date, the Town shall be entitled to enter the Premises to complete the Work, including passing and repassing on the Premises on foot and with vehicles and equipment, and to excavate, remove soils from, fill and/or change the grade of the portion of the Premises shown on the Plan as is reasonable and necessary to complete the Work. No fill or excavation Work is scheduled to occur between May 30 and September 5, 2022. However the Town shall be entitled to enter the Premises for pre-construction site visits, testing or measurements as necessary for the Work, in compliance with the plan for access defined in Section 2.

The Grantor shall ensure that the Town and contractors of the Town or utilities, have the right to use the Premises for the purposes hereof, and shall also have the right to cross over and utilize any portion of the Premises that is reasonably required for the completion of the Work.

In a timely manner upon completion of the Work, the Town shall repair any damage it may have caused to the Premises at its sole cost and expense.

2. CONDITION OF THE PREMISES

Grantor shall meet with the Town and its contractors, agents, employees and representatives to plan for access to the Premises for the performance of the Work. Grantor shall provide unimpeded access to all areas of the Premises to enable the Work in accordance with the agreed upon plan for access.

3. TERMINATION

This Agreement shall automatically terminate the earlier of sixteen weeks from the commencement of the Work or upon mutual agreement by the parties that the Work has been completed in accordance with design specifications set forth in the Town’s bid documents, which will be provided to Grantor when available.

4. MODIFICATIONS AND AMENDMENTS

Modifications or amendments to this Agreement shall be in writing and duly executed by both Parties to be effective.

5. NOTICE

For purposes of this Agreement, the Parties shall be deemed duly notified in writing in accordance with the terms and provisions hereof if written notices are mailed by certified mail, return receipt requested, to the following addresses:

Grantor: Judith Anne Ellis
25 High Toss Road
Wellfleet, Massachusetts 02667

With a copy to:

Town: Town of Wellfleet
Town Hall
300 Main Street
Wellfleet, Massachusetts 02667
Attention: Town Administrator

With a copy to: Katharine Lord Klein, Esq.
KP Law
101 Arch Street, 12th Floor
Boston, MA 02110

or to such other addresses as are specified in a written notice to the other party hereto as provided above.

6. EXHIBITS AND ATTACHMENTS

Any and all exhibits referenced herein or attached hereto are duly incorporated within this Agreement.

7. GOVERNING LAW AND WAIVER

This Agreement shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and is signed by the party to be charged.

8. COUNTERPARTS; ELECTRONIC SIGNATURE

This Agreement may be executed in several counterparts, each of which shall be an original and which shall constitute the same instrument. In order to expedite the execution and delivery of this Agreement, emailed signatures may be used in place of original signatures on this Agreement. The Parties intend to be bound by the signatures on the emailed document, are aware that the other party will rely on the emailed signatures and hereby waive any defenses to the enforcement of the terms of this Agreement based on the form of signature.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as a sealed instrument on this ___ day of [_____], 2022

GRANTOR:



JUDITH ANNE ELLIS

TOWN:

TOWN OF WELLFLEET
SELECTBOARD

PROPERTY ACCESS AGREEMENT

This Property Access Agreement (this "Agreement") is made and entered into this ___ day of _____, 2022 (the "Effective Date") by and between **JONATHAN H. HIRSCH AND ROBERT P. MEEK**, having an address of 72 Warren Ave, Unit 202, Boston, Massachusetts 02116 (together, the "Grantors") and the **TOWN OF WELFLEET**, a municipal corporation, having an address of 300 Main Street, Wellfleet, Massachusetts (the "Town") (collectively, the "Parties").

WHEREAS, by Deed dated September 26, 2013, recorded in the Barnstable County Registry of Deeds at Book 27725, Page 9, Grantors own the real property that is shown on the Town of Wellfleet's Assessor's Map 12 as Parcel 235, and commonly known as 25 Way #672, Wellfleet, Massachusetts (the "Premises");

WHEREAS, the Town will be completing improvements, including the elevation of roadways and related improvements designed to protect public and private structures from the potential effects of full tidal restoration in connection with the Herring River Restoration Project;

WHEREAS, in connection with the foregoing improvements, Grantors have agreed to allow the Town, its contractors, and utility company contractors to perform work on the Premises as described herein to ensure that the Premises is protected from potential effects of full tidal restoration; and

WHEREAS, Grantors wish to grant temporary access to the Town and its contractors, agents, employees and representatives to perform work on the Premises upon the terms set forth herein, and the Parties wish to document the agreed-upon terms of said access.

NOW THEREFORE, for one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. PERFORMANCE OF WORK AND ACCESS RIGHTS

The Town shall, at no cost or expense to the Grantors, complete the following work: (i) elevate a portion of Way #672 and the driveway on the Premises to match the elevation of Way 672 as shown on that certain plan entitled "Herring River Restoration Project, Permit Level Design Plans for Low-Lying Property Impact Prevention, Way #672, Hirsch-Meek Property (25 Way #672), & Ellis Property (27 Way#672), Wellfleet, Massachusetts, Notice of Intent Plans Not For Construction, November 17, 2021", Prepared for Friends of Herring River by WSP (11 sheets), scale 1" = 20" or as noted, stamped by Clayton Carlisle (#45839), (the "Plan"), a copy of which plan is attached hereto as Exhibit A, (ii) replace any and all trees damaged or removed due to construction with 7 native shrubs of the largest size available planted at the recommended spacing following best planting practices. Species and replacement location will be determined in consultation with the property owner, and (iii) install underground utilities from approximately Hopkins Drive along High Toss Road and Way 672 to replace overhead utilities that now service the Premises; disconnect and remove poles and wires on Way 672 after installation of the underground utilities is complete (collectively, the "Work").

Completion of the Work as specified constitutes the Town's full and final obligation to protect the Premises from the effects of full tidal restoration resulting from the Project; and any future maintenance, repair or replacement of the Work or any portion thereof shall be the responsibility of the Grantors.

Commencing on the Effective Date, the Town shall be entitled to enter the Premises to complete the Work, including passing and repassing on the Premises on foot and with vehicles and equipment, and to excavate, remove soils from, fill and/or change the grade of the portion of the Premises shown on the Plan as is reasonable and necessary to complete the Work. No fill or excavation Work is scheduled to occur between May 30 and September 5, 2022. However the Town shall be entitled to enter the Premises for pre-construction site visits, testing or measurements as necessary for the Work, in compliance with the plan for access defined in Section 2.

The Grantors shall ensure that the Town, or contractors of the Town or utilities, have the right to use the Premises for the purposes hereof, and shall also have the right to cross over and utilize any portion of the Premises that is reasonably required for the completion of the Work.

In a timely manner upon completion of the Work, the Town shall repair any damage it may have caused to the Premises at its sole cost and expense.

2. CONDITION OF THE PREMISES

Grantors shall meet with the Town and its contractors, agents, employees and representatives to plan for access to the Premises for the performance of the Work. Grantors shall provide unimpeded access to all areas of the Premises to enable the Work in accordance with the agreed upon plan for access.

3. TERMINATION

This Agreement shall automatically terminate the earlier of sixteen weeks from the commencement of the Work or upon mutual agreement by the Parties that the Work has been completed in accordance with design specifications set forth in the Town's bid documents, which will be provided to Grantors when available.

4. MODIFICATIONS AND AMENDMENTS

Modifications or amendments to this Agreement shall be in writing and duly executed by both Parties to be effective.

5. NOTICE

For purposes of this Agreement, the Parties shall be deemed duly notified in writing in accordance with the terms and provisions hereof if written notices are mailed by certified mail, return receipt requested, to the following addresses:

Grantors: Jonathan H. Hirsch and Robert P. Meek
72 Warren Ave
Unit 202
Boston, Massachusetts 02116

With a copy to:

Town: Town of Wellfleet
Town Hall
300 Main Street
Wellfleet, Massachusetts 02667
Attention: Town Administrator

With a copy to: Katharine Lord Klein, Esq.
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

or to such other addresses as are specified in a written notice to the other party hereto as provided above.

6. EXHIBITS AND ATTACHMENTS

Any and all exhibits referenced herein or attached hereto are duly incorporated within this Agreement.

7. GOVERNING LAW AND WAIVER

This Agreement shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and is signed by the party to be charged.

8. COUNTERPARTS; ELECTRONIC SIGNATURE

This Agreement may be executed in several counterparts, each of which shall be an original and which shall constitute the same instrument. In order to expedite the execution and delivery of this Agreement, emailed signatures may be used in place of original signatures on this Agreement. The Parties intend to be bound by the signatures on the emailed document, are

aware that the other party will rely on the emailed signatures and hereby waive any defenses to the enforcement of the terms of this Agreement based on the form of signature.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as a sealed instrument on this ____ day of _____, 2022

GRANTORS:


JONATHAN H. HIRSCH


ROBERT P. MEEK

TOWN:

TOWN OF WELLFLEET
SELECTBOARD

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Katrina Kozak Affiliation or Group Live for Lou

Telephone Number 508-776-6485 Mailing Address Box 1567, Orleans MA 02653

Email address kkozak@lathamcenters.org

Town Property to be used (include specific area) Live for Lou Memorial Garden next to Preservation Hall

Date(s) and hours of use: Sunday, September 25, 2022 between 2 to 6 pm

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Live for Lou, rather than the large Annual Fundraiser at the Beachcomber, would like to have a Garden Party utilizing our WellFleet Memorial Garden. We are going to offer light cocktail-hour appetizers, and a cash bar (beer/wine). We would utilize public town parking areas. We will not charge for the event nor will have an auction or raffle as we've had at the beachcomber. This event is meant to be smaller than we have traditionally hosted, and will create an RSVP event online to get a sense of the numbers going in, and if we have to cap it.

Describe any Town services requested (police details, DPW assistance, etc.)

NA

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

 Approved as submitted

 Approved with the following condition(s):

 Disapproved for following reason(s):

Date:

Processing Fee: \$50.00 *pd - RdE 7/20/22*

Fee:

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>ok - Shelary Lemas</i> Comments/Conditions: Permits/Inspections needed: <i>garden Must be returned to pre party conditions</i>	Inspector of Buildings: <i>N/A</i> Comments/Conditions: Permits/Inspections needed:
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Police Department: <i>ok - Chief Hovey</i> Comments/Conditions: <i>- obtain 1 day liquor license</i>	Fire Department: <i>ok - Chief Pauley</i> Comments/Conditions:
--	---

DPW: Comments/Conditions	Community Services Director: <i>N/A</i> Comments/Conditions:
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Harbormaster: <i>N/A</i> Comments/Conditions	Shellfish: <i>N/A</i> Comments/Conditions
---	--

Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
---	---

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Allan Eyden, Road Coordinator Affiliation or Group Pan-Massachusetts Challenge
Telephone Number 339-222-1469 Mailing Address 77 Fourth Ave.
Needham, MA 02494
Email address ajeyden@pmc.org

Town Property to be used (include specific area) Portions of LeCount Hollow Rd, Ocean View Dr,
Long Pond Rd, Lawrence Rd.

Date(s) and hours of use: August 7, 2022 0700-1400hrs

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements,
food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

43rd annual bike ride to raise money for the Dana-Farber Cancer Institute, approx.
3,500 cyclists, performed under M.G.L. Ch85, Sec. 11B, use of public roads.

Describe any Town services requested (police details, DPW assistance, etc.)

Police details at four locations, designated by Wellfleet PD

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee.
Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed
prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food
service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

Processing Fee: \$50.00

Fee:

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>ok per Shelley Remose</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: <i>ok - Jim Badera</i> Comments/Conditions: Permits/Inspections needed:
--	---

Police Department: <i>ok - per Chief Hurley</i> Comments/Conditions: <i>have met with group</i>	Fire Department: <i>ok - Chief Pauley</i> Comments/Conditions:
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DPW: Comments/Conditions	Community Services Director: <i>ok - Suzanne</i> Comments/Conditions: <i>Thomas</i> <i>7/20</i>
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Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
---	---



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: July 21, 2022
TO: Town of Wellfleet Selectboard Members
RE: Commercial shellfishing permit hardship exemptions for Todd Mindrebo and Jeremy Storer

Dear Selectboard Members:

After inspecting the spat collecting devices in Chipman's Cove, the Shellfish Department checked and realized that Todd Mindrebo and Jeremy Storer did not have the Town of Wellfleet Commercial Shellfishing Permit as required by our regulations.

7.15.3. Use of Spat Collecting Devices

The use of spat collecting devices such as Chinese hats to catch oyster larvae in areas not licensed for aquaculture, **may only be done by commercial permit holders who also hold a seed permit** (Section 1, Definitions). During this period, catching oyster larva with such devices is legally considered to be fishing, not farming and the devices are classified as fishing equipment, not growing devices. All devices used in the collection of spat must be tagged with the name of the grant holder and phone number. From time to time, upon receiving a recommendation from the Constable, the Selectboard may vote to limit the areas in which such fishing is allowed or the numbers of Chinese hats or such other devices that may be set out by individuals in these same areas.

When we contacted them, they were both unaware that this was needed and immediately requested to be able to purchase one to make this right. The Shellfish Department believes that compliance is the ultimate goal, and we were pleased that both of these shellfishermen immediately wanted to rectify the situation in the fastest way possible.

Therefore, we asked them to submit a quick note requesting a hardship exemption (see attached). Here are the specifications outlined in our Wellfleet Shellfishing Policy and Regulations:

REGULATION 6.1.4. Hardship Exemption

The Board of Selectmen may at its discretion grant permits after January 31st if the applicant demonstrates all three of the following conditions:

- 1) that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- 2) that a substantial hardship would be caused by the refusal of a permit, and
- 3) that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish.

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325


Fax (508) 349-0305

We believe they meet all three of the above conditions.

- 1) They were unaware of the regulation – and in fact, this is the first time that the Shellfish Department is able to enforce it since we added tagging as a requirement in March of this year.
- 2) They both rely on natural, wild set providing significant oyster seed for their businesses. They could not make it without this seed.
- 3) The wild fishery resource is abundant this year. We see no adverse effect on other shellfishermen should they also decide to use their permit to shellfish commercially in the wild.

The Shellfish Department is pleased to find an efficient and reasonable way to achieve compliance with our spat collecting regulations for these two shellfish farmers. We ask that you grant these exemptions and allow us to issue them commercial shellfishing permits.

Thank you.


Nancy Civetta
Shellfish Constable



SELECTBOARD
AGENDA ACTION REQUEST

**SELECTBOARD AGENDA ITEM PLACEMENT
REQUEST**

REQUESTED BY:	Shellfish Constable Nancy Civetta
DESIRED ACTION:	Approval of commercial shellfishing permit hardship exemption
PROPOSED MOTION:	I move to direct the Shellfish Constable to issue a commercial shellfishing permit to Jeremy Storer per section 6.1.5 Hardship Exemption.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Jeremy Storer
104 Fresh Brook Lane
Wellfleet Ma 02667
508-237-7523

07/09/22

Dear Wellfleet board of selectmen

I am writing to request a hardship exemption for a commercial shellfish permit to enable me to collect Spat in chipmunk cove. The reason I was unable to obtain a shellfish permit is because I was offshore scalloping for the majority of the month of January. The inability to collect spat not only have a negative financial impact on my family but also my three employees. Please put into consideration the fact that Granting me this hardship exemption will contribute to wellfleets shellfish production. As a whole

Sincerely, Jeremy Storer



SELECTBOARD
AGENDA ACTION REQUEST

**SELECTBOARD AGENDA ITEM PLACEMENT
REQUEST**

REQUESTED BY:	Shellfish Constable Nancy Civetta
DESIRED ACTION:	Approval of commercial shellfishing permit hardship exemption
PROPOSED MOTION:	I move to direct the Shellfish Constable to issue a commercial shellfishing permit to Todd Mindrebo per section 6.1.5 Hardship Exemption.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

<  Todd Mindrebo  

15:56 


Saturday, July 9

Nancy, I'm requesting a hardship exemption for a commercial shellfishing permit to collect spat in chipmans cove as it is also on my propagation permit for state. Thanks
Todd

10:43

Received Thank you

11:07

   |  

Town of Wellfleet

Fire Department

10 Lawrence Road
Wellfleet, MA 02667-7700
Phone: 508 349-3754
Fax: 508-349-0318



PURCHASE ORDER

DATE: July 20, 2022

ORDER #

07202022-01

To: Greenwood Emergency Vehicles, LLC

530 John Dietsch Boulevard
North Attleboro, MA 02763

Ship To:

Wellfleet Fire Department
10 Lawrence Road
Wellfleet, MA 02667

DESCRIPTION	AMOUNT
1 - E-ONE 1500 GPM, 1000 GALLON TANK / PUMPER AND EQUIPMENT PER MAPC FIRE APPARATUS PROPOSAL DATED 7/15/2022 (SEE ATTACHED)	\$ 796,500.00
ATM 6/11/2022 - ARTICLE #18	
FUNDING - AMBULANCE RECEIPTS RESERVED	
TOTAL AMOUNT NOT TO EXCEED	\$ 796,500.00

ORDERED BY: Richard J. Pauley, Jr., Fire Chief

APPROVED BY:

Richard Waldo, Town Administrator

GREENWOOD EMERGENCY VEHICLES, LLC
530 John Dietsch Boulevard
North Attleboro, Massachusetts 02763
(508) 695-7138

MAPC FIRE APPARATUS PROPOSAL

July 15, 2022

THIS PROPOSAL HAS BEEN PREPARED FOR:

**WELLFLEET FIRE DEPARTMENT
10 LAWRENCE ROAD
WELLFLEET, MASSACHUSETTS**

WE HEREBY PROPOSE TO FURNISH TO YOU, SUBJECT TO PROPER EXECUTION OF THE ATTACHED AGREEMENT BY YOU AND BY AN OFFICER OF THIS COMPANY, THE FOLLOWING VEHICLE AND EQUIPMENT TO BE BUILT IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS:

QUANTITY: ONE (1)

MODEL: E-ONE 1500 GPM, 1000 GALLON TANK / PUMPER

PRICE: \$796,500.00

DELIVERY WILL BE **F.O.B. WELLFLEET, MA** AFTER RECEIPT AND PROPER EXECUTION OF THE ATTACHED AGREEMENT BY BOTH PARTIES. VEHICLE WILL BE COMPLETED AT THE FACTORY **480 DAYS** AFTER RECEIPT OF SIGNED CONTRACT.

THIS PROPOSAL SHALL EXPIRE UNLESS ACCEPTED WITHIN **THIRTY (30)** DAYS AND MAY BE EXTENDED, IN WRITING, AT THE DISCRETION OF THE COMPANY.

THE UNDERSIGNED CERTIFIES UNDER PENALTIES OF PERJURY THAT THIS BID OR PROPOSAL HAS BEEN MADE AND SUBMITTED IN GOOD FAITH AND WITHOUT COLLUSION OR FRAUD WITH ANY OTHER PERSON. AS USED IN THIS CERTIFICATION, THE WORD "PERSON" SHALL MEAN ANY NATURAL PERSON, BUSINESS, PARTNERSHIP, CORPORATION, UNION, COMMITTEE, CLUB OR OTHER ORGANIZATION, ENTITY OR GROUP OF INDIVIDUALS.

GREENWOOD EMERGENCY VEHICLES, LLC

**LORNA R. MARCOUX
DIRECTOR OF SALES & MARKETING**

7. THIS AGREEMENT, INCLUDING ITS APPENDICES, EMBODIES THE ENTIRE UNDERSTANDING BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER CONTAINED HEREIN, AND MERGES ALL PRIOR DISCUSSIONS AND AGREEMENTS BETWEEN THEM. NO AGENT OR REPRESENTATIVE OF THE COMPANY HAS THE AUTHORITY TO MAKE ANY REPRESENTATIONS, STATEMENTS OR AGREEMENTS NOT EXPRESSED HEREIN. ALL MODIFICATIONS OR AMENDMENTS OF THIS CONTRACT, INCLUDING ITS APPENDICES, MUST BE IN WRITING AND MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF EACH PARTY.
8. THE VEHICLE COVERED BY THIS CONTRACT IS NOT WARRANTED BY THE COMPANY BY ANY EXPRESS OR IMPLIED WARRANTIES. THE VEHICLE IS SUBJECT TO LIMITED WARRANTIES AS PROVIDED BY THE MANUFACTURERS OF BOTH THE COMPLETED VEHICLE AND ITS COMPONENTS. THE COMPANY IS AN AUTHORIZED SERVICE AND WARRANTY AGENCY FOR MANY OF THE COMPONENTS FURNISHED ON THE VEHICLE, AND ALSO OFFERS THE BUYER ASSISTANCE IN RESOLVING WARRANTY CLAIMS RELATING TO COMPONENTS SERVICED BY OTHER AGENCIES. COPIES OF MAJOR COMPONENT WARRANTIES SHALL BE PROVIDED ON DELIVERY. THE COMPANY SHALL NOT BE LIABLE FOR TECHNICAL OR EDITORIAL ERRORS OR OMISSIONS CONTAINED IN ANY WARRANTY SUPPLIED BY THE MANUFACTURER. TO THE EXTENT ALLOWED BY APPLICABLE LAW, THE COMPANY DISCLAIMS ALL IMPLIED WARRANTIES OR CONDITIONS, WHETHER WRITTEN OR ORAL, AND NO WARRANTY IS EXPRESSED OR IMPLIED, AND THE COMPANY SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, SATISFACTORY QUALITY AND FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT ALLOWED BY APPLICABLE LAW, IN NO EVENT SHALL THE COMPANY BE LIABLE FOR DIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL OR OTHER DAMAGE, WHETHER BASED ON CONTRACT, TORT OR OTHERWISE.
9. THE COMPANY MAKES NO WARRANTY ON, NOR WILL THE COMPANY BE HELD RESPONSIBLE FOR ANY CUSTOMER SUPPLIED EQUIPMENT. THE COMPANY SHALL NOT BE HELD LIABLE FOR ANY EQUIPMENT MALFUNCTIONS ON CUSTOMER SUPPLIED ITEMS SUCH AS EXTRICATION EQUIPMENT, SAWS, RAMS, ETC... THE COMPANY USES THIS EQUIPMENT ONLY FOR THE PURPOSE OF FABRICATING TRAYS AND BRACKETRY AND IS NOT RESPONSIBLE FOR ENSURING PROPER EQUIPMENT OPERATION.
10. THE COMPANY RESERVES THE RIGHT TO MAKE PRODUCT IMPROVEMENTS WITHOUT NOTICE.
11. DELIVERY INSTRUCTIONS SHALL BE GIVEN IN ACCORDANCE WITH A MUTUALLY AGREEABLE SCHEDULE. TRANSFER OF OWNERSHIP SHALL TAKE PLACE BEFORE DELIVERY INSTRUCTIONS BEGIN. THE BUYER AGREES THAT FIRE FIGHTERS PARTICIPATING IN DELIVERY INSTRUCTIONS MUST BE FAMILIAR WITH BASIC FIRE APPARATUS OPERATING PRINCIPLES. DRIVER TRAINING SHALL BE THE RESPONSIBILITY OF THE BUYER. BUYER HEREBY ACKNOWLEDGES THAT THE COMPANY HIGHLY RECOMMENDS THAT ALL INDIVIDUALS WHO WILL BE OPERATING THE EQUIPMENT PURCHASED UNDER THIS AGREEMENT ATTEND A TRAINING PROGRAM OFFERED BY THE COMPANY AND THAT THE PURPOSE OF SAID TRAINING PROGRAM IS **NOT** TO INSTRUCT THE BUYER'S PERSONNEL ON SKILLS ONE WOULD ACQUIRE IN FIREFIGHTER TRAINING SCHOOL AND/OR PROFESSIONAL DRIVER TRAINING SCHOOL, BUT TO DEMONSTRATE THE FEATURES AND COMPONENTS OF THE EQUIPMENT PURCHASED HEREUNDER AND FAMILIARIZE BUYER'S PERSONNEL WITH THE PROPER USE AND OPERATION THEREOF. THE COMPANY FURTHER RECOMMENDS TO THE BUYER (1) THAT AS NEW PERSONNEL ARE ASSIGNED TO THE EQUIPMENT PURCHASED HEREUNDER TRAINING SESSIONS BE SCHEDULED FOR SUCH NEW PERSONNEL; AND (2) THAT REFRESHER TRAINING SESSIONS FOR ALL PERSONNEL OPERATING THE PURCHASED EQUIPMENT BE SCHEDULED AT LEAST EVERY FIVE (5) YEARS FROM THE DATE OF DELIVERY. FURTHER INFORMATION ON TRAINING SESSIONS AND ANY COSTS ASSOCIATED THEREWITH MAY BE OBTAINED BY CALLING THE COMPANY'S TRAINING DIVISION.

12. "TRADE-IN" VEHICLES (IF APPLICABLE): ALL VEHICLES THAT ARE TO BE TAKEN IN TRADE AS PART OF THIS CONTRACT SHALL BE, ON THE DAY OF DELIVERY, IN THE SAME OPERATING CONDITION AS ON THE DATE OF THIS CONTRACT EXCEPT FOR ORDINARY WEAR AND TEAR. THE BUYER SHALL NOT SELL THE VEHICLE TO A THIRD PARTY WITHOUT THE WRITTEN APPROVAL OF THE COMPANY. TRADE-INS SHALL BE SURRENDERED WITH ALL SUCTION CAPS, DISCHARGE CAPS, AND OTHER EQUIPMENT WHICH MAY BE NOTED ON ANY ADDITIONAL DESCRIPTIVE DOCUMENTS THAT MAY BE NECESSARY. ALL TRADE-INS SHALL BE DELIVERED BY THE BUYER TO THE COMPANY. OWNERSHIP TRANSFER TO THE COMPANY SHALL NOT TAKE PLACE UNTIL THE TRADE-IN IS DELIVERED AND TRANSFER OF TITLE TAKES PLACE.

13. APPARATUS PAINT COLOR(S) SHALL BE:

BODY: RED
CAB: RED
CAB ROOF: RED

14. IN THE EVENT AN ORDER IS CANCELLED BEFORE CONSTRUCTION HAS STARTED, A 1% CANCELLATION CHARGE SHALL APPLY. IF WORK HAS STARTED ON THE VEHICLE, CANCELLATION CHARGE SHALL BE 1% PLUS THE ACTUAL COST FOR WORK DONE TO DATE, AS DETERMINED BY THE COMPANY.

15. THE VEHICLE BEING PURCHASED SHALL COMPLY TO NFPA 1901 STANDARD TO THE EXTENT THE ATTACHED SPECIFICATIONS PERMIT. IF AN ITEM IN ONE OF THESE STANDARDS IS NOT SUPPLIED WITH OR DESIGNED INTO THE VEHICLE, IT IS BECAUSE THE BUYER DID NOT DESIRE TO INCLUDE IT ON THE VEHICLE.

16. ALL THREADS PROVIDED ON THE VEHICLE OR ON SUPPLIED EQUIPMENT SHALL BE NST, UNLESS NOTED TO THE CONTRARY.

17. THE BUYER ACKNOWLEDGES THAT EXTENDED WARRANTIES ARE AVAILABLE ON VARIOUS COMPONENTS OF THE VEHICLE, AND THAT THESE WARRANTIES HAVE BEEN OFFERED FOR PURCHASE AT ADDITIONAL COST. BY EXECUTING THIS CONTRACT, THE BUYER ACKNOWLEDGES THAT NO EXTENDED WARRANTIES ARE A PART OF THIS AGREEMENT UNLESS THEY ARE INCORPORATED INTO THE ATTACHED SPECIFICATIONS.

18. THE BUYER AGREES TO PAY AS PURCHASE PRICE FOR THE VEHICLE, ACCEPTED AS AFORESAID, THE SUM OF:

SEVEN HUNDRED NINETY-SIX THOUSAND, FIVE HUNDRED DOLLARS

\$796,500.00

19. PAYMENT TERMS: 100% PAYMENT SHALL BE MADE WITHIN FIVE (5) CALENDAR DAYS OF ARRIVAL AT GREENWOOD EMERGENCY VEHICLES, LLC. THE MANUFACTURER'S STATEMENT OF ORIGIN FOR THE VEHICLE SHALL BE PRESENTED TO THE BUYER UPON PAYMENT. IN THE EVENT THAT PAYMENT IS NOT AVAILABLE WITHIN THE FIVE (5) DAY PAYMENT TERMS THE COMPANY RESERVES THE RIGHT TO CHARGE THE BUYER INTEREST AT 2% OVER THE PREVAILING PRIME RATE FOR THE PERIOD FROM THE PAYMENT DUE DATE TO THE ACTUAL PAYMENT DATE. THE INVOICE FOR THE VEHICLE SHALL BE MAILED TO THE BUYER AT LEAST FIFTEEN (15) DAYS PRIOR TO THE ARRIVAL OF THE UNIT AT GREENWOOD EMERGENCY VEHICLES, LLC.

IN WITNESS WHEREOF, BUYER AND COMPANY HAVE CAUSED THIS CONTRACT TO BE EXECUTED BY THEIR DULY AUTHORIZED REPRESENTATIVES THIS **15TH** OF **JULY 2022**.

BUYER'S REGISTERED NAME:

**WELLFLEET FIRE DEPARTMENT
10 LAWRENCE ROAD
WELLFLEET, MASSACHUSETTS**

BY: _____

TITLE: _____

DATE: _____

GREENWOOD EMERGENCY VEHICLES, LLC
530 JOHN DIETSCH BOULEVARD
NORTH ATTLEBOROUGH, MA 02763

BY: _____

TITLE: _____

DATE: _____

FEDERAL EXCISE TAX EXEMPTION CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS _____ (TITLE OF OFFICER) **WELLFLEET, MA** (STATE, TERRITORY OF THE UNITED STATES, OR POLITICAL SUBDIVISION THEREOF, OR THE DISTRICT OF COLUMBIA, OR TAX-EXEMPT VOLUNTEER FIRE DEPARTMENT) THAT HE IS AUTHORIZED TO EXECUTE THIS CERTIFICATE AND THAT THE ARTICLE OR ARTICLES SPECIFIED IN THE ACCOMPANYING ORDER ARE PURCHASED FROM GREENWOOD EMERGENCY VEHICLES, LLC. FOR THE EXCLUSIVE USE OF _____, _____ (STATE, TERRITORY OF UNITED STATES, OR POLITICAL SUBDIVISION THEREOF, OF THE DISTRICT OF COLUMBIA, OR TAX EXEMPT VOLUNTEER FIRE DEPARTMENT).

IT IS UNDERSTOOD THAT THE EXEMPTION FROM TAX IN THE CASE OF SALES OF ARTICLES UNDER THIS EXEMPTION CERTIFICATE TO THE STATES, TERRITORIES OF THE UNITED STATES, ETC., IS FOR ITS EXCLUSIVE USE, AND IT IS AGREED THAT IF ARTICLES ARE PURCHASED OR SOLD TO EMPLOYEES OR OTHERS, SUCH FACT WILL BE REPORTED AND TAX PAID BY ME TO THE DISTRICT DIRECTOR OF INTERNAL REVENUE FOR THE DISTRICT IN WHICH THAT SALE WAS MADE.

IT IS ALSO UNDERSTOOD THAT THE FRAUDULENT USE OF THIS CERTIFICATE TO SECURE EXEMPTION WILL SUBJECT THE UNDERSIGNED AND ALL GUILTY PARTIES TO A FINE OF NOT MORE THAN \$10,000.00 OR TO IMPRISONMENT FOR NOT MORE THAN FIVE (5) YEARS OR BOTH, TOGETHER WITH COSTS OF PROSECUTION.

BY: _____
(SIGNATURE)

(TITLE)

(DATE)

NOTE: FEDERAL EXCISE TAX WILL BE ADDED IF THE ABOVE FORM IS NOT COMPLETED AND SIGNED.

CONTRACT

THIS CONTRACT MADE IN DUPLICATE, BY AND **BETWEEN GREENWOOD EMERGENCY VEHICLES, LLC.** - PARTY OF THE FIRST PART, HEREINAFTER REFERRED TO AS "THE COMPANY", AND: **WELLFLEET, MA**, BY ITS AUTHORIZED REPRESENTATIVES - PARTY OF THE SECOND PART, HEREINAFTER REFERRED TO AS "THE BUYER", WITNESSETH AS FOLLOWS:

1. THE COMPANY AGREES TO SELL, UPON THE CONDITIONS WRITTEN BELOW, VEHICLE AND EQUIPMENT IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS, WHICH ARE MADE A PART OF THIS AGREEMENT AND CONTRACT. IN THE EVENT THAT THE COMPANY'S SPECIFICATIONS AND THE BUYER'S SPECIFICATIONS ARE INCORPORATED IN THIS AGREEMENT, BUT ARE IN CONFLICT WITH ONE ANOTHER, THE COMPANY'S SPECIFICATIONS SHALL APPLY.
2. THE SAID VEHICLE AND EQUIPMENT SHALL BE DELIVERED BY THE COMPANY AFTER RECEIPT OF ORDER AND THE EXECUTION OF THE CONTRACT BY THE BUYER, AND THE RECEIPT AND ACCEPTANCE OF THE SAME BY THE COMPANY AT THE COMPANY'S OFFICE IN NORTH ATTLEBOROUGH, MASS. DELIVERY SHALL BE SUBJECT TO DELAYS DUE TO STRIKES, MATERIALS AVAILABILITY AND OTHER CAUSES BEYOND THE COMPANY'S CONTROL. VEHICLE AND EQUIPMENT SHALL BE ACCEPTED BY THE BUYER **F.O.B., WELLFLEET, MA** INCLUDING ALL APPLICABLE FEDERAL AND STATE TAXES. IF THE BUYER OF THE PRODUCT IS EXEMPT FROM TAXES, IT SHALL BE THE RESPONSIBILITY OF THE BUYER TO COMPLETE THE ATTACHED TAX EXEMPT CERTIFICATE.
3. IF FULL ACCEPTANCE TESTS ARE REQUIRED TO BE PERFORMED AT THE BUYER'S LOCATION, SUCH TESTS SHALL BE MADE UPON ARRIVAL AT DESTINATION, WHILE THE VEHICLE IS IN THE CARE, CUSTODY, AND CONTROL OF THE COMPANY. IF DESIRED, A PUMP TEST (IF APPLICABLE) MAY BE PERFORMED AT THE COMPANY LOCATION, UNDER THE BUYER'S SUPERVISION, BEFORE SHIPMENT. IF NO SUCH TESTS ARE MADE, THEN SAID VEHICLE AND EQUIPMENT SHALL BE CONSIDERED ACCEPTABLE AND IN COMPLIANCE WITH THE CONTRACT AND SPECIFICATIONS.
4. IF MORE THAN ONE VEHICLE IS COVERED BY THIS CONTRACT, AND THE VEHICLES ARE SHIPPED ON DIFFERENT DATES, AN INVOICE COVERING EACH VEHICLE OR SHIPMENT SHALL BE RENDERED. LOOSE EQUIPMENT SHIPPED SEPARATELY SHALL BE INVOICED SEPARATELY, AND AMOUNTS PAID AGAINST SUCH INVOICES SHALL BE DEDUCTED FROM THE CONTRACT PRICE UPON FINAL SETTLEMENT.
5. THE BUYER AGREES TO MAKE THE VEHICLE OR EQUIPMENT AVAILABLE TO THE SELLER FOR DISPLAY PURPOSES AT TIMES CONVENIENT TO THE BUYER, WITH PRIOR AUTHORIZATION BY THE FIRE CHIEF, OR HIS OR HER DESIGNEE.
6. ALL CONTRACTS ARE TAKEN SUBJECT TO THE WRITTEN ACCEPTANCE OF GREENWOOD EMERGENCY VEHICLES, LLC. BY AN OFFICER OF THE COMPANY. WHEN REQUESTED, THE BUYER SHALL FURNISH SATISFACTORY OPINION OF THE BUYER'S ATTORNEY AS TO THE POWER OF THE BUYER TO ENTER INTO SAID CONTRACT, AND THAT SAID CONTRACT IS A VALID, LEGAL AND ENFORCEABLE OBLIGATION OF THE BUYER, AND THAT THE OFFICIAL EXECUTING THE CONTRACT FOR THE BUYER HAS THE AUTHORITY TO DO SO.

Town of Wellfleet

Department of Public Works

220 W Main Street
Wellfleet, MA 02667
Phone 508 349-0315



PURCHASE ORDER

FY 2023

DATE: July 27, 2022

ORDER # 223-004

TO:

United Construction & Forestry
PO Box 578
North Oxford, MA 01537

Invoice To:

Department of Public Works
220 West Main Street
Wellfleet, MA 02667

DESCRIPTION	AMOUNT
Description : New 2022/2023 John Deere 544P 4WD Loader in accordance to Sourcewell Contract, with trade in of Town's 2005 John Deere 544J Loader (\$48,500) <u>Per Attached Quote, dated July 26, 2022</u>	\$248,387.00 (\$48,500.00)
Funding: Article 6 Twn Meeting June 2022	
TOTAL AMOUNT NOT TO EXCEED	\$199,887.00

ORDERED BY: Jay Norton, DPW Director

TOWN ADMINISTRATOR APPROVED: _____



(Rt. 20) 80 Southbridge Rd.
PO Box 578
North Oxford MA 01537
Phone: (508) 987-8786
Fax: (508) 987-3578

Rtes 6 & 136
PO Box 138
N. Swansea MA 02777

4 Sterling Rd
N. Billerica MA 01862

1620 Page Blvd (Rt 20)
Springfield MA 01104

88 Camelot Dr. #42
Plymouth MA 02360

July 26, 2022

Town of Wellfleet DPW
220 West Main St.
Wellfleet, MA 02667

United Construction & Forestry, LLC, is pleased to offer the following RFQ quote for a new 2022/2023 John Deere 544P 4WD Loader in accordance with Sourcewell Contract per your requested specifications below.

In addition to the standard factory equipment, the loader also includes:

HD Deere wet sleeved turbo diesel, EPA FT4 certified emissions, 166 Net Peak HP, programmable auto-idle & auto-shutdown, under hood auto-regeneration exhaust filter & catalysts, hydraulically driven cooling fan w/ auto-reversing fan speed, curved chrome exhaust stack, centrifugal pre-cleaner and environmental drains with fluid test ports
Cold start aids: Block heater, automatic glow plugs, and two 950 CCA batteries with master electrical disconnect switch, remote start battery terminals, cold weather hydraulic oil and DEF tank heater.
Inboard planetary drive axles with inboard wet disk brakes, brake retractors and axle cooling with filtration
Operator controlled manual hydraulic differential lock on front axle (floor or joystick actuated with automatic option
5-speed powershift transmission w/ lock-up torque converter and dual mode automatic or manual shifting
Joystick loader control w/ single lever control of boom & bucket functions, FNR transmission control, gear selection, quick-shift, proportional thumb roller for 3rd function hydraulics, 4th function hydraulics with extra lines to boom, continual auxiliary flow detent (through monitor), programmable joystick auxiliary buttons and throttle lock option
Factory-installed, speed programmable, automatic ride control system
20.5R25 L3 radial tires on 3 piece wheels with one spare tire mounted on rim
Full coverage front and rear fenders with mud flaps, left and right rear platforms and left side steps into cab
Standard-height loader arms with boom height control, bucket "return-to-dig" and "return-to-carry features"
Z-Bar parallel lift loader linkage w/ 416 (JRB-style) hydraulic quick-coupler (compatible w/ Town's other attachments)
Deere 3.5 cubic yard HD general purpose bucket with bolt-on reversible edge (compatible w/ town's other JRB loaders)
Roflex connect under pressure auxiliary hydraulic fittings mounted to loader arms
JRB 10' power angle broom with wet tank and in-cab switches (for tank and angle control) and Roflex couplers
Premium pressurized ROPS/FOPS cab with automatic temperature control system for heater, air conditioning & defroster, tinted glass, sun visor, rear view camera w/ 7" display monitor, heated/ventilated, high-back, leather/fabric heated/ventilated air ride suspension seat, windshield wipers/washers front and rear (intermittent type), Premium AM/FM/WB radio w/ remote aux., USB ports & Bluetooth and dual oversize exterior remote powered heated mirrors
12/24 volt - 30 amp converter and 140 amp alternator and a "Low decibel" back-up alarm
5 lb. multi-purpose (ABC) dry chemical fire extinguisher (mounted in cab)
Premium exterior lights - All LED (work, travel, brake, front and rear directional lights) and engine compartment light
Whelen "4 corner" LED strobe lights mounted at roof corners with separate front and rear switches
Transmission side frame guards, front & rear bottom frame guards with sound package and loader mast side covers
Mounted SMV emblem, Lighted License Plate Bracket, Rear cast bumper/counterweight with rear hitch and locking pin
Operator's manual in print, part's & repair manuals on CD and JDLink remote telematics monitoring
12 months/unlimited hour full machine factory warranty, an additional 72 months (84 total) / up to 4,000 hours powertrain & hydraulics factory extended warranty and a 3 year/10,000 hour factory warranty on boom & mainframes

Estimated cost for 2022 John Deere 544P loader with options above:	\$248,387.00
Estimated trade credit for Town's 2005 John Deere 544J loader:	(\$48,500.00)
Estimated budget cost after trade:	<u>\$199,887.00</u>

Estimated delivery of 4-8 months for loader and attachments upon receipt of Town's purchase order .

*****Notes: This quote is only good through 7/31/22. This is the actual RFQ quote. Above price reflects Sourcewell Contract factory discounts and other dealer discounts. Due to current global supply issues, we estimate this loader and it's attachments could take 4-8 months to arrive, however, this price will be honored until delivery of 544P to the Town.**

United Construction & Forestry has 14 locations throughout the Northeast to serve your needs, for supplying parts and for providing service, with our closest store located in Plymouth, MA. United Construction & Forestry provides 90% of all John Deere repair and maintenance parts over the counter for immediate delivery at our branch locations. Special emphasis is placed on stocking those parts determined to be "critical", those which would keep a machine down and which can be replaced easily within two hours. For non-stocked machine down parts, John Deere's parts depot, located in Grimsby, Ontario, provides us with over 95% availability. These parts are provided overnight, through a special delivery arrangement and are available at each branch location by 8:30 A.M. the next business day.

We appreciate the opportunity to provide this Request for Quote and being able to supply the Wellfleet DPW with this new 2022/2023 John Deere 544P Loader. If there are any questions relative to this quotation, please call my cell at 508-989-2750, or Dave Robbins, General Manager, at 508-989-7830.

Sincerely,

Joe Huber
Territory Manager
United Construction & Forestry, LLC.
508-989-2750



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

III

USE OF TOWN PROPERTY

~ A ~

REQUESTED BY:	Benten Niggel ~ Paddle Cape Cod MA, LLC
DESIRED ACTION:	To be approved to use various town landings for drop off of kayaks and paddleboards
PROPOSED MOTION:	I move to approve the use of the following town landings to Benten Niggel, Paddle Cape Cod MA, LLC. For a fee of \$ (a full motion will be decided and made at the meeting)
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Use of Town Property – Paddle Cape Cod, Benten Niggel

Comments From Health/Conservation – Hillary Greenberg-Lemos

- Which Town Landings does he intend to use? How many boats? What is the process for pick up and drop off? We have had issues in the past with abandoned boats on the shoreline.

Comments from Community Services – Suzanne Grout-Thomas

- Is he aware of the \$375 per landing piece? My stipulation is that all boats must be clearly labeled with the name and contact information of the business. I also need to know their drop off and pick up policies and timing. For instance, parking in the Handicap parking at Long Pond is not permissible even for drop off and pick up.

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Benten Niggel Affiliation or Group Paddle Cape Cod MA, LLC

Telephone Number 508-962-1185 Mailing Address 4730 state hwy building b

Email address adventure@paddlecapecodma.com eastham ma 02642

Town Property to be used (include specific area) see attachment A.

Date(s) and hours of use: 8:00 to 8:00 PM from May 2022 to September 2022 (will reapply each year)

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/ beverage service, etc. Also, please indicate if fees will be charged by applicant.

My company offers a free delivery and pick up service for kayaks and Paddleboards wellfleet, eastham and Orleans but we are happy to service all cape towns for a small fee. My team drives a jeep wrangler and kayak trailer— we respectfully have been pulling up to public town landings not blocking the boat launch or handicap parking spaces to briefly unload rental watercraft et al., talk to our customers, and get onto the next delivery or pick up. Our entire drop off or pick up process takes roughly 5 minutes for the typical customer rental. We also currently offer public and private tours out of Hemenway Landing, Eastham. My customer are either dropped off at the landing by friends, or pay to park (I do not offer customer transportation). My customers bring their own food or drinks and we stress a walk on/walk off policy and stress to our customers the importance of being environmentally friendly. We charge our customers by the half day or full day, 3-days and week, no delivery fee or pick up fee is charged in wellfleet, and all our rentals come with appropriate lifejackets and paddles.

Describe any Town services requested (police details, DPW assistance, etc.)

no town services requested

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

Processing Fee: \$50.00 pd-check #120

Fee: RFE

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>has concerns</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: <i>N/A</i> Comments/Conditions: Permits/Inspections needed:
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Police Department: <i>ok - Chief Hurley</i> Comments/Conditions:	Fire Department: <i>ok - Chief Pauley</i> Comments/Conditions:
---	---

DPW: <i>N/A</i> Comments/Conditions	Community Services Director: Comments/Conditions: <i>has concerns -</i>
--	--

Harbormaster: <i>N/A</i> Comments/Conditions	Shellfish: <i>N/A</i> Comments/Conditions
---	--

Recreation: <i>N/A</i> Comments/Conditions	Town Administrator: Comments/Conditions
---	---

**TOWN OF WELLFLEET
BEACH AND LANDING STREET ADDRESSES**

Maguire's Landing (Lecount Hollow Beach)	500 Lecount Hollow Road
White Crest Beach	520 Ocean View Drive
Cahoon Hollow Beach	1140 Cahoon Hollow Road
Newcomb Hollow Beach	1175 Gross Hill Road
Gull Pond	140 School House Hill Road

Long Pond	505 Long Pond Road
Great Pond	585 Cahoon Hollow Road
Duck Pond	650 Duck Pond Road
The Gut	1095 Chequessett Neck Road
Duck Harbor	580 Griffin Island Road
Mayo Beach	35 Kendrick Road
Powers Landing	555 Chequessett Neck Road
Burton Baker Beach	225 Indian Neck Road
Indian Neck Beach	235 Nauset Road

Requested town public landings in yellow box



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

IV

BOARD/COMMITTEE & DEPARTMENT UPDATES

~ A ~

REQUESTED BY:	Will Sullivan & Board Member John Wolf
DESIRED ACTION:	To be updated on the dredging project
PROPOSED MOTION:	If a motion is needed one will be provided at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Good morning Rich, Rebecca, and Will,

Happy Friday! Attached, please find the formal event invitation for Tuesday's grant announcement. Please feel welcome to share it with any other local officials or staff.

The event is scheduled for 2:30 pm at the Chatham Harbormaster Building. Following the event, our Communication's team will publish a press release on Mass.gov, hopefully with a nice group photo. I have asked our Communication's team to include you in the email distribution list.

Please let me know if you have any questions before Tuesday. Have a great weekend and stay cool.

Best

Nicholas Bulens (He/Him)
Executive Office of Housing and Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108
Tel: 617-788-3620

From: Bulens, Nicholas (EOHED) <Nicholas.Bulens@mass.gov<mailto:Nicholas.Bulens@mass.gov>>
Sent: Wednesday, July 6, 2022 9:33 PM
To: Charles Sumner <Charles.Sumner@wellfleet-ma.gov<mailto:Charles.Sumner@wellfleet-ma.gov>>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov<mailto:Rebecca.Roughley@wellfleet-ma.gov>>; William Sullivan <William.Sullivan@wellfleet-ma.gov<mailto:William.Sullivan@wellfleet-ma.gov>>; Horne, Marc (EOHED) <Marc.Horne@mass.gov<mailto:Marc.Horne@mass.gov>>
Subject: RE: Massachusetts Dredging Program 2022 application status - Wellfleet

Hi Charles, Rebecca, and Will,

I hope you all had a relaxing holiday.

Our communications team has tentatively scheduled a public announcement for the 2022 dredging awards for Tuesday, July 26th, at 2:30 pm in Chatham. The start time is subject to change, but the date and location are fairly firm.

I will reach out once all details are settled. Please let me know if you have any questions in the interim.

Best

Nicholas Bulens (He/Him)
Executive Office of Housing and Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108
Tel: 617-788-3620

From: Bulens, Nicholas (EOHED) <Nicholas.Bulens@mass.gov<mailto:Nicholas.Bulens@mass.gov>>
Sent: Wednesday, June 22, 2022 12:07 PM
To: Charles Sumner <Charles.Sumner@wellfleet-ma.gov<mailto:Charles.Sumner@wellfleet-ma.gov>>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov<mailto:Rebecca.Roughley@wellfleet-ma.gov>>; William Sullivan <William.Sullivan@wellfleet-ma.gov<mailto:William.Sullivan@wellfleet-ma.gov>>; Horne, Marc (EOHED) <Marc.Horne@mass.gov<mailto:Marc.Horne@mass.gov>>
Subject: Massachusetts Dredging Program 2022 application status - Wellfleet

Good morning Town Administrator Sumner,

I hope this message finds you well. Thank you for submitting an application for the 2022 grant round of the Massachusetts Dredging Program. On behalf of the Executive Office of Housing and Economic Development (EOHED), I am pleased to inform you that a grant in the amount of \$2.5 million has been approved for the Town of Wellfleet. Congratulations on the Town's success. Attached, please find a letter of award.

As indicated by this letter, we ask that the Town refrain from publicly announcing this award until a formal event and/or press statement is made by the Baker-Polito Administration. Please keep any award information internal. Additionally, due to the current status of permitting for the project, this award is subject to conditions for contracting. We would like to schedule a time with you and the local project team in the near future for discussion (approx. 30 minutes). The following times are currently available on our schedules:

- * Thursday, 06/23/22, 1:00 pm – 4:00 pm
- * Friday, 06/24/22, 4:00 pm – 4:30 pm
- * Tuesday, 06/28/22, 11:30 am – 1:30 pm
- * Wednesday, 06/29/22, 10:00 am – 4:00 pm

Please note that as stated in the attachment, neither the award letter nor this electronic message constitute an agreement or contract with EOHED or the Commonwealth of Massachusetts. Any purchases and/or construction work completed prior to the full execution of an agreement or contract shall not be eligible for reimbursement.

Congratulations again!

Best

Nicholas Bulens (He/Him)

Executive Office of Housing and Economic Development

One Ashburton Place, Room 2101

Boston, MA 02108

Tel: 617-788-3620

Memorandum Thru:

Ruth M. Ladd, Chief, Policy Analysis and Technical Support Branch

For: Phill Nimeskern, Project Manager, CENAE-R-B

Subject: Suitability Determination for Town of Wellfleet - CORRECTED, Wellfleet Harbor, Wellfleet, MA, Application Number NAE-2005-1059.

1. Summary:

Based on an evaluation of the data that characterize the material proposed to be dredged, this memorandum addresses the suitability of that material for disposal as proposed at the Cape Cod Bay Disposal Site (CCBDS) in accordance with applicable regulations. The Marine Analysis Section (MAS) finds that the data provide sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The determination found that some of the sediments were unsuitable for open water disposal. However, MAS talked to the lab and had them re-examine the method detection limits reported previously. The lab reported back on 23 February that their previous report was in error and submitted a new corrected data report. Examining these new values showed that ALL these sediments are suitable for unconfined open water disposal at CCBDS as proposed.

2. Project Description:

The applicant is proposing to dredge two areas in Wellfleet Harbor. The first area (Area 1) is comprised of the North and South channels, the North Anchorage, and the Access Channel adjacent to L-Pier. This area is approximately 674,309 sq. ft. and would be dredged to depths of - 6 ft. MLW. Approximately 118,300 cu. yds. of material will be removed. The second area (Area 2) is the South Anchorage. This area is approximately 945,688 sq. ft. and would be dredged to depths of - 6 MLW, producing approximately 248,000 cu. yds. of material to be removed. The Town of Wellfleet proposes to mechanically dredge and dispose of this material at the Cape Cod Bay Disposal Site (CCBDS). This area was last permitted to be dredged in part ten years ago.

3. Sampling and Testing:

Charles N. Farris prepared a sampling plan for this project on 25 March 2014. The plan called for 14 cores (W-1 through W-14) to be taken from the project area. Bulk sediment chemistry analyses were conducted on four composites comprised of 14 samples (EXAMPLE: Composite A is comprised of cores W-5 and W-6). See the spreadsheets for details.

CENAE-R-PT

SUBJECT: Suitability Determination for Town of Wellfleet, Wellfleet Harbor, Wellfleet, MA, Application Number NAE-2005-1059

Comparison to (CCBDS) Reference Values

Metals: The contaminant concentrations in the sediments represented by Composites A through D were below or near the means plus twice the standard deviations of the contaminant concentrations found at the CCBDS reference site. The exception is copper in Composite A, which is two times larger. See the attached spreadsheets for details.

PAHs: In all of the project sediment samples, the PAH concentrations were below or near the means plus twice the standard deviations of the contaminant concentrations found at the CCBDS reference site. See the attached spreadsheets for details.

4. Regulations governing the determination of the suitability of dredged material for open-water disposal:

The disposal of dredged material seaward of the high tide line in Cape Cod Bay is regulated under Section 404 of the Clean Water Act (CWA).

Subpart G of the Section 404(b)(1) guidelines (40 CFR Section 230.60 and 230.61) describes the procedures for determining the suitability of this material for open-water disposal, including any relevant testing that may be required.

40 CFR 230.60 General Evaluation of Dredged or Fill Material

(a) This subsection states that further testing may not be necessary if it could be determined with the evaluation under paragraph (b) that the sediment is not a carrier of contaminants. Dredged or fill material is most likely to be free from pollutants when it is composed primarily of sand, gravel or other naturally occurring inert material. Based upon our Tier 1 review, the proposed dredge sediment is primarily sand, gravel or other inert material in an area of high current and/or wave energy and evaluation under paragraph (b) below indicates the material is not a carrier of contaminants. Therefore, this subsection does not apply. Based upon our Tier 1 review, evaluation under paragraph (b) below indicates the proposed dredge sediment is a carrier of contaminants so this subsection does not apply.

(b) This subsection states that the site should be evaluated to determine whether it is sufficiently removed from sources of pollution. These factors include records of spills or potential routes of contamination, like outfall pipes. There is a boat ramp and a fuel dock on the main pier as well as a drainage system to control runoff from impervious surfaces. No history of spills was reported by the contractor after examination of the area.

CENAE-R-PT

SUBJECT: Suitability Determination for Town of Wellfleet, Wellfleet Harbor, Wellfleet, MA, Application Number NAE-2005-1059

(c) This subsection states that further testing may not be necessary if certain conditions and circumstances make it unlikely that the dredged material would degrade the disposal site. For the project to meet this exclusion, the material to be dredged and the material at the disposal site must be adjacent to each other **and** composed of the same materials **and** subject to the same sources of contaminants. As the project site is not adjacent to the disposal site, this exclusion does not apply to this project

(d) This subsection states that further testing may not be necessary if the material to be dredged is constrained, both to reduce contamination within the disposal site and to prevent transport of contaminants beyond the boundaries of the disposal site. As such constraints in handling are not proposed, this subsection does not apply.

40 CFR 230.61 Chemical, Biological and Physical Evaluation and Testing

(a) This subsection describes the purpose of Part 230.61 and does not give any criteria for the evaluation of sediments.

(b) This subsection states that dredged material may be excluded from testing for water column effects and benthic bioassays if it is determined, by evaluation under 40 CFR Part 230.60, that the likelihood of contamination levels that could exert ecological impacts (as defined in Part 230.60 – is that the right section) is acceptably low. Such testing is not needed, as it was determined, based on evaluation under Part 230.61(c), that the likelihood of contamination is low.

(c) This subsection states that an inventory of the concentrations of the contaminants of concern would aid in an environmental assessment of the impact of their disposal on the designated disposal site. Such an inventory was performed at the dredge site. See Section 3 above and the attached spreadsheets for details. The dredged materials should have minimal impact at the disposal site.

CENAE and the federal agencies did not think an analysis of biological community structure was needed for this project.

(d) This subsection states the importance of the disposal of dredged materials on the characteristics of the physical substrate. MAS determined that the likelihood of physical effects from the disposal of the dredged material at the disposal site should be minimal. Although some benthic marine organisms will be buried by the disposal of the project materials, the disposal site should be rapidly re-colonized.

CENAE-R-PT

SUBJECT: Suitability Determination for Town of Wellfleet, Wellfleet Harbor,
Wellfleet, MA, Application Number NAE-2005-1059

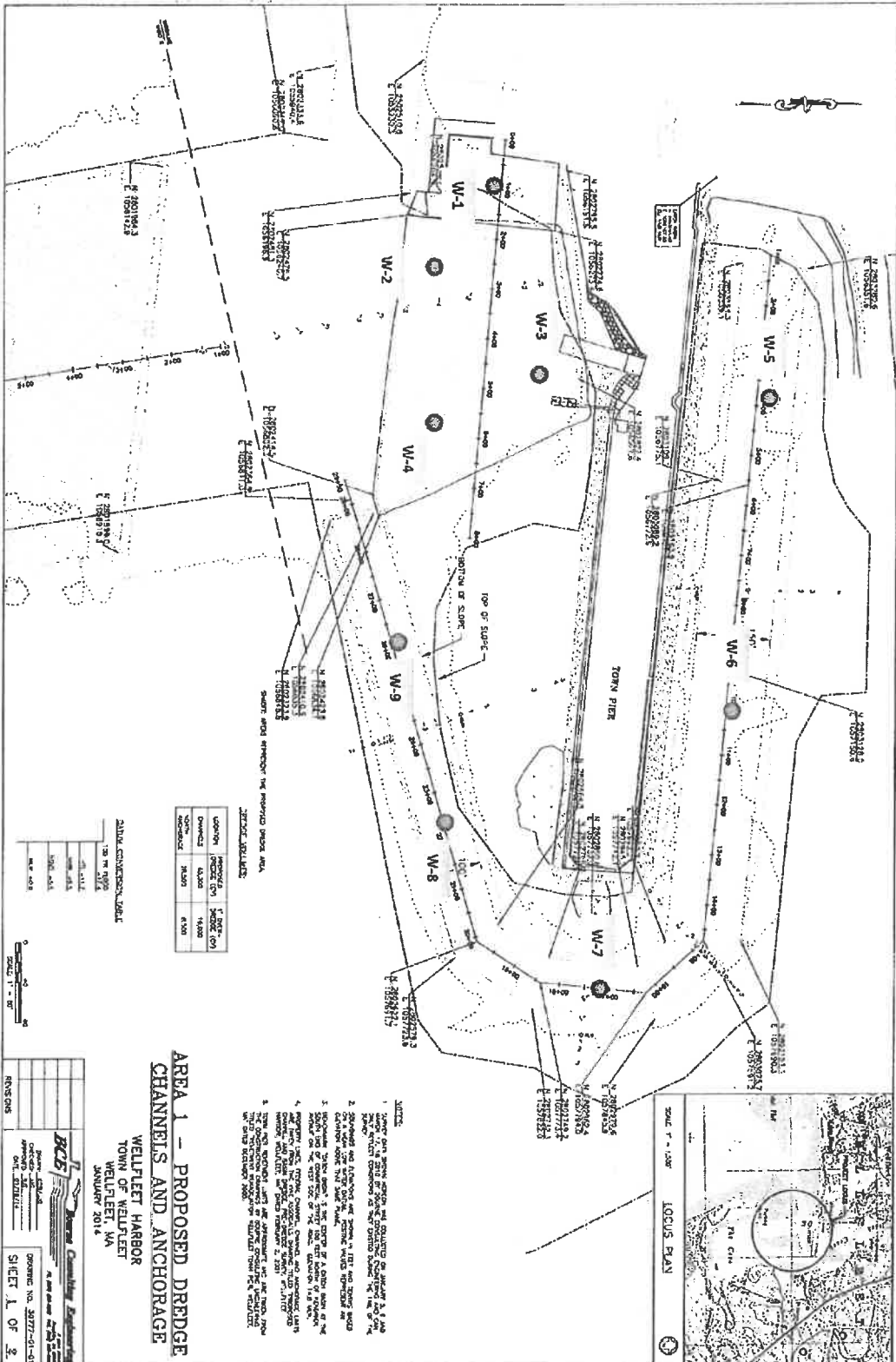
5. Copies of this determination were sent to the MADEP and the USEPA. The EPA concurred with this determination. The MADEP did not respond within the 10-business day review period and their concurrence is assumed.

6. If you have any questions, please contact me at (978) 318-8336 or charles.n.farris@usace.army.mil.

CHARLES N. FARRIS
Project Manager,
Marine Analysis Section

CENAE-R-PT

SUBJECT: Suitability Determination for Town of Wellfleet, Wellfleet Harbor, Wellfleet, MA, Application Number NAE-2005-1059



- NOTES:**
1. SHOWN ON THIS DRAWING ARE THE PROPOSED DREDGE CHANNELS AND ANCHORAGE AREAS. THE DREDGE CHANNELS AND ANCHORAGE AREAS ARE SHOWN WITH DASHED LINES. THE DREDGE CHANNELS AND ANCHORAGE AREAS ARE TO BE DREDGED TO THE DEPTHS SHOWN ON THIS DRAWING.
 2. SHOWN ON THIS DRAWING ARE THE PROPOSED DREDGE CHANNELS AND ANCHORAGE AREAS. THE DREDGE CHANNELS AND ANCHORAGE AREAS ARE SHOWN WITH DASHED LINES. THE DREDGE CHANNELS AND ANCHORAGE AREAS ARE TO BE DREDGED TO THE DEPTHS SHOWN ON THIS DRAWING.
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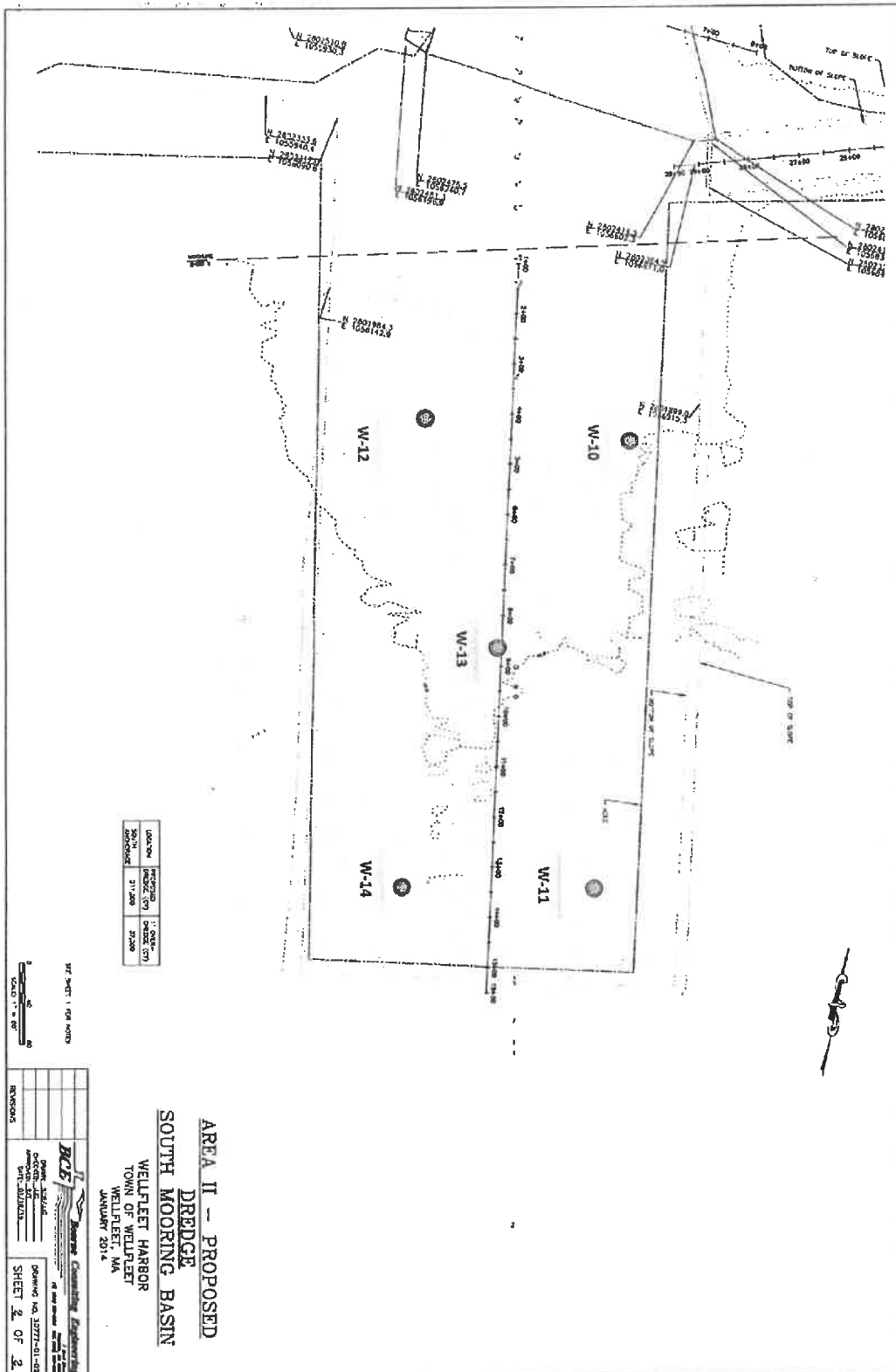
AREA 1 - PROPOSED DREDGE CHANNELS AND ANCHORAGE

WELLFLEET HARBOR
TOWN OF WELLFLEET
WELLFLEET, MA
JANUARY 2014

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 Drawing No. 2077-01-01
 Sheet 1 of 2

CENAE-R-PT

SUBJECT: Suitability Determination for Town of Wellfleet, Wellfleet Harbor, Wellfleet, MA, Application Number NAE-2005-1059



APPENDIX E – Essential Fish Habitat

**Harbor Dredging Project
Wellfleet Harbor
Wellfleet, Massachusetts**

Essential Fish Habitat Assessment

April 2016

Prepared by

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Franklin, MA 02038



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I. INTRODUCTION

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act require that an Essential Fish Habitat (EFH) consultation be conducted for activities that may adversely affect important habitats of federally managed marine and anadromous fish species. EFH includes “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The proposed dredging location within Wellfleet Harbor falls into this category and thus has the potential to provide habitat for fish species in the area. The following is an assessment of the EFH for the maintenance dredging of Wellfleet Harbor.

II. PROPOSED ACTION: Dredging and Disposal

The Town of Wellfleet is seeking to perform maintenance dredging of all Town managed channels and anchorages within Wellfleet Harbor in an effort to restore safe and reliable navigation. There are two primary dredge Areas composed of 5 dredge sites within Wellfleet Harbor that have been maintained by the Town for more than sixty years. These areas are now severely shoaled and the Town is seeking to address the shoaling which is now causing major impacts on commercial and recreational boating in the Harbor. The scale of these projects presents major funding hurdles for the Town which, in turn, limits the scope and frequency of maintenance dredging of these areas. However, the extent of shoaling is now causing severe impacts on vessels in the harbor and the continued use and viability of the harbor makes it imperative that the shoaling is removed.

A Federal Navigation Project, adjacent to but not a part of this permitting application, maintains access into Wellfleet inner harbor and provides for a 10 foot deep channel, 125 feet wide with a 10 foot deep anchorage basin 800 feet by 500 feet at the head of the channel. The Town of Wellfleet maintains and operates a marina at the Town Pier and two anchorages, one to the north and one to the south of the Federal project.

For the purposes of this narrative, the Town managed portion of Wellfleet Harbor has been split up into two areas:

- Area I includes the North and South Access Channels, North Anchorage and the Access Channel adjacent to the L-Pier.
- Area II is the South Anchorage

Site	Dredge Area (acres)	Dredge Volume (cubic yards)	1' Overdredge Volume (cy)	Total Dredge Volume (cy)
North and South Access Channel	10.3	65,000	16,000	81,000
North Anchorage Basin	3.5	25,000	7,000	32,000
L-Pier Access Channel	0.8	2,500	1,000	3,500
South Anchorage Basin	23.9	211,000	37,000	248,000
Totals	38.5	303,500	61,000	364,500

All material removed as part of the dredge will be taken for unconfined open water disposal at the Cape Cod Bay Disposal site.

ANALYSIS OF IMPACTS

Impacts to EFH from any dredging and disposal activity include potential changes in the physical and chemical properties of the water column, possible changes in sediment types both within the channel and at adjacent areas, and changes in water depth. Consequently, changes in the abundance and/or distribution of prey species may also result from both dredging and disposal activities. These impacts may range from both short-term, (i.e. impacts to the water column (increases in turbidity and total suspended solids)), to longer term impacts (i.e. changes in bathymetry as a result of dredging within the channel and deposition at the disposal site(s)).

A. Physical Environment

Physical Description - Wellfleet Harbor is a natural harbor and has played an important role in the history of Wellfleet, having provided dockage and anchorage for fishing and recreational vessels since 1644. The harbor is shallow with areas exposed at low tide both within and outside of the proposed dredge footprint. The substrate is primarily silt with most core samples showing approximately 80% silt / clay with less than 20% fine sand. The area is not considered productive shellfish area (per Andrew Koch, Shellfish Warden). The project area is not mapped by MA GIS for seagrass. The harbor has been actively used as a navigation and mooring field by commercial fishing vessels, charter boats and recreational boats for more than 60 years. Existing channels and anchorages gradually accumulate sediments as part of the natural processes on this shoreline and periodic maintenance dredging is required in order to maintain navigation.

Water Quality — Any impacts on water quality resultant from dredging the proposed channels and mooring basins in Wellfleet Harbor are expected to be temporary and limited to the immediate project area. Water quality impacts would be primarily a result of increased turbidities and suspended sediment (TSS) loads within the water column as a result of both the dredging operations. The sediments are mainly silt / clay with approximately 20% or less per core of fine sand. Turbidity will be limited by the use of an environmental bucket during dredge operations. Dissolved oxygen levels are not anticipated to be impacted by dredging and/or disposal activities of this project. No appreciable changes in the salinity regime, tidal flows or tide height are expected as a result of the proposed dredging or disposal activity.

Bathymetry/Water Depth — Other impacts from the proposed project include changes in the bathymetry of the areas to be dredged and the disposal site(s) due to the removal and placement of sediment. The area within Wellfleet Harbor that is to be dredged will remain a shallow water habitat with proposed dredge depths of -6 MLW (-7 with overdredge). All dredged materials have been approved for disposal at the Cape Cod Bay Disposal Site where they have been determined to have no negative impact.

B. Biological Environment

Prey Species — The abundance and/or distribution of prey species, for which EFH has been designated, may be impacted from dredging and disposal activities conducted for the Wellfleet Harbor dredge project. Many of these fish feed on organisms that live in or on the sediment. At the locations that are to be dredged, these prey species will be disrupted and or destroyed during the dredging process. However, each dredging project is expected to take up to 16 weeks and the actual dredging work will only impact a very small area at any one time. This will allow recolonization of dredged areas to start as soon as the dredge equipment relocates and impacted areas will only be a small portion of the entire footprint at any one time. Following dredging completion, the substrate types at dredging locations are expected to be similar to pre-project conditions thus promoting rapid recolonization by organisms from adjacent

areas. Therefore, any impacts to the habitat in which these fish species use for forage, would be expected to be temporary. Any biota inhabiting these areas would be opportunistic and capable of rapid recolonization.

Prey species that live in the water column are also likely to be impacted during dredging activities. The increased suspended sediments resulting from dredging activities have the potential to destroy/disrupt planktonic species in the vicinity of the TSS plume. However, given the short-lived and transient nature of these water column disturbances, it is expected that any impacts would be of a temporary nature and quickly return to ambient conditions upon cessation of operational activities. Thus any impacts would not be expected to have any long-term effects on prey species within the project area.

Much of the Land under Ocean proposed for dredging in this project is also designated as Shellfish Suitable Habitat for some species as per MA GIS mapping. However, a large majority of the dredge area is a muddy substrate and is not considered productive shellfish area. The Town will continue to work closely with the Wellfleet Shellfish Constable as dredge activities begin but there is minimal impact to shellfish anticipated due to dredge activities.

IV. Life History of EFH Species

A. Selection of EFH Species

The National Marine Fisheries Service Guide to Essential Fish Habitat web site was used to determine which species have designated EFH in Wellfleet Harbor and Surrounding areas. The species and the life stages of those species that have EFH in the study area was determined by using the quick reference 10 x 10 minute squares of latitude and longitude. The coordinates of the 10 x 10 minute square that is representative of the geographic area of the proposed dredging and disposal activities are provided in Table 1 below.

Table 2 presents a list of the species that have designated EFH within Wellfleet Harbor and surrounding areas. A short summary of the EFH for each life stage of each particular species is described in the sections below. Information on the species was taken from the NMFS “Guide to EFH Species Designations”, the Essential Fish Habitat Amendment, October 7, 1998, prepared by the New England Fishery Management Council located at <http://www.nefmc.org/habitat/index.html> and www.fishbase.org.

Summary of Essential Fish Habitat (EFH) Designation

Table 1. 10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	42° 00.0' N	70° 00.0' W	41° 50.0' N	70° 10.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the square within Cape Cod Bay affecting the following: the coast west of Eastham and Wellfleet, MA., north up to Corn Hill in Truro, MA. Also affected are Billingsgate Shoal and I., Smalley Bar, Stony Bar, Woods Beach Rock, Lieutenant I., Indian Neck, Loagy Bay, Blackfish Creek, Duck Creek, Griffin I., Great I., the Pamet River, and Hatches Creek.

Table 2. Species and their respective life stages designated as Essential Fish Habitat.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)	X	X		
pollock (<i>Pollachius virens</i>)		X	X	X
Silver Hake / Whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)	X	X	X	X
winter flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Limanda ferruginea</i>)	X	X	X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)	X	X	X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)	X	X	X	X
monkfish (<i>Lophius americanus</i>)	X	X	X	
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealeii</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
smooth dogfish (<i>Mustelus canis</i>)	X	X	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)			X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)				X
little Skate (<i>Leucoraja erinacea</i>)				X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X

black sea bass (<i>Centropristis striata</i>)	n/a			X
thorny skate (<i>Amblyraja radiata</i>)			X	
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a	X	X
blue shark				X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X
White Shark (<i>Carcharodon carcharias</i>)	X	X	X	X
Winter Skate (<i>Leucoraja ocellata</i>)			X	X
Atlantic Wolffish (<i>Anarhichas lupus</i>)	X	X	X	X

B. Summary of EFH Species

Atlantic Cod

EFH is designated for all four life stages of Atlantic cod (*Gadus morhua*) within the project area. Larvae typically prefer depths from 30 to 70 meters. Juveniles are found on bottom habitats with a substrate of cobble or gravel in depths from 25 to 75 meters. The adults are found on bottom habitats with a substrate of rocks, pebbles, or gravel. The adults prefer depths between 10 and 150 meters including for spawning. Wellfleet Harbor is much shallower than their preferred habitat depth, and composed primarily of soft silty sediments. Therefore, no more than minimal impacts on Atlantic cod EFH would be expected as a result of this project.

Haddock

EFH is designated within the project area for eggs and larvae of haddock (*Melanogrammus aeglefinus*). Eggs are generally found in water depths from 50 to 90 meters from March through May. Larvae are generally found in water depths from 30 to 90 meters between January and July. Spawning adult haddock are typically found in bottom habitats with a substrate of pebble gravel or gravelly sand in water temperature below 6° C. This project is expected to have minimal effects on EFH for haddock because all life stages tend to be found in waters deeper than those in the area of Wellfleet Harbor. The bottom of Wellfleet Harbor consists of mainly silt and, therefore, the project area would be unsuitable for spawning Haddock. Also, the project is expected to be subject to TOY restrictions preventing dredging during the peak periods for eggs.

Pollock

EFH is designated in the project areas for the larvae, juveniles, and adults of pollock (*Pollachius virens*). Larvae are pelagic, and found at depths significantly deeper than the proposed dredging. The juveniles have been reported over a wide variety of substrates, including sand, mud, or rocky bottom, and vegetation. Juveniles are found at depths of 0 to 250 meters. Adults inhabit a wide range of depths from 15 to 365 meters. Both Juveniles and Adults show little preference for bottom type. This project is expected to have minimal effects on EFH of pollock since the larvae, juveniles, and adults are all commonly found at depths deeper than the depths in Wellfleet Harbor. Additionally, any juvenile and adult pollock in the

dredge impact area would be able to easily avoid any disturbance caused by dredging. Therefore, no more than minimal impacts on pollock EFH would be anticipated as a result of this project.

Whiting / Silver Hake

Whiting or Silver Hake (*Merluccius bilinearis*) EFH is designated within the area of the proposed project for all life stages. Eggs are found at sea surface temperatures below 20° C and water depths between 50 and 150 meters. Whiting eggs are observed all year, with peaks from June through October. Larvae are generally found at sea surface temperatures below 20°C and water depths between 50 and 130 meters. Whiting larvae are observed all year, with peaks from July through September. Generally, the following conditions exist where most whiting juveniles are found: water temperatures below 21° C, depths between 20 and 270 meters and salinities greater than 20‰. Generally, the following conditions exist where most whiting adults are found: water temperatures below 22° C and depths between 30 and 325 meters. The depth that all Whiting EFH life stages are generally found is much deeper than the proposed dredge depth therefore minimal to no impact is anticipated.

Red Hake

EFH is designated in the project area for all life stages of Red Hake. Red Hake eggs are found at sea surface temperatures below 10° C along the inner continental shelf with salinity less than 25‰. Hake eggs are most often observed during the months from May - November, with peaks in June and July. Red hake larvae are found at sea surface temperatures below 19° C, water depths less than 200 meters, and salinity greater than 0.5‰. Red hake larvae are most often observed from May through December, with peaks in September - October. Red Hake juveniles are found in water temperatures below 16° C, depths less than 100 meters and a salinity range from 31 - 33‰. Red Hake adults are generally found in water temperatures below 12° C, depths from 10 - 130 meters, and salinity range from 33 - 34‰. Although Red Hake EFH is located within the project area, sea surface temperatures in this shallow enclosed harbor would be higher than normal range for spawning fish and eggs in the months May to November. As such minimal impact would be expected on eggs. Juveniles and adults are very mobile and would be able to flee from the dredging or disposal areas once activities commence. Consequently, any potential impacts that occur will be localized and short term. Therefore, no more than minimal impacts on all life stages of the Red Hake EFH would be anticipated as a result of this project.

White Hake

EFH is designated within the project area for all life stages of white hake (*Urophycis tenuis*). Eggs are found in surface waters while the larvae are pelagic, both are found from August through September. TOY restrictions will limit impacts on these life stages. Juveniles have a pelagic and demersal stage. In the demersal stage, the juveniles are found on bottom habitats with seagrass beds or a substrate of mud or fine-grained sand, with water temperatures below 19° C, and depths from 5 to 225 meters. The adults are found associated with bottom habitats with a substrate of mud or fine grained sand, water temperatures below 14° C, and depths from 5 to 325 meters. The shallow waters of Wellfleet Harbor have a muddy substrate, no seagrass and are shallower than typical EFH. Therefore, no more than minimal impacts on white hake EFH would be anticipated as a result of this project.

Winter flounder

EFH is designated within the area of the proposed project areas for all life stages of the winter flounder (*Pseudopleuronectes americanus*). The eggs of winter flounder, which are demersal, are typically found at depths of less than 16.4 feet (5 m) in bottom waters in a broad range of salinities (10-30 ‰). Spawning, and therefore the presence of eggs, occurs from February to June. EFH for larvae, juveniles, and adults includes bottom habitats of mud and fine-grained sandy substrate in waters ranging from 0.3 to 328 feet (0.1-100 m) in depth. Spawning adults are typically associated with similar substrates in less than 19.7 feet (6 m) of water. Although winter flounder EFH is located within the

project area, juveniles and adults are very mobile and would be able to flee from the dredging or disposal areas once activities commence. Winter flounder move into the upper portions of the bay during the fall and remain in the area until spawning is completed. The young-of-the-year flounder generally remain in the immediate area where they hatched. The proponent will fully comply with TOY restrictions placed on dredge activities in response to Winter Flounder habitat needs. Consequently, any potential impacts that occur will be localized and short term and no more than minimal impacts on all life stages of the winter flounder EFH would be anticipated as a result of this project.

Yellowtail Flounder

EFH is designated within the area of the proposed project areas for all life stages of the yellowtail flounder. The eggs of winter flounder are typically found at depths between 30 to 90 meters in surface waters. Spawning, and therefore the presence of eggs, occurs from mid-March to July. Larvae occur in surface waters with a depth from 10 to 90 meters. EFH for juveniles, and adults includes bottom habitats of sand or sand and mud in waters ranging from 20 to 50 meters in depth. Spawning adults are typically associated with similar substrates in 10 to 125 meters of water. Depths in Wellfleet Harbor are typically shallower than EFH for yellowtail flounder. TOY restrictions placed on dredge activities would minimize impacts on eggs. Consequently, any potential impacts that occur will be localized and short term and no more than minimal impacts on all life stages of the yellowtail flounder EFH would be anticipated as a result of this project.

Windowpane Flounder

EFH is designated for all four life stages of windowpane flounder (*Scopthalmus aquosus*) in Wellfleet Harbor. Eggs and larvae are generally found in water depths less than 70 meters with sea surface temperatures less than 20° C. Eggs are observed from February to November in surface waters while larvae are pelagic. Peaks in eggs and larvae occur July to August on Georges Bank. Juveniles and Adults are generally found in bottom habitats with substrates of mud or fine grained sand in depths of 1 to 100 meters. Juveniles and Adults are highly mobile and would be able to flee from any potential water quality effects in the area. Any potential impacts that occur will be localized and short term. Therefore, no more than minimal impacts on the juvenile and adult life stage of the windowpane flounder EFH would be anticipated as a result of this project. TOY restrictions would be expected to minimize impacts on eggs and larvae.

American Plaice

EFH is designated for all four life stages of American Plaice. All four stages are found in depths greater than 30 meters with a wide range of salinities. All life stages can be found in areas with substrates of sand and gravel. Eggs and Larvae are generally present in surface waters and as such would not be impacted by dredge activities. Adults and juveniles can be found in bottom habitats in areas with more fine grained substrate, but these individuals would be easily able to avoid dredge activities. No more than minimal impacts on all life stages of American plaice are anticipated as a result of this project.

Ocean Pout

EFH is designated in the project area for all life stages of Ocean Pout. Due to low fecundity, relatively few eggs (< 4200) are laid in gelatinous masses, generally in hard bottom sheltered nests, holes, or crevices where they are guarded by either female or both parents. Generally, the following conditions exist where ocean pout eggs are found: water temperatures below 10° C, depths less than 50 meters, and a salinity range from 32 - 34‰. Larvae are believed to remain in close proximity to hard bottom nesting areas. Juveniles are generally found in conditions where water temperatures are below 14°C, depths less than 80 meters, and salinities greater than 25‰. Generally adults are found in water temperatures below 15°C, depths less than 110 meters, and a salinity range from 32 - 34‰. Due to the silty nature of Wellfleet Harbor, these conditions would be unsuitable for Ocean Pout eggs and larvae as they tend to

exist in hard bottom nesting areas. EFH for the juvenile and adult exist within the project area however impact will be minimal as they are mobile in their juvenile and adult stage, and have the ability to avoid dredging activities

Atlantic Halibut

EFH is designated within the area of Wellfleet Harbor for all life stages of Atlantic halibut (*Hippoglossus hippoglossus*), but the project area is too shallow to have any effect on the EFH of this species. Atlantic halibut eggs are bathypelagic, floating not at the surface, but suspended in the water column at depths ranging from 50 to 200 meters. The eggs are observed between late fall and early spring, with peaks in November and December. The larvae exist in surface waters. Juveniles and adults are found on bottom habitats with a substrate of sand, gravel, or clay. The juveniles are found in depths from 20 to 60 meters, whereas the adults are found at depths of 100 to 700 meters. The EFH for the entire life stage of Atlantic Halibut is much deeper than the depth within the proposed project area, therefore minimal to no impact is anticipated.

Atlantic Sea Scallop

EFH is designated in the project area for all life stages of Atlantic sea scallops. Eggs are heavier than seawater and remain on the seafloor until they develop into the first free-swimming larval stage. Spawning occurs from May through October, with peaks in September and October on Georges Bank and in the Gulf of Maine. Larvae are found in pelagic waters. Juveniles and adults are found in bottom habitats with a substrate of gravelly sand, shell fragments, and pebbles. The project is located within the EFH for Atlantic sea scallop eggs however substrates in the project area are not ideal habitat for larvae to settle. Additionally, impact will be minimal and transient allowing for the rapid resettlement of individuals. As such the project is anticipated to have minimal impact on EFH for sea scallop.

Atlantic Sea Herring

EFH is designated for all four stages for Atlantic sea herring. Generally, the following conditions exist where Larvae are found between 50 and 90 meters; Juveniles are found in water temperatures below 10°C, water depths from 15 - 135 meters, and a salinity range above 28‰ and Adults are typically found in water depths of 20 -130 meters. Spawning Adults are found in 20 -80 meters with a substrate of gravel, sand, cobble and shell fragments which are not typically found in Wellfleet Harbor. While herring eggs are usually found from July to November, they are found between depths of 20- 80 meters. Minimal to no impact on Atlantic sea herring is anticipated as the depths as EFH for Atlantic sea herring is deeper than depths found in Wellfleet Harbor.

Monkfish

EFH is designated in the project area for eggs, larvae and juvenile Monkfish. Eggs are generally found in the following conditions: sea surface temperatures below 18° C and water depths from 15 - 1000 meters. Monkfish egg veils and larvae are most often observed during the months from March to September. Monkfish larvae are generally found in water temperatures 15° C and water depths from 25 - 1000 meters. Juvenile Monkfish prefer a substrate of sand-shell mix, algae covered rocks, hard-sand, pebbly gravel, or mud generally in water temps below 13° C, and depths from 25-200 meters There will be minimal impact to EFH for Monkfish eggs, larvae and juvenile stages as they are typically found in water deeper than 15 meters, which is significantly deeper than Wellfleet Harbor. This project will be subject to TOY restrictions which will minimize impacts on egg and larvae life stages.

Bluefish

EFH is designated within Wellfleet Harbor for juvenile and adult Bluefish. Juvenile bluefish are found in North Atlantic estuaries June through October, Adult bluefish occur in the open ocean, large embayments, and most estuarine systems within their range. Juvenile and adults prefer warmer

temperatures and travel to the North Atlantic waters June through October. Depending on time of year, adult Bluefish habitat can be found in depths from 1-100m. The project will occur within the EFH however juvenile and adult Bluefish are very mobile pelagic species not associated with bottom habitats often found in schools; therefore, dredging operations should not significantly impact preferred habitat. Since bluefish are sight feeders, increased turbidity in the proposed project area may affect their ability to locate prey however use of an environmental bucket during dredge operations and the ability of the bluefish to easily leave turbid waters should minimize potential impacts. Overall, minimal impact is anticipated to the juvenile and adult bluefish within Wellfleet Harbor.

Squid (Long Fin)

EFH is designated within Wellfleet Harbor for juveniles and adults of longfinned (*Loligo pealeii*) squid. EFH is the pelagic waters found over the Continental Shelf (from the coast out to the limits of the EEZ), from the Gulf of Maine through Cape Hatteras, North Carolina where the highest catches are found. Juvenile or pre-recruits are found in depths of 6 – 160 meters and adults or recruits are 6 – 200 meters with water temperatures between 8.5 – 14.5° C. The squid are highly mobile in their juvenile and adult stage, and have the ability to avoid dredging activities. Minimal to no impact to the habitat is anticipated within Wellfleet harbor as the depths are not accommodating to the juveniles and adults.

Squid (Short Fin)

EFH is designated within Wellfleet Harbor for juveniles and adults of shortfinned (*Illex illecebrosus*) squid. Although there is little data available for this species, squid are highly mobile in their juvenile and adult stage, and have the ability to avoid dredging activities. Minimal to no impact to the habitat is anticipated within Wellfleet harbor.

Smooth Dogfish

EFH is designated for all life stages of Smooth Dogfish (*Mustelus canis*) in the area of Wellfleet Harbor. Insufficient information is available to identify EFH for this species but young are liveborn and the adults are extremely mobile. Little to no impact to their EFH is anticipated in the Wellfleet harbor project.

Atlantic Butterfish

EFH is designated within the project area for all stages of the Atlantic butterfish (*Peprilus triacanthus*). All life stages of the butterfish are pelagic, with juveniles and adults forming loose schools, often near the surface. Juvenile are found between depths of 10 and 280 m and adults are found between 11 and 250 m. Therefore, any disruption of EFH as a result of project activity would be temporary and no more than minimal impacts are expected on Atlantic butterfish within the shallow depths of Wellfleet Harbor.

Atlantic Mackerel

EFH is designated within the area of the proposed project for all four life stages of Atlantic mackerel (*Scomber scombrus*). Since all life stages of Atlantic mackerel are generally found offshore, no impacts to Atlantic mackerel EFH are expected within the project area. The eggs are pelagic and occur in water having salinities greater than 34 ‰, in depths deeper than 100 meters or less than average temperatures of 6.5 to 12.5° C. Larvae are primarily distributed at depths between 21 and 100 meters. The juveniles are found between 10 and 110 meters and adults are found in depths less than 170 meters. Any adults and juveniles in the project area should be able to avoid any potential impacts because of their mobility. Therefore, no more than minimal impacts on all life stages of Atlantic mackerel EFH would be anticipated as a result of this project due to the depths within Wellfleet Harbor.

Summer Flounder

EFH is indicated for the adult stage of summer flounder or fluke (*Paralichthys dentatus*). Inshore EFH for summer flounder is the estuaries where summer flounder have been identified as being common, abundant, or highly abundant in the ELMR database. Generally, summer flounder inhabit shallow coastal and estuarine waters during warmer months and move offshore on the outer Continental Shelf at depths of 500 ft in colder months. Due to TOY restrictions dredging is anticipated to occur in the fall when summer flounder may be moving off into deeper waters. Additionally, adults are highly mobile and will be easily able to avoid dredge activities. As such impact to the adult stage of summer flounder in Wellfleet harbor is expected to be minimal.

Little Skate

EFH is designated for the adult stage within Wellfleet harbor for little skate (*Leucoraja erinacea*). Adults are generally found in bottom habitats with a sandy or gravelly substrate or mud, ranging from Georges Bank through the Mid-Atlantic Bight to Cape Hatteras, North Carolina. They are found at depths between shallows and 137 meters. While little skate can be found in shallow depths, highest concentrations are found between 73 and 91 meters. Adult skates are highly mobile and are able to avoid dredge activities, combined with the shallow depths within Wellfleet harbor minimal impacts would be anticipated during dredging.

Scup

EFH is designated within the project area for all juvenile and adult Scup (*Stenotomus chrysops*). Scup juveniles and adults have the potential to occur in estuarine systems during the spring and summer months. All life stages of scup prefer salinities greater than 15 ‰. Juveniles and adults use structured areas for foraging and refuge, which do not exist in the project area. Scup are highly mobile species and would be expected to have the ability to avoid dredging and disposal activities. Therefore, no more than minimal impacts to Scup EFH would be anticipated as a result of this project.

Black Sea Bass

EFH is designated for adult black sea bass (*Centropristus striata*) within the project area. EFH for the adults of this species is predominantly within estuarine systems with oceanic salinities. Adults are found in estuaries during spring and summer months in water temperatures above 6° C and salinities greater than 18 ‰. Black sea bass prefer rough, shelly substrates and can be found in natural and man-made structured habitats. These habitats are not found in Wellfleet harbor and dredging is likely to occur in the fall when sea bass are moving off shore. Although sea bass may occur in the project area, adults should be able to avoid any potential impacts because of their mobility. Therefore, no more than minimal impacts to black sea bass EFH are anticipated as a result of this project.

Thorny Skate

EFH is designated for juvenile Thorny Skate. Juveniles are found in depths between 18 and 2000 meters. Depth range in Wellfleet Harbor is less than this range and any juveniles will be mobile to avoid dredging activities. Therefore, no more than minimal impacts to Thorny Skate EFH are anticipated as a result of this project.

Surf Clam

EFH is indicated for juvenile and adult life stages of surf clam (*Spisula solidissima*). They are found throughout the substrate, to a depth of three feet below the water/sediment interface, within federal waters from the eastern edge of Georges Bank and the Gulf of Maine throughout the Atlantic EEZ. Surf clams generally occur from the beach zone to a depth of about 200 feet, but beyond about 125 feet abundance is low. The proposed project area is mapped as suitable habitat for surf clams but actual abundance is low as per the Town of Wellfleet shellfish warden. Impacts due to dredge activities will be

transient allowing for recolonization if individuals are present in the project area. Therefore, impacts to EFH will be minimal and temporary.

Spiny Dogfish

EFH is designated for juveniles and adult spiny dogfish (*Squalus acanthias*) in Wellfleet Harbor. Juveniles can be found in waters ranging from 10 to 390 meters and water temperature anywhere from 2-21 ° C. Adults can be found in waters ranging between 11 to 450 meters and water temperatures ranging from about 5-20 ° C. EFH is deeper than Wellfleet Harbor and both juvenile and adult Spiny Dogfish are highly mobile and can avoid any disturbances during dredging or disposal activity. Little to no impact to their EFH is anticipated by the project.

Blue Shark

EFH habitat is designated within Wellfleet harbor for adult Blue shark (*Prionace glauca*). Adults can be found in waters ranging from 1-350m deep. Occasionally they can be found close inshore where the continental shelf is narrow. The prefer temperatures ranging from 12-20 ° C. Blue Sharks are highly migratory with complex movement patterns. There is little to no impact on adult blue shark habitat as these species are highly mobile and are able to avoid any dredging activity.

Bluefin Tuna

EFH is designated within the Wellfleet Harbor area for bluefin tuna (*Thunnus thynnus*) juveniles and adults. Bluefin tuna is a highly migratory species found in pelagic waters of at least 82 feet (25 m) depth. The few that enter coastal waters are highly mobile and can evade any potential short-term water column disturbances as a result of dredging and disposal activities. Therefore, no impacts to highly migratory species would be anticipated as a result of this project.

White Shark

EFH habitat is designated for all life stages of White shark. Young are liveborn. Adults can be found in all waters. Occasionally they can be found close inshore. There is little to no impact on White Shark habitat as these species are highly mobile and are able to avoid any dredging activity.

Winter Skate

EFH is designated for the adult stage within Wellfleet harbor for winter skate (*Leucoraja ocellata*). Adults are generally found in bottom habitats with a sandy or gravelly substrate or mud, ranging from Georges Bank through the Mid-Atlantic Bight to Cape Hatteras, North Carolina. They are found at depths between shallows and 400 meters. While winter skate can be found in shallow depths, highest concentrations are found at depths shallower than 111 meters. Both adult and juvenile skates are highly mobile and are able to avoid dredge activities, combined with the shallow depths within Wellfleet harbor minimal impacts would be anticipated during dredging.

Atlantic Wolffish

EFH is designated within the area of Wellfleet Harbor for all life stages of Atlantic wolffish (*Anarhichas lupus*), but the project area is too shallow to have any effect on the EFH of this species. Atlantic wolffish EFH is from 40 to 240 meters in depth. The EFH for the entire life stage of Atlantic Wolffish is much deeper than the depth within the proposed project area, therefore minimal to no impact is anticipated.

V. CUMULATIVE EFFECTS

Cumulative impacts are those resulting from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. Dredging has been conducted in

Wellfleet Harbor previously. Reasonably foreseeable future actions include the continuation of proposed dredging and navigation activities. Water quality, air quality, hydrology, and other biological resources are expected to not be significantly affected by these actions based on prior dredging activity. The direct effects of this project are not anticipated to add to impacts from other actions in the area. Maintenance dredging in Wellfleet Harbor will preserve the navigation of this important area and maintain the important commercial and recreational mooring fields. No adverse cumulative impacts are projected as a result of this project.

VI. SUMMARY OF EFFECTS

The dredging activities proposed for maintenance dredging in Wellfleet Harbor could potentially have limited minimal temporary impacts on EFH of designated species found within the proposed project area. In general, eggs and larvae are more susceptible to impacts than juveniles and adults (Sherk *et al.*, 1975) which can avoid dredging related disturbance. Demersal species such as flounders are more susceptible to impacts than pelagic species since most dredging related disturbance occurs near the bottom, but the adults of these species tend to be the most tolerant to suspended solids (Sherk *et al.*, 1975). Consequently, the EFH of species with the greatest potential to be affected by the Wellfleet Harbor dredging project are those with demersal eggs (winter flounder), the eggs can be dredged or buried by disposal. To avoid these impacts the proponent will comply fully with recommended TOY restrictions for those species as listed. Occasionally eggs and larvae may be physically damaged or killed from exposure to elevated concentrations of suspended solids, but the use of an environmental bucket will minimize the sediments that remain suspended in the water column.

A. Conclusions

There is minimal, if any potential for adverse effects, including cumulative effects, of the proposed action on Essential Fish Habitat. The dredging will occur in an area that has long been disturbed by activity. The area will also remain a shallow water habitat after dredge operations are complete. In such an environment, few animals representing the various life stages of the managed species have the potential to be impacted by dredge activities. The dredged material is primarily silt, so the project proponent is proposing to use a mechanical dredge with an environmental bucket to minimize potential impacts. Any impacts to EFH from the dredging and disposal are expected to be short-term and localized. The proposed project would not be expected to affect schooling life stages or spawning and nursery habitats as the area will quickly return to a shallow water habitat.

Additionally, not all areas designated as EFH for the various species will be impacted. The effects of dredging and disposal will be limited in time and area as dredge operations will only impact small sections of the overall project area at any given time. Therefore, the species at these locations will be able to remove themselves from impacted areas or repopulate impacted areas quickly.

VI. REFERENCES

LaSalle, M. W., D. G. Clarke, J. Homziak, J.D. Lunz, and T.J. Fredette. 1991. A framework for assessing the need for seasonal restrictions on dredging and disposal operations. Technical Report D-91-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS. NTIS No. AD A240 567.

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U.S. Army Corps of Engineers (USACE). 1977. Engineer District, San Francisco: 1977 Dredge Disposal Study San Francisco Bay and Estuary Main Report. San Francisco.

NOAA. Essential Fish Habitat Mapper v3.0
<http://www.habitat.noaa.gov/protection/efh/habitatmapper.html>



**US Army Corps
of Engineers**
New England District

VIII: SHPO/THPO Notification Form

In accordance with General Condition 6, proponents must ensure and document that all potential historic properties within the permit area have been identified. For PCN activities, proponents must notify the SHPO and applicable THPO(s) and provide proof as specified in Section IX, Part B(2) and submit a copy of any other documentation with the PCN. This form may be used for self-verification or PCN activities. It is recommended that you complete all fields (write "none" or "see attached form" if applicable), attach any Corps or State waterway agency application form, and attach plans and a copy of the USGS quadrangle map section that clearly marks the project location.

The SHPOs and THPOs will contact the Corps if there is any potential for an effect on a historic property and the Corps will begin consultation. Applicants need to coordinate with the Corps before conducting any onsite archaeological work (reconnaissance, surveys, recovery, etc.) as the Corps will use 33 CFR 325 Appendix C, including its "permit area" definition, to determine its scope of analysis for the consideration of historic properties. This is to ensure that work is done in a cost-effective manner, in accordance with Corps requirements and to avoid effects to historic properties before the consultation requirements of Section 106 of the NHPA have been satisfied.

Permittee: Town of Wellfleet - Mike Flanagan
 Address, City, State & Zip: 300 Main Street, Wellfleet MA 02667
 Phone(s) and Email: (508) 349-0320 michael.flanagan@wellfleet-ma.gov

Project Name: Wellfleet Harbor, Harbor Maintenance Dredging
 Project Location (provide detailed description if necessary): _____
 Address, City, State & Zip: Kendrick Ave, Wellfleet MA 02667
 Latitude/Longitude Coordinates (if address doesn't exist): 41.928902 -70.027303
 Waterway Name: Wellfleet Harbor
 Project Purpose: To restore safe and reliable navigation to Wellfleet Harbor
 Work Description: Please see attached project narrative

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. None

Signature of person submitting this form: _____ Date: 7/20/2016

Name: Russell Titmuss
 Address: Bourne Consulting Engineering, 3 Bent Street,
 City/Town/Zip: Franklin, MA 02038
 Telephone: 508-533-6666

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Wellfleet Harbor Dredging Project

Location / Address: Kendrick Ave

City / Town: Wellfleet

Project Proponent

Name: Mike Flanagan

Address: 300 Main Street

City/Town/Zip/Telephone: Wellfleet/02667/ (508) 349-0320

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

<u>Agency Name</u>	<u>Type of License or funding (specify)</u>
MA DEP	Ch91 permit and WQC certificate
Local Con Com	Order of Conditions
USACE	PCN Approval

Project Description (narrative):

Seeking permits for maintenance dredging of all Town managed channels and anchorages within Wellfleet Harbor to restore safe and reliable navigation.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

No proposed demolition

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No proposed rehabilitation of buildings

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

No new construction

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space _____	acres	Mining/Extraction _____	acres
Developed _____	acres	Total Project Acreage _____	acres

What is the acreage of the proposed new construction? no new _____ acres

What is the present land use of the project area?

Project will maintain existing use as a public marina

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Russell Titmuss _____

Address: 3 Bent Street _____

City/Town/Zip: Franklin 02038 _____

Telephone: (508) 533-6666 _____

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

**Harbor Dredging Project
Wellfleet Harbor
Wellfleet, Massachusetts**

Essential Fish Habitat Assessment

April 2016

Prepared by

Bourne Consulting Engineering
3 Bent Street
Franklin, MA 02038



Bourne Consulting Engineering

*3 Bent St.
Franklin, MA 02038*

I. INTRODUCTION

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act require that an Essential Fish Habitat (EFH) consultation be conducted for activities that may adversely affect important habitats of federally managed marine and anadromous fish species. EFH includes “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The proposed dredging location within Wellfleet Harbor falls into this category and thus has the potential to provide habitat for fish species in the area. The following is an assessment of the EFH for the maintenance dredging of Wellfleet Harbor.

II. PROPOSED ACTION: Dredging and Disposal

The Town of Wellfleet is seeking to perform maintenance dredging of all Town managed channels and anchorages within Wellfleet Harbor in an effort to restore safe and reliable navigation. There are two primary dredge Areas composed of 5 dredge sites within Wellfleet Harbor that have been maintained by the Town for more than sixty years. These areas are now severely shoaled and the Town is seeking to address the shoaling which is now causing major impacts on commercial and recreational boating in the Harbor. The scale of these projects presents major funding hurdles for the Town which, in turn, limits the scope and frequency of maintenance dredging of these areas. However, the extent of shoaling is now causing severe impacts on vessels in the harbor and the continued use and viability of the harbor makes it imperative that the shoaling is removed.

A Federal Navigation Project, adjacent to but not a part of this permitting application, maintains access into Wellfleet inner harbor and provides for a 10 foot deep channel, 125 feet wide with a 10 foot deep anchorage basin 800 feet by 500 feet at the head of the channel. The Town of Wellfleet maintains and operates a marina at the Town Pier and two anchorages, one to the north and one to the south of the Federal project.

For the purposes of this narrative, the Town managed portion of Wellfleet Harbor has been split up into two areas:

- Area I includes the North and South Access Channels, North Anchorage and the Access Channel adjacent to the L-Pier.
- Area II is the South Anchorage

Table 1: Proposed Dredge Areas and Volumes				
Site	Dredge Area (acres)	Dredge Volume (cubic yards)	1' Overdredge Volume (cy)	Total Dredge Volume (cy)
North and South Access Channel	10.3	65,000	16,000	81,000
North Anchorage Basin	3.5	25,000	7,000	32,000
L-Pier Access Channel	0.8	2,500	1,000	3,500
South Anchorage Basin	23.9	211,000	37,000	248,000
Totals	38.5	303,500	61,000	364,500

All material removed as part of the dredge will be taken for unconfined open water disposal at the Cape Cod Bay Disposal site.

ANALYSIS OF IMPACTS

Impacts to EFH from any dredging and disposal activity include potential changes in the physical and chemical properties of the water column, possible changes in sediment types both within the channel and at adjacent areas, and changes in water depth. Consequently, changes in the abundance and/or distribution of prey species may also result from both dredging and disposal activities. These impacts may range from both short-term, (i.e. impacts to the water column (increases in turbidity and total suspended solids)), to longer term impacts (i.e. changes in bathymetry as a result of dredging within the channel and deposition at the disposal site(s)).

A. Physical Environment

Physical Description - Wellfleet Harbor is a natural harbor and has played an important role in the history of Wellfleet, having provided dockage and anchorage for fishing and recreational vessels since 1644. The harbor is shallow with areas exposed at low tide both within and outside of the proposed dredge footprint. The substrate is primarily silt with most core samples showing approximately 80% silt / clay with less than 20% fine sand. The area is not considered productive shellfish area (per Andrew Koch, Shellfish Warden). The project area is not mapped by MA GIS for seagrass. The harbor has been actively used as a navigation and mooring field by commercial fishing vessels, charter boats and recreational boats for more than 60 years. Existing channels and anchorages gradually accumulate sediments as part of the natural processes on this shoreline and periodic maintenance dredging is required in order to maintain navigation.

Water Quality — Any impacts on water quality resultant from dredging the proposed channels and mooring basins in Wellfleet Harbor are expected to be temporary and limited to the immediate project area. Water quality impacts would be primarily a result of increased turbidities and suspended sediment (TSS) loads within the water column as a result of both the dredging operations. The sediments are mainly silt / clay with approximately 20% or less per core of fine sand. Turbidity will be limited by the use of an environmental bucket during dredge operations. Dissolved oxygen levels are not anticipated to be impacted by dredging and/or disposal activities of this project. No appreciable changes in the salinity regime, tidal flows or tide height are expected as a result of the proposed dredging or disposal activity.

Bathymetry/Water Depth — Other impacts from the proposed project include changes in the bathymetry of the areas to be dredged and the disposal site(s) due to the removal and placement of sediment. The area within Wellfleet Harbor that is to be dredged will remain a shallow water habitat with proposed dredge depths of -6 MLW (-7 with overdredge). All dredged materials have been approved for disposal at the Cape Cod Bay Disposal Site where they have been determined to have no negative impact.

B. Biological Environment

Prey Species — The abundance and/or distribution of prey species, for which EFH has been designated, may be impacted from dredging and disposal activities conducted for the Wellfleet Harbor dredge project. Many of these fish feed on organisms that live in or on the sediment. At the locations that are to be dredged, these prey species will be disrupted and or destroyed during the dredging process. However, each dredging project is expected to take up to 16 weeks and the actual dredging work will only impact a very small area at any one time. This will allow recolonization of dredged areas to start as soon as the dredge equipment relocates and impacted areas will only be a small portion of the entire footprint at any one time. Following dredging completion, the substrate types at dredging locations are expected to be similar to pre-project conditions thus promoting rapid recolonization by organisms from adjacent

areas. Therefore, any impacts to the habitat in which these fish species use for forage, would be expected to be temporary. Any biota inhabiting these areas would be opportunistic and capable of rapid recolonization.

Prey species that live in the water column are also likely to be impacted during dredging activities. The increased suspended sediments resulting from dredging activities have the potential to destroy/disrupt planktonic species in the vicinity of the TSS plume. However, given the short-lived and transient nature of these water column disturbances, it is expected that any impacts would be of a temporary nature and quickly return to ambient conditions upon cessation of operational activities. Thus any impacts would not be expected to have any long-term effects on prey species within the project area.

Much of the Land under Ocean proposed for dredging in this project is also designated as Shellfish Suitable Habitat for some species as per MA GIS mapping. However, a large majority of the dredge area is a muddy substrate and is not considered productive shellfish area. The Town will continue to work closely with the Wellfleet Shellfish Constable as dredge activities begin but there is minimal impact to shellfish anticipated due to dredge activities.

IV. Life History of EFH Species

A. Selection of EFH Species

The National Marine Fisheries Service Guide to Essential Fish Habitat web site was used to determine which species have designated EFH in Wellfleet Harbor and Surrounding areas. The species and the life stages of those species that have EFH in the study area was determined by using the quick reference 10 x 10 minute squares of latitude and longitude. The coordinates of the 10 x 10 minute square that is representative of the geographic area of the proposed dredging and disposal activities are provided in Table 1 below.

Table 2 presents a list of the species that have designated EFH within Wellfleet Harbor and surrounding areas. A short summary of the EFH for each life stage of each particular species is described in the sections below. Information on the species was taken from the NMFS "Guide to EFH Species Designations", the Essential Fish Habitat Amendment, October 7, 1998, prepared by the New England Fishery Management Council located at <http://www.nefmc.org/habitat/index.html> and www.fishbase.org.

Summary of Essential Fish Habitat (EFH) Designation

Table 1. 10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	42° 00.0' N	70° 00.0' W	41° 50.0' N	70° 10.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the square within Cape Cod Bay affecting the following: the coast west of Eastham and Wellfleet, MA., north up to Corn Hill in Truro, MA. Also affected are Billingsgate Shoal and I., Smalley Bar, Stony Bar, Woods Beach Rock, Lieutenant I., Indian Neck, Loagy Bay, Blackfish Creek, Duck Creek, Griffin I., Great I., the Pamet River, and Hatches Creek.

Table 2. Species and their respective life stages designated as Essential Fish Habitat.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)	X	X		
pollock (<i>Pollachius virens</i>)		X	X	X
Silver Hake / Whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)	X	X	X	X
winter flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Limanda ferruginea</i>)	X	X	X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)	X	X	X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)	X	X	X	X
monkfish (<i>Lophius americanus</i>)	X	X	X	
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealeii</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
smooth dogfish (<i>Mustelus canis</i>)	X	X	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)			X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)				X
little Skate (<i>Leucoraja erinacea</i>)				X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X

black sea bass (<i>Centropristis striata</i>)	n/a			X
thorny skate (<i>Amblyraja radiata</i>)			X	
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a	X	X
blue shark				X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X
White Shark (<i>Carcharodon carcharias</i>)	X	X	X	X
Winter Skate (<i>Leucoraja ocellata</i>)			X	X
Atlantic Wolffish (<i>Anarhichas lupus</i>)	X	X	X	X

B. Summary of EFH Species

Atlantic Cod

EFH is designated for all four life stages of Atlantic cod (*Gadus morhua*) within the project area. Larvae typically prefer depths from 30 to 70 meters. Juveniles are found on bottom habitats with a substrate of cobble or gravel in depths from 25 to 75 meters. The adults are found on bottom habitats with a substrate of rocks, pebbles, or gravel. The adults prefer depths between 10 and 150 meters including for spawning. Wellfleet Harbor is much shallower than their preferred habitat depth, and composed primarily of soft silty sediments. Therefore, no more than minimal impacts on Atlantic cod EFH would be expected as a result of this project.

Haddock

EFH is designated within the project area for eggs and larvae of haddock (*Melanogrammus aeglefinus*). Eggs are generally found in water depths from 50 to 90 meters from March through May. Larvae are generally found in water depths from 30 to 90 meters between January and July. Spawning adult haddock are typically found in bottom habitats with a substrate of pebble gravel or gravelly sand in water temperature below 6° C. This project is expected to have minimal effects on EFH for haddock because all life stages tend to be found in waters deeper than those in the area of Wellfleet Harbor. The bottom of Wellfleet Harbor consists of mainly silt and, therefore, the project area would be unsuitable for spawning Haddock. Also, the project is expected to be subject to TOY restrictions preventing dredging during the peak periods for eggs.

Pollock

EFH is designated in the project areas for the larvae, juveniles, and adults of pollock (*Pollachius virens*). Larvae are pelagic, and found at depths significantly deeper than the proposed dredging. The juveniles have been reported over a wide variety of substrates, including sand, mud, or rocky bottom, and vegetation. Juveniles are found at depths of 0 to 250 meters. Adults inhabit a wide range of depths from 15 to 365 meters. Both Juveniles and Adults show little preference for bottom type. This project is expected to have minimal effects on EFH of pollock since the larvae, juveniles, and adults are all commonly found at depths deeper than the depths in Wellfleet Harbor. Additionally, any juvenile and adult pollock in the

dredge impact area would be able to easily avoid any disturbance caused by dredging. Therefore, no more than minimal impacts on pollock EFH would be anticipated as a result of this project.

Whiting / Silver Hake

Whiting or Silver Hake (*Merluccius bilinearis*) EFH is designated within the area of the proposed project for all life stages. Eggs are found at sea surface temperatures below 20° C and water depths between 50 and 150 meters. Whiting eggs are observed all year, with peaks from June through October. Larvae are generally found at sea surface temperatures below 20°C and water depths between 50 and 130 meters. Whiting larvae are observed all year, with peaks from July through September. Generally, the following conditions exist where most whiting juveniles are found: water temperatures below 21° C, depths between 20 and 270 meters and salinities greater than 20‰. Generally, the following conditions exist where most whiting adults are found: water temperatures below 22° C and depths between 30 and 325 meters. The depth that all Whiting EFH life stages are generally found is much deeper than the proposed dredge depth therefore minimal to no impact is anticipated.

Red Hake

EFH is designated in the project area for all life stages of Red Hake. Red Hake eggs are found at sea surface temperatures below 10° C along the inner continental shelf with salinity less than 25‰. Hake eggs are most often observed during the months from May - November, with peaks in June and July. Red hake larvae are found at sea surface temperatures below 19° C, water depths less than 200 meters, and salinity greater than 0.5‰. Red hake larvae are most often observed from May through December, with peaks in September - October. Red Hake juveniles are found in water temperatures below 16° C, depths less than 100 meters and a salinity range from 31 - 33‰. Red Hake adults are generally found in water temperatures below 12° C, depths from 10 - 130 meters, and salinity range from 33 - 34‰. Although Red Hake EFH is located within the project area, sea surface temperatures in this shallow enclosed harbor would be higher than normal range for spawning fish and eggs in the months May to November. As such minimal impact would be expected on eggs. Juveniles and adults are very mobile and would be able to flee from the dredging or disposal areas once activities commence. Consequently, any potential impacts that occur will be localized and short term. Therefore, no more than minimal impacts on all life stages of the Red Hake EFH would be anticipated as a result of this project.

White Hake

EFH is designated within the project area for all life stages of white hake (*Urophycis tenuis*). Eggs are found in surface waters while the larvae are pelagic, both are found from August through September. TOY restrictions will limit impacts on these life stages. Juveniles have a pelagic and demersal stage. In the demersal stage, the juveniles are found on bottom habitats with seagrass beds or a substrate of mud or fine-grained sand, with water temperatures below 19° C, and depths from 5 to 225 meters. The adults are found associated with bottom habitats with a substrate of mud or fine grained sand, water temperatures below 14° C, and depths from 5 to 325 meters. The shallow waters of Wellfleet Harbor have a muddy substrate, no seagrass and are shallower than typical EFH. Therefore, no more than minimal impacts on white hake EFH would be anticipated as a result of this project.

Winter flounder

EFH is designated within the area of the proposed project areas for all life stages of the winter flounder (*Pseudopleuronectes americanus*). The eggs of winter flounder, which are demersal, are typically found at depths of less than 16.4 feet (5 m) in bottom waters in a broad range of salinities (10-30 ‰). Spawning, and therefore the presence of eggs, occurs from February to June. EFH for larvae, juveniles, and adults includes bottom habitats of mud and fine-grained sandy substrate in waters ranging from 0.3 to 328 feet (0.1-100 m) in depth. Spawning adults are typically associated with similar substrates in less than 19.7 feet (6 m) of water. Although winter flounder EFH is located within the

project area, juveniles and adults are very mobile and would be able to flee from the dredging or disposal areas once activities commence. Winter flounder move into the upper portions of the bay during the fall and remain in the area until spawning is completed. The young-of-the-year flounder generally remain in the immediate area where they hatched. The proponent will fully comply with TOY restrictions placed on dredge activities in response to Winter Flounder habitat needs. Consequently, any potential impacts that occur will be localized and short term and no more than minimal impacts on all life stages of the winter flounder EFH would be anticipated as a result of this project.

Yellowtail Flounder

EFH is designated within the area of the proposed project areas for all life stages of the yellowtail flounder. The eggs of winter flounder are typically found at depths between 30 to 90 meters in surface waters. Spawning, and therefore the presence of eggs, occurs from mid-March to July. Larvae occur in surface waters with a depth from 10 to 90 meters. EFH for juveniles, and adults includes bottom habitats of sand or sand and mud in waters ranging from 20 to 50 meters in depth. Spawning adults are typically associated with similar substrates in 10 to 125 meters of water. Depths in Wellfleet Harbor are typically shallower than EFH for yellowtail flounder. TOY restrictions placed on dredge activities would minimize impacts on eggs. Consequently, any potential impacts that occur will be localized and short term and no more than minimal impacts on all life stages of the yellowtail flounder EFH would be anticipated as a result of this project.

Windowpane Flounder

EFH is designated for all four life stages of windowpane flounder (*Scopthalmus aquosus*) in Wellfleet Harbor. Eggs and larvae are generally found in water depths less than 70 meters with sea surface temperatures less than 20° C. Eggs are observed from February to November in surface waters while larvae are pelagic. Peaks in eggs and larvae occur July to August on Georges Bank. Juveniles and Adults are generally found in bottom habitats with substrates of mud or fine grained sand in depths of 1 to 100 meters. Juveniles and Adults are highly mobile and would be able to flee from any potential water quality effects in the area. Any potential impacts that occur will be localized and short term. Therefore, no more than minimal impacts on the juvenile and adult life stage of the windowpane flounder EFH would be anticipated as a result of this project. TOY restrictions would be expected to minimize impacts on eggs and larvae.

American Plaice

EFH is designated for all four life stages of American Plaice. All four stages are found in depths greater than 30 meters with a wide range of salinities. All life stages can be found in areas with substrates of sand and gravel. Eggs and Larvae are generally present in surface waters and as such would not be impacted by dredge activities. Adults and juveniles can be found in bottom habitats in areas with more fine grained substrate, but these individuals would be easily able to avoid dredge activities. No more than minimal impacts on all life stages of American plaice are anticipated as a result of this project.

Ocean Pout

EFH is designated in the project area for all life stages of Ocean Pout. Due to low fecundity, relatively few eggs (< 4200) are laid in gelatinous masses, generally in hard bottom sheltered nests, holes, or crevices where they are guarded by either female or both parents. Generally, the following conditions exist where ocean pout eggs are found: water temperatures below 10° C, depths less than 50 meters, and a salinity range from 32 - 34‰. Larvae are believed to remain in close proximity to hard bottom nesting areas. Juveniles are generally found in conditions where water temperatures are below 14°C, depths less than 80 meters, and salinities greater than 25‰. Generally adults are found in water temperatures below 15°C, depths less than 110 meters, and a salinity range from 32 - 34‰. Due to the silty nature of Wellfleet Harbor, these conditions would be unsuitable for Ocean Pout eggs and larvae as they tend to

exist in hard bottom nesting areas. EFH for the juvenile and adult exist within the project area however impact will be minimal as they are mobile in their juvenile and adult stage, and have the ability to avoid dredging activities

Atlantic Halibut

EFH is designated within the area of Wellfleet Harbor for all life stages of Atlantic halibut (*Hippoglossus hippoglossus*), but the project area is too shallow to have any effect on the EFH of this species. Atlantic halibut eggs are bathypelagic, floating not at the surface, but suspended in the water column at depths ranging from 50 to 200 meters. The eggs are observed between late fall and early spring, with peaks in November and December. The larvae exist in surface waters. Juveniles and adults are found on bottom habitats with a substrate of sand, gravel, or clay. The juveniles are found in depths from 20 to 60 meters, whereas the adults are found at depths of 100 to 700 meters. The EFH for the entire life stage of Atlantic Halibut is much deeper than the depth within the proposed project area, therefore minimal to no impact is anticipated.

Atlantic Sea Scallop

EFH is designated in the project area for all life stages of Atlantic sea scallops. Eggs are heavier than seawater and remain on the seafloor until they develop into the first free-swimming larval stage. Spawning occurs from May through October, with peaks in September and October on Georges Bank and in the Gulf of Maine. Larvae are found in pelagic waters. Juveniles and adults are found in bottom habitats with a substrate of gravelly sand, shell fragments, and pebbles. The project is located within the EFH for Atlantic sea scallop eggs however substrates in the project area are not ideal habitat for larvae to settle. Additionally, impact will be minimal and transient allowing for the rapid resettlement of individuals. As such the project is anticipated to have minimal impact on EFH for sea scallop.

Atlantic Sea Herring

EFH is designated for all four stages for Atlantic sea herring. Generally, the following conditions exist where Larvae are found between 50 and 90 meters; Juveniles are found in water temperatures below 10°C, water depths from 15 - 135 meters, and a salinity range above 28‰ and Adults are typically found in water depths of 20 -130 meters. Spawning Adults are found in 20 -80 meters with a substrate of gravel, sand, cobble and shell fragments which are not typically found in Wellfleet Harbor. While herring eggs are usually found from July to November, they are found between depths of 20- 80 meters. Minimal to no impact on Atlantic sea herring is anticipated as the depths as EFH for Atlantic sea herring is deeper than depths found in Wellfleet Harbor.

Monkfish

EFH is designated in the project area for eggs, larvae and juvenile Monkfish. Eggs are generally found in the following conditions: sea surface temperatures below 18° C and water depths from 15 - 1000 meters. Monkfish egg veils and larvae are most often observed during the months from March to September. Monkfish larvae are generally found in water temperatures 15° C and water depths from 25 - 1000 meters. Juvenile Monkfish prefer a substrate of sand-shell mix, algae covered rocks, hard-sand, pebbly gravel, or mud generally in water temps below 13° C, and depths from 25-200 meters There will be minimal impact to EFH for Monkfish eggs, larvae and juvenile stages as they are typically found in water deeper than 15 meters, which is significantly deeper than Wellfleet Harbor. This project will be subject to TOY restrictions which will minimize impacts on egg and larvae life stages.

Bluefish

EFH is designated within Wellfleet Harbor for juvenile and adult Bluefish. Juvenile bluefish are found in North Atlantic estuaries June through October, Adult bluefish occur in the open ocean, large embayments, and most estuarine systems within their range. Juvenile and adults prefer warmer

temperatures and travel to the North Atlantic waters June through October. Depending on time of year, adult Bluefish habitat can be found in depths from 1-100m. The project will occur within the EFH however juvenile and adult Bluefish are very mobile pelagic species not associated with bottom habitats often found in schools; therefore, dredging operations should not significantly impact preferred habitat. Since bluefish are sight feeders, increased turbidity in the proposed project area may affect their ability to locate prey however use of an environmental bucket during dredge operations and the ability of the bluefish to easily leave turbid waters should minimize potential impacts. Overall, minimal impact is anticipated to the juvenile and adult bluefish within Wellfleet Harbor.

Squid (Long Fin)

EFH is designated within Wellfleet Harbor for juveniles and adults of longfinned (*Loligo pealeii*) squid. EFH is the pelagic waters found over the Continental Shelf (from the coast out to the limits of the EEZ), from the Gulf of Maine through Cape Hatteras, North Carolina where the highest catches are found. Juvenile or pre-recruits are found in depths of 6 – 160 meters and adults or recruits are 6 – 200 meters with water temperatures between 8.5 – 14.5° C. The squid are highly mobile in their juvenile and adult stage, and have the ability to avoid dredging activities. Minimal to no impact to the habitat is anticipated within Wellfleet harbor as the depths are not accommodating to the juveniles and adults.

Squid (Short Fin)

EFH is designated within Wellfleet Harbor for juveniles and adults of shortfinned (*Illex illecebrosus*) squid. Although there is little data available for this species, squid are highly mobile in their juvenile and adult stage, and have the ability to avoid dredging activities. Minimal to no impact to the habitat is anticipated within Wellfleet harbor.

Smooth Dogfish

EFH is designated for all life stages of Smooth Dogfish (*Mustelus canis*) in the area of Wellfleet Harbor. Insufficient information is available to identify EFH for this species but young are liveborn and the adults are extremely mobile. Little to no impact to their EFH is anticipated in the Wellfleet harbor project.

Atlantic Butterfish

EFH is designated within the project area for all stages of the Atlantic butterfish (*Peprilus triacanthus*). All life stages of the butterfish are pelagic, with juveniles and adults forming loose schools, often near the surface. Juvenile are found between depths of 10 and 280 m and adults are found between 11 and 250 m. Therefore, any disruption of EFH as a result of project activity would be temporary and no more than minimal impacts are expected on Atlantic butterfish within the shallow depths of Wellfleet Harbor.

Atlantic Mackerel

EFH is designated within the area of the proposed project for all four life stages of Atlantic mackerel (*Scomber scombrus*). Since all life stages of Atlantic mackerel are generally found offshore, no impacts to Atlantic mackerel EFH are expected within the project area. The eggs are pelagic and occur in water having salinities greater than 34 ‰, in depths deeper than 100 meters or less than average temperatures of 6.5 to 12.5° C. Larvae are primarily distributed at depths between 21 and 100 meters. The juveniles are found between 10 and 110 meters and adults are found in depths less than 170 meters. Any adults and juveniles in the project area should be able to avoid any potential impacts because of their mobility. Therefore, no more than minimal impacts on all life stages of Atlantic mackerel EFH would be anticipated as a result of this project due to the depths within Wellfleet Harbor.

Summer Flounder

EFH is indicated for the adult stage of summer flounder or fluke (*Paralichthys dentatus*). Inshore EFH for summer flounder is the estuaries where summer flounder have been identified as being common, abundant, or highly abundant in the ELMR database. Generally, summer flounder inhabit shallow coastal and estuarine waters during warmer months and move offshore on the outer Continental Shelf at depths of 500 ft in colder months. Due to TOY restrictions dredging is anticipated to occur in the fall when summer flounder may be moving off into deeper waters. Additionally, adults are highly mobile and will be easily able to avoid dredge activities. As such impact to the adult stage of summer flounder in Wellfleet harbor is expected to be minimal.

Little Skate

EFH is designated for the adult stage within Wellfleet harbor for little skate (*Leucoraja erinacea*). Adults are generally found in bottom habitats with a sandy or gravelly substrate or mud, ranging from Georges Bank through the Mid-Atlantic Bight to Cape Hatteras, North Carolina. They are found at depths between shallows and 137 meters. While little skate can be found in shallow depths, highest concentrations are found between 73 and 91 meters. Adult skates are highly mobile and are able to avoid dredge activities, combined with the shallow depths within Wellfleet harbor minimal impacts would be anticipated during dredging.

Scup

EFH is designated within the project area for all juvenile and adult Scup (*Stenotomus chrysops*). Scup juveniles and adults have the potential to occur in estuarine systems during the spring and summer months. All life stages of scup prefer salinities greater than 15 ‰. Juveniles and adults use structured areas for foraging and refuge, which do not exist in the project area. Scup are highly mobile species and would be expected to have the ability to avoid dredging and disposal activities. Therefore, no more than minimal impacts to Scup EFH would be anticipated as a result of this project.

Black Sea Bass

EFH is designated for adult black sea bass (*Centropristus striata*) within the project area. EFH for the adults of this species is predominantly within estuarine systems with oceanic salinities. Adults are found in estuaries during spring and summer months in water temperatures above 6° C and salinities greater than 18 ‰. Black sea bass prefer rough, shelly substrates and can be found in natural and man-made structured habitats. These habitats are not found in Wellfleet harbor and dredging is likely to occur in the fall when sea bass are moving off shore. Although sea bass may occur in the project area, adults should be able to avoid any potential impacts because of their mobility. Therefore, no more than minimal impacts to black sea bass EFH are anticipated as a result of this project.

Thorny Skate

EFH is designated for juvenile Thorny Skate. Juveniles are found in depths between 18 and 2000 meters. Depth range in Wellfleet Harbor is less than this range and any juveniles will be mobile to avoid dredging activities. Therefore, no more than minimal impacts to Thorny Skate EFH are anticipated as a result of this project.

Surf Clam

EFH is indicated for juvenile and adult life stages of surf clam (*Spisula solidissima*). They are found throughout the substrate, to a depth of three feet below the water/sediment interface, within federal waters from the eastern edge of Georges Bank and the Gulf of Maine throughout the Atlantic EEZ. Surf clams generally occur from the beach zone to a depth of about 200 feet, but beyond about 125 feet abundance is low. The proposed project area is mapped as suitable habitat for surf clams but actual abundance is low as per the Town of Wellfleet shellfish warden. Impacts due to dredge activities will be

transient allowing for recolonization if individuals are present in the project area. Therefore, impacts to EFH will be minimal and temporary.

Spiny Dogfish

EFH is designated for juveniles and adult spiny dogfish (*Squalus acanthias*) in Wellfleet Harbor. Juveniles can be found in waters ranging from 10 to 390 meters and water temperature anywhere from 2-21 ° C. Adults can be found in waters ranging between 11 to 450 meters and water temperatures ranging from about 5-20 ° C. EFH is deeper than Wellfleet Harbor and both juvenile and adult Spiny Dogfish are highly mobile and can avoid any disturbances during dredging or disposal activity. Little to no impact to their EFH is anticipated by the project.

Blue Shark

EFH habitat is designated within Wellfleet harbor for adult Blue shark (*Prionace glauca*). Adults can be found in waters ranging from 1-350m deep. Occasionally they can be found close inshore where the continental shelf is narrow. The prefer temperatures ranging from 12-20 ° C. Blue Sharks are highly migratory with complex movement patterns. There is little to no impact on adult blue shark habitat as these species are highly mobile and are able to avoid any dredging activity.

Bluefin Tuna

EFH is designated within the Wellfleet Harbor area for bluefin tuna (*Thunnus thynnus*) juveniles and adults. Bluefin tuna is a highly migratory species found in pelagic waters of at least 82 feet (25 m) depth. The few that enter coastal waters are highly mobile and can evade any potential short-term water column disturbances as a result of dredging and disposal activities. Therefore, no impacts to highly migratory species would be anticipated as a result of this project.

White Shark

EFH habitat is designated for all life stages of White shark. Young are liveborn. Adults can be found in all waters. Occasionally they can be found close inshore. There is little to no impact on White Shark habitat as these species are highly mobile and are able to avoid any dredging activity.

Winter Skate

EFH is designated for the adult stage within Wellfleet harbor for winter skate (*Leucoraja ocellata*). Adults are generally found in bottom habitats with a sandy or gravelly substrate or mud, ranging from Georges Bank through the Mid-Atlantic Bight to Cape Hatteras, North Carolina. They are found at depths between shallows and 400 meters. While winter skate can be found in shallow depths, highest concentrations are found at depths shallower than 111 meters. Both adult and juvenile skates are highly mobile and are able to avoid dredge activities, combined with the shallow depths within Wellfleet harbor minimal impacts would be anticipated during dredging.

Atlantic Wolffish

EFH is designated within the area of Wellfleet Harbor for all life stages of Atlantic wolffish (*Anarhichas lupus*), but the project area is too shallow to have any effect on the EFH of this species. Atlantic wolffish EFH is from 40 to 240 meters in depth. The EFH for the entire life stage of Atlantic Wolffish is much deeper than the depth within the proposed project area, therefore minimal to no impact is anticipated.

V. CUMULATIVE EFFECTS

Cumulative impacts are those resulting from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. Dredging has been conducted in

Wellfleet Harbor previously. Reasonably foreseeable future actions include the continuation of proposed dredging and navigation activities. Water quality, air quality, hydrology, and other biological resources are expected to not be significantly affected by these actions based on prior dredging activity. The direct effects of this project are not anticipated to add to impacts from other actions in the area. Maintenance dredging in Wellfleet Harbor will preserve the navigation of this important area and maintain the important commercial and recreational mooring fields. No adverse cumulative impacts are projected as a result of this project.

VI. SUMMARY OF EFFECTS

The dredging activities proposed for maintenance dredging in Wellfleet Harbor could potentially have limited minimal temporary impacts on EFH of designated species found within the proposed project area. In general, eggs and larvae are more susceptible to impacts than juveniles and adults (Sherk *et al.*, 1975) which can avoid dredging related disturbance. Demersal species such as flounders are more susceptible to impacts than pelagic species since most dredging related disturbance occurs near the bottom, but the adults of these species tend to be the most tolerant to suspended solids (Sherk *et al.*, 1975). Consequently, the EFH of species with the greatest potential to be affected by the Wellfleet Harbor dredging project are those with demersal eggs (winter flounder), the eggs can be dredged or buried by disposal. To avoid these impacts the proponent will comply fully with recommended TOY restrictions for those species as listed. Occasionally eggs and larvae may be physically damaged or killed from exposure to elevated concentrations of suspended solids, but the use of an environmental bucket will minimize the sediments that remain suspended in the water column.

A. Conclusions

There is minimal, if any potential for adverse effects, including cumulative effects, of the proposed action on Essential Fish Habitat. The dredging will occur in an area that has long been disturbed by activity. The area will also remain a shallow water habitat after dredge operations are complete. In such an environment, few animals representing the various life stages of the managed species have the potential to be impacted by dredge activities. The dredged material is primarily silt, so the project proponent is proposing to use a mechanical dredge with an environmental bucket to minimize potential impacts. Any impacts to EFH from the dredging and disposal are expected to be short-term and localized. The proposed project would not be expected to affect schooling life stages or spawning and nursery habitats as the area will quickly return to a shallow water habitat.

Additionally, not all areas designated as EFH for the various species will be impacted. The effects of dredging and disposal will be limited in time and area as dredge operations will only impact small sections of the overall project area at any given time. Therefore, the species at these locations will be able to remove themselves from impacted areas or repopulate impacted areas quickly.

VI. REFERENCES

LaSalle, M. W., D. G. Clarke, J. Homziak, J.D. Lunz, and T.J. Fredette. 1991. A framework for assessing the need for seasonal restrictions on dredging and disposal operations. Technical Report D-91-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS. NTIS No. AD A240 567.

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Sherk, J.A., J.M. O'Connor, and D.A. Neumann. 1975. Effects of suspended and deposited sediments on estuarine environments. *Estuarine Research*. 2:541-558.

U.S. Army Corps of Engineers (USACE). 1977. Engineer District, San Francisco: 1977 Dredge Disposal Study San Francisco Bay and Estuary Main Report. San Francisco.

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<http://www.habitat.noaa.gov/protection/efh/habitatmapper.html>



**US Army Corps
of Engineers**®
New England District

VIII: SHPO/THPO Notification Form

In accordance with General Condition 6, proponents must ensure and document that all potential historic properties within the permit area have been identified. For PCN activities, proponents must notify the SHPO and applicable THPO(s) and provide proof as specified in Section IX, Part B(2) and submit a copy of any other documentation with the PCN. This form may be used for self-verification or PCN activities. It is recommended that you complete all fields (write “none” or “see attached form” if applicable), attach any Corps or State waterway agency application form, and attach plans and a copy of the USGS quadrangle map section that clearly marks the project location.

The SHPOs and THPOs will contact the Corps if there is any potential for an effect on a historic property and the Corps will begin consultation. Applicants need to coordinate with the Corps before conducting any onsite archaeological work (reconnaissance, surveys, recovery, etc.) as the Corps will use 33 CFR 325 Appendix C, including its “permit area” definition, to determine its scope of analysis for the consideration of historic properties. This is to ensure that work is done in a cost-effective manner, in accordance with Corps requirements and to avoid effects to historic properties before the consultation requirements of Section 106 of the NHPA have been satisfied.

Permittee: Town of Wellfleet - Mike Flanagan
 Address, City, State & Zip: 300 Main Street, Wellfleet MA 02667
 Phone(s) and Email: (508) 349-0320 michael.flanagan@wellfleet-ma.gov

Project Name: Wellfleet Harbor, Harbor Maintenance Dredging
 Project Location (provide detailed description if necessary): _____
 Address, City, State & Zip: Kendrick Ave, Wellfleet MA 02667
 Latitude/Longitude Coordinates (if address doesn't exist): 41.928902 -70.027303
 Waterway Name: Wellfleet Harbor
 Project Purpose: To restore safe and reliable navigation to Wellfleet Harbor
 Work Description: Please see attached project narrative

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. None

Signature of person submitting this form: _____ Date: 7/20/2016

Name: Russell Titmuss
 Address: Bourne Consulting Engineering, 3 Bent Street,
 City/Town/Zip: Franklin, MA 02038
 Telephone: 508-533-6666

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Wellfleet Harbor Dredging Project

Location / Address: Kendrick Ave

City / Town: Wellfleet

Project Proponent

Name: Mike Flanagan

Address: 300 Main Street

City/Town/Zip/Telephone: Wellfleet/02667/(508)349-0320

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

<u>Agency Name</u>	<u>Type of License or funding (specify)</u>
MA DEP	Ch91 permit and WQC certificate
Local Con Com	Order of Conditions
USACE	PCN Approval

Project Description (narrative):

Seeking permits for maintenance dredging of all Town managed channels and anchorages within Wellfleet Harbor to restore safe and reliable navigation.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

No proposed demolition

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No proposed rehabilitation of buildings

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

No new construction

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APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space _____	acres	Mining/Extraction _____	acres
Developed _____	acres	Total Project Acreage _____	acres

What is the acreage of the proposed new construction? no new _____ acres

What is the present land use of the project area?

Project will maintain existing use as a public marina

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Russell Titmuss

Address: 3 Bent Street

City/Town/Zip: Franklin 02038

Telephone: (508) 533-6666

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

PROJECT NARRATIVE

Wellfleet Harbor Dredging

Wellfleet, MA

I. INTRODUCTION

A. Summary

The Town of Wellfleet is seeking to perform maintenance dredging of all Town managed channels and anchorages within Wellfleet Harbor in an effort to restore safe and reliable navigation. There are two primary dredge Areas composed of 5 dredge sites within Wellfleet Harbor that have been maintained by the Town for more than sixty years. These areas are now severely shoaled and the Town is seeking to address the shoaling which is now causing major impacts on commercial and recreational boating in the Harbor. The scale of these projects presents major funding hurdles for the Town which, in turn, limits the scope and frequency of maintenance dredging of these areas. However, the extent of shoaling is now causing severe impacts on vessels in the harbor and the continued use and viability of the harbor makes it imperative that the shoaling is removed.

A Federal Navigation Project, adjacent to but not a part of this permitting application, maintains access into Wellfleet inner harbor and provides for a 10 foot deep channel, 125 feet wide with a 10 foot deep anchorage basin 800 feet by 500 feet at the head of the channel. The Town of Wellfleet maintains and operates a marina at the Town Pier and two anchorages, one to the north and one to the south of the Federal project.

For the purposes of this narrative, the Town managed portion of Wellfleet Harbor has been split up into two areas:

- Area I includes the North and South Access Channels, North Anchorage and the Access Channel adjacent to the L-Pier.
- Area II is the South Anchorage (see Exhibit 1).

II. SITE DESCRIPTION

Wellfleet Harbor is a natural harbor and has played an important role in the history of Wellfleet, having provided dockage and anchorage for fishing and recreational vessels since 1644. The harbor is currently used by commercial fishing vessels, charter boats and recreational boats. Exhibit 1 shows the existing harbor layout with previously authorized channels and mooring basins. The existing channels and anchorages gradually accumulate sediments as part of the natural processes on this shoreline and periodic maintenance dredging is required in order to maintain navigation.

The Town currently operates approximately 250 moorings and 150 boat slips within the Harbor used by vessels with drafts up to 6 feet. The marina is extremely popular and demand for slips is high with over 300 people on the current waiting list. The Town Marina provides a major economic benefit for the Town by directly raising revenue from user fees, providing berthing for commercial fishing and charter boats and attracting many private boaters to the Harbor. The Town raises additional revenue from the marine fueling station which services the many boats in the Harbor. The Town Marina is located on the north side of the Town Pier and access is maintained from the Federal project via the South Access Channel and North Access Channel. These channels have been previously authorized for dredging to a depth of 6 feet with widths of 100 feet for the South Channel and 150 feet for the North Channel. Both Access Channels were last dredged in 2001 and have a combined area of approximately 10 acres. The North Anchorage (within Area I) is approximately 4 acres in size with a previously authorized depth of 6 feet. It is used to provide seasonal moorings to approximately 35 boats with drafts up to 6 feet. The North Anchorage was last dredged in 2001. Area II, the South Anchorage, is approximately 22 acres in size with a previously authorized depth

of 6 feet. It is contiguous with the Federal Anchorage and both anchorages combined provide approximately 200 seasonal moorings for boats with lengths up to 39 feet and drafts up to 6 feet. The last known dredging project for the South Anchorage was in 1957.

Site	Contract	Date	Description	Depth (MLW)
Area I	1271	Sep 1952	South side of newly built pier included part of the approach channel (Southern Access Channel)	-6
Area II	1769	Jun 1957	Anchorage basin S and E from Town dock	-6
Area I	1879	Mar 1958	Dredge 50' South from face of the pier	-10
Area I	1958	Sep 1958	Marina (anchorage) area	-7
Area I	1973	Sep 1958	No Plans (on DEM master list)	
Area I	2623	May 1968	Dredging of Anchorage Basin (North) and approach channels	-8
Area I	2919-D	Aug 1982	No plans, North access channel and North anchorage basin	-6
Area I	3010	Aug 1982	Access channel and anchorage basin, access channel on inside of Town dock.	-6
Area I	3055-D		Access Channel	-6
Area I	3086	Jun 1985	Dredging not performed with bulkhead work, no plans showing completion of dredge	-6
Area I		2001	Dredging of entire footprint of Area I	-7

III. EXISTING CONDITIONS

On January 5, 6 and March 17, 18 2010, **BCE** performed a hydrographic survey of Wellfleet Harbor including all Town anchorages and channels. The survey was performed using a Trimble GeoXH GPS and an Odom Hydrotrack single beam echo sounder with an 8° transducer. Data was collected through an on-board laptop computer using Hypack Hydrographic Survey Software. The survey extended approximately 200 feet outside the proposed dredge footprints for both Area I and Area II. Existing water depths are shown on the Project Plans attached in Appendix C with the previously authorized channel and anchorage boundaries superimposed.

Area I

The North and South Channels provide access from the Federal Navigation Project to the Town Marina on the north side of the Town Pier. The Town Marina provides over 150 slips for vessels

with drafts up to 6 feet. The Marina consists of 1200 linear feet of pile moored permanent concrete floats along the north shoreline of the Town Pier and 6500 square feet of seasonal timber floats at the inner west end of the North Channel. All areas of the marina use a Mediterranean style mooring system to increase the number of slips available and there is currently a long waiting list for slips. The North and South Channels both have significant shoaling. The water depths at Mean Low Water (MLW) in the North Channel are, typically, 3 feet or less which is severely impeding navigation and available draft in the marina slips. The North Anchorage is north of the Federal Channel Project and close to the south side of the Town Pier. This anchorage provides seasonal moorings for up to 35 boats with drafts up to 6 feet. The entire anchorage is severely shoaled with depths, typically, 3 feet or less. Some of the marina is now dry at low tide and approximately 15% of the historic footprint is now intertidal.

Area II

The South Anchorage directly abuts the south edge of the Federal Navigation Project. Navigational access is directly from the Federal Project. The total area of the 1957 dredging project (Contract #1769) was approximately 22 acres. This entire area and approximately 11 acres additional area at the southern end provide seasonal moorings for approximately 200 boats. The entire anchorage is now severely shoaled to the extent that many of the moorings are dry at low tide. Approximately 64% of the historic footprint has now shoaled to become intertidal mudflat with elevations ranging between 0 and +1 feet MLW. The deepest portion of the anchorage abuts the Federal Anchorage with depths ranging between -1 and -2 feet.

IV. DESCRIPTION OF PROPOSED PROJECT

The Town is seeking to dredge all historically permitted areas to a depth of -6 feet below MLW (-1 overdredge). Dredging would be performed using a mechanical dredge on a barge. An environmental bucket would be used to remove sediment from the dredge sites, it would be placed on a barge for transport to the Cape Cod Bay Disposal Site (CCDS) for offshore disposal. Due to the fine nature of the dredge sediments, this project does not lend itself to beneficial reuse or beach renourishment.

Table 2 below provides a summary of dredge areas and volumes for the project. The total proposed project is relatively large and will take a significant period to complete. The available draft (even after dredging) will limit the size of dredge equipment that can be used for the project and also the available working hours within the tide cycle. A typical dump scow has a laden draft of 10 to 12 feet which limits the working period to mid tide or higher. With these depth limitations, it is anticipated that each dredging "day" will start at around mid tide and the scow will be filled as the tide rises. The scow would then leave for the disposal site during the higher part of the tide cycle.

Assuming a production rate of 2,000 cubic yards per day and 24/7 dredging, the Area I dredging (116,500 cubic yards) is expected to require a minimum of 10 weeks to complete but a more realistic estimate is closer to 14 weeks allowing for equipment setup, breakdown, etc. Similarly, the Area II dredging (211,000 cubic yards) is expected to take a minimum of 18 weeks to complete but should allow up to 25 weeks. Due to the scale, duration and funding requirements for these projects, it is likely that the contract dredge work will be broken into a minimum of two projects and, more likely, three projects.

The priority area for the Town is the Town Marina and Area I and this is assumed to occur first. The Town is anticipating that Time of Year (TOY) restrictions will apply to this work and the actual working window may be limited to a period of 3 months from September to late December. The sequencing and phasing of the Town dredging work will depend very heavily on available funding and, given anticipated TOY restrictions, the anticipated dredging schedule would extend over three dredging seasons.

The Town dredging project would also need coordination with the proposed Federal dredging project. Survey from April 2015 shows the harbor channel depths remain close to 10 feet but the

Federal Anchorage has shoaled to depths of less than 2 feet in some areas. With these limited depths, dredging has to proceed from the outer harbor to the inner harbor allowing the dredge plant to work its way into the inner areas. It is assumed that the Federal dredging project will take a complete dredging season to complete in advance of any Town dredging.

The overall harbor dredging schedule is likely to spread over a total of four seasons. It may be possible to condense this schedule but dredging multiple areas concurrently is likely to be problematic. All dredging needs to start at the Federal Anchorage and progress into the shallower areas. If multiple areas are being dredged, conflicts between scows traveling to and from the disposal site and dredging operations would be likely, leading to delays and additional costs. In addition to the logistical difficulties, funding of multiple areas simultaneously would also be expected to be difficult.

Site	Dredge Area (acres)	Dredge Volume (cubic yards)	1' Overdredge Volume (cy)	Total Dredge Volume (cy)
North and South Access Channel	10.3	65,000	16,000	81,000
North Anchorage Basin	3.5	25,000	7,000	32,000
L-Pier Access Channel	0.8	2,500	1,000	3,500
South Anchorage Basin	23.9	211,000	37,000	248,000
<i>Totals</i>	<i>38.5</i>	<i>303,500</i>	<i>61,000</i>	<i>364,500</i>

Sediment Analysis

Based on review of historical data, the Town requested a new sampling and testing plan from the US Army Corps of Engineers with the goal of disposing of dredge spoils at the Cape Cod Bay Disposal Site (CCDS). The sampling and testing program was completed and the material has been found suitable for open water disposal at the CCDS. A copy of the suitability determination is attached at Appendix D.

V. ASSESSMENT OF PROJECT IMPACTS AND MITIGATION

A. Resource Areas

MA GIS Mapping for the following resource areas can be found in Appendix B.

Land Under Ocean – All proposed areas of dredging and disposal are Land under Ocean.

Tidal Flats (see Coastal Beach Wetlands Protection Regulations) – Some of the proposed dredge footprints have now shoaled to the extent that they form low lying tidal flats with an elevation just above Mean Low Water. These areas are regularly fully inundated by tides and are often not exposed for positive low tides. As such they form shallow water habitat for almost all of the tide cycle.

Proposed dredging is maintenance dredging which will result a shallow water habitat with fine muddy substrate as exists today. The area is an active mooring field and as such is regularly disturbed by boats, boating activities and mooring buoys. The area has been in constant seasonal use for nearly sixty years and is not considered a productive shellfishing area, as per Andrew Koch, the Town of Wellfleet Shellfish Warden. Impacts of this project will be temporary and minimal.

Coastal Beaches – The Town’s preferred method for dredge material disposal is offshore at the Cape Cod Bay Disposal Site, as such there will be no impact to Coastal Beach as a result of this project.

Land Containing Shellfish – Much of the Land Under Ocean proposed for dredging in this project is also considered Land Containing Shellfish as per MA GIS mapping. The Town of Wellfleet Shellfish Constable, Andrew Koch, has determined that these areas are not productive shellfish resource areas or areas that are open to shell fishing due to the fine nature of the sediments. As such there will be no long term negative impacts to shellfish due to the proposed dredging activities.

Submerged Aquatic Vegetation – The areas of dredging proposed does not contain any SAV and DEP Mapping back to 1995 does not show any eelgrass beds in the proposed project area. As such there will be no impact to eelgrass or other SAV caused by maintenance dredging as currently proposed.

Area of Critical Environmental Concern (ACEC)

Wellfleet Harbor with the exception of the existing federal and town channels and anchorages has been designated as an Area of Critical Environmental Concern. As the project does not propose expansion of the existing maintenance dredge areas the project lies fully outside the boundaries of the Wellfleet ACEC. Additionally, the waters surrounding the ACEC are considered Outstanding Resource Waters, but again due to the exception of the town channels from the ACEC boundaries there will be minimal and transient impact on any ORW located near the project site. ACEC Boundaries as described in Appendix F (Coastal ACEC Boundary Clarification Project, November 2002) are shown on Appendix C Sheet 2 & 4. The ACEC boundary description is consistent with the described limits of the maintenance dredge areas although there is some inconsistency with current MA GIS mapping. By using the historic dredge contracts and the ACEC boundary description the proponent has assured that all dredging is maintenance dredging and lies outside the ACEC boundary.

Essential Fish Habitat

An Essential Fish Habitat assessment has been included as Appendix E of this report.

Natural Heritage

The proposed project area is within priority habitat (PH 15) for Northern diamondback terrapin (*Malaclemys terrapin terrapin*). From spring to fall the terrapin would not be impacted by project activities as they are motile and easily able to avoid any dredge activities. However during their period of brumation they would be susceptible to potential impacts of dredging. A study was conducted in 2011 and 2012 that showed that the majority of individuals brumate in the salt marshes adjacent to the project area, but there are a very small number of individuals that may utilize the channel and basin areas as overwintering spots. As such the Town has actively sought consultation with MESA and will continue to work with state agencies to minimize take and establish a mitigation plan for this species.

Wellfleet Bay Wildlife Sanctuary – this is a 700 acre area maintained by the Massachusetts Audubon Society.

B. Performance Standards

Land Under Ocean

The project will impact 38.5 acres of Land under Ocean.

Performance Standards 10.25 (3) and (4) relate to dredging projects.

(3) Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in:

(a) bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;

(b) sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;

(c) water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or

(d) marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.

- *There is no improvement dredging proposed for this project so there will be no impacts as relate to Performance Standard 10.25 (3).*

(4) Maintenance dredging for navigational purposes affecting land under the ocean shall be

designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.

- *The proposed dredging footprint is entirely within the maintenance dredge footprint and within an enclosed harbor, as such there will be minimal impacts on sediment transport and/or water circulation.*
- *Any dredging will be performed outside any Time of Year (TOY) restriction. BMP's, including the use of mechanical dredging via an environmental bucket will be employed to minimize impacts due to suspension of sediment.*
- *There is no submerged aquatic vegetation within the dredging limits and the substrate has been described by Town Shellfish Warden as "not good shellfish habitat". Any direct impacts from dredging on the bottom substrate are anticipated to be temporary in nature.*
- *Performance Standard 10.25 (5) requires no alteration of bottom topography causing increased storm damage or erosion. No such alterations are proposed.*
- *Performance Standard 10.25 (6) requires the project be designed to minimize adverse impacts. The project has been designed to fit within the existing historic dredging footprint and will not alter water circulation, cause eelgrass destruction, alter sediment size distribution or change water quality.*

Tidal Flats

The shallow water intertidal flats have no function for storm protection in the sheltered environment of Wellfleet Harbor. The only reason that the fine sediment settles within the harbor is due to its sheltered nature. As such 10.27(3) and (4) do not apply.

(6) In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:

- (a) alterations in water circulation;
- (b) alterations in the distribution of sediment grain size; and
- (c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

This project is water-dependent but also will have no impacts on water circulation, sediment size or water quality.

Coastal Beach

There is no impact anticipated to Coastal Beach as a result of this project. All dredged materials are proposed to be disposed of offshore at the Cape Cod Bay Disposal Site.

Salt Marsh

The project will not directly impact Salt Marsh and will not be conducted within 100 feet of a saltmarsh.

Land Containing Shellfish

The project will impact a total of 38.5 Acres of Land Containing Shellfish.

These areas are considered shellfish suitability areas based on GIS mapping, but based on information from the Town Shellfish Warden, the harbor bottom consists mainly of "black muck" and is not a productive shellfish area. While some minimal portions of the total dredge footprint are occasionally open to shellfishing the majority of the dredge footprint remains closed and unproductive. The proposed dredge depths of -6 MLW with a -1' overdredge will not permanently impact the ability of the native shellfish species to recolonize the project area. Impacts are expected to minimal and temporary.

Performance Standard 10.34 (4) requires no adverse effect on productivity of land containing shellfish. Given the limited productivity of the dredge area, any impacts are expected to be temporary and minimal.

C. Mitigation

Time of Year Restrictions

Time of year restrictions are expected as part of permitting and will be fully observed by the Town. These are likely to include restrictions due to winter flounder presence from Jan – June, shellfish restrictions from June – Sept and restrictions on the use of the disposal site from Jan – May 15 due to the presence of right whales.

The Town is also working closely with NHESP and MA Audubon Society to minimize and mitigate for potential take of diamondback terrapin.

VI. ALTERNATIVES ANALYSIS

A. Dredge Area Alternatives

The No Action Alternative

The no action alternative for the Town of Wellfleet, Wellfleet Harbor dredge project would allow siltation to continue unabated and the navigation channels which are already severely depth limited will become unusable. This would impact the viability of the two Town anchorages that are vital to the Town's fishing and recreation fleet. The Town Marina and moorings are a significant economic resource for the Town and provide much needed berthing facilities for boaters in this part of Cape Cod Bay. The demand for slips or moorings significantly exceeds availability and provides a service for both commercial and recreational boats. The shoaling in all areas of the Harbor is already severe and is impeding the mooring and safe navigation of the vessels. The shoaling becomes progressively more severe further into the harbor and is particularly severe in the North Channel where the marina is located. If no dredging is performed, this will limit or prevent future use of the Town Marina. The loss (or reduction in number) of berthing and mooring facilities will result in negative impacts on the local economy and boating amenities.

Maintain the existing channels and anchorages to historic depths – Preferred Alternative

This option would reestablish the previously authorized channel and anchorage depths throughout Area I and II. The proposed dredge footprint of Area I matches the last dredging project to restore safe navigation and mooring in the Town Marina. The total access channel length is approximately 2,750 feet with the South Channel 100 feet wide increasing to 150 feet wide in the North Channel. The L-Pier Access Channel is approximately 300 feet in length and 0.85 acres. The North Anchorage is approximately 600 feet long and 4.3 acres. In Area II this option seeks to reestablish the historic dredge depths and footprint as per MA DPW Contract #1769. It should be noted that there appears to be a slight discrepancy on the eastern boundary between the MA GIS ACEC data and the boundary as plotted based on Contract 1769 drawing. However, the Coastal ACEC Boundary Clarification Project, November 2002 document (Attachment F) confirms that the southern mooring basin is excluded from the ACEC. The area will be dredged to a depth of -6 feet MLW with a 1' overdredge to a maximum depth of -7 feet MLW. With no change in mooring configuration, the historic footprint is not large enough to incorporate all the vessels that are currently being moored in the South Anchorage. This could ultimately result in the loss of 50 moorings if the basin is limited to the historic footprint. If the mooring regulations were updated the reduction in the mooring spacing would allow all 200 vessels currently moored in the South Anchorage Basin to fit within the historic South Anchorage Area.

This is the preferred dredge alternative as it maintains existing channels and anchorages in order to maintain Town usage, while limiting impact to areas already affected by Town use and minimizing any additional impacts to the surrounding habitat.

Reduce Marina Access Channel Depths (North & South Channels) and Maintain all other areas to 6 feet below MLW

This option seeks to reduce the impacts of dredging by reducing the volume of material to be removed and the area of dredging required. This option would dredge the North and South Channels to a depth of 4 feet below MLW and all other areas to a depth of 6 feet below MLW.

Typical existing depths in both North and South Channels are now 3 feet or less below MLW and the entire channel footprint needs to be dredged regardless of using the slightly shallower depth. There would be a small reduction in impact area due to the smaller side slopes needed for the shallower depth but this would only amount to a reduction of less than 5% of the channel dredge footprint.

The reduction in depth would bring significant negative impacts to the Town Marina which is located within the North Channel. Boats currently using the marina have drafts up to 5 feet and would have to find alternative berths. Navigation is also severely impeded under negative low tide conditions. Tides of -1.0 feet MLW or lower occur on average more than 70 times per year and recommended drafts should be at least 2 feet below the deepest draft vessel. The majority of boats have drafts of up to 3 feet and the recommended channel depth for these boats would be 5 feet at a water elevation of -1 feet MLW, giving a recommended design channel depth of -6 feet MLW.

Negatively impacting the navigation into a marina of over 150 slips is not considered a reasonable approach for the very small reduction in dredge footprint and this is not considered a realistic alternative.

Maintenance of the Dredge Channels and Expansion of the Anchorages

This option would extend the historic dredged basin (Area II) south to include the entire area currently being utilized for vessel moorings. The proposed dredge footprint would have two depths in an effort to minimize impacts to the surrounding environment. The historic dredge footprint would be dredged to an elevation of -6 feet MLW with a 1' overdredge. The expanded area at the southern anchorage would be the same 750 feet width as the historic footprint with a length of approximately 540 feet and a dredge depth of -4 feet MLW with an over dredge depth to -5 feet MLW. This expanded footprint would accommodate all of the vessels currently listed as being moored in the basin with adequate draft at low water without any change in mooring equipment and layout.

While this option would be an aid to the Town in accommodating additional vessels in the harbor, this option is not ideal as it increases impacts to natural resources and cost to the Town. Any application for dredging within the ACEC is likely to be problematic and dredging in the ACEC is categorically prohibited unless the dredging can be shown to be maintenance dredging.

B. Dredged Material Disposal Options

The Town has performed sampling and testing of the proposed dredge material in accordance with the approved sampling and testing plan. Dredge material was found to be 65% to 95% silts with very high moisture content. Following chemical testing, the material was found to be suitable for open water disposal at the Cape Cod Bay Disposal Site. Given the gradation of the material, it is not suitable for use as beach nourishment and there are two considered alternatives for disposal of the dredge material:

Upland disposal with limited or no beneficial reuse

Upland Disposal is significantly more costly than offshore disposal and only becomes a realistic option if a small portion of the area to be dredged is treated as a separate project for some reason. It is an alternative to offshore disposal but is unlikely to be realistic for the entire harbor due to the large volumes and much higher cost. Upland disposal requires transfer of dredge material from a scow to an upland dewatering site. The material has to be stored and dewatered at an upland site before being trucked to its final destination at a disposal site or landfill. Upland disposal is generally considered to be a viable method of dredge material disposal only if there are contaminants present in the dredge materials. Upland disposal will not be an economic option for this project.

Offshore Disposal

The dredge material has been found suitable for offshore disposal at the Cape Cod Bay Disposal Site (CCDS). Offshore disposal involves placement of dredge material into a bottom dump scow, towing it out approximately 7 nautical miles to the CCDS, where it is dumped into the ocean. This has historically proven to be the most cost effective and most used disposal option if the material meets

all the extensive testing requirements. **This is the preferred method of dredge materials disposal for the proposed Wellfleet Harbor dredging project.**

C. Dredge Method Alternatives

The Town is proposing to use a mechanical dredge with environmental bucket on a barge system to perform maintenance dredging in the proposed project areas. The material to be dredged is mostly fine sediment and other dredge methods would be inefficient and create unnecessary impacts in the proposed project area.

Mechanical Dredging – Preferred alternative

A mechanical dredge removes sediments from the bottom with a bucket apparatus attached to a crane, either land based or barge based. Material is then placed into a scow and transported to the disposal site (open water disposal). **A mechanical dredge is the preferred dredge method for fine material with open water disposal and would be the appropriate method for the proposed project.**

Appendix A – Site Photos



Aerial View of Wellfleet Harbor



Town Marina



North Channel



North Anchorage and Boat Ramp



View across South Channel to Area II

Appendix B – Resource Area Mapping

Maps are as follows:

Oliver MA GIS ACEC

Oliver MA GIS Barrier Beach

Oliver MA GIS Seagrass

Oliver MA GIS Outstanding Resource Water

Oliver MA GIS Priority Habitat for Rare Species

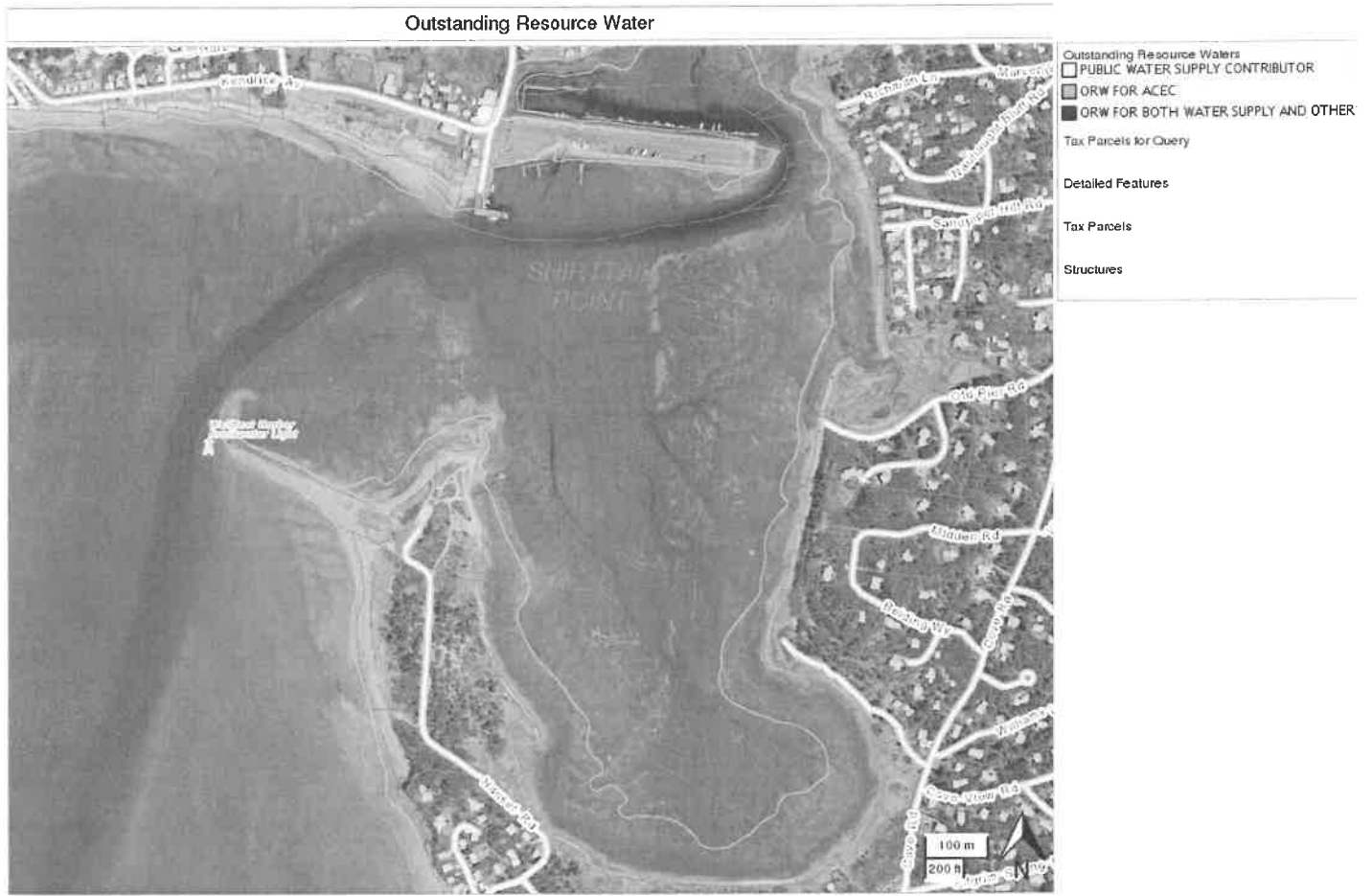
Oliver MA GIS Shellfish Growing Areas

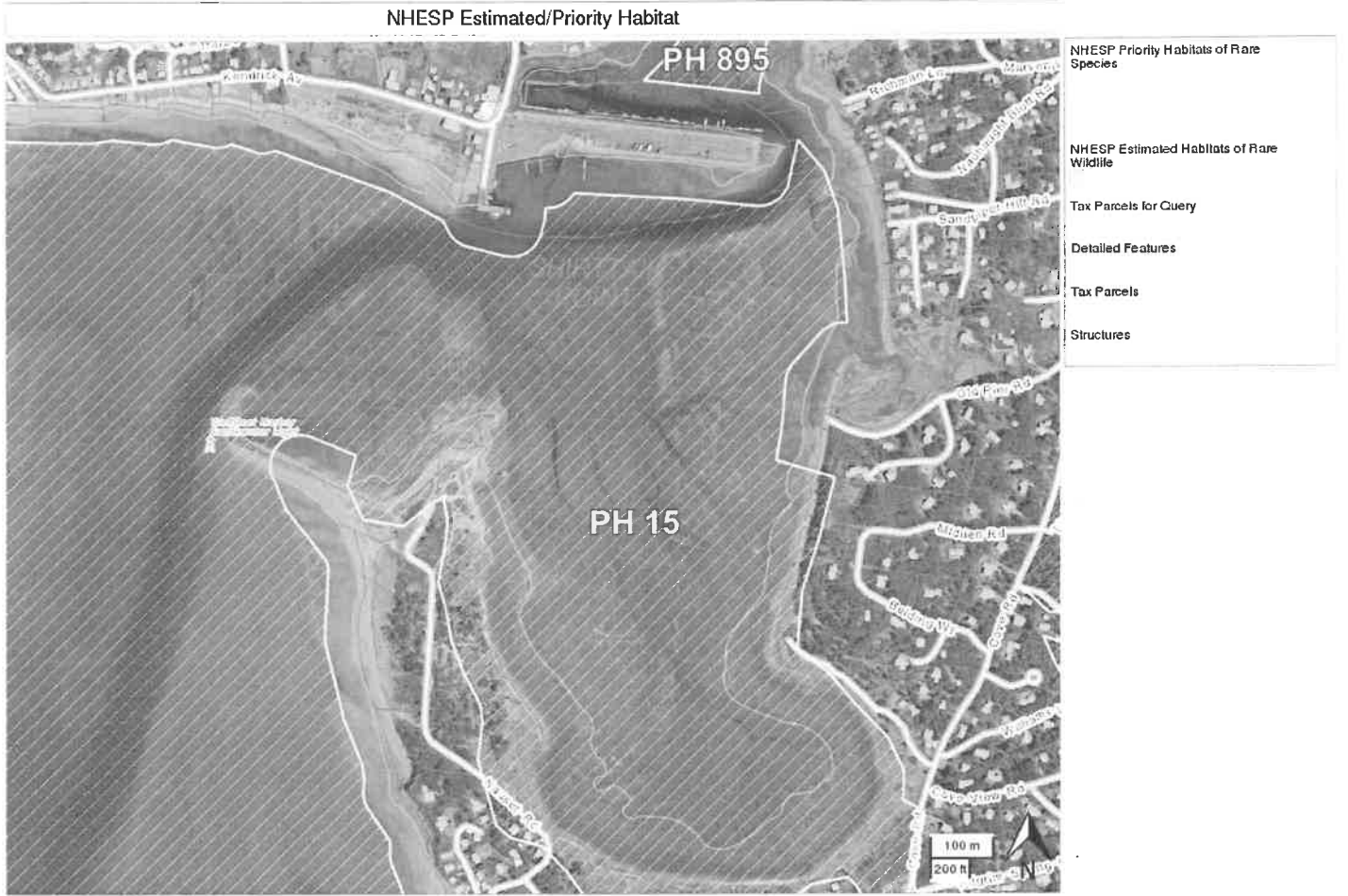
Oliver MA GIS Shellfish Suitability

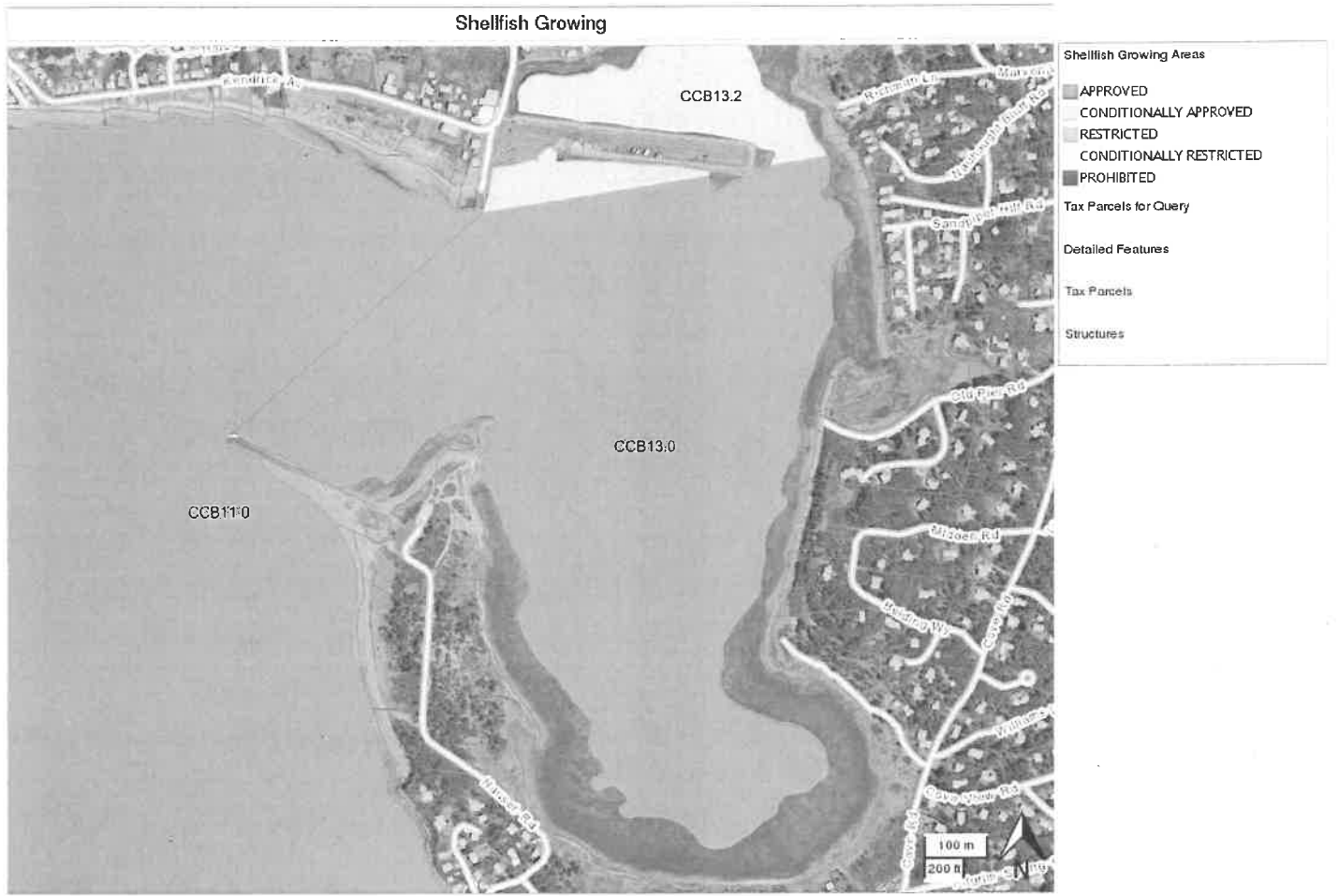
DEP Seagrass

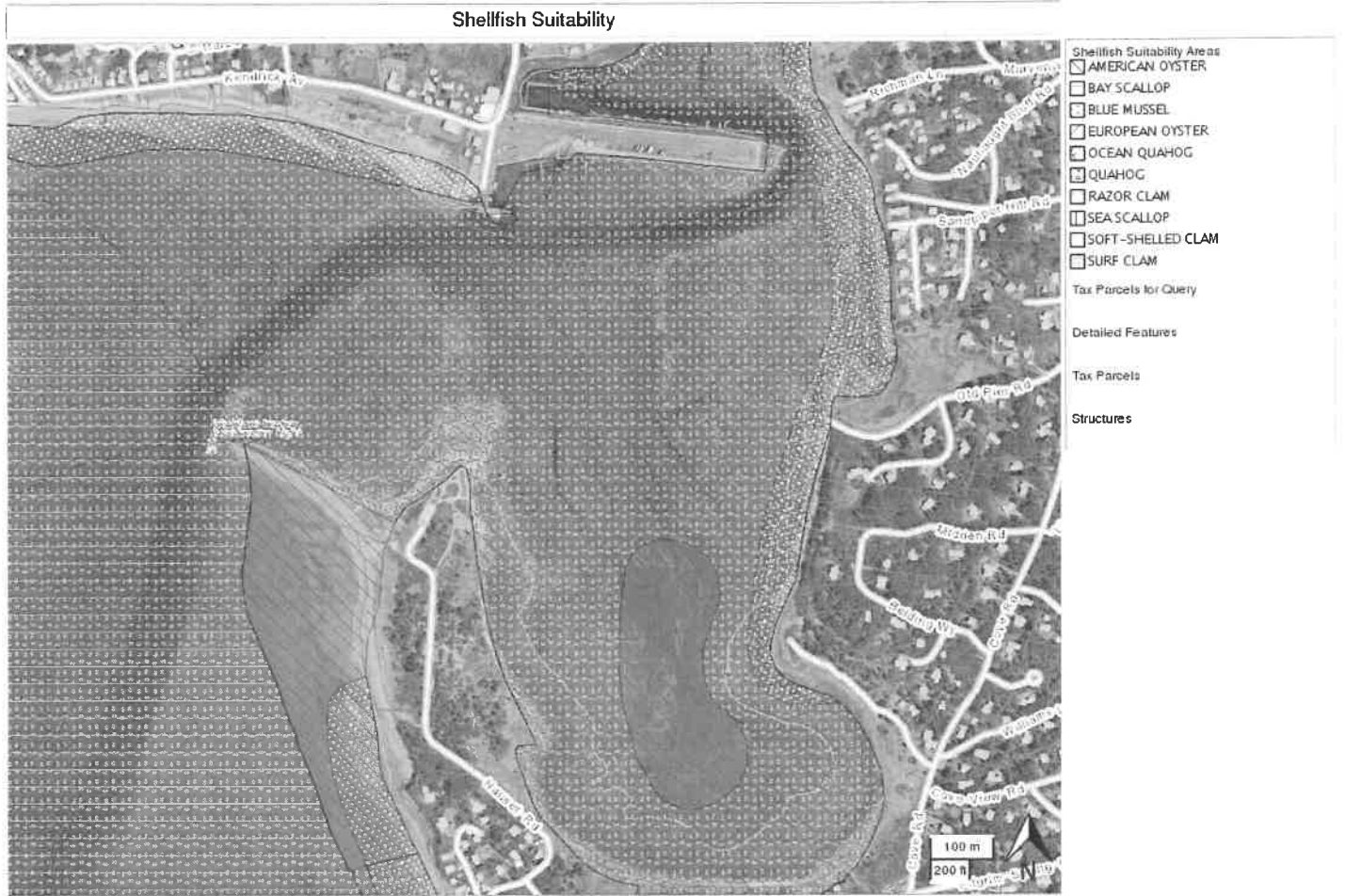


- MassDEP Seagrass 2013
- MassDEP Seagrass 2012
- MassDEP Seagrass 2010
 - Eelgrass
 - Ruppia
- MassDEP Seagrass 2006,2007
 - Eelgrass
 - Ruppia
- MassDEP Seagrass 2001
 - Eelgrass
 - Ruppia
 - Freshwater Species
- MassDEP Seagrass 1995
- Tax Parcels for Query
- Detailed Features
- Tax Parcels
- Structures



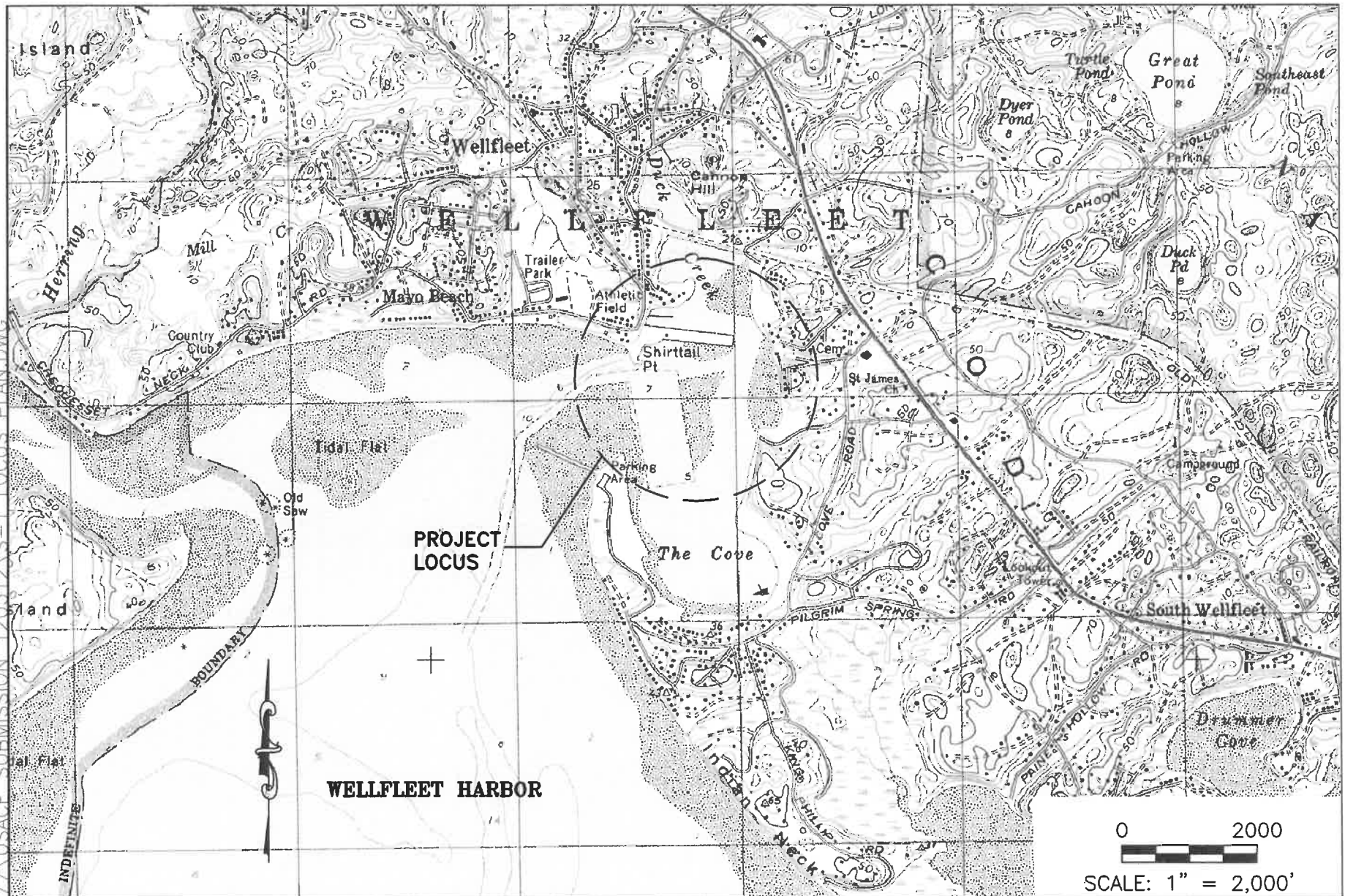






Appendix C – Project Plans

File: X:\30777\USACE SUBMISSION 120312\5-1 LOCUS PLAN.DWG



100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE:
LOCUS MAP

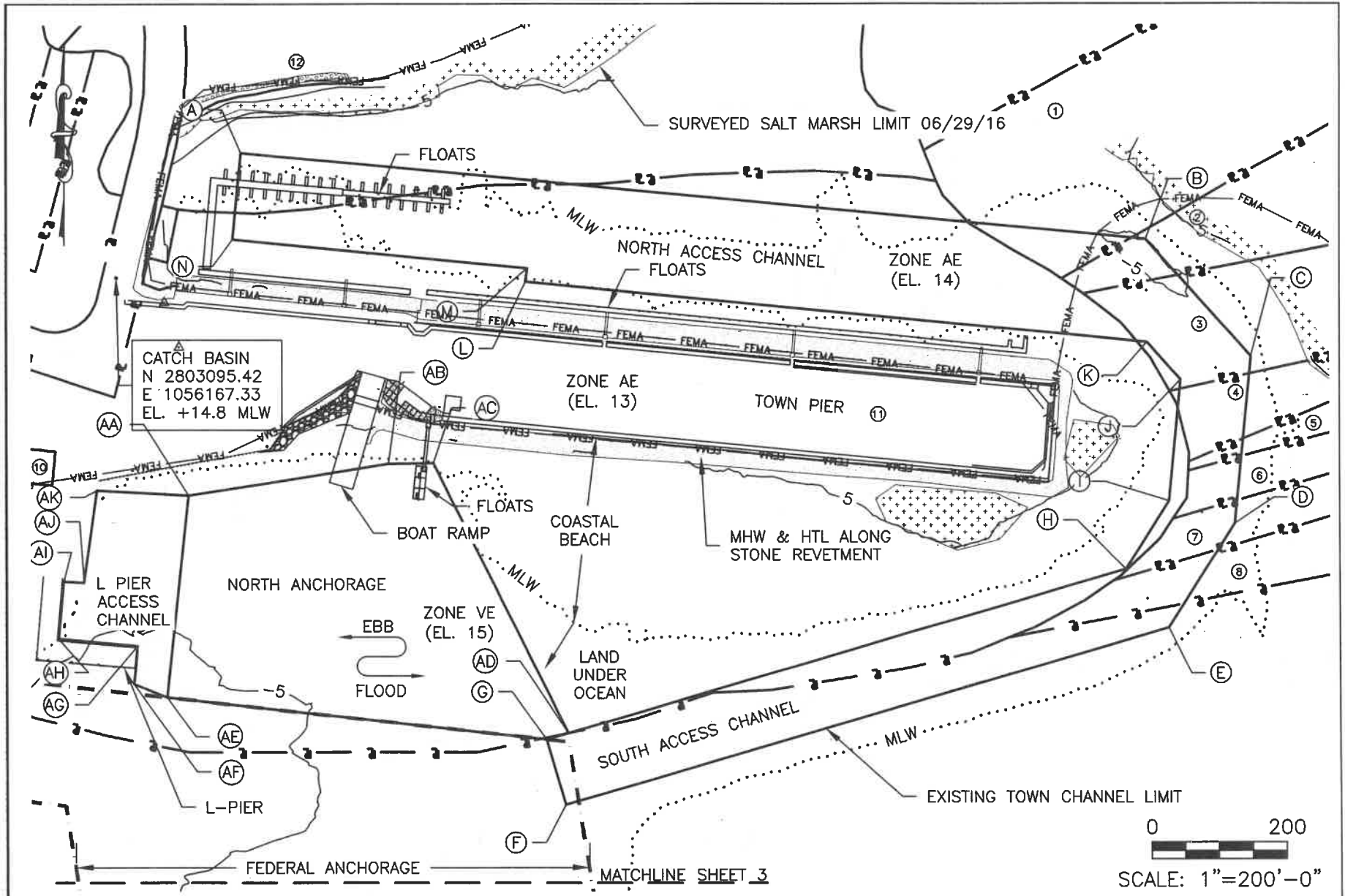
IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**

Bourne Consulting Engineering
 A Division of C&E Consultants Inc.
 5 Bent Street, Franklin, MA 02039
 TEL. (508) 633-8888

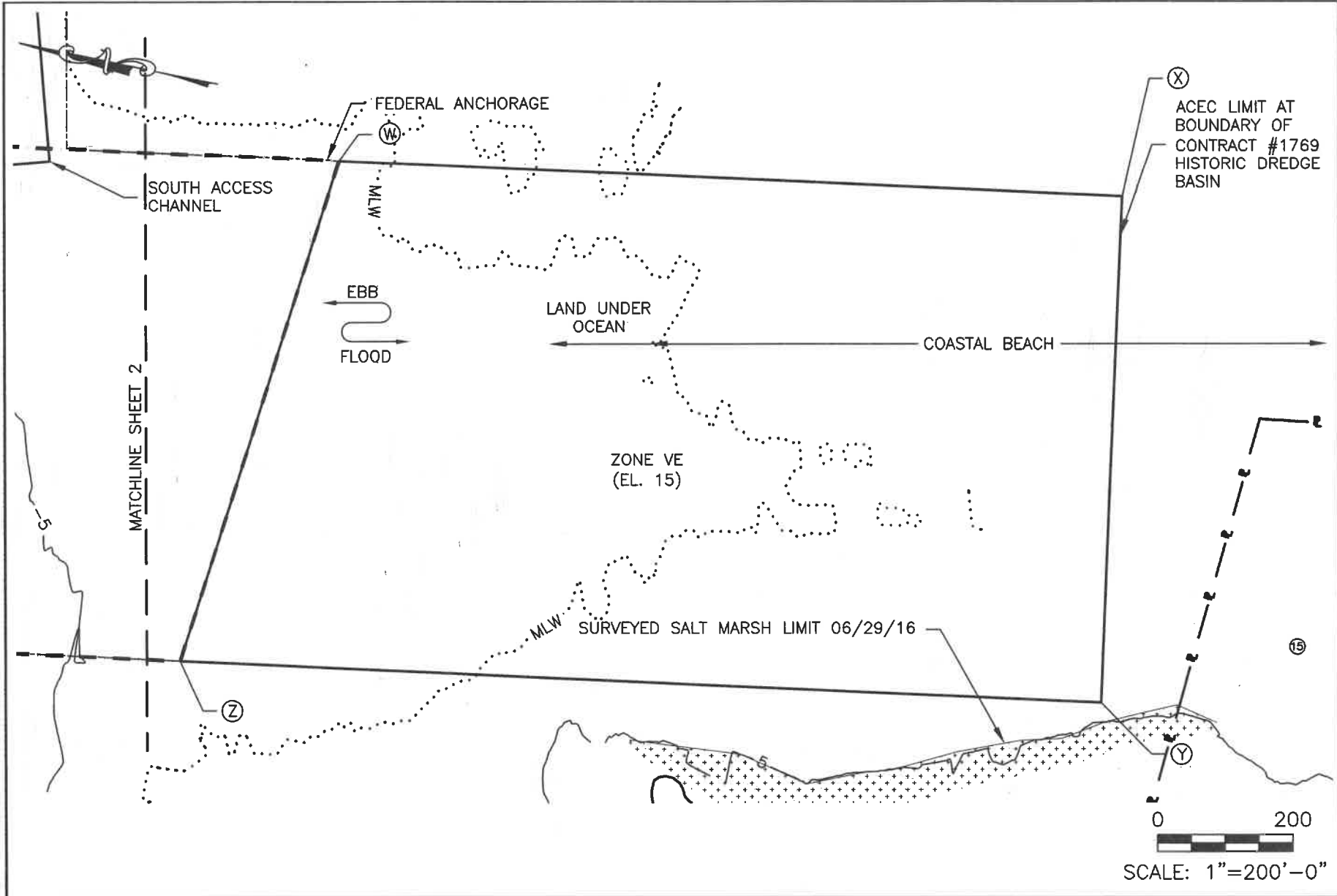
PURPOSE:
DREDGING

APPLICATION BY:
TOWN OF WELLFLEET

SHEET **1** OF **7**
 DATE: **07/06/16**



100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	EXISTING CONDITIONS CHANNEL		IN: WELLFLEET
HTL	+13.2	MLW	0.0	PURPOSE:	DREDGING	APPLICATION BY:	AT: TOWN PIER
MHW	+10.0						COUNTY: BARNSTABLE STATE: MA
							SHEET 2 OF 7
							DATE: 07/06/16



100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE: **EXISTING CONDITIONS BASIN**

IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**

BCE *Bourne Consulting Engineering*
A Division of G&E Consultants, Inc.
 3 Bent Street, Freetown, MA 02639
 TEL. (508) 533-6000

PURPOSE: **DREDGING**

APPLICATION BY: **TOWN OF WELLFLEET**

SHEET **3** OF **7**
 DATE: **07/06/16**

COORDINATES OF EXISTING CHANNELS & ANCHORAGES:

A	N	2803280.7	E	1056351.6
B	N	2803151.1	E	1057690.3
C	N	2802979.6	E	1057845.9
D	N	2802732.3	E	1057822.0
E	N	2802579.3	E	1057723.6
F	N	2802318.5	E	1056830.3
G	N	2802414.6	E	1056802.3
H	N	2802664.8	E	1057659.7
I	N	2802766.0	E	1057724.8
J	N	2802945.2	E	1057742.1
K	N	2803000.3	E	1057692.2
L	N	2803089.2	E	1056772.6
M	N	2803109.1	E	1056775.1
N	N	2803151.3	E	1056339.1
O	N	2803207.7	E	1056325.9

COORDINATES OF EXISTING CHANNELS & ANCHORAGES:

P	N	2803075.7	E	1057691.2
Q	N	2802962.4	E	1057793.9
R	N	2802749.1	E	1057773.3
S	N	2802622.0	E	1057691.6
T	N	2802352.1	E	1056770.4
U	N	2802102.7	E	1056503.9
V	N	2800521.9	E	1056751.1
W	N	2801898.9	E	1056915.2
X	N	2800753.1	E	1057094.6
Y	N	2800637.1	E	1056353.6
Z	N	2801984.2	E	1056142.8
AA	N	2802774.7	E	1056273.5
AB	N	2802821.3	E	1056569.0
AC	N	2802822.3	E	1056635.8
AD	N	2802423.7	E	1056834.0
AE	N	2802476.5	E	1056240.7
AF	N	2802495.7	E	1056192.4
AG	N	2802552.5	E	1056197.3
AH	N	2802562.7	E	1056080.8
AI	N	2802646.9	E	1056088.2
AJ	N	2802645.2	E	1056118.3
AK	N	2802782.6	E	1056138.2
AL	N	2802675.2	E	1056090.4
AM	N	2802604.7	E	1056887.3

ABUTTERS

- | | | |
|-----|------------------------|-------------------------------------|
| 1. | 125 MARVEN WAY | STEPHEN L DURKEE, JR. TRUSTEE |
| 2. | 40 RICHMAN LANE | ROBERT C DUBEAU, TRUSTEE |
| | | MARSHA DUBEAU, TRUSTEE |
| 3. | 75 RICHMAN LANE | MARTHA CARROLL, TRUSTEE |
| | | C/O MARC & RILEY SARAH STRAUSS |
| 4. | 139 NAUHAUGHT BLUFF RD | DAVID J BERNSTEIN, TRUSTEE |
| | | ANTONIA H BERNSTEIN, TRUSTEE |
| 5. | 137 NAUHAUGHT BLUFF RD | VON KAESBORG GIFFORD K/MARY C |
| | | % WILLIAM POST TTEE |
| 6. | 135 NAUHAUGHT BLUFF RD | MICHAEL J MCNAMARA |
| | | MARK J POWERS |
| 7. | 131 NAUHAUGHT BLUFF RD | ALLAN D BRASH |
| 8. | 125 NAUHAUGHT BLUFF RD | EDMUND B & HAROLD J FROST, TRUSTEES |
| | | HENDERSON - FROST |
| 9. | 3 KENDRICK AVE | STEPHEN B COONEY |
| 10. | 265 COMMERCIAL ST | HAY MACGREGOR & ALEXANDER |
| 11. | 255 COMMERCIAL ST | TOWN OF WELLFLEET |
| 12. | 205 COMMERCIAL ST | JOSEPH A DOWNEY JR TRUSTEE |
| | | PAUL D MESSINA TRUSTEE |
| | | JAY & WENDY BRONSTEIN |
| | | JOANNE WUSCHKE TRUSTEE |
| | | PHILIP S & CAROLYN BATTAGLIA |
| | | STEVEN M & JEANNE B COSER |
| | | WAYNE E & MARIE J OASTLER |
| | | THEODORE P ORENSTEIN TRUSTEE |
| | | CATHERINE R BARNHOLTZ |
| | | CLIFFORD D NULMAN |
| | | JANE TURANO THOMPSON |
| | | MICHAEL R & ELIZABETH A BRITT |
| | | ANDREW H CHESNICK |
| | | WALTER & MARCIA TTES ROCKWOOD |
| | | NANCY RAE HEYWOOD |
| | | RAYMOND J & PATSY A MISIURA |
| 13. | 0 INDIAN NECK RD OFF | TOWN OF WELLFLEET |
| 14. | 235 NAUSET RD | TOWN OF WELLFLEET |
| 15. | 0 CHIPMANS COVE | TOWN OF WELLFLEET |
| 16. | 0 NAUSET RD | WELLFLEET CONSERVATION TRUST |

DREDGE AREAS:

LOCATION	AREA (SF)
INTERTIDAL WITHIN AREA 1	105,245
TOTAL AREA 1	637,720
INTERTIDAL WITHIN AREA 2	607,230
TOTAL AREA 2	1,038,950

DREDGE VOLUMES:

LOCATION	PROPOSED DREDGE (CY)	1' OVER-DREDGE (CY)	TOTAL (CY)
AREA 1 CHANNELS	65,300	16,000	81,300
AREA 1 NORTH ANCHORAGE & L PIER ACCESS	28,500	8,500	37,000
AREA 2	211,000	37,000	248,000

100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE:

PROJECT NOTES

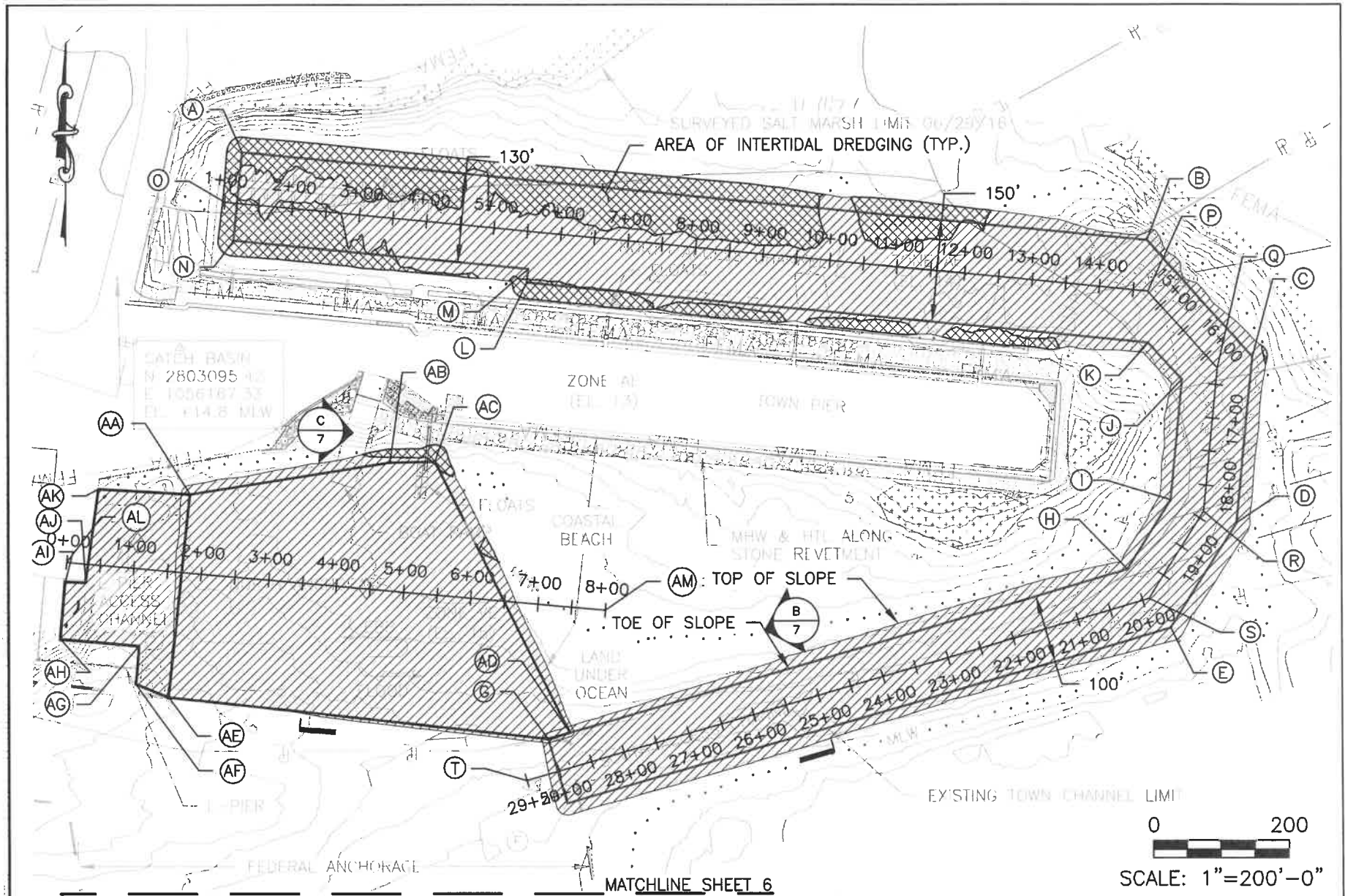
IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**



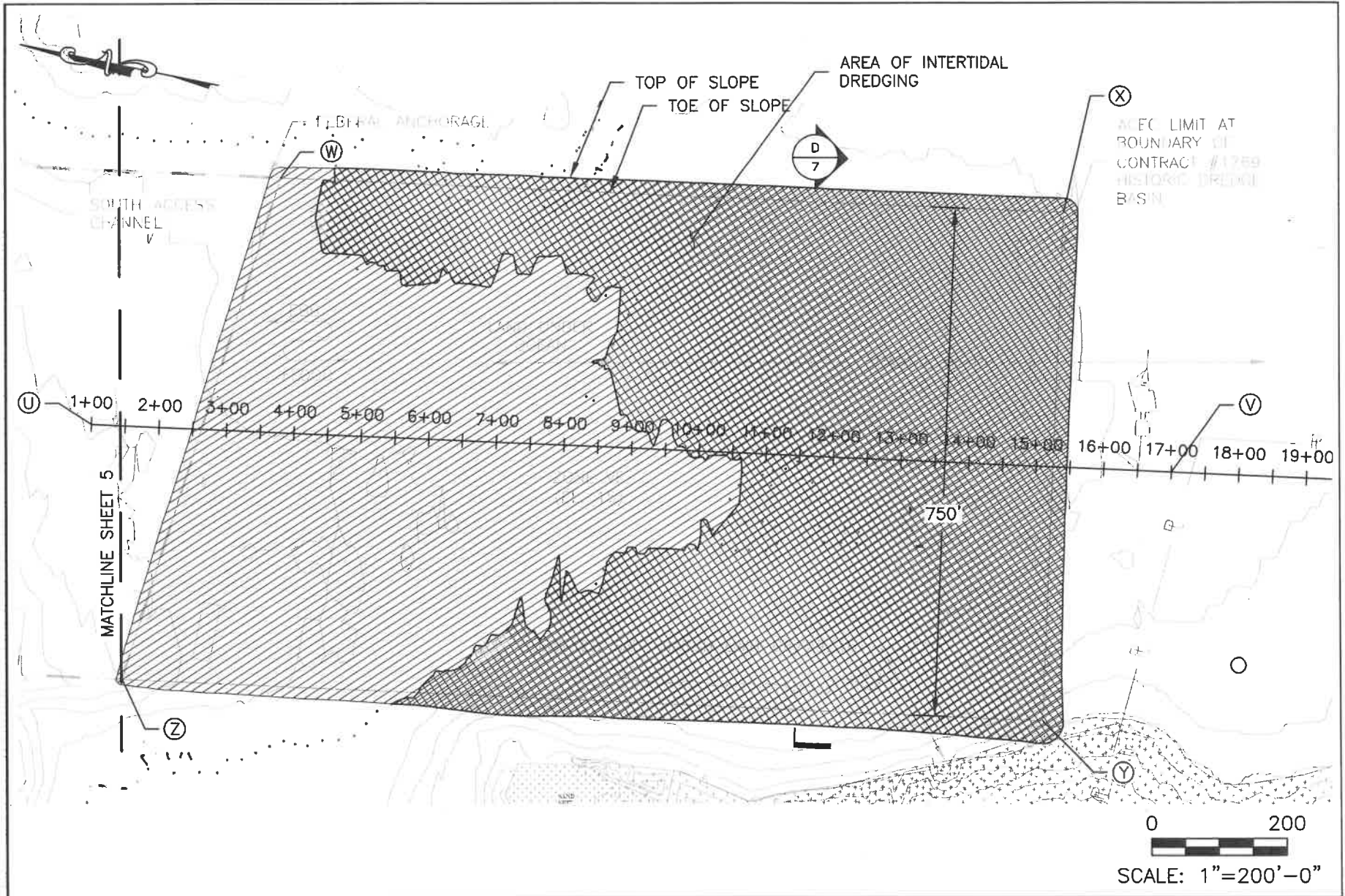
PURPOSE:
DREDGING

APPLICATION BY:
TOWN OF WELLFLEET

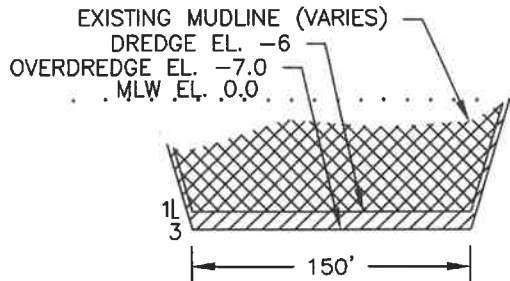
SHEET **4** OF **7**
 DATE: **07/06/16**



100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	PROPOSED CONDITIONS AREA 1 DREDGE		IN: WELLFLEET
HTL	+13.2	MLW	0.0				AT: TOWN PIER
MHW	+10.0						COUNTY: BARNSTABLE STATE: MA
				PURPOSE:	APPLICATION BY:	SHEET 5 OF 7	
				DREDGING	TOWN OF WELLFLEET	DATE: 07/06/16	



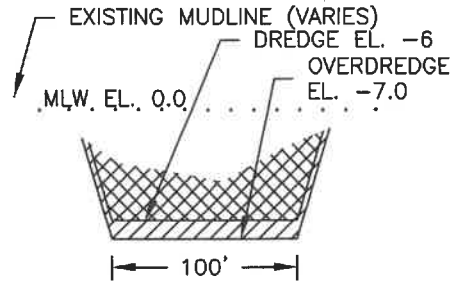
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HTL	+13.2	MLW	0.0	PURPOSE:	DREDGING	AT: TOWN PIER
MHW	+10.0			APPLICATION BY:	TOWN OF WELLFLEET	COUNTY: BARNSTABLE STATE: MA
						SHEET 6 OF 7
						DATE: 07/06/16



CHANNEL SECTION STA 13+50

A
7

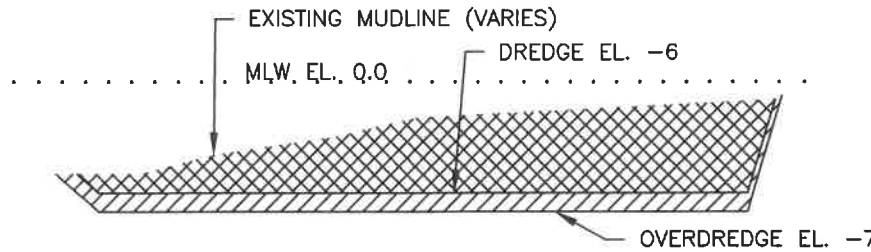
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HORIZONTAL SCALE: 1"=100'-0"



CHANNEL SECTION STA 25+00

B
7

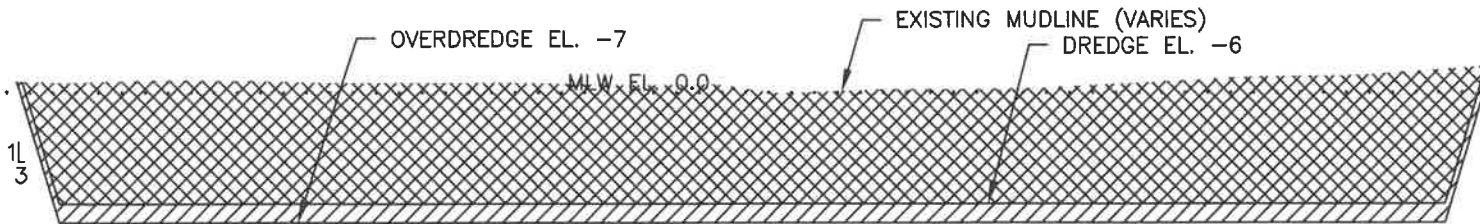
VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"



N. ANCHORAGE SECTION STA 3+50

C
7

VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"



AREA 2 SECTION STA 11+50

D
7

VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"

100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE: **PROPOSED CONDITIONS SECTIONS**

IN: **WELLFLEET**
AT: **TOWN PIER**
COUNTY: **BARNSTABLE** STATE: **MA**



PURPOSE: **DREDGING**

APPLICATION BY: **TOWN OF WELLFLEET**

SHEET **7** OF **7**
DATE: **07/06/16**

Appendix D – Suitability Determination for Offshore Disposal



**US Army Corps
of Engineers** ®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: May 23, 2017
Comment Period Ends: June 23, 2017
File Number: NAE-2015-01414
In Reply Refer To: Phillip Nimeskern
Phone: (978) 318-8660
E-mail: phillip.w.nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Town of Wellfleet, 300 Main Street, Wellfleet, Massachusetts, 02667. This work is proposed in Wellfleet Harbor at Kendrick Avenue, Wellfleet, Massachusetts. The site coordinates are: Latitude 41.928902 N; Longitude -70.027303 W.

The work involves maintenance dredging all town-managed channels and anchorage areas in Wellfleet Harbor to -6' MLW, with 1' overdredge. A total area of approximately 38.5 acres will be mechanically dredged and produce approximately 378,300 cubic yards of sandy sediment for disposal at the Cape Cod Bay Disposal Site (CCBDS). Area 1, which is comprised of the North and South Access Channels, the North Anchorage, and the L-Pier Access Channel, is 14.6 acres, will produce 118,300 cy, and was last dredged in 2001. Approximately 2.4 acres, or 16%, of Area 1 is intertidal flats. Area 2, which is the south anchorage, is 23.8 acres, will produce 248,000 cy, and was last dredged in 1957. Approximately 13.9 acres, or 58%, of Area 2 is intertidal flats.

The work is shown on the attached plans entitled "APPLICATION BY: TOWN OF WELLFLEET," on 7 sheets, and dated "07/06/16."

Through the development of this project, the applicant has attempted to avoid and minimize direct impacts to waters of the United States. The Corps continues to work with the applicant to minimize temporary construction impacts (noise and turbidity impacts) to Waters of the United States.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 14.6 acres of Essential Fish Habitat (EFH) in Area 1 for those species listed on the attached table labelled "AREA 1". Habitat at this site can be described as sandy subtidal marine bay and intertidal mud flats habitat. Loss of this habitat may adversely affect the species listed on the attached table by removing the surface layer of sandy marine sediment. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

This project will have an adverse effect on 23.8 acres of Essential Fish Habitat (EFH) in Area 2 for those species listed on the attached table labelled "AREA 2". This habitat consists of sandy subtidal marine habitat and intertidal mud flats habitat. Loss of this habitat may adversely affect the species listed on the attached table by removing the surface layer of silty marine sediment. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation will be concluded prior to the final decision.

The dredged material disposal is proposed for CCBDS. This is an open water site, which provides Essential Fish Habitat for those species listed on the attached table. Habitat at this site can be described as sandy marine subtidal. Loss of this habitat may adversely affect the species on the attached table by creating a short-lived localized sediment plume, and by burying habitat. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

COASTAL ZONE MANAGEMENT

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

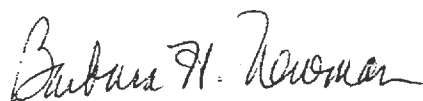
- (x) Permit, License or Assent from State.
- (x) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Phillip Nimeskern at (978) 318-8660, (800) 343-4789, or (800) 362-4367 if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Barbara H. Newman
Chief, Permits and Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2015-01414

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, US Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

The dredged material has undergone physical, chemical, and/or biological analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop while disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

The Cape Cod Bay Disposal Site was first used in 1971 for the disposal of sediments dredged from Wellfleet Harbor. It has been infrequently used since then for disposal of dredged material from the coasts of Cape Cod Bay. This disposal site is monitored and managed by the Massachusetts Department of Environmental Management. Studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals in the sediments within the disposal site are slightly above background levels, indicative of the influence of the earlier dredge disposal at the site. Previous research has shown that areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The disposal site is located within the identified limits of the Right Whale Critical Habitat Area.

CENAE-R
FILE NO. NAE-2015-01414

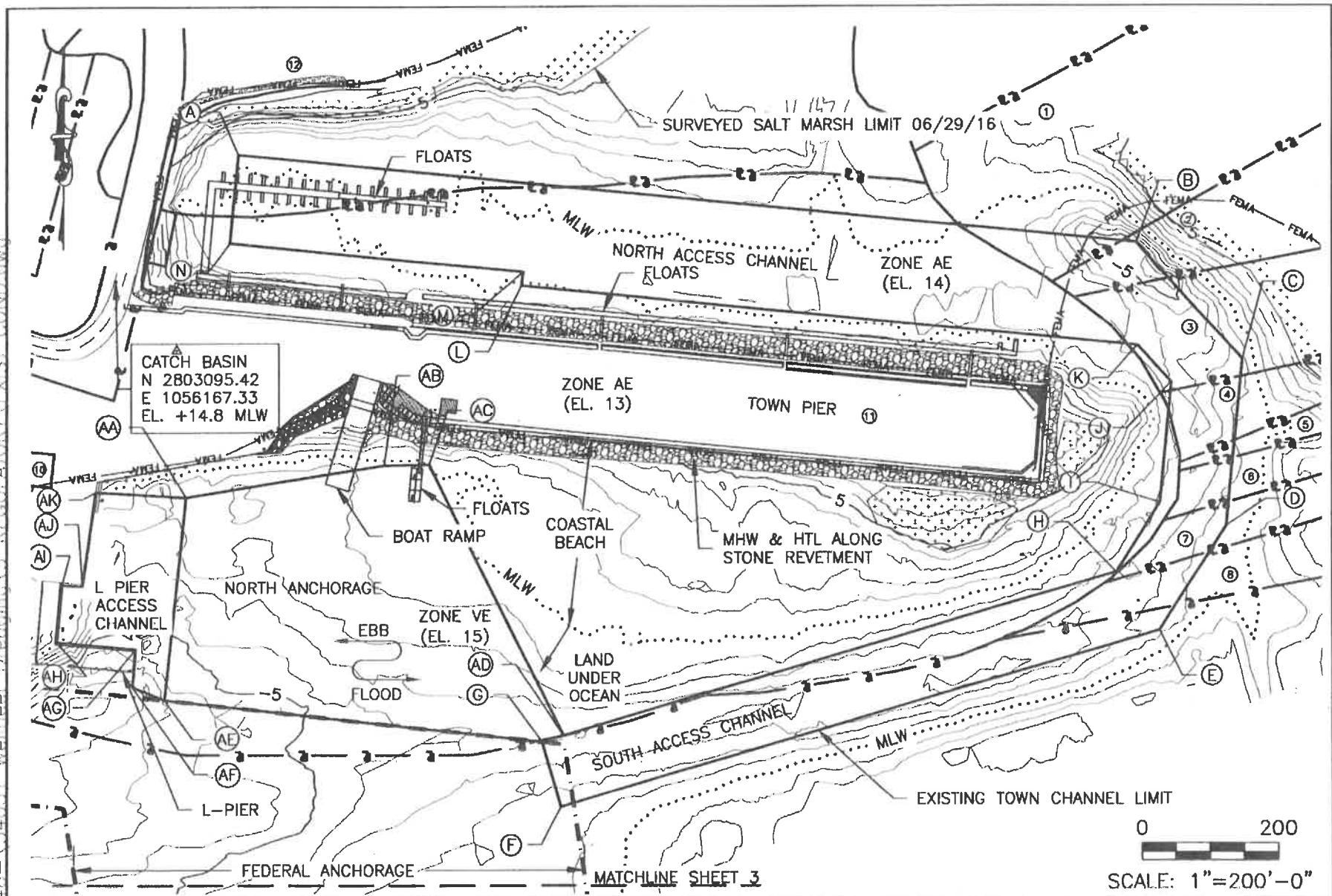
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____



100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	LOCUS MAP	APPLICATION BY:	TOWN OF WELFLEET	IN: WELFLEET
HTL	+13.2	MLW	0.0					AT: TOWN PIER
MHW	+10.0							COUNTY: BARNSTABLE STATE: MA
				PURPOSE:		DATE: 07/06/16		
				DREDGING		SHEET 1 OF 7		

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100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE: **EXISTING CONDITIONS CHANNEL**

IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**

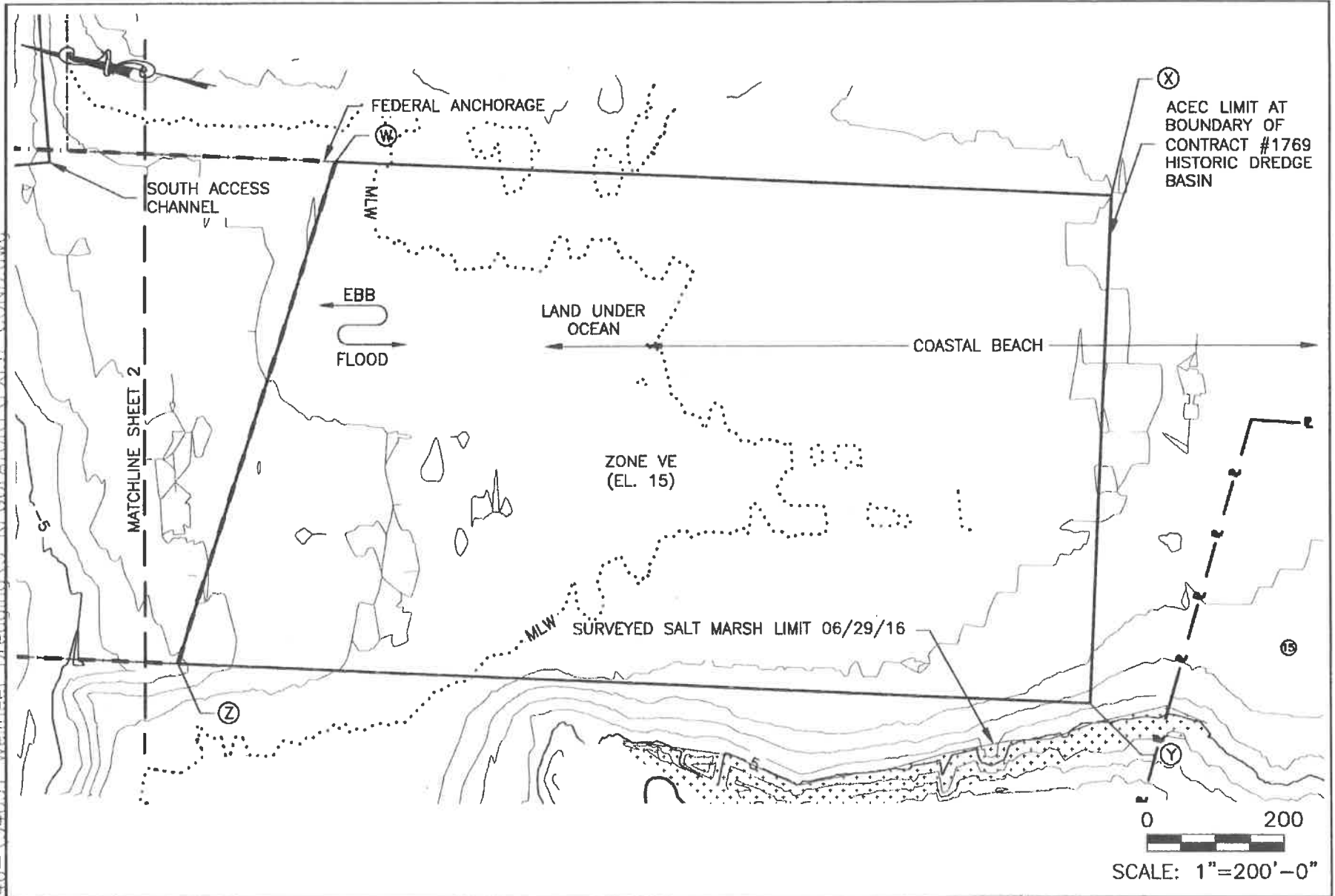


PURPOSE: **DREDGING**

APPLICATION BY: **TOWN OF WELLFLEET**

SHEET **2** OF **7**
 DATE: **07/06/16**

File: X:\34946-1\34031 Wellfleet Dredging\3 REGULATORY\EXIST COND.dwg



100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	EXISTING CONDITIONS BASIN		IN: WELLFLEET
HTL	+13.2	MLW	0.0	PURPOSE:	DREDGING	APPLICATION BY:	AT: TOWN PIER
MHW	+10.0						COUNTY: BARNSTABLE STATE: MA
<p>BCE Bourne Consulting Engineering A Division of GEI Consultants, Inc. 3 Bent Street, Franklin, MA 01000 TEL: (508) 633-0000</p>							SHEET 3 OF 7
							DATE: 07/06/16

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C	N	2802979.6	E	1057845.9
D	N	2802732.3	E	1057822.0
E	N	2802579.3	E	1057723.6
F	N	2802318.5	E	1056830.3
G	N	2802414.6	E	1056802.3
H	N	2802664.8	E	1057659.7
I	N	2802766.0	E	1057724.8
J	N	2802945.2	E	1057742.1
K	N	2803000.3	E	1057692.2
L	N	2803089.2	E	1056772.6
M	N	2803109.1	E	1056775.1
N	N	2803151.3	E	1056339.1
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COORDINATES OF EXISTING CHANNELS & ANCHORAGES:

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AL	N	2802675.2	E	1056090.4
AM	N	2802604.7	E	1056887.3

ABUTTERS

1.	125 MARVEN WAY	STEPHEN L DURKEE, JR. TRUSTEE
2.	40 RICHMAN LANE	ROBERT C DUBEAU, TRUSTEE MARSHA DUBEAU, TRUSTEE
3.	75 RICHMAN LANE	MARTHA CARROLL, TRUSTEE C/O MARC & RILEY SARAH STRAUSS
4.	139 NAUHAUGHT BLUFF RD	DAVID J BERNSTEIN, TRUSTEE ANTONIA H BERNSTEIN, TRUSTEE
5.	137 NAUHAUGHT BLUFF RD	VON KAESBORG GIFFORD K/MARY C % WILLIAM POST TTEE
6.	135 NAUHAUGHT BLUFF RD	MICHAEL J MCNAMARA MARK J POWERS
7.	131 NAUHAUGHT BLUFF RD	ALLAN D BRASH
8.	125 NAUHAUGHT BLUFF RD	EDMUND B & HAROLD J FROST, TRUSTEES HENDERSON - FROST STEPHEN B COONEY
9.	3 KENDRICK AVE	HAY MACGREGOR & ALEXANDER
10.	265 COMMERCIAL ST	TOWN OF WELLFLEET
11.	255 COMMERCIAL ST	JOSEPH A DOWNEY JR TRUSTEE
12.	205 COMMERCIAL ST	PAUL D MESSINA TRUSTEE JAY & WENDY BRONSTEIN JOANNE WUSCHKE TRUSTEE PHILIP S & CAROLYN BATTAGLIA STEVEN M & JEANNE B COSER WAYNE E & MARIE J OASTLER THEODORE P ORENSTEIN TRUSTEE CATHERINE R BARNHOLTZ CLIFFORD D NULMAN JANE TURANO THOMPSON MICHAEL R & ELIZABETH A BRITT ANDREW H CHESNICK WALTER & MARCIA TTES ROCKWOOD NANCY RAE HEYWOOD RAYMOND J & PATSY A MISIURA TOWN OF WELLFLEET
13.	0 INDIAN NECK RD OFF	TOWN OF WELLFLEET
14.	235 NAUSET RD	TOWN OF WELLFLEET
15.	0 CHIPMANS COVE	TOWN OF WELLFLEET
16.	0 NAUSET RD	WELLFLEET CONSERVATION TRUST

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LOCATION	AREA (SF)
INTERTIDAL WITHIN AREA 1	105,245
TOTAL AREA 1	637,720
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LOCATION	PROPOSED DREDGE (CY)	1' OVER-- DREDGE (CY)	TOTAL (CY)
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100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE:

IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**

PROJECT NOTES

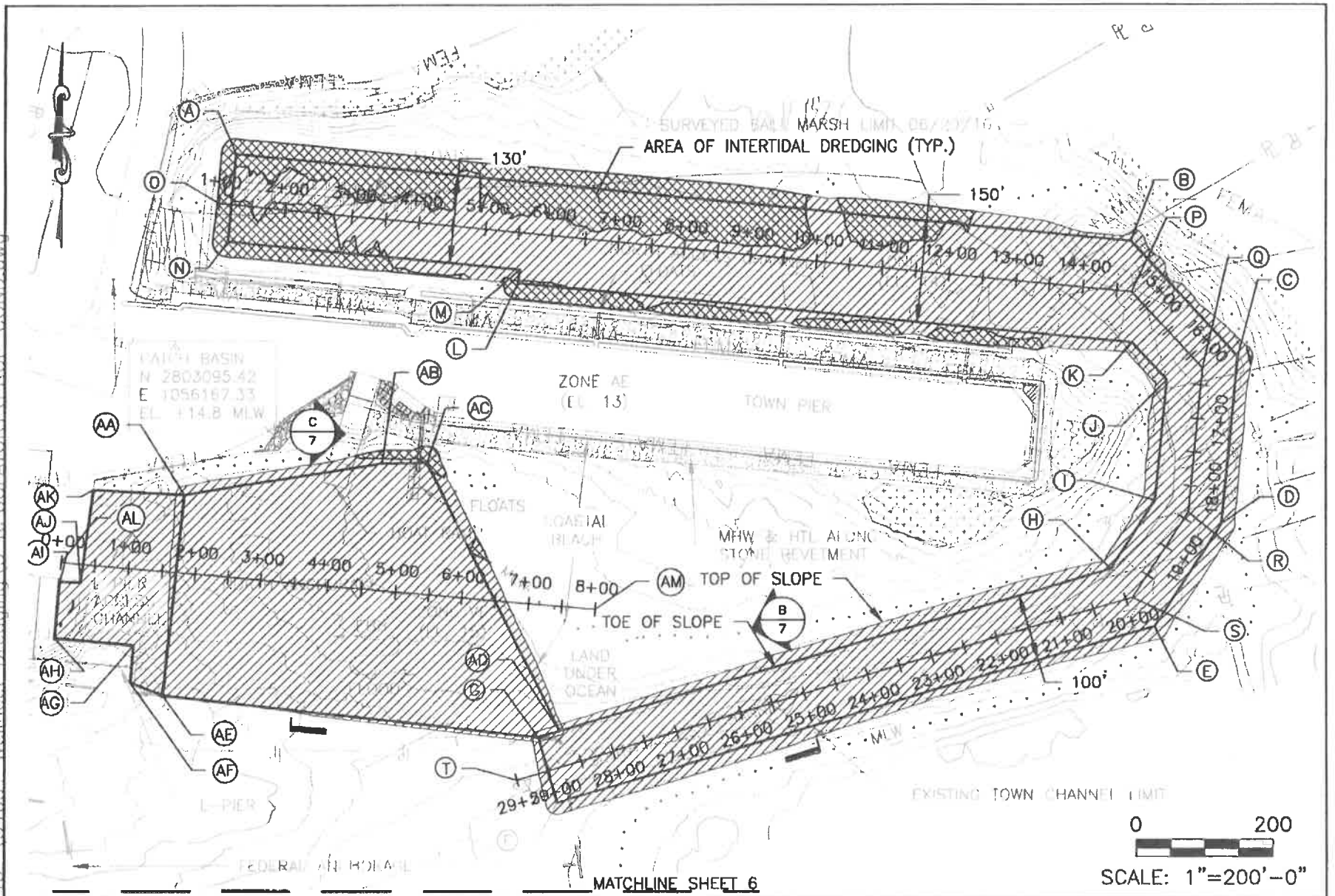


PURPOSE:
DREDGING

APPLICATION BY:
TOWN OF WELLFLEET

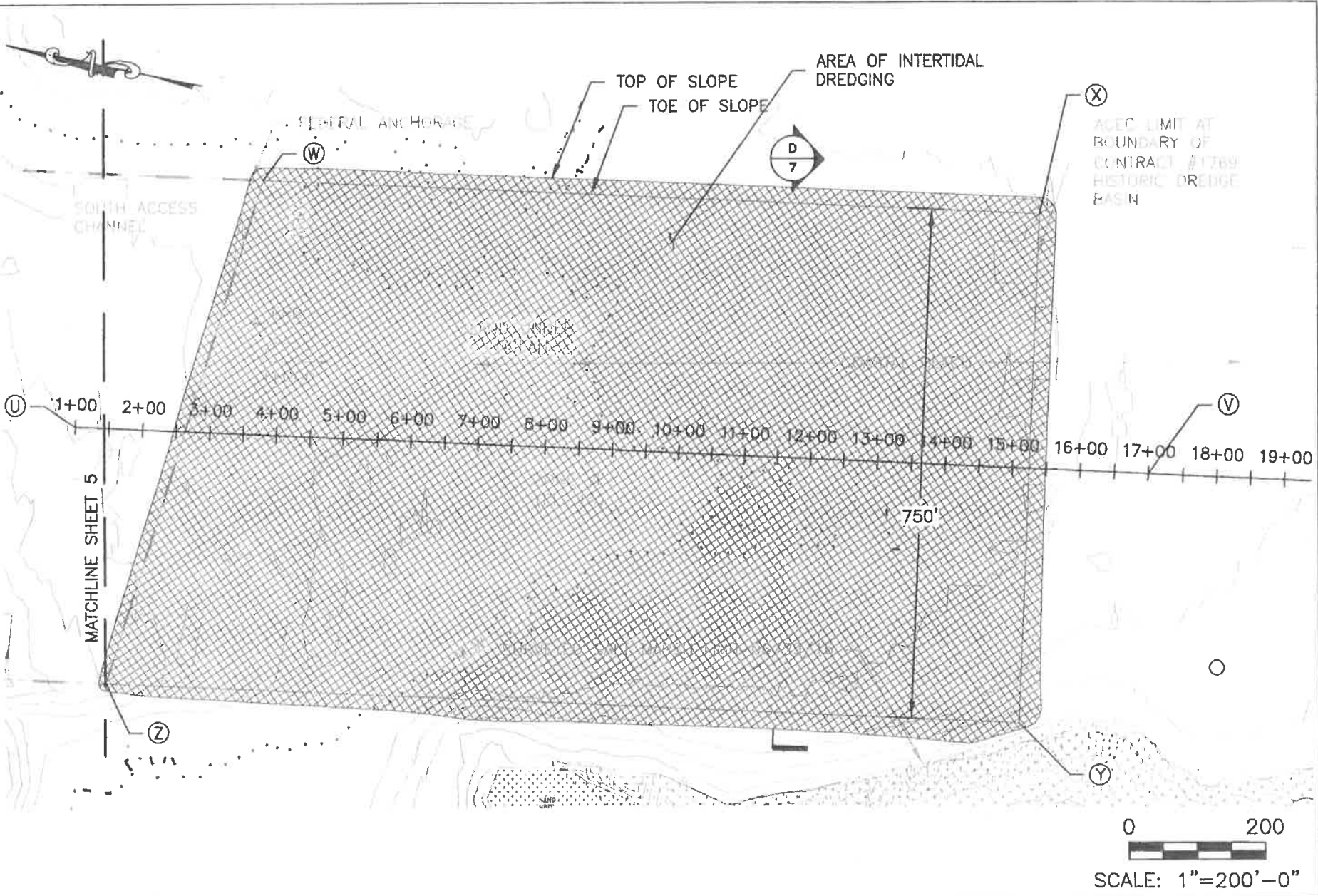
SHEET **4** OF **7**
 DATE: **07/06/16** REV: **05/15/17**

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100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	PROPOSED CONDITIONS AREA 1 DREDGE		IN: WELLFLEET
HTL	+13.2	MLW	0.0	PURPOSE:	DREDGING	APPLICATION BY:	AT: TOWN PIER
MHW	+10.0						COUNTY: BARNSTABLE STATE: MA
<p>BCE Bourse Consulting Engineering A Division of CH2M Hill, Inc. 3 Post Street, Franklin, MA 01903 TEL: (508) 633-9000</p>							SHEET 5 OF 7
							DATE: 07/06/16

File: B:\Working\WELLFLEET_MA_TOWN_OF\1607951_Marina_Dredging\60_DRAWINGS\3_REGULATO



100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE: **PROPOSED CONDITIONS
AREA 2 DREDGE**

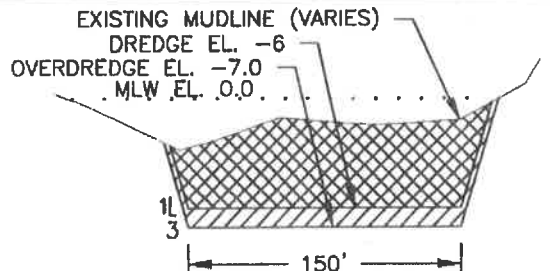
IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE** STATE: **MA**

PURPOSE:
DREDGING

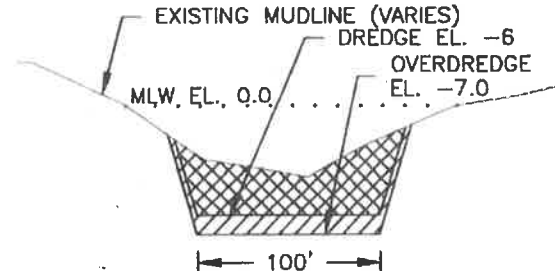
APPLICATION BY:
TOWN OF WELLFLEET

SHEET **6** OF **7**
 DATE: **07/06/16** REV: **05/15/17**

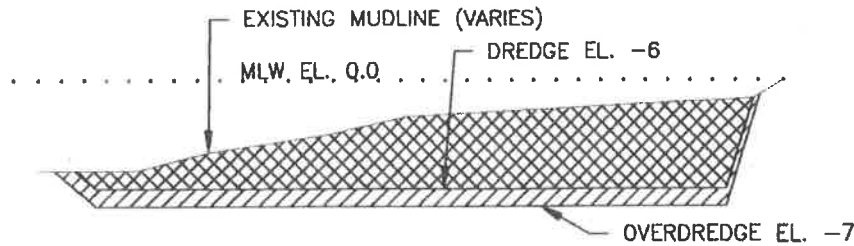
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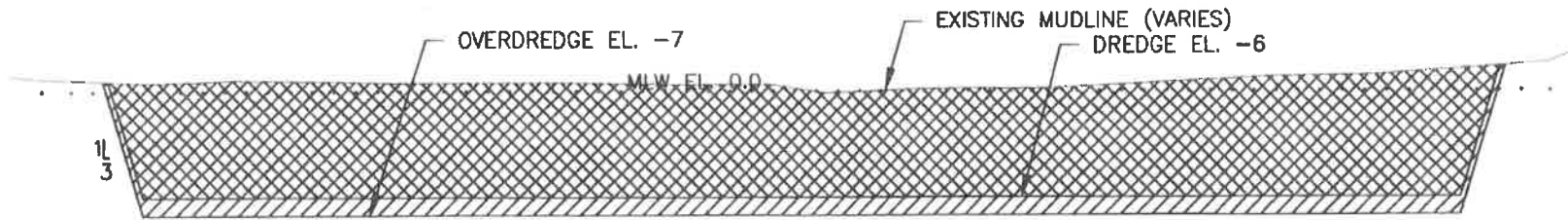
A
7
CHANNEL SECTION STA 13+50
VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"



B
7
CHANNEL SECTION STA 25+00
VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"



C
7
N. ANCHORAGE SECTION STA 3+50
VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"



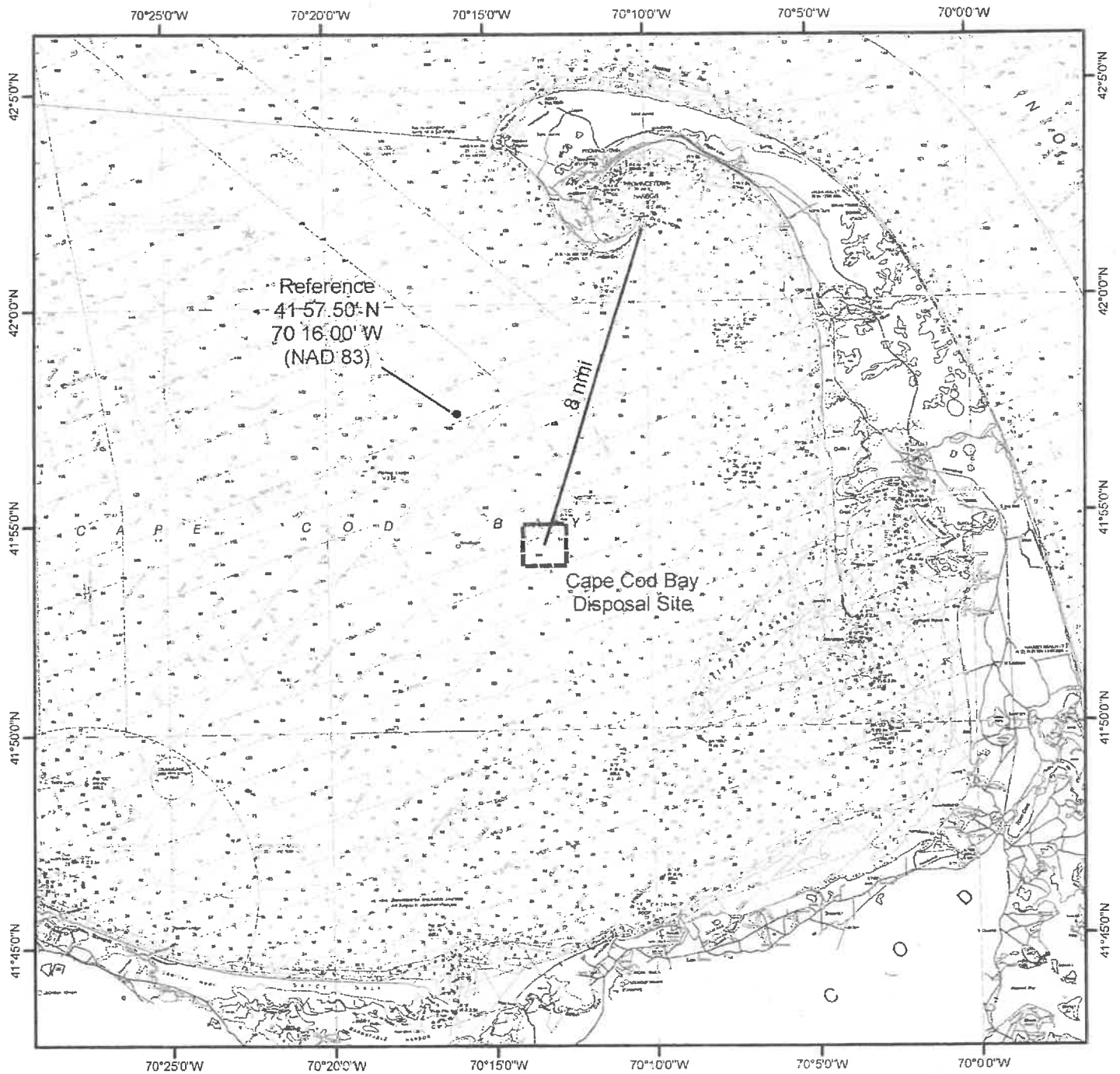
D
7
AREA 2 SECTION STA 11+50
VERTICAL SCALE: 1"=10'-0"
HORIZONTAL SCALE: 1"=100'-0"

100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

TITLE:	PROPOSED CONDITIONS SECTIONS	IN: WELLFLEET
		AT: TOWN PIER
		COUNTY: BARNSTABLE STATE: MA



PURPOSE:	DREDGING	APPLICATION BY:	TOWN OF WELLFLEET	SHEET 7 OF 7
				DATE: 07/06/16



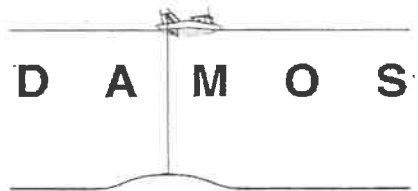
Reference
 41°57.50' N
 70°16.00' W
 (NAD 83)

8 nmi

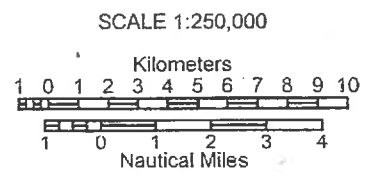
Cape Cod Bay
 Disposal Site

CAPE COD BAY DISPOSAL SITE

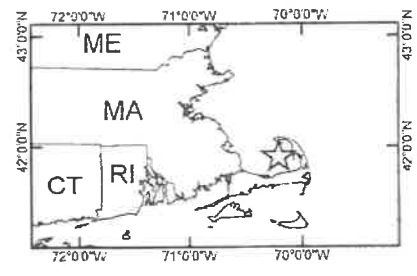
Description: The Cape Cod Bay Disposal Site (CCBDS) is centered at coordinates 41° 54.406' N, 70° 13.268' W (NAD 83) and is located 8.0 nmi (14.9 km) southwest of Long Point, Provincetown, Massachusetts. The site has a relatively flat, featureless seafloor with an average water depth of 102 ft (31 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents



DISPOSAL AREA MONITORING SYSTEM



NOTE: This chart is not intended for use in navigation.



Essential Fish Habitat for NAE-2015-1414 Town of Wellfleet, MA, Area 1

Species	Scientific Name	Life Stage				All Life Stages
		Eggs	Larvae	Juvenile	Adult	
American plaice	<i>Hippoglossoides platessoides</i>					X
Atlantic cod	<i>Gadus morhua</i>		X		X	
Blucfin tuna	<i>Thunnus thynnus</i>			X	X	
Haddock	<i>Melanogrammus aeglefinus</i>	X	X			
Little skate	<i>Leucoraja erinacea</i>			X		
Monkfish	<i>Lophius americanus</i>	X	X	X		
Ocean pout	<i>Macrozoarces americanus</i>					X
Pollock	<i>Pollachius virens</i>		X	X	X	
Red hake	<i>Urophycis chuss</i>					X
Sea scallop	<i>Placopecten magellanicus</i>					X
Silver hake or Whiting	<i>Merluccius bilinearis</i>					X
Smooth dogfish	<i>Mustelus canis</i>					X
Thorny skate	<i>Ambyraja radiata</i>			X		
White hake	<i>Urophycis tenuis</i>					X
White shark	<i>Carcharodon carcharias</i>					x
Windowpane flounder	<i>Scophthalmus aquosus</i>					X
Winter flounder	<i>Pseudopleuronectes americanus</i>					X
Winter skate	<i>Leucoraja ocellata</i>			X	X	
Yellowtail flounder	<i>Limanda ferruginea</i>					X

Essential Fish Habitat for NAE-2015-1414 Town of Wellfleet, MA, Area 2

Species	Scientific Name	Life Stage				
		Eggs	Larvae	Juvenile	Adult	All Life Stages
American plaice	<i>Hippoglossoides platessoides</i>					X
Atlantic butterflyfish	<i>Peprilus triacanthus</i>			X	X	
Atlantic cod	<i>Gadus morhua</i>					X
Atlantic halibut	<i>Hippoglossus hippoglossus</i>					X
Atlantic herring	<i>Clupea harengus</i>					X
Atlantic mackerel	<i>Scomber scombrus</i>					X
Atlantic wolffish	<i>Anarhichas lupus</i>					X
Black sea bass	<i>Centropristis striata</i>				X	
Bluefin tuna	<i>Thunnus thynnus</i>			X	X	
Bluefish	<i>Pomatomus saltatrix</i>			X	X	
Haddock	<i>Melanogrammus aeglefinus</i>	X	X			
Little skate	<i>Leucoraja erinacea</i>			X	X	
Long-finned squid	<i>Doryteuthis pealeii</i>			X	X	
Monkfish	<i>Lophius americanus</i>	X	X	X		
Ocean pout	<i>Macrozoarces americanus</i>					X
Pollock	<i>Pollachius virens</i>		X	X	X	
Red hake	<i>Urophycis chuss</i>					X
Scup	<i>Stenotomus chrysops</i>			X	X	
Sea scallop	<i>Placopecten magellanicus</i>					X
Silver hake or Whiting	<i>Merluccius bilinearis</i>					X
Smooth dogfish	<i>Mustelus canis</i>					X
Thorny skate	<i>Ambyraja radiata</i>			X		
White hake	<i>Urophycis tenuis</i>					X
White shark	<i>Carcharodon carcharias</i>					x
Windowpane flounder	<i>Scophthalmus aquosus</i>					X
Winter flounder	<i>Pseudopleuronectes americanus</i>					X
Winter skate	<i>Leucoraja ocellata</i>			X	X	
Yellowtail flounder	<i>Limanda ferruginea</i>					X

Essential Fish Habitat for Cape Cod Bay Disposal Site

Species	Scientific Name	Life Stage				
		Eggs	Larvae	Juvenile	Adult	All Life Stages
American plaice	<i>Hippoglossoides platessoides</i>	✓	✓	✓	✓	
Atlantic butterfish	<i>Peprilus triacanthus</i>	✓		✓	✓	
Atlantic cod	<i>Gadus morhua</i>	✓	✓	✓	✓	
Atlantic halibut	<i>Hippoglossus hippoglossus</i>					✓
Atlantic herring	<i>Clupea harengus</i>	✓	✓	✓	✓	
Atlantic mackerel	<i>Scomber scombrus</i>	✓	✓	✓	✓	
Atlantic wolffish	<i>Anarhichas lupus</i>					✓
Basking shark	<i>Cetorhynchus maximus</i>			✓	✓	
Black sea bass	<i>Centropristis striata</i>			✓	✓	
Bluefin tuna	<i>Thunnus thynnus</i>			✓	✓	
Bluefish	<i>Pomatomus saltatrix</i>			✓	✓	
Haddock	<i>Melanogrammus aeglefinus</i>	✓	✓			
Little skate	<i>Leucoraja erinacea</i>			✓	✓	
Long-finned squid	<i>Doryteuthis pealeii</i>			✓	✓	
Monkfish	<i>Lophius americanus</i>	✓	✓		✓	
Ocean pout	<i>Macrozoarces americanus</i>	✓	✓	✓	✓	
Pollock	<i>Pollachius virens</i>		✓	✓	✓	
Red hake	<i>Urophycis chuss</i>	✓	✓	✓	✓	
Scup	<i>Stenotomus chrysops</i>			✓	✓	
Sea scallop	<i>Placopecten magellanicus</i>					✓
Short-finned squid	<i>Illex illecebrosus</i>				✓	
Silver hake or Whiting	<i>Merluccius bilinearis</i>	✓	✓	✓	✓	
Smooth dogfish	<i>Mustelus canis</i>					✓
Spiny dogfish	<i>Squalus acanthias</i>				✓	
White hake	<i>Urophycis tenuis</i>	✓	✓	✓	✓	
White shark	<i>Carcharodon carcharias</i>					✓
Windowpane flounder	<i>Scophthalmus aquosus</i>	✓	✓	✓	✓	
Winter flounder	<i>Pseudopleuronectes americanus</i>	✓	✓	✓	✓	
Winter skate	<i>Leucoraja ocellata</i>	✓	✓	✓	✓	
Yellowtail flounder	<i>Limanda ferruginea</i>	✓	✓	✓	✓	

APPENDIX 1
Areas of Critical Environmental Concern (ACEC) in Massachusetts

If the project is proposed in one of the communities listed in the following pages, the project may be located in an Area of Critical Environmental Concern (ACEC). Please refer to the Massachusetts Department of Conservation and Recreation (DCR) website at <http://www.mass.gov/eea/agencies/dcr/conservation/acec/> for more information and the most current listing of ACECs.

To confirm whether the project is located in an ACEC, contact the community's conservation commission **OR** the Massachusetts Department of Conservation and Recreation ACEC program:

Director of Ecology & ACEC Programs
Department of Conservation & Recreation
251 Causeway St
Boston, MA 02114

Current Director: Nancy Putnam
E: nancy.putnam@state.ma.us
T: (617) 626-1394

MASSACHUSETTS AREAS OF CRITICAL ENVIRONMENTAL CONCERN – November 2010

Total Approximate Acreage: 268,000 acres

Bourne Back River

(1,850 acres, 1989) Bourne

Canoe River Aquifer and Associated Areas (17,200 acres, 1991) Easton, Foxborough, Mansfield, Norton, Sharon, and Taunton

Cedar Swamp

(1,650 acres, 1975) Hopkinton and Westborough

Central Nashua River Valley

(12,900 acres, 1996) Bolton, Harvard, Lancaster, and Leominster

Cranberry Brook Watershed

(1,050 acres, 1983) Braintree and Holbrook

Ellisville Harbor

(600 acres, 1980) Plymouth

Fowl Meadow and Ponkapoag Bog

(8,350 acres, 1992) Boston, Canton, Dedham, Milton, Norwood, Randolph, Sharon, and Westwood

Golden Hills

(500 acres, 1987) Melrose, Saugus, and Wakefield

Great Marsh (originally designated as Parker River/Essex Bay)

(25,500 acres, 1979) Essex, Gloucester, Ipswich, Newbury, and Rowley

Herring River Watershed

(4,450 acres, 1991) Bourne and Plymouth

Hinsdale Flats Watershed

(14,500 acres, 1992) Dalton, Hinsdale, Peru, and Washington

Hockomock Swamp

(16,950 acres, 1990) Bridgewater, Easton, Norton, Raynham, Taunton, and West Bridgewater

Inner Cape Cod Bay

(2,600 acres, 1985) Brewster, Eastham, and Orleans

Kampoosa Bog Drainage Basin

(1,350 acres, 1995) Lee and Stockbridge

Karner Brook Watershed

(7,000 acres, 1992) Egremont and Mount Washington

Miscoe, Warren, and Whitehall Watersheds

(8,700 acres, 2000) Grafton, Hopkinton, and Upton

Neponset River Estuary

(1,300 acres, 1995) Boston, Milton, and Quincy

Petapawag

(25,680 acres, 2002) Ayer, Dunstable, Groton, Pepperell, and Tyngsborough

Pleasant Bay

(9,240 acres, 1987) Brewster, Chatham, Harwich, and Orleans

Pocasset River

(160 acres, 1980) Bourne

Rumney Marshes

(2,800 acres, 1988) Boston, Lynn, Revere, Saugus, and Winthrop

Sandy Neck Barrier Beach System

(9,130 acres, 1978) Barnstable and Sandwich

Schenob Brook Drainage Basin

(13,750 acres, 1990) Mount Washington and Sheffield

Squannassit

(37,420 acres, 2002) Ashby, Ayer, Groton, Harvard, Lancaster, Lunenburg, Pepperell, Shirley, and Townsend

Three Mile River Watershed

(14,280 acres, 2008) Dighton, Norton, Taunton

Upper Housatonic River

(12,280 acres, 2009) Lee, Lenox, Pittsfield, Washington

Waquoit Bay

(2,580 acres, 1979) Falmouth and Mashpee

Weir River

(950 acres, 1986) Cohasset, Hingham, and Hull

Wellfleet Harbor

(12,480 acres, 1989) Eastham, Truro, and Wellfleet

Weymouth Back River

(800 acres, 1982) Hingham and Weymouth

ACEC acreages above are based on MassGIS calculations and may differ from numbers originally presented in designation documents and other ACEC publications due to improvements in accuracy of GIS data and boundary clarifications. Listed acreages have been rounded to the nearest 50 or 10 depending on whether boundary clarification has occurred. For more information please see, <http://www.mass.gov/dcr/stewardship/acec/aboutMaps.htm> .

Towns with ACECs within their Boundaries

November 2010

TOWN	ACEC	TOWN	ACEC
Ashby	Squannassit Petapawag	Mt. Washington	Karner Brook Watershed Schenob Brook
Ayer	Squannassit	Newbury	Great Marsh
Barnstable	Sandy Neck Barrier Beach System	Norton	Hockomock Swamp
Bolton	Central Nashua River Valley	Norwood	Canoe River Aquifer
Boston	Marshes	Orleans	Three Mile River Watershed
	Fowl Meadow and Ponkapoag Bog	Pepperell	Fowl Meadow and Ponkapoag Bog
	Neponset River Estuary	Peru	Inner Cape Cod Bay
Bourne	Pocasset River		Pleasant Bay Petapawag
Braintree	Bourne Back River Herring River Watershed		Squannassit
	Cranberry Brook Watershed		Hinsdale Flats Watershed
Brewster	Pleasant Bay	Pittsfield	Upper Housatonic River
	Inner Cape Cod Bay	Plymouth	Herring River Watershed Ellisville Harbor
Bridgewater	Hockomock Swamp	Quincy	Neponset River Estuary
Canton	Fowl Meadow and Ponkapoag Bog	Randolph	Fowl Meadow and Ponkapoag Bog
Chatham	Pleasant Bay	Raynham	Hockomock Swamp
Cohasset	Weir River	Revere	Rumney Marshes Great Marsh
Dalton	Hinsdale Flats Watershed	Rowley	Marsh
Dedham	Fowl Meadow and Ponkapoag Bog	Sandwich	Sandy Neck Barrier Beach System
Dighton	Three Mile River Watershed	Saugus	Rumney Marshes
Dunstable	Petapawag		Golden Hills
Eastham	Inner Cape Cod Bay	Sharon	Canoe River Aquifer
	Wellfleet Harbor Canoe River Aquifer		Fowl Meadow and Ponkapoag Bog
Easton	Hockomock Swamp	Sheffield	Schenob Brook
Egremont	Karner Brook Watershed	Shirley	Squannassit
Essex	Great Marsh	Stockbridge	Kampoosa Bog Drainage Basin
Falmouth	Waquoit Bay	Taunton	Hockomock Swamp
Foxborough	Canoe River Aquifer		Canoe River Aquifer
Gloucester	Great Marsh	Truro	Three Mile River Watershed
Grafton	Miscoe-Warren-Whitehall Watersheds	Townsend	Wellfleet Harbor Squannassit
	Petapawag Squannassit	Tyngsborough	Petapawag
Groton	Central Nashua River Valley	Upton	Miscoe-Warren-Whitehall Watersheds
Harvard	Squannassit	Wakefield	Golden Hills
	Pleasant Bay Weir River	Washington	Hinsdale Flats Watershed
Harwich			Upper Housatonic River
Hingham	Weymouth Back River Hinsdale Flats Watershed Cranberry Brook Watershed Miscoe-Warren-Whitehall Watersheds Cedar Swamp	Wellfleet	Wellfleet Harbor
		W Bridgewater	Hockomock Swamp Cedar Swamp
Hinsdale		Westborough	
Holbrook		Westwood	Fowl Meadow and Ponkapoag Bog
Hopkinton		Weymouth	Weymouth Back River
		Winthrop	Rumney Marshes
Hull	Weir River		
Ipswich	Great Marsh		
Lancaster	Central Nashua River Valley Squannassit		
Lee	Kampoosa Bog Drainage Basin		
	Upper Housatonic River		
Lenox	Upper Housatonic River		
Leominster	Central Nashua River Valley		
Lunenburg	Squannassit		
Lynn	Rumney Marshes		
Mansfield	Canoe River Aquifer		
Mashpee	Waquoit Bay		
Melrose	Golden Hills		
Milton	Fowl Meadow and Ponkapoag Bog		
	Neponset River Estuary		



November 2, 2017

Ms. Nancy Civetta
Wellfleet Shellfish Contable

Re: North and South Shellfish Grants

Proposal

Dear Ms. Civetta,

I have prepared a proposal for the Land Surveying services for the above referenced parcel:

- Update existing North and South Shellfish Grant maps with data provided by client

Fee: \$1,000.00

Please feel free to contact me or my associate Dawn Sternlieb at 508-255-0477 with any questions.

Thank you for the opportunity to provide you with Land Surveying proposal.

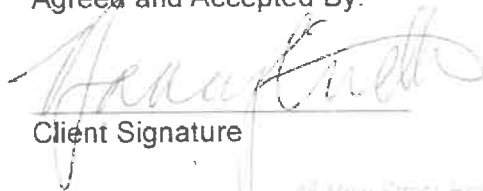
Sincerely,

Dawn Sternlieb

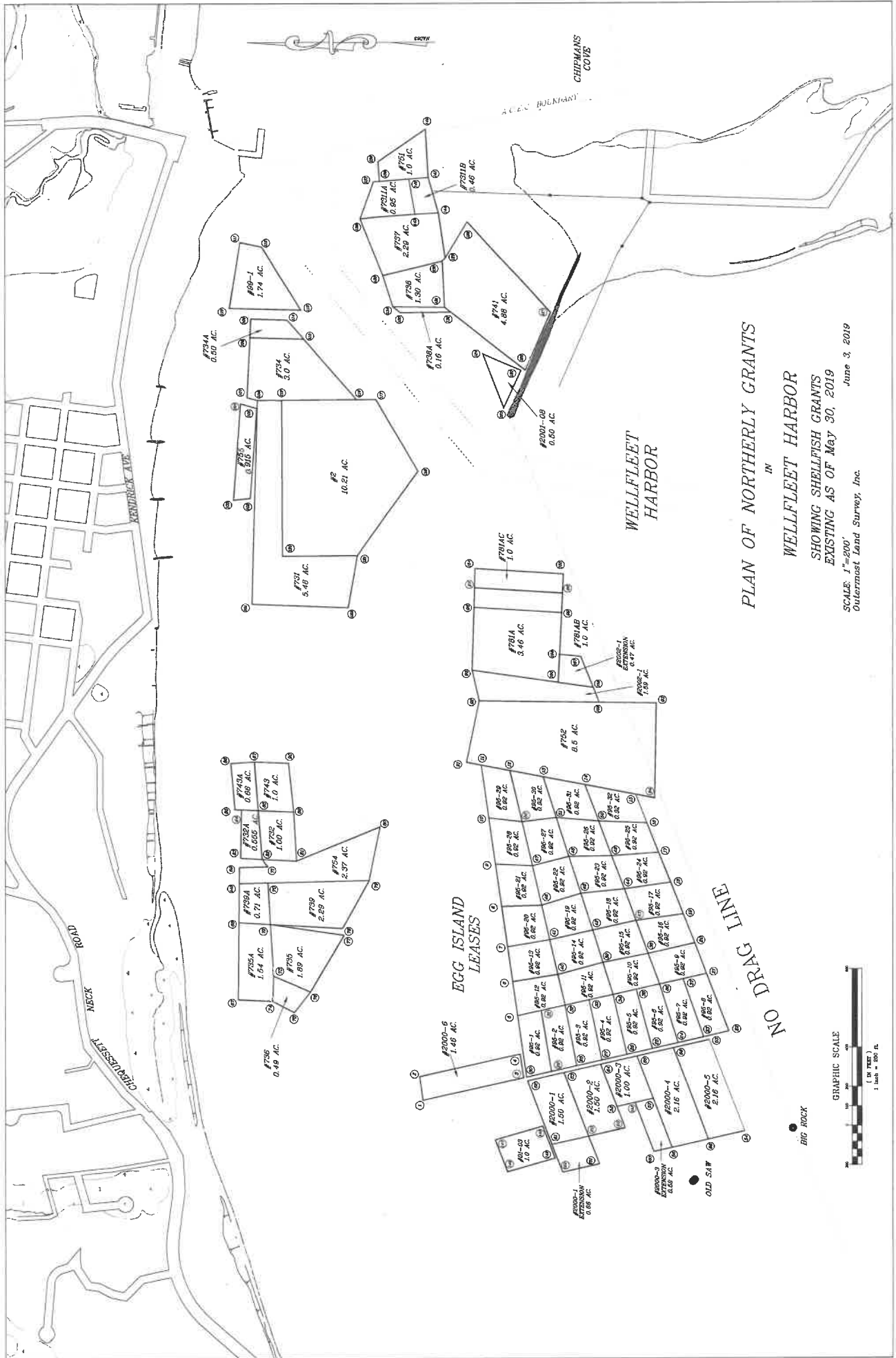
Attachments

If this agreement is acceptable to you, please sign a copy of this agreement, circle the Option you are choosing and return the signed copy to our office.

Agreed and Accepted By:

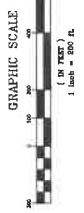

Client Signature

4-16-19
Date



PLAN OF NORTHERLY GRANTS
 IN
 WELLFLEET HARBOR
 SHOWING SHELLFISH GRANTS
 EXISTING AS OF MAY 30, 2019
 SCALE: 1"=200'
 Outermost Land Survey, Inc.
 June 3, 2019

NO DRAG LINE



October 29, 2018

The Honorable R.D. James
Assistant Secretary of Army – Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

**RE: DREDGING WELLFLEET (MA) HARBOR
(LEFTOVER DREDGING FUNDS)**

Dear Assistant Secretary James

Siboc Clam Partnership farm seven acres in Wellfleet Harbor that is reached by boat for planting and harvesting 1,000,000 littlenecks a year and provides employment for fifteen local residents.

We now have to leave the pier (boat tie-up) an additional two hours prior to harvesting, wait the two hours for the tide to ebb enough to harvest, then wait another two hours to be able to return to the pier to unload the harvest. These are unproductive hours because the boat cannot leave or return to the pier as the area is not navigable do to the lack of dredging.

We strongly urge you to the use of the “leftover dredging fund” to dredge Wellfleet at this time.

Sincerely,



Alfred J. Pickard, Partner
P.O.Box 817
Wellfleet MA 02667
wcmom@aol.com
(508) 349-6417

Cc: Senator Ed Markey
Senator Elizabeth Warren
Representative Bill Keating
Office of Management and Budget Mick Mulvaney

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, March 15, 2019 4:56 PM
To: Janet Reinhart; Aberdale, Joseph; Kathleen Bacon (personal); Nancy Civetta; Dennis Murphy; Curt Felix; Michael Flanagan; Dan Hoort; Terkanian, Harry; William Sullivan
Subject: Re: Wellfleet Receives \$5 Million in FY20 Budget

All:

In my rush to share the good news earlier this week, I failed to adequately commend the Congressional delegation for their strong support of Wellfleet:

- **Congressman Keating** has been working on this issue for a number of years. In fact, Congressman Keating has directly discussed the funding for Wellfleet with Army Corps leadership many times, including multiple conversations with New England Region leadership in the district and national leadership in D.C.
- **Senator Markey** effectively leveraged this position on the Senate Environment and Public Works (EPW) Committee, with jurisdiction over the Corps, to make clear to USACE the importance of the Wellfleet project.
- **Senators Markey and Warren, and Rep Keating** have sent multiple letters to the Corps supporting Wellfleet's funding request in recent years.

It is worth thanking all three offices for their work on your behalf.

Also, kudos to everyone on this email – members of Congress are faced with countless demands for their time and attention. Your work to elevate this issue led to the Congressional delegation making this a priority.

I have already heard from the Keating and Markey offices about their commitment to ensuring this funding makes it to Wellfleet in a timely manner.

Have a good weekend.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
1120 G Street, NW Suite 1020
Washington, DC 20005
office: 202-783-3333
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Me <Ray@federalrelations.com>
Date: Thursday, March 14, 2019 at 10:47 AM
To: Janet Reinhart <lifexercises@comcast.net>, "Aberdale, Joseph" <josephaberdale@gmail.com>, Kathy

Bacon <kathleenbacon16@gmail.com>, "Civetta, Nancy" <nancy.civetta@wellfleet-ma.gov>, Dennis Murphy <dr.sandpit@gmail.com>, Curt Felix <cfelix@planktonpower.net>, "Flanagan, Mike" <michael.flanagan@wellfleet-ma.gov>, Dan Hoort <dan.hoort@wellfleet-ma.gov>, "Terkanian, Harry" <harry@outermostsystems.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Wellfleet Receives \$5 Million in FY20 Budget

Hello:

The President sent his FY20 budget request to Capitol Hill this week, including their recommendations for individual dredging projects – Wellfleet was funded at a level of \$5 million for FY20. See page 22 of the Corps budget document: <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll6/id/2109>.

This is BIG news – being that Wellfleet is in the President's budget, it virtually guarantees you will receive that level of funding in the Army Corps of Engineers work plan for FY20. The Corps will develop the work plan after the FY20 appropriations process is complete, no earlier than October, 2019.

While it would have been ideal to receive money in the FY18 or FY19 work plan, the fact that Wellfleet is funded in FY20 is **DIRECTLY** tied to our advocacy in Wash DC, and the advocacy of the Massachusetts Congressional delegation, and particularly Senator Markey's support.

Please let me know if you have any questions.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
1120 G Street, NW Suite 1020
Washington, DC 20005
office: 202-783-3333
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, March 18, 2019 11:50 AM
To: Nancy Civetta; Janet Reinhart; Aberdale, Joseph; Kathleen Bacon (personal); Dennis Murphy; Curt Felix; Michael Flanagan; Dan Hoort; Terkanian, Harry; William Sullivan
Subject: Re: Wellfleet Receives \$5 Million in FY20 Budget

Nancy:

Here are the phone numbers:

- **Markey:** (202) 224-2742
- **Warren:** (202) 224-4543
- **Keating:** (202) 225-3111

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
1120 G Street, NW Suite 1020
Washington, DC 20005
office: 202-783-3333
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Date: Friday, March 15, 2019 at 6:54 PM
To: Me <Ray@federalrelations.com>, Janet Reinhart <lifeexercises@comcast.net>, "Aberdale, Joseph" <josephaberdale@gmail.com>, "Kathleen Bacon (personal)" <kathleenbacon16@gmail.com>, Dennis Murphy <dr.sandpit@gmail.com>, Curt Felix <cfelix@planktonpower.net>, Michael Flanagan <Michael.Flanagan@wellfleet-ma.gov>, Dan Hoort <Dan.Hoort@wellfleet-ma.gov>, "Terkanian, Harry" <harry@outermostsystems.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: Wellfleet Receives \$5 Million in FY20 Budget

Hi Ray,

Could you send best numbers for Wellfleetians to call and thank Sen.s Warren and Markey and Rep. Keating?

Many thanks again,
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: [617-901-7193](tel:617-901-7193)
O: [508-349-0325](tel:508-349-0325)
E: nancy.civetta@wellfleet-ma.gov
[300 Main St.](#)
[Wellfleet, MA 02667](#)

Check for news and updates on Facebook:
https://m.facebook.com/profile.php?id=238213856606291&ref=content_filter

----- Original message -----

From: Ray Bucheger <Ray@federalrelations.com>

Date: 3/15/19 16:55 (GMT-05:00)

To: Janet Reinhart <lifeexercises@comcast.net>, "Aberdale, Joseph" <josephaberdale@gmail.com>, "Kathleen Bacon (personal)" <kathleenbacon16@gmail.com>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>, Dennis Murphy <dr.sandpit@gmail.com>, Curt Felix <cfelix@planktonpower.net>, Michael Flanagan <Michael.Flanagan@wellfleet-ma.gov>, Dan Hoort <Dan.Hoort@wellfleet-ma.gov>, "Terkanian, Harry" <harry@outermostsystems.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>

Subject: Re: Wellfleet Receives \$5 Million in FY20 Budget

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Ray

Ray Bucheger
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Washington, DC 20005
office: 202-783-3333

cell: 202-236-5101

<http://FBBFederalRelations.com>

From: Me <Ray@federalrelations.com>

Date: Thursday, March 14, 2019 at 10:47 AM

To: Janet Reinhart <lifeexercises@comcast.net>, "Aberdale, Joseph" <josephaberdale@gmail.com>, Kathy Bacon <kathleenbacon16@gmail.com>, "Civetta, Nancy" <nancy.civetta@wellfleet-ma.gov>, Dennis Murphy <dr.sandpit@gmail.com>, Curt Felix <cfelix@planktonpower.net>, "Flanagan, Mike" <michael.flanagan@wellfleet-ma.gov>, Dan Hoort <dan.hoort@wellfleet-ma.gov>, "Terkanian, Harry" <harry@outermostsystems.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>

Subject: Wellfleet Receives \$5 Million in FY20 Budget

Hello:

The President sent his FY20 budget request to Capitol Hill this week, including their recommendations for individual dredging projects – Wellfleet was funded at a level of \$5 million for FY20. See page 22 of the Corps budget document: <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll6/id/2109>.

This is BIG news – being that Wellfleet is in the President's budget, it virtually guarantees you will receive that level of funding in the Army Corps of Engineers work plan for FY20. The Corps will develop the work plan after the FY20 appropriations process is complete, no earlier than October, 2019.

While it would have been ideal to receive money in the FY18 or FY19 work plan, the fact that Wellfleet is funded in FY20 is **DIRECTLY** tied to our advocacy in Wash DC, and the advocacy of the Massachusetts Congressional delegation, and particularly Senator Markey's support.

Please let me know if you have any questions.

Ray

Ray Bucheger

FBB Federal Relations

Affiliated with Lindsay Hart, LLP

1120 G Street, NW Suite 1020

Washington, DC 20005

office: 202-783-3333

cell: 202-236-5101

<http://FBBFederalRelations.com>



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 1, 2020

Mr. Phillip Nimeskern
Senior Project Manager
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Nimeskern:

In 2019, based on preliminary state reports, the Town of Wellfleet was first in the Commonwealth of Massachusetts for the value of its shellfish landings with more than \$7.7M earned by hard-working local shellfishermen. With about 180 wild commercial harvesters, 134 grant lease holders (shellfish farmers) cultivating approximately 260 acres of bottom and many more employees, shellfishing is a primary year-round economic driver for the Town. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

Even given the success of the industry, the deterioration of the harbor due to lack of dredging is inhibiting its production potential, both for wild shellfishermen and shellfish farmers. Our harbor needs to be dredged for both economic and environmental reasons.

The shellfishing areas adjacent to both Areas I and II, which are scheduled for dredging, are some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. The area immediately to the east of Area II is especially critical to oyster farmers who collect wild oyster spat in the summer to grow out as seed for their farms. The western edge of Area II borders a group of highly productive shellfish farms.

Area II has been used consistently as a mooring basin for decades. Even though it is located within a designated shellfish growing area in the open status, there are no naturally occurring shellfish resources in Area II itself. This area is not and has not been hospitable to shellfish, and there is no and has not been any shellfish harvesting in this area, which functions as an active mooring basin.

The substrate to be removed during dredging is inhospitable to shellfish due to the fact that oysters simply disappear into the morass and quahogs and soft-shell clams cannot achieve an anchorage in order to orient themselves siphon up, which is necessary for both respiration and feeding. In fact, this substrate is colloquially referred to as "black mayonnaise," and through years of observation, the only organisms that seem to thrive

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

there are mud snails. Only when the above-mentioned area is covered with at least one foot of water are Atlantic mummichogs and silversides sporadically observed.

I write this letter to assure you that dredging this area would not remotely constitute improvement dredging and would not disrupt any important environmental resources.

Thank you for taking my comments into consideration. I am available to answer any questions or concerns you may have.

Sincerely,



Nancy Civetta
Shellfish Constable
Town of Wellfleet
Email: nancy.civetta@wellfleet-ma.gov
Cell: 617-901-7193



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 8, 2020

To: Commonwealth of Massachusetts Dredging Program Grant Reviewers

Re: Town of Wellfleet Application for Mass. Dredging Program Grant

The Town of Wellfleet has submitted an application to the Commonwealth of Massachusetts Dredging Program for dredging funds. In the attached zip file are 45 letters of support from Wellfleet shellfishermen, both commercial and recreational, outlining the importance of dredging to our shellfishery and our entire harbor.

The letters are from November of 2018 and addressed to The Honorable R.D. James, Assistant Secretary of the Army – Civil Works at the Department of the Army. They were written with the intent of helping the Army Corps of Engineers understand just how badly our harbor needs to be dredged and how the lack of dredging is impacting local businesses and livelihoods as well as our recreational shellfishery and our marine environment overall.

The letters demonstrate the need for dredging that was documented in our community. The Town's federal channel is now scheduled for dredging beginning October 1, 2020. The next two areas that need to be dredged, Areas I and II, are just as vital to the success of our shellfishing businesses and local recreational shellfish harvesters, and they, too, are in desperate need of dredging. Therefore, I submit for your consideration, the 45 letters from our community to reflect our need for Areas I and II to also be dredged.

Don't hesitate to contact me for any questions you may have or further details you may want to learn. Thank you in advance for taking these letters under consideration and for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
E: nancy.civetta@wellfleet-ma.gov

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, January 2, 2019 5:09 PM
To: Dan Hoort; Bob Prescott; Curt Felix; Dennis Murphy; Harry; J Aberdale-Marina Advisory Chair; Janet Reinhart; Michael Flanagan; Michele Insley; Nancy Civetta; William Sullivan
Cc: Alex Hay
Subject: Re: [Non-DoD Source] Classification of Wellfleet Harbor

Dan:

Further to Ed O'Donnell's point, ports and harbors are placed into three categories based on cargo tonnage:

1. Low Use / Emerging Harbors: < 1 million tons
2. Moderate Use: 1 million tons – 10 million tons
3. High use: > 10 million tons.

Unfortunately, fish landings don't count toward cargo tonnage.

Generally speaking, the 100 or so high use ports receive the funding they need. This is generally true for moderate use ports at the high end of the spectrum. Moderate use ports at the low end of the spectrum generally receive funding, but often not in sufficient amounts.

While low use / emerging harbors are guaranteed 10% of the HMT revenue (this goes back to a provision I worked to get in the WRDA 2014 bill), there are a fair number of low use / emerging harbors with some amount of cargo that eat up a lot of that money. Low use / emerging harbors with a federal presence (NOAA, military, etc) also generally receive funding. I have never seen a small port get money without Congressional support.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
1120 G Street, NW Suite 1020
Washington, DC 20005
office: 202-783-3333
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Date: Friday, December 28, 2018 at 1:47 PM
To: Bob Prescott <rpreScott@massaudubon.org>, Curt Felix <cfelix@planktonpower.net>, Dennis Murphy <dr.sandpit@gmail.com>, Harry <harry@outermostsystems.com>, J Aberdale-Marina Advisory Chair <josephaberdale@gmail.com>, Janet Reinhart <lifeexercises@comcast.net>, Michael Flanagan <Michael.Flanagan@wellfleet-ma.gov>, Michele Insley <michele@wellfleetspat.org>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Me <Ray@federalrelations.com>, Alex Hay <Alex@macsseafood.com>
Subject: FW: [Non-DoD Source] Classification of Wellfleet Harbor

If I'm reading between the lines it would appear that Ed O'Donnell is saying the lobbying by our congressional delegation is a key to getting funding.

Dan

From: O'Donnell, Edward G CIV USARMY CENAE (US) <Edward.G.Odonnell@usace.army.mil>
Sent: Friday, December 28, 2018 11:38 AM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>; Martin, Craig A CIV USARMY CENAE (US) <Craig.A.Martin@usace.army.mil>
Subject: Re: [Non-DoD Source] Classification of Wellfleet Harbor

Dan, that classification is based mainly on how we sort the projects for funding purposes. You need to have over 1 million tons of reported commerce to be considered above a low use harbor and Wellfleet has zero tons reported. We do report all the various info you have provided in our budget request, but there are many competing harbors nationally. I would continue to work with your delegation to help them understand your needs.

From: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Date: December 28, 2018 at 9:37:12 AM EST
To: Martin, Craig A CIV USARMY CENAE (US) <Craig.A.Martin@usace.army.mil>, O'Donnell, Edward G CIV USARMY CENAE (US) <Edward.G.Odonnell@usace.army.mil>
Subject: [Non-DoD Source] Classification of Wellfleet Harbor

Good morning Ed and Craig,

I read that the Army Corps of Engineers classifies the Wellfleet Harbor as a 'low-use recreational harbor'. The Town of Wellfleet does not view our Harbor in that manner, instead we look at it as a working harbor providing jobs for hundreds of residents in the shellfishing industry. Is there a means to reclassify the Wellfleet Harbor that more accurately reflects its role?

Thanks, and I hope you both are enjoying the holiday season.

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300



April 6th, 2020

Dear Grant Review Committee,

I am writing to offer IFAW's support of the Wellfleet Harbor Dredging Task Force's application to the Massachusetts Dredging Grant Program which would dredge from the channel in Wellfleet Harbor to the boat ramp in coordination with dredging work already planned by USACE in the main channel. Currently, boat access is limited to small windows of time each day around high tide, hindering both human rescue and marine mammal rescue efforts in Wellfleet Harbor.

IFAW's Marine Mammal Rescue and Research team has been responding to stranded marine mammals for over 20 years on Cape Cod and has rescued over 600 live stranded dolphins, porpoises and whales. Cape Cod is known for a high number of mass stranded dolphin events, and up to 80% of these events occur in Wellfleet within Cape Cod Bay, particularly in Wellfleet Harbor. Stranding events on Cape Cod are continuing to increase, with 2019 being the busiest stranding year on record with 477 cases, almost double the annual average. Having access to launch boats is essential to our efforts to prevent mass strandings by attempting to herd animals out of Wellfleet Harbor using a coordinated effort of vessels and to rescue these animals when stranded, as many of locations in Wellfleet harbor are difficult to access by land.

More importantly, access to launch boats in Wellfleet harbor is critical for human safety and rescue efforts, particularly in a very busy harbor including commercial work, recreational activities and animal rescue work. Emergency response from the Harbor Master's office is another resource our rescue team relies on while responding in Wellfleet, which is important to ensure the safety of our team.

We are in support of this project with the understanding that it is compliant with all necessary environmental protections and good stewardship efforts are made to prevent injury or harassment to marine species and damage to this environment.

Thank you for your time,

A handwritten signature in black ink that reads "Misty E. Niemeyer".

Misty Niemeyer
Stranding Coordinator
Marine Mammal Rescue and Research
International Fund for Animal Welfare
Email: mniemeyer@ifaw.org
Office: 508-744-2275

William Sullivan

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, September 28, 2020 5:40 PM
To: Michael Flanagan; William Sullivan; Robbins, Dan
Cc: Maria Broadbent; Mike Trovato; Chris Allgeier; Joseph Aberdale
Subject: Letter requesting separation of USACE permit
Attachments: LTR 092820 - Wellfleet Dredge Permit Break Apart.pdf

Mike,

Please find attached the letter to the USACE requesting that the Corps permit be separated into two parts, Area I and Area II. This will allow for the possibility of piggy back dredging of Area I this dredge season depending on the dredging of the Federal navigation channel. If you could sign it, scan it and send it back to me I will forward it on to the USACE.

Thanks,
Alyssa

GEI50

ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156





Consulting
Engineers and
Scientists

September 28, 2020
NAE 2015-01414
GEI 1607951

VIA EMAIL: Charles.N.Farris@usace.army.mil

Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742

Dear Mr. Farris:

**Re: Permitting of Area I
Wellfleet Harbor Dredge Project
Wellfleet, MA**

The Town of Wellfleet is requesting a modification to the existing permit application NAE 2015-01414. The Town is proposing to split the permit into two phases; Phase 1 would contain the project area designated as Area I and Phase 2 would contain the project area designated as Area II, as indicated within the plans and project descriptions submitted on July 6, 2016. This request is made following the Towns' understanding that the US Army Corps of Engineers is considering Area I to be maintenance dredging while Area II is being considered improvement dredging.

We understand that permit requirements for Area I have been developed in order to complete the maintenance dredging, however; further development of requirements and potential mitigation plans for improvement dredging of Area II are still in process.

In consideration of the status of the two areas and the Towns' need to complete dredging over a period of years, due to financial restrictions, we appreciate the US Army Corps of Engineers splitting the permit into two phases, if possible.

If you have any questions, please contact me at 781-721-4017.

Sincerely,

GEI CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Daniel B. Robbins".

DANIEL B. ROBBINS, P.E.
Project Manager

MICHAEL FLANAGAN
Harbormaster, Town of Wellfleet

c: Ms. Barbara Newman, USACE
Barbara.H.Newman@usace.army.mil

William Sullivan

From: Mike Trovato
Sent: Tuesday, September 29, 2020 2:44 PM
To: William Sullivan
Subject: FW: Letter requesting separation of USACE permit
Attachments: LTR 092820 - Wellfleet Dredge Permit Break Apart.pdf

Do you want to have GEI put this under a different signature?

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, September 28, 2020 5:40 PM
To: Michael Flanagan <Michael.Flanagan@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
Cc: Maria Broadbent <Maria.Broadbent@wellfleet-ma.gov>; Mike Trovato <Mike.Trovato@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
Subject: Letter requesting separation of USACE permit

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Thanks,
Alyssa

GEI50

ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156





Consulting
Engineers and
Scientists

September 28, 2020
NAE 2015-01414
GEI 1607951

VIA EMAIL: Charles.N.Farris@usace.army.mil

Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742

Dear Mr. Farris:

**Re: Permitting of Area I
Wellfleet Harbor Dredge Project
Wellfleet, MA**

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If you have any questions, please contact me at 781-721-4017.

Sincerely,

GEI CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Daniel B. Robbins".

DANIEL B. ROBBINS, P.E.
Project Manager

MICHAEL FLANAGAN
Harbormaster, Town of Wellfleet

c: Ms. Barbara Newman, USACE
Barbara.H.Newman@usace.army.mil



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

October 19, 2020

Wellfleet Conservation Commission
Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by the Town of Wellfleet for the proposed maintenance dredging of Wellfleet Harbor. Proposed work consists of maintenance dredging 368,800 cubic yards to -6 feet below MLW in two areas within Wellfleet Harbor. Area I consist of the North and South Access Channels, North Anchorage and the Access Channel adjacent to the L-Pier. Area II consists of the South Anchorage area. Dredging would be performed using a barge-mounted mechanical dredge with an environmental bucket. All dredge material would be transferred to the Cape Cod Bay Disposal Site for offshore disposal. Existing marine fisheries resources and potential project impacts to these resources are outlined in the following paragraphs.

MA DMF has identified Wellfleet Harbor as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from February through June, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC). The most recent stock assessment has determined that Southern New England/Mid Atlantic winter flounder populations are at 18 % of the recommended recovery level, and even though it is not currently experiencing overfishing, the stock is overfished [1]. Because of the winter flounder stock status, every effort should be made to protect winter flounder and their spawning habitat.

The proposed maintenance dredge footprint includes mapped habitat for several shellfish species. The dredge areas contain mapped habitat for American oyster (*Crassostrea virginica*) and quahog (*Mercenaria mercenaria*). The dredge region also closely borders mapped habitat for soft shell clam (*Mya arenaria*) as well as nine existing aquaculture sites. Waters within and/or bordering the project site have habitat characteristics suitable for these shellfish species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

Several beaches to the south and west of the dredge area are mapped horseshoe crab (*Limulus polyphemus*) spawning habitat. Horseshoe crabs deposit their eggs in the upper intertidal regions of sandy beaches from late spring to early summer during spring high tides [2]. Adult crabs congregate in deep waters such as channel areas during the day while waiting to move on to the beaches at night to spawn. The eggs hatch approximately two to four weeks later.

Wellfleet Harbor provides habitat for a variety of finfish species. Diadromous fish species in this system include alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), American eel (*Anguilla rostrata*), white perch (*Morone americana*), and Atlantic tomcod (*Microgadus tomcod*) [3]. The proposed dredge footprint also closely borders salt marsh vegetation. Salt marsh provides a variety of ecosystem services, including habitat and energy sources for many fish and invertebrate species [4,5,6].

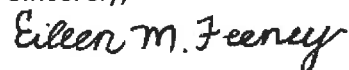
Cape Cod Bay is designated as a critical habitat area for right whales (*Eubalaena glacialis*). Right whales use Cape Cod Bay as seasonal foraging habitat with peak abundance typically between February and April [3].

MA DMF offers the following comments for your consideration:

- Dredging activity could negatively impact winter flounder, horseshoe crabs, and shellfish during their respective spawning and larval development periods. To minimize such impacts, MA DMF recommends a time of year (TOY) restriction on all in-water, silt producing work from **February 1 to September 30** [3].
- To protect right whale feeding aggregations in Cape Cod Bay, MA DMF recommends a TOY restriction on dredge disposal from **January 1 to May 15** [3].
- Bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity. MA DMF recommends that the Town coordinate with local grant owners prior to dredging to minimize potential impacts to these operations.
- A shellfish survey should be performed across the proposed dredge footprint prior to dredging. Relocation of shellfish resources outside of the dredge footprint may be warranted if any high-density resource areas are identified in the survey. The proponent should consult with the shellfish constable about potential mitigation for resource loss in the form of shellfish relocation and/or seeding.
- MA DMF recommends a buffer of at least 25 feet between salt marsh and the dredge slope plus overdredge to prevent erosive impacts to this important fisheries habitat resource.

Questions regarding this review may be directed to eileen.feeney@mass.gov.

Sincerely,



Eileen M. Feeney
Fisheries Habitat Specialist

cc: Dan Robbins, GEI Consultants
Nancy Civetta, Shellfish Constable
Robert Boeri, CZM
David Wong, MA DEP
Christine Jacek, ACOE
Simone Wright, MA DMF
Tom Shields, MA DMF

EF

References

1. Atlantic States Marine Fisheries Commission. (2017). Southern New England Mid-Atlantic Winter Flounder Operational Assessment. Available at: http://www.asmf.org/uploads/file/5a95d671SNE-MA_WinterFlounderOperationalAssessment_2017.pdf Accessed on: 7/24/2020
2. Barlow Jr. RB, Powers MK, Howard H, Kass L. Migration of *Limulus* for mating: relation to lunar phase, tide height, and sunlight. *Biol Bull.* 1986;171: 310–329.
3. Evans NT, Ford KH, Chase BC, Sheppard J. Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47. 2011;
4. Boesch DF, Turner RE. Dependence of fishery species on salt marshes: the role of food and refuge. *Estuaries.* 1984;7: 460–468.
5. Deegan LA, Garritt RH. Evidence for spatial variability in estuarine food webs. *Mar Ecol Prog Ser.* 1997;147: 31–47.
6. Deegan LA, Hughes JE, Rountree RA. Salt marsh ecosystem support of marine transient species. In: Weinstein MP, Kreeger DA, editors. *Concepts and Controversies in Tidal Marsh Ecology.* Kluwer Academic Publisher, The Netherlands; 2000. pp. 333–365

William Sullivan

From: Robbins, Dan <drobbsins@geiconsultants.com>
Sent: Wednesday, November 25, 2020 7:49 PM
To: Mike Trovato; William Sullivan; Michael Flanagan; Chris Allgeier; Joseph Aberdale
Cc: Richard, Alyssa
Subject: PCN for Wellfleet - Final 11-25-20.pdf
Attachments: PCN for Wellfleet - Final 11-25-20.pdf

All,
We received the army corps permit this evening for area one dredging. I haven't reviewed it yet to see if there is anything outside of what we would have expected yet but wanted to forward to you all for your awareness.

May you all have a happy and safe Thanksgiving.

<PCN for Wellfleet - Final 11-25-20.pdf>



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

November 25, 2020

Regulatory Division
File No. NAE-2015-1414

Michael Flanagan
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Dear Mr. Flanagan:

We have reviewed your application to dredge 116,500 cubic yards of material from 14.6 acres of bottom in Wellfleet Harbor. The area would be dredged to a depth of -6.0 MLW and disposed of at the Cape Cod Bay Disposal Site (CCBDS). Only the area labeled Area 1 and designated in the attached plans would be dredged. This area includes the North and South Access Channels, North Anchorage and the Access Channel adjacent to the L-Pier. This project is located in Wellfleet Harbor at Kendrick Avenue in Wellfleet, Massachusetts. The work is shown on the enclosed plans titled "Dredging, Town of Wellfleet", on seven sheets, and dated "July 6, 2016".

Based on the information that you have provided, we verify that the activity is authorized under General Permit #5 of the enclosed April 16, 2018 Federal permit known as the Massachusetts General Permits (GPs). Also, it has been determined that the activities authorized do not impair the usefulness of the USACE Navigation project and is not injurious to the public interest.]

Please review the enclosed GPs carefully, including the general conditions beginning on page 19, to be sure that you and whoever does the work understand its requirements. A copy of the GPs and this verification letter shall be available at the project site throughout the time the work is underway. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with any special condition(s) provided below or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations. You must perform this work in compliance with the terms and conditions of the GPs and also in compliance with the following special condition(s):].

1. The U.S. Coast Guard, Sector Southeastern New England, Waterways Management Division, (401) 435-2351, shall be notified at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations. An alternate contact is the Coast Guard Sector Southeastern New England Command Center, Woods Hole, (508) 457-3211.

2. There shall be no dredging or disposal from February 1 to September 30, inclusive, in

order to minimize adverse impacts to winter flounder and shellfish. This is to protect Essential Fish Habitat designated under the Magnuson-Stevens Fishery Conservation and Management Act.

3. Except when directed otherwise by the Corps for site management purposes, disposal of dredged material is not permitted unless the following requirements can be met:

a. Dredged material shall be released at a specified set of coordinates within the disposal site provided in the Dredge and Disposal Approval Letter with the scow moving at a speed of 3 knots or less.

b. Disposal shall occur with the scow within 300 feet of the disposal coordinates provided in the Dredge and Disposal Approval Letter.

c. If following the requirements in (a) and (b) above is unsafe, e.g., due to weather or sea conditions, disposal with the scow moving only fast enough to maintain safe control is permitted. In that regard, special attention needs to be given to predicted conditions prior to departing for the disposal site. If disposal occurs without complying with (a) or (b) above, you, your representative, or the captain of the disposal vessel, must notify the Corps DQM contact immediately (see contact information below). Leave a voice message with the relevant information if no one answers. Information provided shall include disposal coordinates, permit number, volume disposed, date and time of disposal, circumstances of incident, disposal vessel name, name of caller, and phone number of caller. In addition, a detailed written report with supporting documentation shall be provided to the Corps within 48 hours following any non-compliant event.

4 National Dredging Quality Management (DQM) Program Requirements:

a. Discharges of dredged material involving open-water disposal and confined aquatic disposal cells require monitoring by the contractor, which must be performed using the DQM system software and hardware system developed by the Corps. Please address questions regarding certification to the Corps New England District DQM contact (see contact information below).

b. You are required to follow the DQM specifications, including the DQM information transfer protocol, located at <http://dqm.usace.army.mil>. The Corps must have certified each disposal vessel used for this project within a year of the disposal activity and you must send the DQM Certification and the Annual System Quality Assurance Verification to the Corps with the Dredge and Disposal Request Form. You are responsible for ensuring that the DQM system is operational throughout the project and that project data are submitted to the National DQM Support Center in accordance with the specifications provided at the aforementioned website. Disposal may not take place if any component of the DQM system is inoperable unless otherwise authorized by the Corps New England District DQM contact (see contact information below). An alternative recording of the absent data stream must be maintained if any of the DQM-certified telemetry ceases operation during a disposal trip. The breakdown of any DQM-certified telemetry must be reported to the DQM contact and repaired within 48 hours to keep the scow fully compliant with permit conditions. Unless weather, safety or sea state conditions prevent it, the hull doors must be fully closed on split hull scows before the vessel leaves the disposal site.

c. The DQM system used by the permittee must be capable of providing the information necessary for the Scow Monitoring Profile Specification. The permittee must provide the Corps with a: i) “Weekly Summary Report Form” at the end of each week that dredging and disposal activities are conducted for the duration of the project; and ii) “Seasonal/Final Completion of Dredging with Open-Water Disposal Report Form” upon completion of dredging and disposal for the season and project. These will be provided to you with the Dredge and Disposal Approval Letter that authorizes the initiation or continuation of disposal operations. You must make the data collected by the DQM system available to the Corps upon request.

d. Prior to the initial dredge/disposal action, or any time dredging/disposal resumes after ceasing for 30 days or more, you or your representative must submit the enclosed Dredge and Disposal Request Form at least 10 working days before dredging or disposal is expected to begin or resume. Dredging/disposal must not begin or resume until the Corps issues a Dredge and Disposal Approval Letter. The letter will include the approved start and end dates. These disposal point coordinates that may differ from those specified for other projects using the same disposal site or even from those specified earlier for this project. You must contact us (see contact information below) as early as possible to request an extension if you anticipate not completing dredge or disposal operations before the approved end date.

5. Unless otherwise stated, all submittals related to these special conditions for dredging and disposal shall be emailed to the DQM contact at charles.n.farris@usace.army.mil and cenae-r-pats@usace.army.mil. If it is necessary to provide a paper copy of any submittal, please also provide a digital copy or communicate with our staff if this is not possible. Please send paper copies to: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751; or b) FAX: (978) 318-8303. Direct dredge related questions to (978) 318-8336 OR (978) 318-8831] or (978) 318-8338. Documents which are not addressed in this manner may not reach their intended destination and do not comply with the requirements of this authorization.

6. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.

Disposal operations must not begin or resume until you submit the enclosed Disposal Request Form and the Corps issues an Open-Water Disposal Approval Letter that provides a specified set of coordinates for dredged material release within the disposal site. See the special conditions above.

This authorization expires on April 5, 2023. You must commence or be under contract to commence the work authorized herein by April 5, 2023, and complete the work by April 5, 2024. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss reissuance. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. We must approve any changes before you undertake them.

This authorization does not obviate the need to obtain other Federal, State, or local authorizations required by law.

Your project is located within, or may affect resources within the coastal zone. The Massachusetts Office of Coastal Zone Management (CZM) has already determined that no further Federal Consistency Review is required.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please contact Charles N. Farris of my staff at (978) 318-8336 or (978) 318-8338 if you have any questions.

Sincerely,

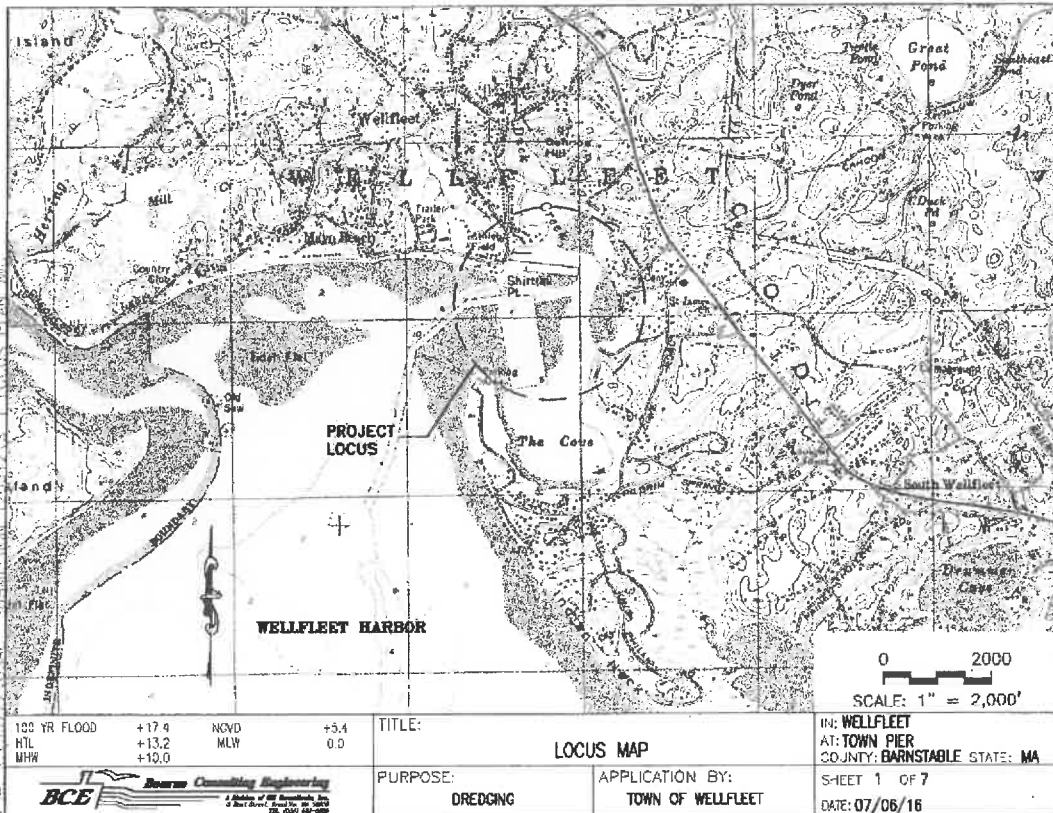


Robert J. DeSista
Chief, Policy and Technical Support Branch
Regulatory Division

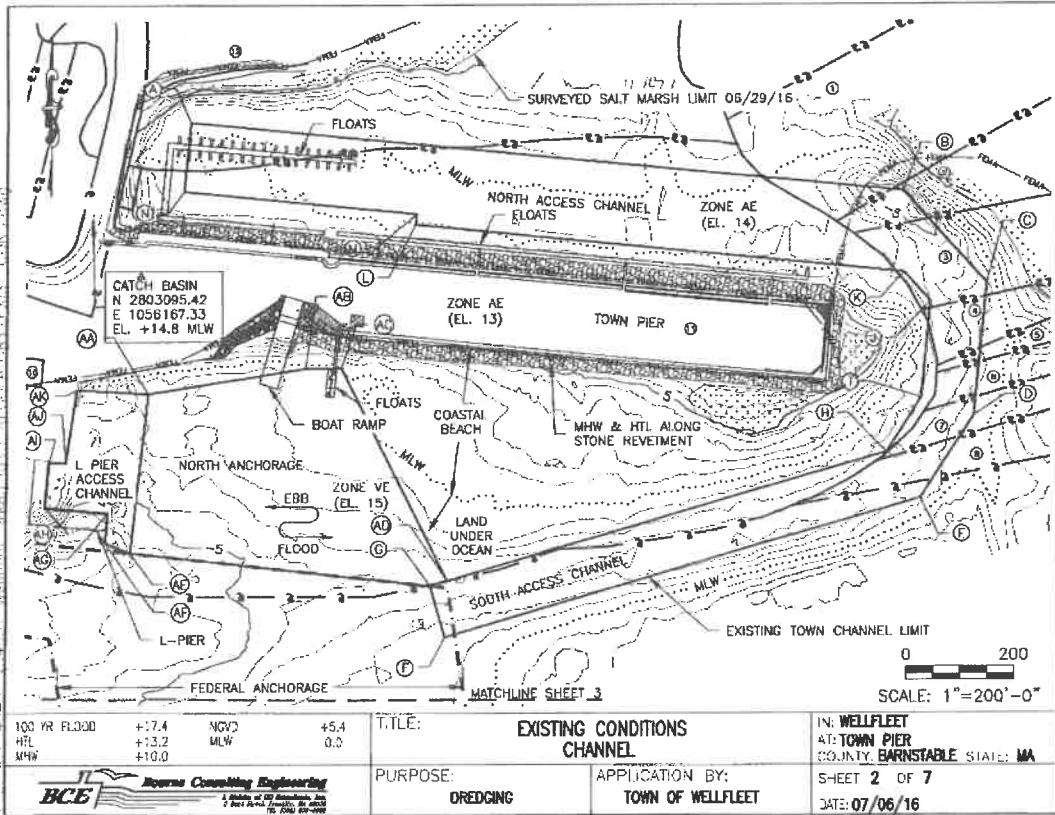
Enclosures

cc: Daniel Robbins, GEI Consultants, drobbins@geiconsultants.com
Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov
Chris Boelke, NMFS, Gloucester, MA; christopher.boelke@noaa.gov
David Simmons, USFWS; david_simmons@fws.gov
Robert Boeri, Coastal Zone Management, Boston, Massachusetts, robert.boeri@mass.gov
Jim Mahala, Acting Chief, DEP SERO, Wetlands and Waterways, Lakeville, Massachusetts; jim.mahala@mass.gov
DEP CERO, Wetlands and Waterways, Worcester, Massachusetts; cero_noi@mass.gov
David Wong, MassDEP, david.w.wong@mass.gov
MassDEP-WRP, Boston, Massachusetts; dep.waterways@mass.gov,

David Robinson, Massachusetts Board of Underwater Archaeological Resources (BUAR); david.s.robinson@mass.gov
Wellfleet Conservation Commission, 220 W. Main Street, Wellfleet, MA 02667



100 YR FLOOD	+17.4	NGVD	+5.4	TITLE:	LOCUS MAP	IN: WELLFLEET	
HTL	+13.2	MLW	0.0			AT: TOWN PIER	
MHW	+10.0					COJNTY: BARNSTABLE STATE: MA	
				PURPOSE:	DREDGING	APPLICATION BY:	TOWN OF WELLFLEET
						SHEET 1 OF 7	
						DATE: 07/06/16	



100 YR FLOOD	+17.4	NGVD	+5.4
HTL	+13.2	MLW	0.0
MHW	+10.0		

BCE *Boone Consulting Engineering*
 100 State St., Suite 200, Wellfleet, MA 01987
 Phone: (508) 862-1111 Fax: (508) 862-1112

TITLE:	EXISTING CONDITIONS CHANNEL
PURPOSE:	DREDGING
APPLICATION BY:	TOWN OF WELLFLEET

IN: WELLFLEET
AT: TOWN PIER
COUNTY: BARNSTABLE STATE: MA
SHEET 2 OF 7
DATE: 07/06/16

File: R:\Working\WELLFLEET.MA_TOWN_OF_WELLFLEET\MapInfo\Drawings\REGULATIONS\3 REGULATIONS

COORDINATES OF EXISTING CHANNELS & ANCHORAGES:

A	N 2803280.7	E 1056351.6
B	N 2803151.1	E 1057690.3
C	N 2802979.6	E 1057845.9
D	N 2802732.3	E 1057822.0
E	N 2802579.3	E 1057723.6
F	N 2802318.5	E 1056830.3
G	N 2802414.6	E 1056802.3
H	N 2802664.8	E 1057659.7
I	N 2802766.0	E 1057724.8
J	N 2802945.2	E 1057742.1
K	N 2803000.3	E 1057692.2
L	N 2803089.2	E 1056772.6
M	N 2803109.1	E 1056775.1
N	N 2803151.3	E 1056339.1
O	N 2803207.7	E 1056325.9

COORDINATES OF EXISTING CHANNELS & ANCHORAGES:

P	N 2803075.7	E 1057691.2
Q	N 2802962.4	E 1057793.9
R	N 2802749.1	E 1057773.3
S	N 2802622.0	E 1057691.6
T	N 2802352.1	E 1056770.4
U	N 2802102.7	E 1056503.9
V	N 2800521.9	E 1056751.1
W	N 2801898.9	E 1056915.2
X	N 2800753.1	E 1057094.6
Y	N 2800637.1	E 1056353.6
Z	N 2801984.2	E 1056142.8
AA	N 2802774.7	E 1056273.5
AB	N 2802821.3	E 1056569.0
AC	N 2802822.3	E 1056635.8
AD	N 2802423.7	E 1056834.0
AE	N 2802476.5	E 1056240.7
AF	N 2802495.7	E 1056192.4
AG	N 2802552.5	E 1056197.3
AH	N 2802562.7	E 1056080.8
AI	N 2802646.9	E 1056088.2
AJ	N 2802645.2	E 1056118.3
AK	N 2802782.6	E 1056138.2
AL	N 2802675.2	E 1056090.4
AM	N 2802604.7	E 1056887.3

DREDGE AREAS:

LOCATON	AREA (SF)
INTERTIDAL WITHIN AREA 1	105,245
TOTAL AREA 1	837,720

DREDGE VOLUMES:

LOCATION	PROPOSED DREDGE (CY)	1' OVER-DREDGE (CY)	TOTAL (CY)
AREA 1 CHANNELS	65,300	16,000	81,300
AREA 1 NORTH ANCHORAGE & L PIER ACCESS	28,500	8,500	37,000

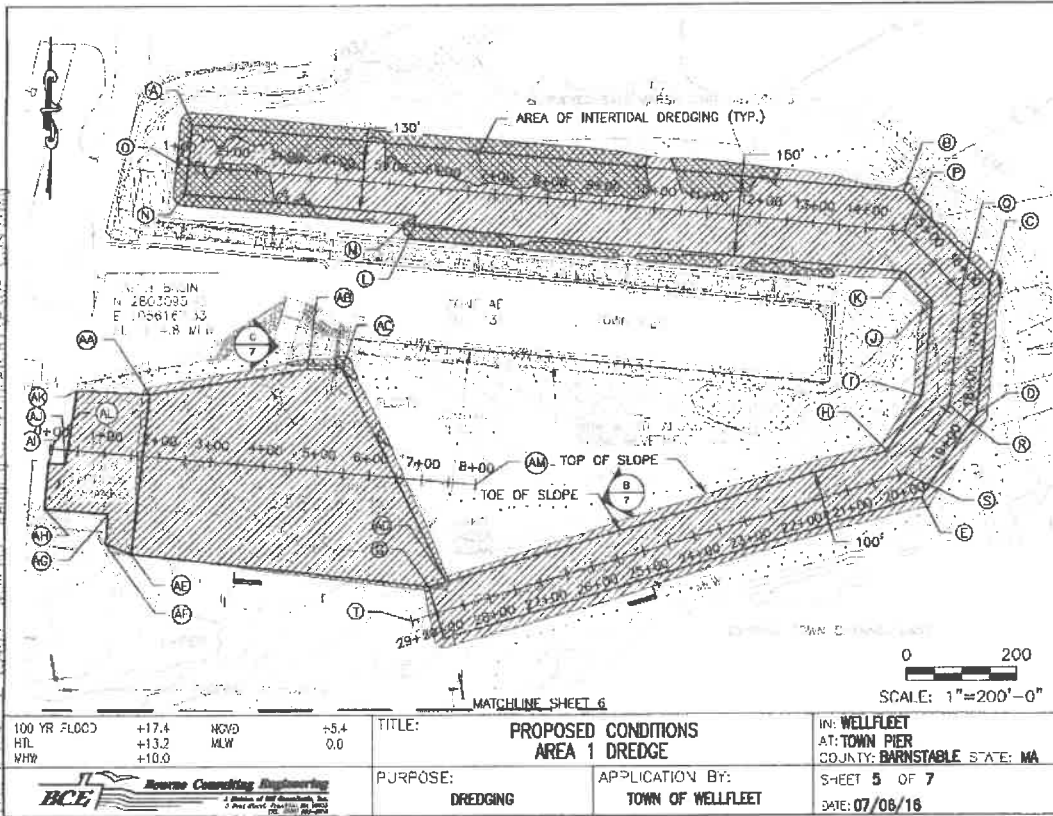
ABUTTERS


1.	125 MARVEN WAY	STEPHEN L DURKEE, JR. TRUSTEE
2.	40 RICHMAN LANE	ROBERT C DUBEAU, TRUSTEE MARSHA DUBEAU, TRUSTEE
3.	75 RICHMAN LANE	MARTHA CARROLL, TRUSTEE C/O MARC & RILEY SARAH STRAUSS
4.	139 NAUHAUGHT BLUFF RD	DAVID J BERNSTEIN, TRUSTEE ANTONIA H BERNSTEIN, TRUSTEE
5.	137 NAUHAUGHT BLUFF RD	VON KAESBORG GIFFORD K/MARY C % WILLIAM POST TTEE
6.	135 NAUHAUGHT BLUFF RD	MICHAEL J MCNAMARA MARK J POWERS
7.	131 NAUHAUGHT BLUFF RD	ALLAN D BRASH
8.	125 NAUHAUGHT BLUFF RD	EDMUND B & HAROLD J FROST, TRUSTEES HENDERSON - FROST STEPHEN B COONEY
9.	3 KENDRICK AVE	HAY MACGREGOR & ALEXANDER
10.	265 COMMERCIAL ST	TOWN OF WELLFLEET
11.	255 COMMERCIAL ST	JOSEPH A DOWNEY JR TRUSTEE
12.	205 COMMERCIAL ST	PAUL D MESSINA TRUSTEE JAY & WENDY BRONSTEIN JOANNE WUSCHKE TRUSTEE PHILIP S & CAROLYN BATTAGLIA STEVEN M & JEANNE B COSER WAYNE E & MARIE J DASTLER THEODORE P ORENSTEIN TRUSTEE CATHERINE R BARNHOLTZ CLIFFORD D NULMAN JANE TURAND THOMPSON MICHAEL R & ELIZABETH A BRITT ANDREW H CHESNICK WALTER & MARCIA TTES ROCKWOOD NANCY RAE HEYWOOD RAYMOND J & PATSY A MISIURA
13.	0 INDIAN NECK RD OFF	TOWN OF WELLFLEET
14.	235 NAUSET RD	TOWN OF WELLFLEET
15.	0 CHIPMANS COVE	TOWN OF WELLFLEET
16.	0 NAUSET RD	WELLFLEET CONSERVATION TRUST

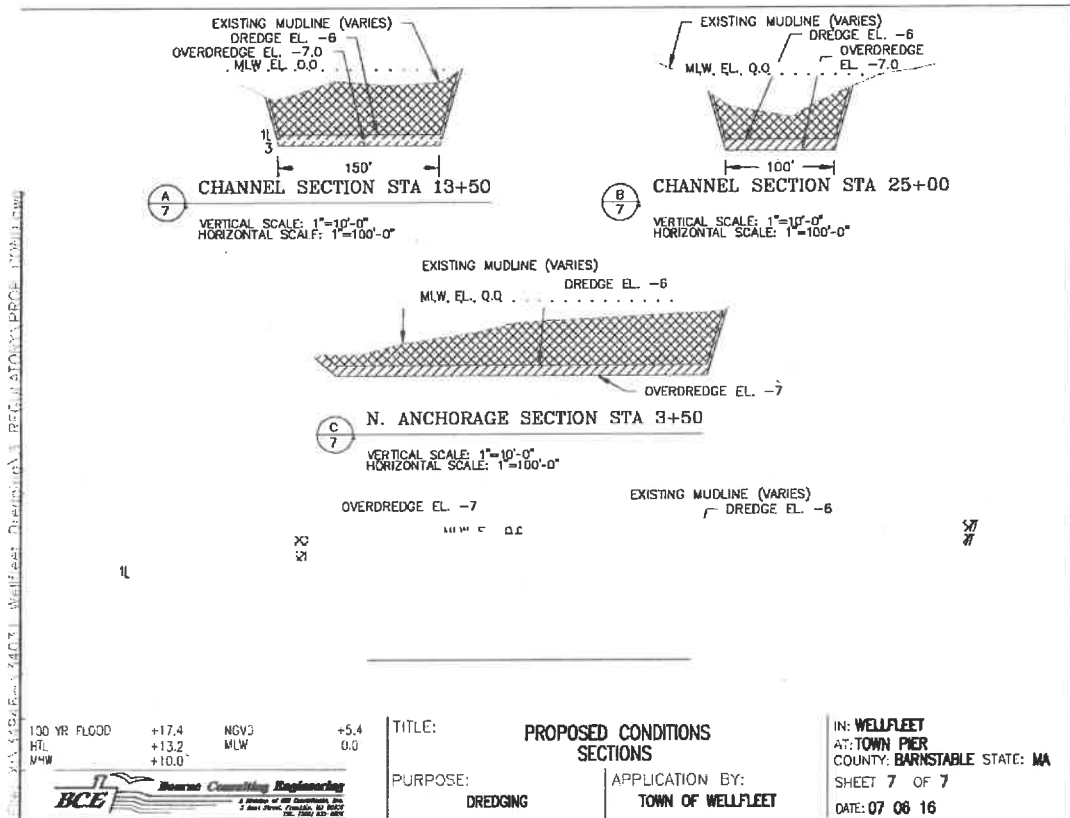
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HTL	+13.2	MLW	0.0	
MHW	+10.0			



PURPOSE:	APPLICATION BY:	IN: WELLFLEET
DREDGING	TOWN OF WELLFLEET	AT: TOWN PIER
		COUNTY: BARNSTABLE STATE: MA
		SHEET 4 OF 7
		DATE: 07/08/16 REV: 05/15/17



100 YR FLOOD	+17.4	NOVD	+5.4	TITLE:	PROPOSED CONDITIONS AREA 1 DREDGE	IN: WELLFLEET
HIL	+13.2	MLW	0.0	PURPOSE:	DREDGING	AT: TOWN PIER
WHY	+10.0			APPLICATION BY:	TOWN OF WELLFLEET	COUNTY: BARNSTABLE STATE: MA
 BCE <i>Bevin Consulting Engineering</i> <small>1 Station of 100 Barnstable, MA 2 West Street, Barnstable, MA 02532</small>						SHEET 5 OF 7
						DATE: 07/06/16



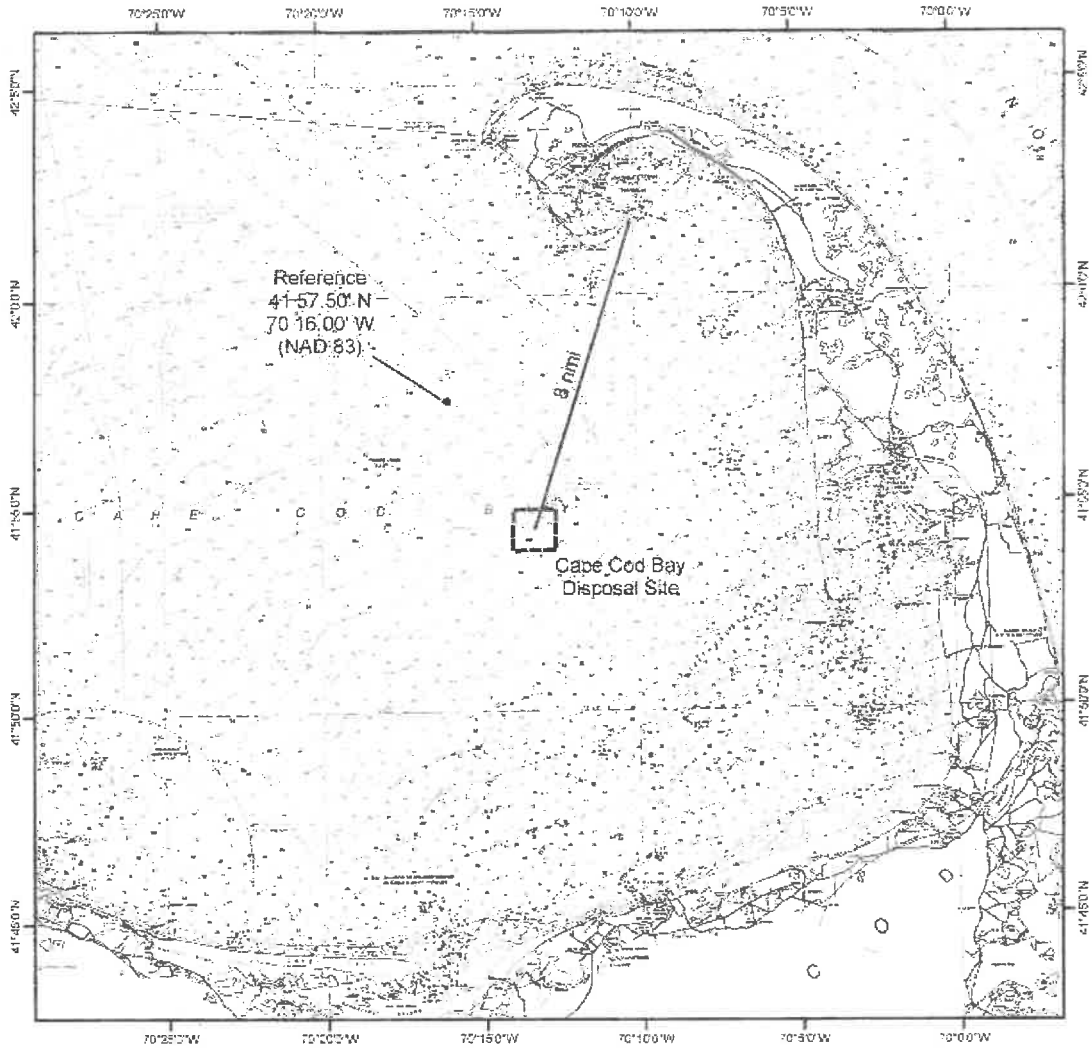
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HTL	+13.2	MLW	0.0
MHW	+10.0		



TITLE: **PROPOSED CONDITIONS SECTIONS**

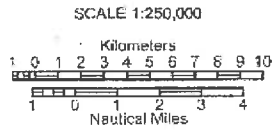
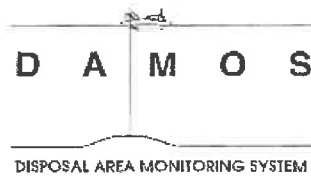
PURPOSE: **DREDGING** APPLICATION BY: **TOWN OF WELLFLEET**

IN: **WELLFLEET**
 AT: **TOWN PIER**
 COUNTY: **BARNSTABLE STATE: MA**
 SHEET **7** OF **7**
 DATE: **07 06 16**

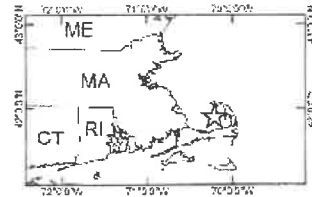


CAPE COD BAY DISPOSAL SITE

Description: The Cape Cod Bay Disposal Site (CCBDS) is centered at coordinates 41° 54.406' N, 70° 13.268' W (NAD 83) and is located 8.0 nmi (14.9 km) southwest of Long Point, Provincetown, Massachusetts. The site has a relatively flat, featureless seafloor with an average water depth of 102 ft (31 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents



NOTE: This chart is not intended for use in navigation.



William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Tuesday, December 1, 2020 8:54 AM
To: Joseph Aberdale; Skip Annett; Maria Broadbent; Nancy Civetta; Kevin Coakley; Curt Felix; Michael Flanagan; Alfred Pickard; Janet Reinhart (personal); William Sullivan; Mike Trovato; Courtney Butler
Subject: Fwd: [Non-DoD Source] WELLFLEET HARBOR - DREDGING TASK FORCE - UPDATE 1 Dec 2020
Attachments: WFH_20NOV2020_AD_plot.pdf

Attached find the final USACE post dredge hydrographic survey, for our permanent records.
Is there a Town website/repository where we should be storing these types of records, along with other pertinent dredging information, for future reference?

Chris

Begin forwarded message:

From: "Rezendes, Timothy J CIV USARMY CENAE (US)" <Timothy.J.Rezendes@usace.army.mil>
Subject: RE: [Non-DoD Source] WELLFLEET HARBOR - DREDGING TASK FORCE - UPDATE 1 Dec 2020
Date: December 1, 2020 at 8:30:10 AM EST
To: Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Cc: "Christie, Robert M CIV USARMY CENAE (USA)" <Robert.M.Christie@usace.army.mil>, "Martin, Craig A CIV USARMY CENAE (USA)" <Craig.A.Martin@usace.army.mil>

Chris/Joe;

I was on vacation the last 2 Mondays.

As you probably have figured out by now, the Contractor has completed the dredging and the USACE has performed the acceptance survey. The Contractor has dredged to the required depth and the project has been accepted by the USACE. I have attached the USACE's post dredge hydrographic survey plot for your records.

Any questions, let me know.

Tim

-----Original Message-----

From: Rezendes, Timothy J CIV USARMY CENAE (US)
Sent: Wednesday, November 18, 2020 8:00 AM
To: Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
Cc: Christie, Robert M CIV USARMY CENAE (USA) <Robert.M.Christie@usace.army.mil>; Martin, Craig A CIV USARMY CENAE (USA) <Craig.A.Martin@usace.army.mil>
Subject: RE: [Non-DoD Source] WELLFLEET HARBOR - DREDGING TASK FORCE - UPDATE 18 Nov 2020

Chris/Joe;

The Contractor has completed dredging the channel & anchorage and submitted their hydrographic survey to the Corps indicating the anchorage has been dredged to the required depth. The Corps is currently reviewing the data and is mobilizing our hydrographic surveyors to Wellfleet today and will begin surveying on Nov 18, 2020 (weather permitting).

The Contractor has begun demobilizing some dredging equipment and tugs from the site.

Tim

SW 1/4

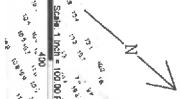
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0 100 200



Scale 1 inch = 100 feet

SW 1/4

SW 1/4

SW 1/4

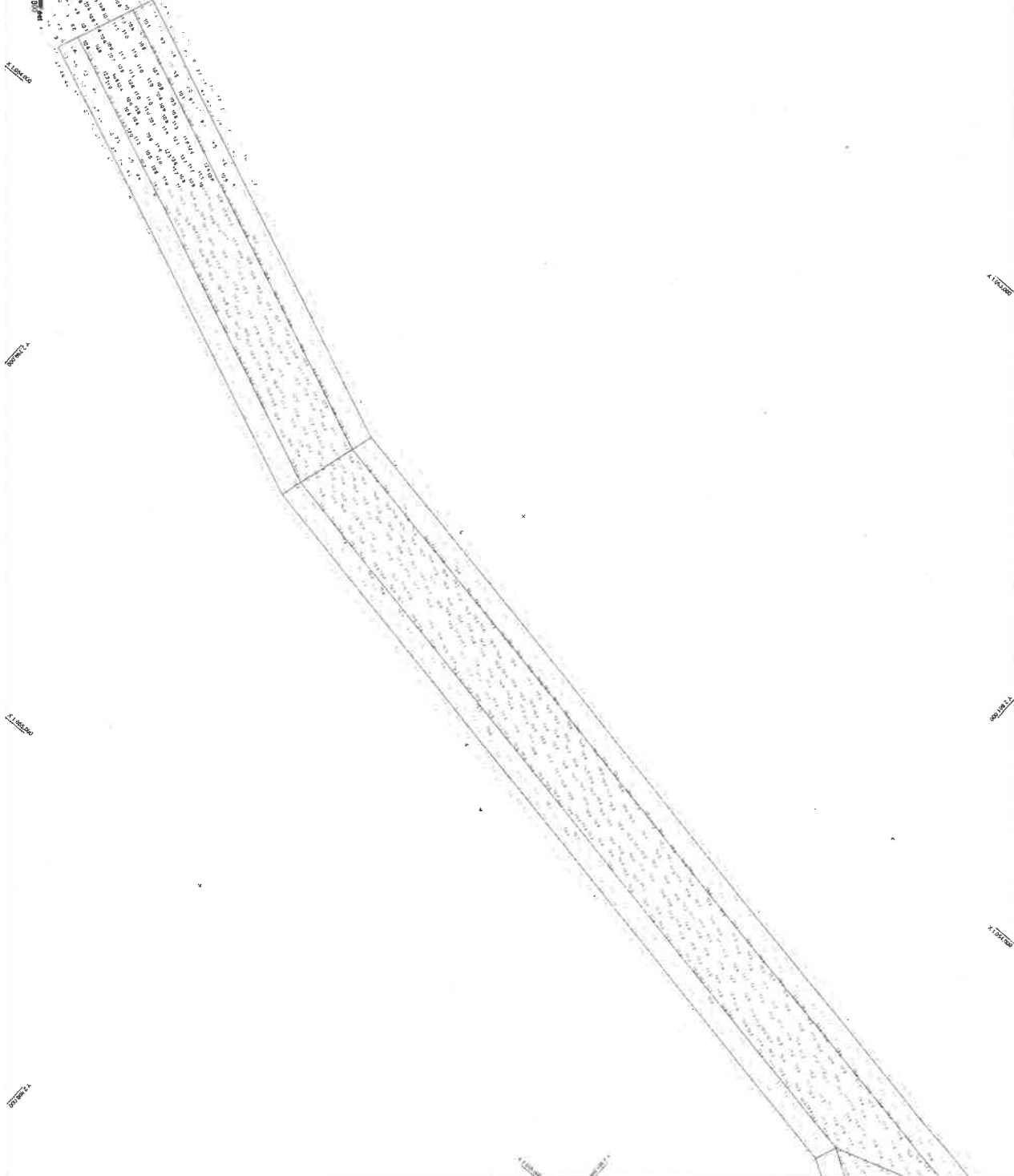
SW 1/4

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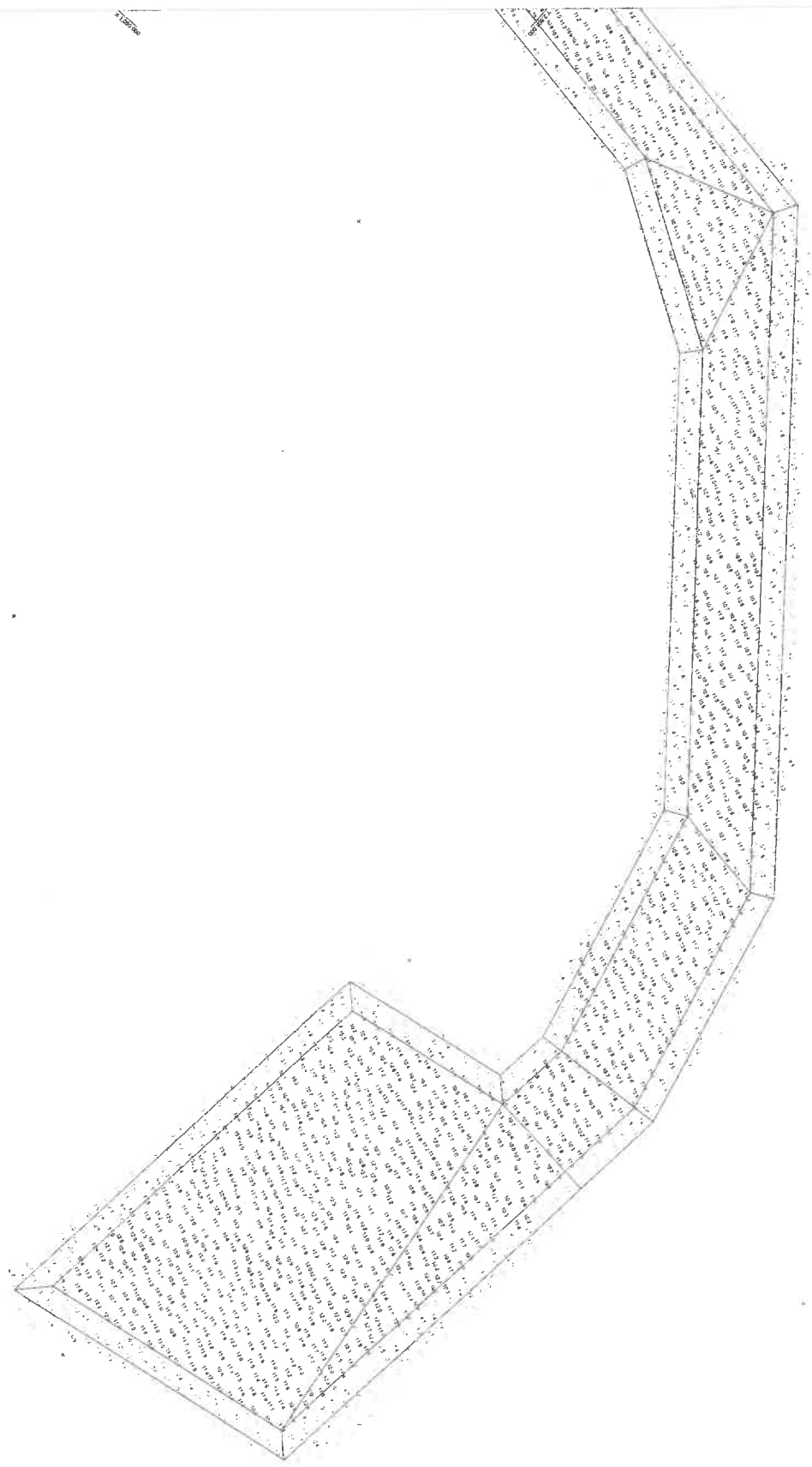
R152E

T152S6

R152E



SCALE: 1 INCH = 100.00 FEET



William Sullivan

From: Aramayo, Eric M CIV USARMY CENAE (USA) <Eric.M.Aramayo@usace.army.mil>
Sent: Friday, December 4, 2020 10:44 AM
To: Cutter, Mark E NAE
Cc: Tessier, Matthew E CIV USARMY CENAE (USA); Chibbaro, Katherine H CIV USARMY CENAE (USA); Burrill, Brian C CIV USARMY USACE (USA)
Subject: New England District Navigation Projects - Submittal of After Dredge Survey for Wellfleet Harbor In Massachusetts - November 2020

New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Submittal of Project Condition Survey in Massachusetts – November 2020

1. Wellfleet Harbor

[eHydro Wellfleet Harbor](#)
[PDF Drawing](#)
[Channel Condition Report](#)

If there are any questions, please contact the following:

1. Chief of Navigation Section, Mark E Cutter (978) 318-8603
2. Chief of Survey Section, Kate H Chibbaro (978) 318-8783
3. Navigation Content Manager, Eric M. Aramayo (978) 318-8546

If this email has been sent in error or is no longer required, please reply to be removed from future distributions.

William Sullivan

From: Maria Broadbent
Sent: Thursday, January 21, 2021 2:13 PM
To: Joseph Aberdale; Sarah Peake; Julian Cyr
Cc: Michael DeVasto (personal); Janet Reinhart (personal); Chris Allgeier; Heather Michaud; William Sullivan
Subject: RE: Wellfleet Dredging Project Update

Thank you, Joe. I understand the dredging committee would like to continue to use a lobbyist to help move the permits and funding. I have asked staff to look to see if the continued use of lobbyist has been funded or if this needs to be a budget request for FY22. M.

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Thursday, January 21, 2021 1:16 PM
To: Sarah Peake <Sarah.Peake@mahouse.gov>; Julian Cyr <Julian.Cyr@masenate.gov>
Cc: Michael DeVasto (personal) <Michael.DeVasto@gmail.com>; Janet Reinhart (personal) <lifeexercises@comcast.net>; Maria Broadbent <Maria.Broadbent@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>
Subject: Wellfleet Dredging Project Update

Hello Sarah and Julian,

I hope this finds you well.

I am writing to provide an update on the Wellfleet Harbor Dredging Project.

The Army Corps of Engineers successfully completed the dredging of the harbor channel in November, which was federally funded in full. In December, the town of Wellfleet successfully dredged the small area in the inner harbor around the fuel dock and launching ramp area, funded by the town. The project had to finish by December 31st due to the right whale restriction timetable.

The next step in the project is to dredge the remainder of Area 1. This area starts at the launch ramp, continues around the pier and includes all of the boat slip area on the north side of the pier. Subject to funding, the project will commence on October 1, 2021. We have begun the process of applying for a state funding grant which would supplement town funding to complete the Area 1 part of the project. The plan to fully complete the project is to start dredging Area 2, the mooring field, on October 1, 2022.

Wellfleet's dredging project is the largest ongoing dredging project in the state. It is a complex project requiring the submission of documents to many state and federal agencies for approval, as well as frequent conferences. Your counsel and assistance with this project is so helpful and very much appreciated. Thank you!

I will be providing updates to you as we prepare our application for the state grant. I will alert you prior to our submitting the application. Please contact me if you have any questions or thoughts about the project.

Kind Regards,

Joe Aberdale

Co-Chair, Dredging Task Force
Chair, Marina Advisory Committee

jogetherdale@gmail.com

Cell : 413-530-5033

Memo

To: Mr. Norm Farris and Ms. Christine Jacek
From: Alyssa Richard
Date: January 21, 2021
Re: USACE Individual Permit
Wellfleet Harbor Dredging
Wellfleet, MA
GEI Project No. 1607951

The Town of Wellfleet and GEI Consultants, Inc. respectfully request a conference call to discuss the dredging permit application for Wellfleet Harbor Dredging. Below is a brief summary of the work and timeline that has occurred to date related to obtaining the USACE permit for dredging. The goal of this meeting request is to provide a briefing of the work that has occurred since it has been over a period of many years and discuss steps required for permit approval along with anticipated timeline.

An application was submitted to the USACE on July 29, 2016 for permitting of the entire Wellfleet Harbor Dredge project. The Public Notice for the individual permit was published in April of 2017. Comments from federal agencies were received in July of 2017 (see Regulatory Report). At that time NOAA / NMFS and the EPA both expressed concerns about the length of time since the last dredging of Area II. All MA state agencies consider the dredging to be maintenance dredging based on State DCR (formerly DPW) records of dredging from 1956. Both Federal agencies, however, consider Area II to be improvement dredging and would therefore require mitigation for the loss of mud flat habitat. The Town responded to those comments with a brief overview of the importance and constant use of the area as a mooring field. Area II has a surface area of approximately 22 acres (946,123 SF) and was initially dredged to -6 ft MLW, however; over the years it has silted in and the Town has not been able to dredge due to the significant expense.

At the request of NMFS the Town conducted a biological survey of Area II in April of 2018. The survey parameters were established in conjunction with NMFS. The survey did not find an abundance of benthic organisms or a significant amount of resources in “the black mayonnaise silt” of Area II although there were some seed mollusks and other invertebrates present.

Also occurring during this time period, discussion of potential mitigation sites and the productivity of the mud flats was held with the USACE project manager. Eventually, in approximately summer of 2019 discussion centered instead on the possibility of a reduced fee in lieu of mitigation for that area as no viable mitigation sites were identified. The Town continued to try to arrange appropriate fee in lieu of mitigation with the USACE during 2019 – 2020.

In May of 2020 the project was passed onto a new USACE project manager and the discussion of in-kind mitigation was reopened. The Town is now being asked to find a suitable in-kind

mitigation project for Area II. The Town requested input from the USACE on what parameters would be considered acceptable in-kind mitigation given that the Town is surrounded by national seashore and no sites of equivalent size were identified.

Due to the critical need for dredging and safety concerns of the Town to provide appropriate maritime response, in October of 2020 the Town asked the USACE to split the project into two sections which would allow a permit for Area I to be acquired in time for dredging in the 2020 season while discussions and processing of the permit application for Area II continued.

Dredging of Area I began in December 2020 removing approximately 36,000 CY of material within the time of year restriction. The Town is planning to continue dredging over the next few dredge seasons and requires discussions with State programs and offices to support funding of the dredge project due to its significant size and associated cost. Having an understanding of the mitigation costs and approved permits for both Areas I and II is imperative to the Town having successful funding discussion with the State.

We thank you for reviewing the attached documents and look forward to speaking with you.

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, January 25, 2021 8:12 AM
To: Robbins, Dan; Jacek, Christine M CIV USARMY CENAE (USA)
Cc: William Sullivan; Richard, Alyssa; Joseph Aberdale; Chris Allgeier
Subject: RE: Wellfleet Dredging Permit Application - Area II - Conference Call Request

Sounds great, Dan

Let me review the materials and then get back to you to set something up.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Friday, January 22, 2021 4:31 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Jacek, Christine M CIV USARMY CENAE (USA) <Christine.M.Jacek@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>; Joseph Aberdale <josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [Non-DoD Source] Wellfleet Dredging Permit Application - Area II - Conference Call Request

Hello Norm and Christine,

I hope you are both having a good start in this new year. We wanted to touch base with you on the dredging permit application for Wellfleet Harbor Dredging, Area II and request a conference call to discuss steps required for permit approval along with anticipated timeline. The Town is planning to continue with their dredging program over the next couple years and needs to discuss funding sources with the State as this project will be one of the largest dredging projects occurring in the State. Having an understanding of the approval timeline, as well as, types and costs of mitigation will be imperative to having a successful funding discussions with the State.

Please find attached a memo providing a brief overview of the project history and linked a more extensive briefing package containing approvals, applications, and sampling results that have been completed as part of this regulatory permit application.

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Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

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William Sullivan

From: Schafer, Alexandra L CIV CPMS (USA) <ALEXANDRA.L.SCHAFER@usace.army.mil>
Sent: Wednesday, January 27, 2021 12:27 PM
To: William Sullivan
Subject: USACE Statistical Port Polygon Project
Attachments: info_paper_20201103.pdf; Wellfleet, MA.PNG

Good morning ,

The U.S. Army Corps of Engineers (USACE) Waterborne Commerce Statistics Center (WCSC) has launched an initiative to utilize a Geographic Information System (GIS) to manage statistical port boundaries across the United States in the future. As part of this voluntary effort, we are providing you an opportunity to review and validate the statistical port boundaries for your port and to adjust these boundaries where appropriate. USACE defines statistical ports areas by one of the following: (1) Port limits defined by legislative enactments of state, county, or city governments; or (2) The corporate limits of a municipality.

Please confirm the attached boundary; if you feel you have a legislative or more specific boundary that would supersede the attached boundary please let us know, and if possible provide that information.

Thanks,
Alexandra (Allie) Schafer
US Army Corps of Engineers
Desk: 703-428-8554
Cell: 703-307-1834



SUBJECT: Statistical Port Boundary Project

1. Purpose: To provide stakeholders with general information about the U.S. Army Corps of Engineers' (USACE) Statistical Port Boundary Project.

2. Background: USACE's Navigation and Civil Works Decision Support Center (NDC) is responsible for collecting, processing, distributing and archiving commercial vessel trip and cargo data. As part of that mission, NDC's Waterborne Commerce Statistics Center (WCSC) produces tonnage movement statistics on USACE navigation projects, waterways, and ports. This effort has traditionally been performed at a dock level, without a geographically defined port statistical area (PSA).

Moving forward, USACE is re-designing its statistical database to use a Geographic Information System (GIS). As part of that effort, a project is underway to generate polygons to geospatially define each PSA. USACE regulations require PSAs to be defined by a municipal limit or legislation. The Statistical Port Boundary project will provide stakeholders an opportunity to collaborate with USACE to prepare and review PSAs. PSA boundary information will be organized per Spatial Data Standards for Facilities, Infrastructure, and Environment (SDSFIE) requirements. A new *PortArea* geospatial feature class will be available to users on approximately 31 March 2021. The new layer will support the 2018 Geospatial Data Act and the 2019 OPEN Government Data Act.

3. Description:

a) WHO:

- USACE NDC
- USACE WCSC
- USACE Planning Center of Expertise for Inland Navigation (PCX-IN)
- USACE Divisions / Districts
- Department of Transportation (DOT) Maritime Administration (MARAD)
- DOT Bureau of Transportation Statistics (BTS)
- States/Counties/Local Municipalities
- Industry Partners and Port Stakeholders

b) WHAT:

Per Engineering Regulation 1130-2-520, USACE's NDC and WCSC are responsible for collecting, compiling, printing, and distributing all domestic waterborne commerce statistics for which the USACE has responsibility. Per a

1998 Office of Management and Budget (OMB) memorandum, the WCSC inherited the requirement to include foreign waterborne commerce formally executed by the U.S. Census Bureau. Performance of this work is in accordance with the Rivers and Harbors Appropriation Act of 1922 (33 USC 555).

Engineering Regulation 1130-2-520 defines a port as:

- (1) Port limits defined by legislative enactments of state, county, or city governments.
- (2) The corporate limits of a municipality.

The primary objective of the Statistical Port Boundary project is to utilize a GIS to prepare a USACE enterprise-wide PSA polygon feature class per EP 1130-2-520 and organized in SDSFIE 4.0.2 format.

c) WHEN:

- 01 Oct 2019 – 31 March 2021
- Updates will be continuous thereafter

d) WHERE:

- All statistical port boundaries within the United States and its territories. The project will result in approximately 500 PSAs.

e) WHY:

USACE has traditionally identified ports as point features. Docks associated with a port have also been identified as a point, and a unique code has been utilized to relate docks to ports. Per ER 1130-2-520, a port area is defined by its legislative description or municipal limit. With the re-design of WCSC's database and new 2019 OPEN Government Data Act requirements, ports in the future will be defined as areas in a GIS which will allow for greater analysis and reporting efficiency. It is important to note that defining ports by area may result in changes to total assigned tonnage, as some docks previously associated with a port may no longer have the same relationship based on legislation or municipal limit.

4. Points of Contact:

You can reach the team at psa@usace.army.mil. The assigned Project Manager for this effort is Mr. Justin Pummell, Geographer.



Woods Beach Rock

Lieutenant Island

Wellfleet

South Wellfleet



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Sent: Friday, January 22, 2021 4:31 PM
To: Farris, Charles N CIV USARMY CENAE (USA); Jacek, Christine M CIV USARMY CENAE (USA)
Cc: William Sullivan; Richard, Alyssa; Joseph Aberdale; Chris Allgeier
Subject: Wellfleet Dredging Permit Application - Area II - Conference Call Request
Attachments: MEM USACE 2021Jan21.pdf

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400 Unicorn Park Drive, Woburn, MA 01801



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William Sullivan

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, February 1, 2021 12:04 PM
To: Chris Allgeier
Cc: Robbins, Dan; William Sullivan; Richard, Alyssa
Subject: Re: Wellfleet Dredging Permit Application - Area II - Conference Call Request

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Sent from my iPhone

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O: 978-318-8026
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Alyssa

GEI ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



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Regards,

Dan

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Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

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William Sullivan

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Monday, February 1, 2021 8:55 AM
To: Jacek, Christine M CIV USARMY CENAE (USA); Farris, Charles N CIV USARMY CENAE (USA)
Cc: William Sullivan; Richard, Alyssa; Joseph Aberdale; Chris Allgeier
Subject: RE: Wellfleet Dredging Permit Application - Area II - Conference Call Request

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William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Monday, February 1, 2021 9:25 AM
To: Robbins, Dan
Cc: William Sullivan; Richard, Alyssa; Joseph Aberdale
Subject: Re: Wellfleet Dredging Permit Application - Area II - Conference Call Request

Dan,
I can do most any of the times but have the following preferences due to other activities:
Wed: 3:00 pm or later
Thur. 1:30pm or later
Friday any time.
Chris
Sent from my iPhone

On Feb 1, 2021, at 8:55 AM, Robbins, Dan <d Robbins@geiconsultants.com> wrote:

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To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Jacek, Christine M CIV USARMY CENAE (USA) <Christine.M.Jacek@usace.army.mil>

Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>; Joseph Aberdale <josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>

Subject: [Non-DoD Source] Wellfleet Dredging Permit Application - Area II - Conference Call Request

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Regards,

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801

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William Sullivan

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Sent: Monday, February 1, 2021 8:53 AM
To: Farris, Charles N CIV USARMY CENAE (USA); Robbins, Dan
Cc: William Sullivan; Richard, Alyssa; Joseph Aberdale; Chris Allgeier
Subject: RE: Wellfleet Dredging Permit Application - Area II - Conference Call Request

It looks like the general times Norm provided also work for me except Thursday, I have a meeting until 11 that day.

Christine Jacek
Regulatory Division, U.S. Army Corps of Engineers
O: 978-318-8026
C: 978-578-7548

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Subject: RE: Wellfleet Dredging Permit Application - Area II - Conference Call Request

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Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

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400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609 drobbins@geiconsultants.com
<mailto:drobbins@geiconsultants.com>
<http://www.geiconsultants.com/> <Blocked<http://www.geiconsultants.com/>>

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William Sullivan

From: Robbins, Dan <drobbins@geiconsultants.com>
Sent: Tuesday, February 2, 2021 3:56 PM
To: William Sullivan
Subject: FW: [EXT] Wellfleet Dredging Permit Application - Area II - Conference Call Request

FYI, email from Joe when I asked for clarification on times he was available. Wanted to keep you in the loop.

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, February 1, 2021 2:35 PM
To: Robbins, Dan <drobbins@geiconsultants.com>
Subject: Re: [EXT] Wellfleet Dredging Permit Application - Area II - Conference Call Request

EXTERNAL EMAIL

Ant time both days. I responded to your previous email with this info.

When you settle on a date and time the phone conference invite should be sent only to Dan and me. That's how the select board, the governing body of the town, mandated it, that Chris and I are "managers of all harbor dredging." This has been consistent with the process all along. We already have 6 people on this call.

Thanks Dan for setting this up.

Joe

On Feb 1, 2021, at 2:20 PM, Robbins, Dan <drobbins@geiconsultants.com> wrote:

Joe are you available on Thursday or Friday?

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
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From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, February 1, 2021 12:04 PM
To: Chris Allgeier <cjallgeier@gmail.com>

Cc: Robbins, Dan <drobbins@geiconsultants.com>; Will Sullivan <William.Sullivan@wellfleet-ma.gov>;
Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet Dredging Permit Application - Area II - Conference Call Request

EXTERNAL EMAIL

I can do ant time after 12:00 on Wednesday.

On Feb 1, 2021, at 9:24 AM, Chris Allgeier <cjallgeier@gmail.com> wrote:

Dan,
I can do most any of the times but have the following preferences due to other activities:
Wed: 3:00 pm or later
Thur. 1:30pm or later
Friday any time.
Chris
Sent from my iPhone

On Feb 1, 2021, at 8:55 AM, Robbins, Dan
<drobbins@geiconsultants.com> wrote:

Thank you,
I will coordinate with the rest of the team and provide a meeting invite.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
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tel (781) 721-4017
mobile (603) 833-0609
drobbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Jacek, Christine M CIV USARMY CENAE (USA)
<Christine.M.Jacek@usace.army.mil>
Sent: Monday, February 1, 2021 8:53 AM
To: Farris, Charles N CIV USARMY CENAE (USA)
<Charles.N.Farris@usace.army.mil>; Robbins, Dan
<drobbins@geiconsultants.com>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard,
Alyssa <arichard@geiconsultants.com>; Joseph Aberdale
<josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [EXT] RE: Wellfleet Dredging Permit Application - Area II -
Conference Call Request

EXTERNAL EMAIL

It looks like the general times Norm provided also work for me except
Thursday, I have a meeting until 11 that day.

Christine Jacek
Regulatory Division, U.S. Army Corps of Engineers
O: 978-318-8026
C: 978-578-7548

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA)
<Charles.N.Farris@usace.army.mil>
Sent: Monday, February 01, 2021 7:51 AM
To: Robbins, Dan <drobbins@geiconsultants.com>; Jacek, Christine M
CIV USARMY CENAE (USA) <Christine.M.Jacek@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard,
Alyssa <arichard@geiconsultants.com>; Joseph Aberdale
<josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: RE: Wellfleet Dredging Permit Application - Area II - Conference

Call Request

Certainly, I did review them and touched base with MADEP. Wednesday afternoon all day Thursday and Friday after 11 work for me.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <drobbins@geiconsultants.com>
Sent: Monday, February 01, 2021 7:47 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Jacek, Christine M CIV USARMY CENAE (USA) <Christine.M.Jacek@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>; Joseph Aberdale <josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [Non-DoD Source] RE: Wellfleet Dredging Permit Application - Area II - Conference Call Request

Hello Norm and Christine,
I wanted to follow up and see if you have had time to review the historic permitting documents and were available this week to have a call to discuss Wellfleet Dredging permit for Area II. If so, could you propose a couple of times you are available.

Regards,
Dan

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609
drobbins@geiconsultants.com<<mailto:drobbins@geiconsultants.com>>
<http://www.geiconsultants.com/> <[Blockedhttp://www.geiconsultants.com/](http://www.geiconsultants.com/)>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, January 25, 2021 8:12 AM
To: Robbins, Dan <drobbins@geiconsultants.com>; Jacek, Christine M CIV USARMY CENAE (USA) <Christine.M.Jacek@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>; Joseph Aberdale

<josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [EXT] RE: Wellfleet Dredging Permit Application - Area II -
Conference Call Request

This E-Mail originated from OUTSIDE GEI. Please use caution BEFORE opening attachments, clicking on links, or entering credentials. Report suspicious E-Mails to IT Support.

Sounds great, Dan

Let me review the materials and then get back to you to set something up.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Friday, January 22, 2021 4:31 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
<Charles.N.Farris@usace.army.mil>; Jacek, Christine M CIV USARMY
CENAE (USA) <Christine.M.Jacek@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard,
Alyssa <arichard@geiconsultants.com>; Joseph Aberdale
<josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [Non-DoD Source] Wellfleet Dredging Permit Application - Area
II - Conference Call Request

Hello Norm and Christine,

I hope you are both having a good start in this new year. We wanted to touch base with you on the dredging permit application for Wellfleet Harbor Dredging, Area II and request a conference call to discuss steps required for permit approval along with anticipated timeline. The Town is planning to continue with their dredging program over the next couple years and needs to discuss funding sources with the State as this project will be one of the largest dredging projects occurring in the State. Having an understanding of the approval timeline, as well as, types and costs of mitigation will be imperative to having a successful funding discussions with the State.

Please find attached a memo providing a brief overview of the project history and linked a more extensive briefing package containing approvals, applications, and sampling results that have been completed

as part of this regulatory permit application.

Wellfleet Regulatory Report

011521: <https://geiconsultants.sharefile.com/d-s38bf659c337f4dc59b074fb5b6012067><Blocked<https://geiconsultants.sharefile.com/d-s38bf659c337f4dc59b074fb5b6012067>>
<Blocked<https://geiconsultants.sharefile.com/d-s38bf659c337f4dc59b074fb5b6012067>>

We would like to propose a conference call in two weeks to allow time for you to review these documents. Would you be available for a call at 11am on 5 February 2021? If that time and date do not work please propose a different time. Thank you for your time reviewing these documents. We look forward to discussing this important project for the Town of Wellfleet with you.

Regards,

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801

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<Blocked<https://www.facebook.com/GEIConsultants/>>
<Blocked<https://stationerycentral.com/images/clear1.gif>>
<Blocked<https://twitter.com/geiconsultants?lang=en>>
<Blocked<https://stationerycentral.com/images/clear1.gif>>
<Blocked<https://www.linkedin.com/in/daniel-robbins-p-e-58a37bb/>>
<Blocked<https://stationerycentral.com/images/clear1.gif>>
<Blocked<https://www.glassdoor.com/Overview/Working-at-GEI-Consultants-EI-IE263845.11,26.htm>>
<Blocked<https://stationerycentral.com/images/clear1.gif>>
<Blocked<https://dynasend.com/signatures/vcard/drobbins-at-geiconsultants.com.vcf>>

William Sullivan

From: William Sullivan
Sent: Wednesday, February 3, 2021 3:32 PM
To: Maria Broadbent
Subject: FYI- This is not the best example of teamwork

Maria,

I would like to bring this to your attention. I was on a late phone conversation with GEI Engineering yesterday afternoon, one of the topics that was mentioned was an issue they had believed to be on an inappropriate level. This is regarding the conference call to the ACE about the permitting issues, that I mentioned to the Selectboard last meeting, and forwarded to you. This certainly does not side on the spirit of cooperation and teamwork, and is certainly a bit embarrassing, not only for myself but the Town staff, Selectboard and certainly the rest of the Dredging task force. I have included the minutes from the SB meeting where the DTF was formed, and the emails. I will look forward to any advise you may have on how to proceed in reeling this in and coming up with a better team strategy.

Thank you,
Will

Wellfleet Dredging Task Force Charge Hoort, with Chair Reinhart, drafted the language for the creation of a Dredging Task Force and a charge for the Committee. Wilson suggested overlapping terms for 3 years for five members and only two alternates. Wilson also suggested adding language that appointments are made by the Selectboard, so that applicants can be vetted. There was discussion on the use of the term "manage" in the charge for the Task Force. Chair Reinhart explained that it is to mean that there will be regular oversight, of the harbor dredging. Wilson moved to create a Dredging Task Force to be appointed by the Selectboard with five members and two alternates, to serve overlapping terms of 3 years. Bacon seconded, and the motion carried 5-0. Wilson moved that the charge for the Dredging Task Force shall be as follows: The Dredging Task Force shall: 1.) PURSUE and MANAGE dredging of the federal channel with the federal government and all other possible means. Minutes of the Selectboard meeting of January 15, 2019 7 2.) PURSUE and MANAGE dredging of the harbor and inner harbor in cooperation with the Commonwealth of Massachusetts, Barnstable County and the Cape Cod Commission, along with obtaining funding. 3.) Develop and implement an ongoing maintenance dredging plan for the Wellfleet Harbor. Bacon seconded, and the motion carried 5-0.

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Tuesday, February 2, 2021 3:56 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: FW: [EXT] Wellfleet Dredging Permit Application - Area II - Conference Call Request

FYI, email from Joe when I asked for clarification on times he was available. Wanted to keep you in the loop.



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, February 1, 2021 2:35 PM
To: Robbins, Dan <drobbsins@geiconsultants.com>
Subject: Re: [EXT] Wellfleet Dredging Permit Application - Area II - Conference Call Request

EXTERNAL EMAIL

Ant time both days. I responded to your previous email with this info.

When you settle on a date and time the phone conference invite should be sent only to Dan and me. That's how the select board, the governing body of the town, mandated it, that Chris and I are "managers of all harbor dredging." This has been consistent with the process all along. We already have 6 people on this call.

Thanks Dan for setting this up.

Joe

On Feb 1, 2021, at 2:20 PM, Robbins, Dan <drobbsins@geiconsultants.com> wrote:

Joe are you available on Thursday or Friday?

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, February 1, 2021 12:04 PM
To: Chris Allgeier <cjallgeier@gmail.com>
Cc: Robbins, Dan <drobbsins@geiconsultants.com>; Will Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet Dredging Permit Application - Area II - Conference Call Request

EXTERNAL EMAIL

I can do ant time after 12:00 on Wednesday.

On Feb 1, 2021, at 9:24 AM, Chris Allgeier <cjallgeier@gmail.com> wrote:

Dan,
I can do most any of the times but have the following preferences due to other activities:
Wed: 3:00 pm or later
Thur. 1:30pm or later

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Friday, May 7, 2021 6:53 AM
To: William Sullivan
Subject: Wellfleet project questions

Importance: High

Hi, Will

Can we talk this morning? I am free until a 930 meeting, then I am available again at 1030. Thanks!

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Monday, April 12, 2021 12:29 PM
To: William Sullivan
Cc: Chris Allgeier; Joseph Aberdale
Subject: FW: Wellfleet materials

FYI, see below the Army Corps is looking to set up an interagency meeting to discuss area 2. Currently they are looking at having the meeting on the 22nd at 10am.

Regards
Dan

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, April 7, 2021 3:57 PM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Robbins, Dan <d Robbins@geiconsultants.com>; Maniccia, Paul M NAE <Paul.M.Maniccia@usace.army.mil>; DeSista, Robert J CIV USARMY CENAE (USA) <Robert.J.Desista@usace.army.mil>
Subject: [EXT] RE: Wellfleet materials

EXTERNAL EMAIL

Alyssa

After some discussion about the Wellfleet project, especially about the mudflat mitigation issue and alternatives analysis, the Corps feels that the best step would be an interagency meeting so that you can present the project as now constituted to the agencies that would be reviewing your proposal. I will send a Doodle poll to set the precise time, but it will be sometime between April 19th and the 30th, giving you enough time to prepare.

In preparation for this meeting you would start out with a presentation of your project proposal. As a part of this meeting you should be prepare to provide:

- A set of alternatives that you have evaluated in stead of the preferred option (23.9 acres of dredging)
- The needs that the Town is addressing that can only be answered by the preferred alternative.
- What proposed mitigation alternatives you propose for the mudflat dredging (remember that you have to avoid and minimize before mitigation is considered).
- The permit for the 1957 dredging work.
- A plan view of the present work contemplated with an outline of the dredging footprint that was dredged back in 1957.

PS: Did you have a chance to talk to Mass Audubon about their restoration project? How about the National Seashore?

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Friday, April 02, 2021 4:39 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [Non-DoD Source] RE: Wellfleet materials

Norm

Please find attached a scan of the 1957 dredging plan. MA DPW Contract 1769. We will work on getting those other modified plans to you.

Thanks,
Alyssa

Alyssa Richard
Environmental Specialist
GEI Consultants, Inc.
124 Grove Street, Suite 300, Franklin, MA 02038-3156
tel (508) 533-6666
arichard@geiconsultants.com <mailto:arichard@geiconsultants.com>
<http://www.geiconsultants.com> <Blockedhttp://www.geiconsultants.com>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, April 1, 2021 8:58 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [EXT] Wellfleet materials

EXTERNAL EMAIL

Can you get me two items?

A copy of the permit authorizing the 1957 dredging A plan view of the Wellfleet FNP borders in red and the Area 2 borders in blue. You should place it on a nautical chart of the harbor and also on a recent high resolution aerial of the harbor. I have attached a pscreen capture from Bing Maps as a guide.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division

696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Wednesday, April 21, 2021 12:37 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Cc: William Sullivan; Joseph Aberdale; Chris Allgeier; Richard, Alyssa
Subject: Wellfleet Harbor Dredging Interagency Meeting - Postpone Request

Hello Norm,

The Town of Wellfleet has requested that the interagency meeting for Wellfleet Harbor Dredging of Area 2 be postponed to a future date, to be determined. They have been in discussion with State Representative regarding the dredging and those discussions are still underway. We want to make sure we come to the meeting prepared to discuss the all aspects of the project and feel that those discussions will be imperative to have completed prior to the interagency meeting.

We hope you understand the request to postpone the meeting. Please reach out with any questions.

Regards,
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, April 21, 2021 3:08 PM
To: Robbins, Dan
Cc: William Sullivan; Joseph Aberdale; Chris Allgeier; Richard, Alyssa; DeSista, Robert J CIV USARMY CENAE (USA)
Subject: RE: Wellfleet Harbor Dredging Interagency Meeting - Postpone Request

As a part of the review of issues that directly affect the application, the Corps needs to be a part of this meeting. Please keep me in the loop with the scheduling.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Wednesday, April 21, 2021 12:37 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>; Joseph Aberdale <josephaberdale@gmail.com>; Chris Allgeier <cjallgeier@gmail.com>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [Non-DoD Source] Wellfleet Harbor Dredging Interagency Meeting - Postpone Request

Hello Norm,

The Town of Wellfleet has requested that the interagency meeting for Wellfleet Harbor Dredging of Area 2 be postponed to a future date, to be determined. They have been in discussion with State Representative regarding the dredging and those discussions are still underway. We want to make sure we come to the meeting prepared to discuss the all aspects of the project and feel that those discussions will be imperative to have completed prior to the interagency meeting.

We hope you understand the request to postpone the meeting. Please reach out with any questions.

Regards,

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801

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<Blockedhttps://www.linkedin.com/in/daniel-robbins-p-e-58a37bb/>
<Blockedhttps://stationerycentral.com/images/clear1.gif> <Blockedhttps://www.glassdoor.com/Overview/Working-at-GEI-Consultants-EI_I263845.11,26.htm> <Blockedhttps://stationerycentral.com/images/clear1.gif>
<Blockedhttps://dynasend.com/signatures/vcard/drobbins-at-geiconsultants.com.vcf>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, April 26, 2021 5:58 PM
To: William Sullivan
Subject: Re: Contract for Town of Wellfleet

Thank you, William. I will get this back to you right away.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Monday, April 26, 2021 at 1:28 PM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Contract for Town of Wellfleet

Hello,
Attached is a signed contract from the Wellfleet Selectboard and Lindsay Hart, LLP. If you could return a signed copy I will make sure it goes back to Town administration and Accounting.
Thank you,

WILLIAM SULLIVAN
HARBORMASTER
TOWN OF WELLFLEET
255 COMMERCIAL ST.
508-349-0320

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, April 27, 2021 11:18 AM
To: William Sullivan
Cc: Joseph Aberdale
Subject: Re: Contract for Town of Wellfleet
Attachments: Executed FBB Wellfleet Contract.pdf

Hello William:

Executed contract is attached.

Should we send monthly invoices to you?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Monday, April 26, 2021 at 1:28 PM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Contract for Town of Wellfleet

Hello,
Attached is a signed contract from the Wellfleet Selectboard and Lindsay Hart, LLP. If you could return a signed copy I will make sure it goes back to Town administration and Accounting.
Thank you,

WILLIAM SULLIVAN
HARBORMASTER
TOWN OF WELLFLEET
255 COMMERCIAL ST.
508-349-0320

LINDSAY HART, LLP
FBB FEDERAL RELATIONS

January 21, 2021

Select Board
Town of Wellfleet
Wellfleet, MA 02667

Dear Select Board:

This letter constitutes an agreement for federal government relations services provided to the Town of Wellfleet by FBB Federal Relations/Lindsay Hart, LLP. The objective of such services is to facilitate a dialogue between the Town of Wellfleet and the U.S. Army Corps of Engineers (USACE) and National Marine Fisheries Service (NMFS) which results in the aforementioned agencies issuing necessary permits or other approvals under terms agreeable to the Town of Wellfleet.

For such services, the Town of Wellfleet shall pay \$25,000 to Lindsay Hart, LLP. The Town of Wellfleet may remit payment in five (5) monthly payments of \$5,000. Payment shall be remitted to Lindsay Hart, LLP within 30 days of receipt of invoice.

This agreement is effective for a period of 12 months and may be extended under terms agreeable to the Town of Wellfleet and FBB Federal Relations/Lindsay Hart, LLP.

The parties to this agreement indicate their consent to the terms herein by their signature below.

Sincerely,



Select Board
Town of Wellfleet

1/21/21

Date



Ray Bucheger
FBB Federal Relations

4/21/21

Date

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Thursday, May 6, 2021 3:14 PM
To: William Sullivan
Subject: FW: Wellfleet article

Hi Will,

I received a call from Norm Farris at the Corps this morning. He took exception to some of the comments made in the below linked article. I had been caught off guard that there was a recent article out related to the dredging work and wasn't sure what he was speaking about initially. He forwarded the below linked article and I wanted to make sure that you also received a copy.

Ultimately his response is that the Corps is not looking to restrict a conversation with NFMS but does need to be involved with the conversation. Do you know if Joe has been able to set up a call with NMFS yet? We had laid this out as one of the reasons we asked the Corps to cancel the interagency meeting and they responded that they were okay with delaying the call and requested to be involved with the NMFS call.

I want to make sure we are continuing to progress forward on this.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801
tel (781) 721-4017
mobile (603) 833-0609
d Robbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, May 6, 2021 10:54 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [EXT] Wellfleet article

EXTERNAL EMAIL

<https://dredgewire.com/fisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5-million/>

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: William Sullivan
Sent: Thursday, May 6, 2021 3:43 PM
To: Robbins, Dan
Subject: RE: Wellfleet article

Not a happy moment when I saw that article. Can we get a statement from ACE about it to forward to the selectboard?
From the calls that have been made to me they are not happy as well

William Sullivan

Harbormaster

255 Commercial Street, Town Pier

Wellfleet, MA 02667

(508) 349-0320

This electronic message is confidential and intended for the named recipient only. Any dissemination, disclosure or distribution of the contents of this communication is unlawful and prohibited. If you have received this message in error, please contact the sender by return email and delete the copy you received. Thank you.

----- Original message -----

From: "Robbins, Dan" <drobbs@geiconsultants.com>
Date: 5/6/21 3:14 PM (GMT-05:00)
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: FW: Wellfleet article

Hi Will,

I received a call from Norm Farris at the Corps this morning. He took exception to some of the comments made in the below linked article. I had been caught off guard that there was a recent article out related to the dredging work and wasn't sure what he was speaking about initially. He forwarded the below linked article and I wanted to make sure that you also received a copy.

Ultimately his response is that the Corps is not looking to restrict a conversation with NFMS but does need to be involved with the conversation. Do you know if Joe has been able to set up a call with NMFS yet? We had laid this out as one of the reasons we asked the Corps to cancel the interagency meeting and they responded that they were okay with delaying the call and requested to be involved with the NMFS call.

I want to make sure we are continuing to progress forward on this.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801
tel (781) 721-4017
mobile (603) 833-0609
drobbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, May 6, 2021 10:54 AM
To: Robbins, Dan <drobbins@geiconsultants.com>
Subject: [EXT] Wellfleet article

EXTERNAL EMAIL

<https://dredgewire.com/fisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5-million/>

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Thursday, May 6, 2021 3:47 PM
To: William Sullivan
Subject: RE: Wellfleet article

I will ask and follow up with you. Are you around tomorrow?

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Sent: Thursday, May 6, 2021 3:43 PM
To: Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [EXT] RE: Wellfleet article

EXTERNAL EMAIL

Not a happy moment when I saw that article. Can we get a statement from ACE about it to forward to the selectboard?
From the calls that have been made to me they are not happy as well

William Sullivan

Harbormaster

255 Commercial Street, Town Pier

Wellfleet, MA 02667

(508) 349-0320

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----- Original message -----

From: "Robbins, Dan" <d Robbins@geiconsultants.com>

Date: 5/6/21 3:14 PM (GMT-05:00)

To: William Sullivan <William.Sullivan@wellfleet-ma.gov>

Subject: FW: Wellfleet article

Hi Will,

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I want to make sure we are continuing to progress forward on this.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801
tel (781) 721-4017
mobile (603) 833-0609
drobbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>

Sent: Thursday, May 6, 2021 10:54 AM

To: Robbins, Dan <drobbins@geiconsultants.com>

Subject: [EXT] Wellfleet article

EXTERNAL EMAIL

<https://dredgewire.com/fisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5-million/>

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: William Sullivan
Sent: Thursday, May 6, 2021 3:48 PM
To: Robbins, Dan
Subject: RE: Wellfleet article

Definitely will be by cell....

William Sullivan
Harbormaster
255 Commercial Street, Town Pier
Wellfleet, MA 02667
(508) 349-0320

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To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: RE: Wellfleet article

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mobile (603) 833-0609
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Subject: [EXT] Wellfleet article

EXTERNAL EMAIL

<https://dredgewire.com/fisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5-million/>

Regards,
Charles N. Farris

Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, August 02, 2021 3:21 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [Non-DoD Source] Area II ENG form Wellfleet Harbor Dredge Project

Norm,

I have attached the ENG 4345 signed for your review and for the public notice. We have been working with the town to try to resolve the issue of mitigation. We do not have a mitigation plan as such that the town has approved at this point though. What kind of language do you need to include in the public notice? Let me know if you need anything else from us.

Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist

508.533.6666

124 Grove Street, Suite 300, Franklin, MA 02038-3156

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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 9, 2021 9:42 AM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project

Thanks! I'm s=getting the Public Notice out this week.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <drobbsins@geiconsultants.com>
Sent: Monday, August 09, 2021 9:40 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [Non-DoD Source] RE: Area II ENG form Wellfleet Harbor Dredge Project

We will send later today.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609 drobbins@geiconsultants.com
<mailto:drobbins@geiconsultants.com>
<http://www.geiconsultants.com/> <Blocked<http://www.geiconsultants.com/>>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 9, 2021 9:33 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <drobbsins@geiconsultants.com>
Subject: [EXT] RE: Area II ENG form Wellfleet Harbor Dredge Project
Importance: High

EXTERNAL EMAIL

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Regards,
Charles N. Farris

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Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist

508.533.6666

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Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

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From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, August 02, 2021 3:21 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <drobbs@geiconsultants.com>
Subject: [Non-DoD Source] Area II ENG form Wellfleet Harbor Dredge Project

Norm,

508.533.6666

124 Grove Street, Suite 300, Franklin, MA 02038-3156

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Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, August 6, 2021 9:40 AM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: Check-In / Update

Guys:

I haven't heard anything from the delegation or USACE in a few weeks – I am working to set up calls with the delegation and with the District.

I will keep you posted.

Anything new on your end?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

124 Grove Street, Suite 300, Franklin, MA 02038-3156

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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 2, 2021 3:46 PM
To: Richard, Alyssa
Cc: William Sullivan; Robbins, Dan
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project

I will check but I new that the town was actively considering different types of mitigation alternatives, it would at least be a start.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

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Alyssa

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ALYSSA RICHARD
Environmental Specialist

508.533.6666

**Wellfleet Selectboard
Virtual Meeting
Tuesday May 18, 2021; 6PM
Meeting Minutes**

Members Present: Michael DeVasto, Chair; Janet Reinhart, Justina Carlson, Ryan Curley, Helen Miranda-Wilson

Others Present: Charlie Sumner, Interim Town Administrator; Rebekah Eldridge, Executive Assistant; Harry Terkanian, Warrant writer; Chief Rich Pauley, Fire Chief; Chief Michael Hurley, Police Chief; Jay Norton, Assistant Director of DPW; Will Sullivan, Harbormaster; Nancy Civetta, Shellfish Constable

Chair DeVasto Called the meeting to order at 6:00PM

I. Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Board Member Wilson stated that she emailed the board and wanted to inform them that she is in the works to get the round table scheduled for the board, and DCR.

II. Business

A. Dredging – Chair DeVasto

- Chair DeVasto stated to the Board that he was contacted from one of the chairs of the dredging task force asking him to write a memo authorizing him to represent the town of Wellfleet with all matters concerning the dredging of Wellfleet. The Chair stated that he explained to this Chair that he was unable to do that and did some research into this. He stated that the Harbormaster is the main contact person that will represent the Town of Wellfleet. There needs to be a chain of command and that starts with the Harbormaster.
- **Chair DeVasto moved; Board Member Wilson seconded; and it was voted that the Harbormaster Will Sullivan is to be the primary contact for any and all matters concerning the dredging project in Wellfleet Harbor, informing and communicating with the Marine Advisory Committee and Dredging Task Force; Will is to report to the Town Administrator and Selectboard.**

Roll Call Vote: 5-0



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MID=165345&plid=1023293&setID=188324&channelID=0&CID=292909&banID=519692787&PID=0&te xtadID=0&tc=1&adSize=728x90&mt=1658954457240831&sw=1920&sh=1080&spr=1&referrer=https% 3A%2F%2Fdredgewire.com%2Ffisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5- million%2F&hc=84bc4a9731c48b2c03c28f3286c4ba19aa65bd75&location=)

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Fisheries Service says dredging mooring field could cost Wellfleet \$13.5 million



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(<https://dredgewire.com/fisheries-service-says-dredging-mooring-field-could-cost-wellfleet-13-5->

million/)

A grab dredge sits in Wellfleet Harbor on a late December afternoon. The town is at odds with the National Marine Fisheries Service over the cost of dredging the harbor's mooring field, which the Fisheries Service says will cost the town more than \$13 million. Merrily Cassidy/Cape Cod Times

Posted on May 5, 2021

WELLFLEET – The town's Dredging Task Force is hoping a lobbyist will help open the doors for the dredging of the mooring field in Wellfleet Harbor next year.

Last month, the Select Board approved a \$25,000, one-year contract with the lobbying firm FBB Federal Relations, which will represent the town in discussions with the U.S. Army Corps of Engineers and the National Marine Fisheries Service.

The mooring field, also known as Area 2 in the harbor, includes intertidal mud flats that have been designated a "special aquatic site" by the Fisheries Service. As a result, the Fisheries Service wants the town to pay \$13.5 million in mitigation costs to cover any disturbances to the flats that might be caused by the dredging. That amount is based on a formula of \$14.26 per square foot.

GEI, the town's engineering consultant, said the dredging can be done without damaging the intertidal mud flats. The National Marine Fisheries Service disagrees.

The Army Corps of Engineers has refused to sign a dredge permit for the project until the matter is resolved. Meanwhile, the Corps has impeded direct communication between the town and the Fisheries Service, and is refusing to discuss the issue with town officials. Instead, it will communicate only through GEI.

Enter FBB Federal Relations, which town officials hope will work to give the town access to the Army Corps and the Fisheries Service.

The firm said in its proposal to the town that it would work with both agencies "to ensure that the Corps District and the NMFS work directly and constructively with the town."

"We're relying on that, and our congressional delegation, to work on our behalf to open doors," said Joe Aberdale, who co-chairs the Dredging Task Force.

The mooring field has been used as such for 100 years, Aberdale said. It was last dredged in 1957.

Because it's been 64 years since the area was last dredged, the Fisheries Service has classified the work as an improvement dredging project, complete with the \$13.5 million price tag.

Aberdale said he believes the town has a strong case.

"It's been an active mooring field forever," he said. "Our engineers have documented in great detail their opinion that no damage would result to the mooring field with it being dredged."

The project has won the support of federal and state legislators. U.S. Sens. Edward Markey and

Elizabeth Warren and U.S. Rep. Bill Keating agree that the town should be allowed to dredge

the mooring field, Aberdale said.

DredgeWire news site with latest maritime news

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behalf to open doors," said

“They are advocating for a meeting with the Corps and the Fisheries Service,” he said.

State Sen. Julian Cyr, D-Truro, and state Rep. Sarah Peake, D-Provincetown, have also been very helpful, Aberdale said.

The town has worked with FBB Federal Relations in the past. In fiscal 2020, the firm helped the town obtain \$5 million in federal funding for the recent dredging of the channel and federal anchorage.

Aberdale noted that the ability to dredge the mooring field has great implications for the town.

“One of four people in town are employed in fishing and aquaculture,” Aberdale said. “This has a huge economic impact on the town.”

Contact Denise Coffey at dcoffey@capecodonline.com. Follow her on Twitter: [@DeniseCoffeyCCT](https://twitter.com/DeniseCoffeyCCT).

Source (<https://www.capecodtimes.com/story/news/2021/05/04/wellfleet-harbor-dredge-could-cost-town-13-5-million/4858199001/>)

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Louisiana's largest project fighting land loss is complete, restoring more than 1,000 acres (<https://dredgewire.com/louisianas-largest-project-fighting-land-loss-is-complete-restoring-more-than-1000-acres/>)

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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, May 24, 2021 7:13 AM
To: Robbins, Dan; William Sullivan
Subject: Wellfleet mitigation alternatives

I'm just checking in to see if you have made some progress on the mitigation alternatives we spoke about you exploring for the Town's Area 2 project.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: William Sullivan
Sent: Wednesday, May 26, 2021 2:18 PM
To: Ray@federalrelations.com; Chris Allgeier
Subject: Follow up to May 18th questions
Attachments: Town_of_Wellfleet may232017publicnotice.PDF; acec wellfleet harbor 2002.pdf; 2014NCCWGPAppendix1acec.pdf

Good Morning Mr. Bucheger,

I am following up on some questions that you had asked joe aberdale in email dated May 18, 2021. I am not sure what information he might have sent you previously regarding this, so please excuse any repetition.

Thank you and please include me in any further communication regarding the Town of Wellfleet, and I will do my best to get you any information you may require.

Cheers,

Will Sullivan

1. Public Notice May 23, 2017
2. On the ACEC look at last to sections for dredging it includes mooring basin. Also added appendix of state areas dated 2010 (history) Wellfleet appears as designated in 1989

More to follow

WILLIAM SULLIVAN
HARBORMASTER
TOWN OF WELLFLEET
255 COMMERCIAL ST.
508-349-0320

WELLFLEET HARBOR ACEC Boundary Description

Referring to the Wellfleet Quadrangle of the USGS topographic map (1972) and to the Orleans Quadrangle of the USGS topographic map (1974), the Wellfleet Harbor Area of Critical Environmental Concern (ACEC) is defined as follows:

- | | |
|-------------------------------|---|
| PROPERTY LINE | Beginning at the northwest corner of the Cape Cod National Seashore Park boundary approximately 1,400 ft. north of the Truro-Wellfleet Town line and one quarter mile west of the mean low water line in the waters of Cape Cod Bay; thence southerly by said Cape Cod National Seashore Park boundary to its most southerly point one quarter mile south of Jeremy Point; thence |
| CONNECTING LINE | Easterly across Wellfleet Harbor to the northwesterly corner of the Town Landing at the westerly end of South Sunken Meadow Road in the Town of Eastham; thence |
| PROPERTY LINE | Easterly and southerly by the northerly side of said Landing to Sunken Meadow Road; thence |
| ROAD | Easterly by the northerly sideline of South Sunken Meadow Road to the intersection of said road with the 10 ft. contour line; thence |
| 10 FOOT CONTOUR | Northeasterly by said 10 ft. contour line to a point of intersection of said 10 ft. contour line with the southwesterly extension of a line parallel to and 200 ft. northwesterly of the northwesterly sideline of Sander Lane on the south side of North Sunken Meadow Road; thence |
| CONNECTING LINE | Northeasterly by said line parallel to and 200 ft. distant from Sander Lane across North Sunken Meadow Road to a point at the intersection of said line with the 10 ft. contour line; thence |
| 10 FOOT CONTOUR | Northeasterly by said 10 ft. contour line to the intersection of said line with the center line of Hatches Creek (The Wellfleet-Eastham Town boundary); thence |
| CONNECTING LINE | Northerly to the intersection with a line 100' north of (inland from) the 10' contour line; thence |
| 10 FOOT CONTOUR
+ 100 FEET | Generally westerly and northerly by said line 100 ft. inland from the 10 ft. contour line bordering inlets, coves, bays and marshes to the intersection of said line with the westerly sideline of Route 6 on the south side of Fresh Brook; thence |
| ROAD | Northerly by the westerly sideline of Route 6 to the intersection with a line 100 ft. northerly of (inland from) the 10 ft. contour line; thence |

10 FOOT CONTOUR + 100 FEET	Generally northerly by said line 100 ft. inland from the 10 ft. contour line to the intersection of said line with the westerly sideline of Route 6 approximately 1,750 ft southerly from the intersection of Route 6 and Lieutenant's Island Road; thence
ROAD	Northerly by the westerly sideline of Route 6 to the intersection of said sideline with a line 100 ft. northerly of (inland from) the 10 ft. contour line; thence
10 FOOT CONTOUR + 100 FEET	Northerly by said line 100 ft. inland from the 10 ft. contour line to the intersection of said line with the westerly sideline of Route 6 approximately 625 ft. south of the intersection of Route 6 and Lieutenant's Island Road; thence
ROAD	Northerly by the westerly sideline of Route 6 to the intersection of said sideline with a line 100 ft. northerly of (inland from) the 10 ft. contour line; thence
10 FOOT CONTOUR + 100 FEET	Westerly, southerly, northerly and easterly by said line 100 ft. inland from the 10 ft. contour line to the intersection of said line with the westerly sideline of Route 6 approximately 1,100 ft. north of the intersection of Route 6 and Old Wharf Rd.; thence
ROAD	Northerly by the westerly sideline of Route 6 to the intersection of said sideline with a line 100 ft. northerly of (inland from) the 10 ft. contour line; thence
10 FOOT CONTOUR + 100 FEET	Northerly by said line 100 ft. easterly of (inland from) the 10 ft. contour line to the intersection of said line with the westerly sideline of Route 6 approximately 2,200 ft. northerly of the intersection of Route 6 and Old Wharf Road; thence
ROAD	Northerly by the westerly sideline of Route 6 to the intersection of said sideline with a line 100 ft. northerly of (inland from) the 10 ft. contour line on the north side of Blackfish Creek; thence
10 FOOT CONTOUR + 100 FEET	Generally northerly and westerly, easterly and northerly by said line 100 ft. inland from the 10 ft. contour line on the north side of Blackfish Creek and Drummer Cove, on the west side of Paine Hollow, around the north end of Indian Neck, around the cove and the east side of Duck Creek to the intersection with the westerly sideline of Route 6 approximately 350 ft. north of the intersection of Route 6 and Pine Point Road; thence
ROAD	Northerly by the westerly sideline of Route 6 to intersection with a line 100 ft. northerly of (inland from) the 10 ft. contour line; thence

10 FOOT CONTOUR + 100 FEET	Westerly by said line 100 ft. inland from the 10 ft. contour line around the north and west sides of Duck Creek, the East, north and west sides of the westerly arm of Duck Creek, and westerly to the intersection of said line with a northerly extension of the Cape Cod National Seashore Park Boundary line running due south from a point approximately 750 ft. southwest of the Chequessett Country Club clubhouse; thence
CONNECTING LINE	Southerly by said extension of the Cape Cod National Seashore Park Boundary line to the northerly end of said Cape Cod National Seashore Park Boundary; thence
PROPERTY LINE	Westerly, northerly and easterly by said Cape Cod National Seashore Boundary line around Chequessett Neck and along the south side of the Herring River to the intersection of said boundary line with the 10 ft. contour on the south side of the Pole Dike near National Park Service monument # 26/39; thence
10 FOOT CONTOUR	Easterly, southerly, easterly and northerly by said 10 ft. contour line to the intersection of said line with the westerly sideline of Briar Lane approximately 400 ft. north of the intersection of Briar Lane and Main St.; thence
ROAD	Northerly by the westerly sideline of Briar Lane to the intersection of said line With the 10 ft. contour line; thence
10 FOOT CONTOUR	Northerly and westerly by said 10 ft. contour line to the intersection of said line with the Cape Cod National Seashore Park Boundary on the southwest corner of Coles Neck near National Park Service monument #25/22; thence
PROPERTY LINE	Northeasterly by the Cape Cod National Seashore Boundary along the southerly side of Herring River to the intersection of said line with a line 100 ft. south of (inland from) the 10 ft. contour line on the easterly sideline of Route 6; thence
10 FOOT CONTOUR + 100 FEET	Easterly, southerly, easterly and northerly along the line 100 ft. inland of the 10 ft. contour line, around and encompassing Herring Pond, Higgins Pond, Gull Pond and Williams Pond and westerly along the northerly side of Herring River and the easterly side of Bound Brook in and out of Paradise Hollow and Lombard Hollow to the point where said line intersects the westerly sideline of Old County Road north of Lombard Hollow; thence
ROAD	Northerly by the westerly sideline of Old County Road to the intersection of said line with the southerly sideline of Ryder Beach Road; thence
ROAD	Westerly by the southerly sideline of Ryder Beach Road to the intersection of a connecting line that is the easterly extension of the northern boundary of barrier beach TR-5 of the CZM Barrier Beach Inventory (Massachusetts Barrier Beach Inventory Project, Dec, 1982).

CONNECTING LINE	Thence westerly by the connecting line to the northern boundary of said barrier beach TR-5.
BEACH	The boundary continues westerly by the northerly boundary of said barrier beach TR-5
CONNECTING LINE	until it connects to the waters of Cape Cod Bay; thence Southwesterly to the point of beginning.

Additional boundaries also follow the line 100 feet inland from the 10 ft. elevation contour around the following isolated uplands:

- The two knolls of "Doctor's Hill" on the south side of Lieutenant's Island Road at the easterly end of the Lieutenant's Island Causeway;
- Eastern and western portions of Lieutenant's Island;
- Old Wharf Point westerly of the causeway;
- Those two portions of Indian Neck, one lying southerly of Sewall's Gutter and one lying approximately 1,300 feet southerly of the landward side of the jetty.

Included within the ACEC are the following:

- Mill Hill Island,
- Cannon Hill in Duck Creek.

Excluded from the ACEC for the purposes of maintenance dredging are the following areas which have been dredged in the past:

- The inner basin (north of parking area),
- The channel around Shirttail Point,
- The mooring basin,
- The buoyed channel leading out of the harbor, approximately three-quarters of a mile long, to Buoy 12.

Also excluded are areas likely to need dredging in the future:

- A 100-foot wide strip along the northern side of the inner basin,
- An approximately 2500-yard long extension of the previously licensed 125-foot wide dredged channel from Buoy 12 due south to Buoy 10.

Where ACEC boundaries are defined by the location of natural resource features (e.g. floodplain, wetlands), the boundaries are subject to change based on the most current definitions and data. For a review of site specific projects within the ACEC boundary, determinations need to be made in the field or in consultation with ACEC Program staff.

Coastal ACEC Boundary Clarification Project, November 2002.

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, May 28, 2021 10:26 AM
To: William Sullivan; Chris Allgeier; Joseph Aberdale
Subject: Re: Follow up to May 18th questions

Will:

Thank you for sharing the attached documents. I have been keeping Joe updated on my activities but will communicate with both of you going forward.

I have had numerous discussions with Andrew Nelson on Rep Keating's staff. Andrew has been pushing the Corps District to resolve this issue – while Andrew gave the District two options (no mitigation, or utilize the Herring River project for mitigation) I have communicated to Andrew that the latter is a non-starter, and that the Town is seeking to have the Corp reject the recommendation from NOAA Fisheries and proceed with no mitigation requirement.

I spoke to a contact at USACE HQ here in DC who confirmed that USACE is well within their authority to reject the recommendation from NOAA Fisheries.

I am meeting next week with staff from Senator Warren and Markey's offices as well to update them on Andrew Nelson's outreach to the Corps and to get their perspective on the issue. From a political perspective, Senator Markey is in the best position to influence the Corps given that he is a member of the Environment and Public Works (EPW) Committee with direct jurisdiction over the agency. When I worked with the Town a few years ago to help secure funding for the federal dredging project, Markey's office played the biggest role.

I will keep you updated. Let me know if you have any questions in the meantime.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Wednesday, May 26, 2021 at 2:18 PM
To: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Follow up to May 18th questions

Good Morning Mr. Bucheger,
I am following up on some questions that you had asked Joe Aberdale in email dated May 18, 2021. I am not sure what information he might have sent you previously regarding this, so please excuse any repetition.

Thank you and please include me in any further communication regarding the Town of Wellfleet, and I will do my best to get you any information you may require.

Cheers,

Will Sullivan

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2. On the ACEC look at last to sections for dredging it includes mooring basin. Also added appendix of state areas dated 2010 (history) Wellfleet appears as designated in 1989

More to follow

WILLIAM SULLIVAN
HARBORMASTER
TOWN OF WELLFLEET
255 COMMERCIAL ST.
508-349-0320

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, May 28, 2021 10:44 AM
To: William Sullivan; Joseph Aberdale
Subject: FBB Invoice for Federal Consulting Services
Attachments: LH Invoice 12053 (35155-0001).pdf

Will and Joe:

Per our contract, attached is an invoice for the first installment of our fees. Let me know if there is someone else to whom I should direct this email.

Thanks again for the opportunity to work with you on this issue.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, June 3, 2021 7:15 AM
To: Richard, Alyssa
Cc: Robbins, Dan; William Sullivan
Subject: Wellfleet progress

Alyssa

How far along are you on your mitigation alternatives plan?

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Friday, June 4, 2021 8:58 AM
To: William Sullivan
Cc: Richard, Alyssa
Subject: FW: Wellfleet progress

Hi Will,

Are you available at 1030 today to have a conversation with Alyssa and I about how to respond to Norm? We want to make sure we are following the Towns lead here.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801
tel (781) 721-4017
mobile (603) 833-0609
d Robbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, June 3, 2021 7:15 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Robbins, Dan <d Robbins@geiconsultants.com>; Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [EXT] Wellfleet progress

EXTERNAL EMAIL

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William Sullivan

From: William Sullivan
Sent: Friday, June 4, 2021 10:01 AM
To: Robbins, Dan
Cc: Richard, Alyssa
Subject: RE: Wellfleet progress

Unfortunately I am not. I am at a coast guard ceremony I can be available later the afternoon though?

William Sullivan

Harbormaster

255 Commercial Street, Town Pier

Wellfleet, MA 02667

(508) 349-0320

----- Original message -----

From: "Robbins, Dan" <drobbs@geiconsultants.com>
Date: 6/4/21 8:58 AM (GMT-05:00)
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: "Richard, Alyssa" <arichard@geiconsultants.com>
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696 Virginia Road
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(978) 318-8336

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, June 2, 2021 6:58 AM
To: William Sullivan; Joseph Aberdale
Cc: Chris Allgeier
Subject: Re: Follow up to May 18th questions

Will and Joe:

I had a good conversation with Sen Markey's office yesterday. They want to be supportive here and asked me to get some additional intel from the Corps on their current thinking. I am aiming to meet with HQ this week; I told them I would reconnect after that meeting.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, May 28, 2021 at 10:26 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joe Aberdale <josephaberdale@gmail.com>
Subject: Re: Follow up to May 18th questions

Will:

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I will keep you updated. Let me know if you have any questions in the meantime.

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From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
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More to follow

WILLIAM SULLIVAN
HARBORMASTER
TOWN OF WELLFLEET
255 COMMERCIAL ST.
508-349-0320

William Sullivan

From: William Sullivan
Sent: Friday, June 4, 2021 10:49 AM
To: Robbins, Dan
Cc: Richard, Alyssa
Subject: RE: Wellfleet progress

Not a problem

William Sullivan
Harbormaster
255 Commercial Street, Town Pier
Wellfleet, MA 02667
(508) 349-0320

----- Original message -----

From: "Robbins, Dan" <drobbs@geiconsultants.com>
Date: 6/4/21 10:03 AM (GMT-05:00)
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: "Richard, Alyssa" <arichard@geiconsultants.com>
Subject: RE: Wellfleet progress

Okay thanks Will. If you can call me when you are available this afternoon that would be great.

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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Cc: Robbins, Dan <drobbins@geiconsultants.com>; Will Sullivan <william.sullivan@wellfleet-ma.gov>

Subject: [EXT] Wellfleet progress

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Concord, MA 01742
(978) 318-8336

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, June 16, 2021 11:38 AM
To: Joseph Aberdale; William Sullivan
Subject: Quick Update

Joe and Will:

I spoke with the regulatory person at HQ this morning. She wants to connect with the District and then have another call. She was looking to get my perspective first.

My sense after two calls with HQ is what I thought going into this: the Corps does have discretion and while the call is made by the District, it can be elevated to HQ.

Will keep you posted.

Ray

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, June 16, 2021 4:25 PM
To: Joseph Aberdale
Cc: William Sullivan
Subject: Re: Quick Update

I'd like to hold off until I reconnect with HQ and then, based on what HQ tells us, get aligned with the Senate offices.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, June 16, 2021 at 12:08 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: Quick Update

Ray,

Thanks for the update.

In your opinion, given the broad amount of discretion the Corps HQ has, is it wise for us to have mitigation discussions with them now when people at the D.C. HQ might overrule the district and direct them to issue us the permit without having to do mitigation?

Joe

> On Jun 16, 2021, at 11:38 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

>

> Joe and Will:

>

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>

> Will keep you posted.

>

> Ray

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, June 18, 2021 2:05 PM
To: William Sullivan; Chris Allgeier; Joseph Aberdale
Subject: Draft Talking Points

Joe:

Per our discussion today, I will go back to the Markey, et al offices and schedule my meeting with staff next week. Prior to that meeting, I'd like to be aligned with you, Will and Chris as to the points that should be included in the letter (and points that could be made informally).

Proposed talking points for letter – please add anything I missed and correct anything I wrote in error:

- The Town is seeking a permit for maintenance dredging. The Town should not be punished for lacking the resources needed to dredge the area until now.
- The Town has presented data that speak to the fact that the mooring field does not have the same level of environmental value that USACE has assigned to it
 - **QUESTION: Are there a few specific datapoints that could be included in the letter to back up this statement?**
- There is no difference between Area 1 and Area 2, which begs the question, why is mitigation being required for the permit to dredge Area 2 when USACE granted a permit only months ago to dredge Area 1 without requiring mitigation.
 - Area 1 and Area 2 are adjacent to each other
 - Area 1 and Area 2 are part of the same mooring field
 - Area 1 and Area 2 are both filled with the same black mayonnaise
 - Area 1 and Area 2 are both in the same condition at low tide.
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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 21, 2021 8:57 PM
To: William Sullivan; Chris Allgeier; Joseph Aberdale
Subject: Re: Draft Talking Points

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Date: Friday, June 18, 2021 at 2:05 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joe Aberdale <josephaberdale@gmail.com>
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From: William Sullivan
Sent: Tuesday, June 22, 2021 7:09 AM
To: Ray Bucheger; Chris Allgeier; Joseph Aberdale
Subject: RE: Draft Talking Points
Attachments: Cover Letter for 45 letters of support.pdf; IFAW LOS for Wellfleet dredge project 2020.pdf; Letters of Support.zip

Letters of support for dredging from Warden and Commercial Shellfishermen

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, June 23, 2021 12:26 PM
To: William Sullivan; Chris Allgeier; Joseph Aberdale
Subject: Re: Draft Talking Points

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Date: Tuesday, June 22, 2021 at 7:09 AM

To: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: RE: Draft Talking Points

Letters of support for dredging from Warden and Commercial Shellfishermen

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Sent: Monday, June 21, 2021 8:57 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, June 25, 2021 7:37 AM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Re: Draft Talking Points
Attachments: DRAFT MA Delegation Letter to USACE.docx

Guys:

See the attached letter I'd like to propose the Congressional delegation send to USACE. I used strong language the delegation may or may not be comfortable with – nonetheless, I believe we need to push them in this direction.

Pls review the letter – let me know if I am missing anything or misrepresenting any facts. After you are good with the letter, I will send it to delegation staff.

Ray

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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, June 23, 2021 at 1:47 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Draft Talking Points

Thanks Ray!

On Jun 23, 2021, at 12:25 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

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Version 6/25/21

June XX, 2021

Mr. Jaime A. Pinkham
Acting Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Assistant Secretary Pinkham:

We are writing to support the Town of Wellfleet's application to the U.S. Army Corps of Engineers (USACE) for permits to dredge the town-managed mooring field in Wellfleet Harbor. We are also writing to express concern about suggestions of unnecessary and burdensome mitigation requirements that could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively ~~affect~~^{effect} public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets.

The Town's mooring field comprises 23.8 acres of Wellfleet Harbor and is referred to in the Town's permit application as "Area 2". According to a Public Notice issued by the USACE New England District on May 23, 2017, the decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. While the Notice indicated that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people, we don't believe that certain key factors that are unique to this project are being given due consideration as part of the agency's decision-making process. If the agency were to take a ~~wh~~olistic view of the Town's application, it would be evident that the Town's proposed dredging project will improve navigation, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during ~~each~~ low tide. Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce – inability to access the harbor impacts the entire Outer Cape economy. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

The economic benefits associated with dredging in Wellfleet Harbor is one of the many reasons we supported federal funding for dredging the federal navigation channel ~~and federal anchorage~~.

Commented [CA1]: Why I added federal anchorage: The federal anchorage (which was dredged in 2020 along with the channel), is adjacent to Area 2 and would be most adversely impacted by not dredging Area 1.

We worked very hard to ensure that USACE included \$5 million in the agency's FY2020 work plan for this important project, which is adjacent to the mooring field and ~~would~~^{could} be affected by the material that has built up in Area 2. It would be unfortunate if USACE granted the permits the Town needs, but included conditions that ultimately make it impossible for the Town to proceed with dredging, as that would severely undermine a multimillion federal investment. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

As described above, the well-being of the regional economy is ~~closely~~ⁱⁿ tied to the health of the shellfish industry. The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, ~~they are~~^{but they are} ~~also~~ of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage in order to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in [WHAT YEAR?] concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

USACE seems to have assigned a significant environmental value to this area and has concluded that dredging will cause environmental harm. To the contrary, the Town's engineers have completed all of the studies required by USACE and concluded that no harm whatsoever would come to the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that ~~the~~ failure to remove the material that has filled in Area 2 would be ~~very~~^{more} harmful to the local environment and local shellfish farming operations. All of this information is notwithstanding

the fact that the Town has no good mitigation options. 70% of land in Wellfleet is federal property, and much of the land that Wellfleet does control is conservation land. Even if there was a mitigation project that could be completed in the area, it would take years to complete such a project, during which time the significant harm described in this letter would come to pass. Requiring the Town to simply write a check to the agency is not an alternative.

We value our relationship with USACE and appreciate everything the agency does to improve navigation in the state, enhance flood control and ensure the integrity of our environment. Failure to find a path forward on this issue will have dire consequences for the regional economy, undermine local investments, and negatively effect the agency's own asset, in which the federal government recently made a massive federal investment. We hope the agency will take a wholistic view of the Town's application for permits to dredge Area 2 and work with the Town to find a path forward that doesn't require unnecessary and burdensome mitigation that the Town can't complete or otherwise can't afford.

Sincerely,

DRAFT

The Public Notice issued on August 24, 2021 indicates that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people. In that spirit, we hope the agency will take a holistic view of the Town's application. If the agency does so, it will be clear that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

Failure to dredge area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the Corps spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Excluded from area of critical environmental concern (ACEC)

June XX, 2021

Mr. Jaime A. Pinkham
Acting Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Assistant Secretary Pinkham:

We are writing to support the Town of Wellfleet's application to the U.S. Army Corps of Engineers (USACE) for permits to dredge the town-managed mooring field in Wellfleet Harbor. We are also writing to express concern about suggestions of unnecessary and burdensome mitigation requirements that could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively effect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets.

The Town's mooring field comprises 23.8 acres of Wellfleet Harbor and is referred to in the Town's permit application as "Area 2". According to a Public Notice issued by the USACE New England District on May 23, 2017, the decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. While the Notice indicated that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people, we don't believe that certain key factors that are unique to this project are being given due consideration as part of the agency decision-making process. If the agency were to take a wholistic view of the Town's application, it would be evident that the Town's proposed dredging project will improve navigation, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

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The economic benefits associated with dredging in Wellfleet Harbor is one of the many reasons we supported federal funding for dredging the federal navigation channel. We worked very hard

to ensure that USACE included \$5 million in the agency's FY2020 work plan for this important project, which is adjacent to the mooring field and could be affected by the material that has built up in Area 2. It would be unfortunate if USACE granted the permits the Town needs, but included conditions that ultimately make it impossible for the Town to proceed with dredging, as that would severely undermine a multimillion federal investment. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

As described above, the well-being of the regional economy is closely tied to the health of the shellfish industry. The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, they are of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage in order to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in [WHAT YEAR?] concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

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Sincerely,

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, June 25, 2021 12:58 PM
To: Chris Allgeier; Joseph Aberdale; William Sullivan
Subject: FW: Draft Talking Points
Attachments: DRAFT MA Delegation Letter to USACE CJA edits 062521.docx

Thank you, Chris. Good adds.

Joe and Will, any changes from you?

Ray

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, June 25, 2021 at 9:01 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: Draft Talking Points

Ray,
Well done. Attached, in track changes format, are a few suggested edits for your consideration.

Chris

On Jun 25, 2021, at 7:36 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

See the attached letter I'd like to propose the Congressional delegation send to USACE. I used strong language the delegation may or may not be comfortable with – nonetheless, I believe we need to push them in this direction.

Pls review the letter – let me know if I am missing anything or misrepresenting any facts. After you are good with the letter, I will send it to delegation staff.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, June 23, 2021 at 1:47 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Draft Talking Points

Thanks Ray!

On Jun 23, 2021, at 12:25 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

My call with the three Congressional delegation offices was moved to today. I just got off the phone – it sounds like we are in a good place in terms of alignment. I agree that a delegation letter to the acting ASA is the right next step and I have offered to draft the letter so that we can control the message. I will put together a draft ASAP for you all to review before we share with the Andrew, et al.

Ray

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Date: Tuesday, June 22, 2021 at 7:36 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: Re: Draft Talking Points

Thanks, Will. These letters are good to have, but it would also be good to get an updated letter specific to this project – i.e. a letter from someone representing the industry that is willing to say Area 2 is not suitable for shellfish farming and in fact, any delay in dredging Area 2 could affect areas of the harbor that are suitable for oyster beds?

Joe, you mentioned that the shellfish constable has submitted a letter stating that there are no shellfish beds within Area 2 – could you send me that letter?

You also reference official maps indicating the boundaries of Area 2 vis a vis shellfish beds – could you send that (sorry if you have sent it previously).

Could you also send the study the state did which concluded that the greatest threat to the town's shellfish industry is the encroachment of the black mayonnaise onto the shellfish beds?

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Tuesday, June 22, 2021 at 7:09 AM
To: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: RE: Draft Talking Points

Letters of support for dredging from Warden and Commercial Shellfishermen

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 21, 2021 8:57 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
Subject: Re: Draft Talking Points

Checking in – any comments on the talking points below?

Also, Joe, were you able to make contact with Craig Martin in NE Division?

I am talking with Keating/Warren/Markey staff tomorrow afternoon.

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, June 18, 2021 at 2:05 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joe Aberdale <josephaberdale@gmail.com>
Subject: Draft Talking Points

Joe:

Per our discussion today, I will go back to the Markey, et al offices and schedule my meeting with staff next week. Prior to that meeting, I'd like to be aligned with you, Will and Chris as to the points that should be included in the letter (and points that could be made informally).

Proposed talking points for letter – please add anything I missed and correct anything I wrote in error:

- The Town is seeking a permit for maintenance dredging. The Town should not be punished for lacking the resources needed to dredge the area until now.

- The Town has presented data that speak to the fact that the mooring field does not have the same level of environmental value that USACE has assigned to it
 - QUESTION: Are there a few specific datapoints that could be included in the letter to back up this statement?
- There is no difference between Area 1 and Area 2, which begs the question, why is mitigation being required for the permit to dredge Area 2 when USACE granted a permit only months ago to dredge Area 1 without requiring mitigation.
 - Area 1 and Area 2 are adjacent to each other
 - Area 1 and Area 2 are part of the same mooring field
 - Area 1 and Area 2 are both filled with the same black mayonnaise
 - Area 1 and Area 2 are both in the same condition at low tide.
- The shellfish farmers do not believe Area 2 has value and they do not believe that dredging Area 2 will disturb their oyster beds. In fact, local oyster farmers are concerned about the black mayonnaise currently in Area 2 possibly affecting their operations in the future
 - QUESTION: Any chance we could get a letter from a local shellfish association or group of companies that would pledge support for the project, explain they would never grow oysters in Area 2, and express concern about any delay in dredging Area 2?
- Even if Area 2 had the level of environmental value that has been suggested, there are no good mitigation options:
 - 70% of land in Wellfleet in federal property, and much of the land that Wellfleet does control is conservation land.
 - Even if there was a project that could be completed at Cape Cod National Seashore, it would take years to complete such a project
 - Herring River is not a good option because [PLEASE FILL IN THE BLANK HERE]

With respect to mitigation, while I would not put this in the letter, I do think we should consider offering the 2 acres of shellfish area that was purchased by the town two years ago as retroactive mitigation. It may present a face-saving option for the Corps.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

<DRAFT MA Delegation Letter to USACE.docx>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, June 25, 2021 3:31 PM
To: Joseph Aberdale
Cc: Chris Allgeier; William Sullivan
Subject: Re: Draft Talking Points

Thank you, Joe. I will add a section on safety and be sure to include the fact that the Corps has discretion here. I will send an updated version.

On Jun 25, 2021, at 3:01 PM, Joseph Aberdale <josephaberdale@gmail.com> wrote:

Ray,

Paragraph #6. 2019

Para. #7. In addition to stating that 70% of the land is federal property I recommend mentioning that the land is part of a national park, the Cape Cod National Seashore.

I recommend consideration of also including the following.

The first item we have always presented to agencies is that of safety. The harbormaster is obligated in an agreement with the Coast Guard to provide search and rescue operations in the harbor and Cape Cod Bay. There have been several serious instances where this obligation could not be met.

The Army Corps has stated to us that they are denying the permit based primarily on the resistance of the National Marine Fisheries Service. While they are not required to deny the permit based on NMFS's objection they are choosing to do so in this case. They have a lot of discretion in making a decision.

Excellent job Ray. Thank you so much!

Best,

Joe

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Guys:

See the attached letter I'd like to propose the Congressional delegation send to USACE. I used strong language the delegation may or may not be comfortable with – nonetheless, I believe we need to push them in this direction.

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 - Area 1 and Area 2 are adjacent to each other
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- The shellfish farmers do not believe Area 2 has value and they do not believe that dredging Area 2 will disturb their oyster beds. In fact, local oyster farmers are concerned about the black mayonnaise currently in Area 2 possibly affecting their operations in the future
 - QUESTION: Any chance we could get a letter from a local shellfish association or group of companies that would pledge support for the project, explain they would never grow oysters in Area 2, and express concern about any delay in dredging Area 2?
- Even if Area 2 had the level of environmental value that has been suggested, there are no good mitigation options:
 - 70% of land in Wellfleet in federal property, and much of the land that Wellfleet does control is conservation land.
 - Even if there was a project that could be completed at Cape Cod National Seashore, it would take years to complete such a project
 - Herring River is not a good option because [PLEASE FILL IN THE BLANK HERE]

With respect to mitigation, while I would not put this in the letter, I do think we should consider offering the 2 acres of shellfish area that was purchased by the town two years ago as retroactive mitigation. It may present a face-saving option for the Corps.

Ray

Ray Bucheger
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<DRAFT MA Delegation Letter to USACE.docx>

Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

US Army Corps of Engineers of New England
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

The Wellfleet Harbor Dredging Project is currently in progress. USACE dredged the channel and the federal anchorage in October and November 2020. At the completion of the USACE work, The Town of Wellfleet performed some dredging work in the vicinity of the L-pier, in December 2020. The Town will be dredging Area 1, October 1, 2021 through December 31, 2021. Area 2 dredging is scheduled to begin October 1, 2022 and run through December 31, 2022.

USACE/NMFS has raised an issue, suggesting that Area 2 dredging would trigger mitigation requirements. Consistent with our previous discussions, the Town of Wellfleet disagrees with NMFS opinion. Nonetheless, the Town has reviewed the potential for new mitigation projects.

The majority of land within Wellfleet is protected land. Approximately 70% of the land is within the Cape Cod National Seashore and an additional 10% is under the protection of other agencies or trusts. This leaves a relatively small amount of land even available for additional/new mitigation projects. Despite the challenge of little remaining available land, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. This pro-active behavior is part of the Town ethos and is done without being forced to do so as a condition for permit approval. The unintended consequence of this pro-active approach is that there are few new opportunities available to satisfy mandated requirements.

Below is a listing of recent and current projects in furtherance of the Town's stewardship and resource management.

Herring River Restoration Project

The Herring River Restoration Project is a long term, complicated project involving many federal agencies, Town departments and committees, citizen advisory groups, and private landowners. The goal of the Herring River Restoration Project is to restore a healthy, functioning tidal marsh within the Herring River flood plain by re-establishing tidal exchange in the river basin and its sub-basins. Tidal exchange will be increased incrementally over time using an adaptive management approach to achieve desired conditions for native estuarine habitats.

The essential feature of the project is to replace the Chequessett Neck Dike with a bridge and control structure to allow managed increases in tidal flow. Other restrictions to tidal flow will be removed or modified and flood protection measures will be taken to protect private property.

Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

HDYLTA Trust

In 2019 or 2020??? The Town of Wellfleet, at a cost of \$2 million, acquired 168 acres (at mean low water mark) which includes 56.06 acres for shellfish grants, 4 acres grant expansion area, 47.8 acres Beach/Marsh, 31.45 acres Salt Marsh and 3.44 acres beach lots – an effective land area of 142.75 acres. A significant portion of the site consists of intertidal lands.

Wellfleet Conservation Trust

In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

Reactive Protective Barrier

At the June 2021 Wellfleet Annual Town meeting, voters approved \$xxxx for an engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street.

Duck Creek

Mayo Creek

Blackfish Creek – contact Wellfleet Conservation Trust.

June XX, 2021

Mr. Jaime A. Pinkham
Acting Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Assistant Secretary Pinkham:

We are writing to support the Town of Wellfleet's application to the U.S. Army Corps of Engineers (USACE) for permits to dredge the town-managed mooring field in Wellfleet Harbor. We are also writing to express concern about suggestions of unnecessary and burdensome mitigation requirements that could prevent the Town from moving forward with this important project and we encourage the agency uses the discretion available to it. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets.

The Town's mooring field comprises 23.8 acres of Wellfleet Harbor and is referred to in the Town's permit application as "Area 2". According to a Public Notice issued by the USACE New England District on May 23, 2017, the decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. While the Notice indicated that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people, we don't believe that certain key factors that are unique to this project are being given due consideration as part of the agency's decision-making process. If the agency were to take a holistic view of the Town's application, it would be evident that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

The economic benefits associated with dredging in Wellfleet Harbor is one of the many reasons we supported federal funding for dredging the federal navigation channel and federal anchorage. We worked very hard to ensure that USACE included \$5 million in the agency's FY2020 work plan for this important project, which is adjacent to the mooring field and would be affected by the material that has built up in Area 2. It would be unfortunate if USACE granted the permits the Town needs, but included conditions that ultimately make it impossible for the Town to proceed with dredging, as that would severely undermine a multimillion federal investment. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

As described above, the well-being of the regional economy is closely tied to the health of the shellfish industry. The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage in order to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the

greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

USACE seems to have assigned a significant environmental value to this area and has concluded that dredging will cause environmental harm. To the contrary, the Town's engineers have completed all of the studies required by USACE and concluded that no harm whatsoever would come to the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. All of this information is notwithstanding the fact that the Town has no good mitigation options. 70% of land in Wellfleet is federal property, and much of the land that Wellfleet does control is conservation land. Even if there was a mitigation project that could be completed in the area, it would take years to complete such a project, during which time the significant harm described in this letter would come to pass. Requiring the Town to simply write a check to the agency is not an alternative.

We value our relationship with USACE and appreciate everything the agency does to improve navigation in the state, enhance flood control and ensure the integrity of our environment. Failure to find a path forward on this issue will have dire consequences for the regional economy, affect public safety, undermine local investments, and negatively effect the agency's own asset, in which the federal government recently made a massive federal investment. We hope the agency will take a holistic view of the Town's application for permits to dredge Area 2 and use it's discretion to work with the Town to find a path forward that doesn't require unnecessary and burdensome mitigation that the Town can't complete or otherwise can't afford.

Sincerely,

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, June 25, 2021 4:46 PM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Re: Draft Talking Points
Attachments: v2 DRAFT MA Delegation Letter to USACE.docx

Updated draft attached.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Friday, June 25, 2021 at 3:01 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: Draft Talking Points

Ray,

Paragraph #6. 2019

Para. #7. In addition to stating that 70% of the land is federal property I recommend mentioning that the land is part of a national park, the Cape Cod National Seashore.

I recommend consideration of also including the following.

The first item we have always presented to agencies is that of safety. The harbormaster is obligated in an agreement with the Coast Guard to provide search and rescue operations in the harbor and Cape Cod Bay. There have been several serious instances where this obligation could not be met.

The Army Corps has stated to us that they are denying the permit based primarily on the resistance of the National Marine Fisheries Service. While they are not required to deny the permit based on NMFS's objection they are choosing to do so in this case. They have a lot of discretion in making a decision.

Excellent job Ray. Thank you so much!

Best,

Joe

On Jun 25, 2021, at 7:36 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

See the attached letter I'd like to propose the Congressional delegation send to USACE. I used strong language the delegation may or may not be comfortable with – nonetheless, I believe we need to push them in this direction.

Pls review the letter – let me know if I am missing anything or misrepresenting any facts. After you are good with the letter, I will send it to delegation staff.

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To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Draft Talking Points

Thanks Ray!

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Thanks, Will. These letters are good to have, but it would also be good to get an updated letter specific to this project – i.e. a letter from someone representing the industry that is willing to say Area 2 is not suitable for shellfish farming and in fact, any delay in dredging Area 2 could affect areas of the harbor that are suitable for oyster beds?

Joe, you mentioned that the shellfish constable has submitted a letter stating that there are no shellfish beds within Area 2 – could you send me that letter?

You also reference official maps indicating the boundaries of Area 2 vis a vis shellfish beds – could you send that (sorry if you have sent it previously).

Could you also send the study the state did which concluded that the greatest threat to the town's shellfish industry is the encroachment of the black mayonnaise onto the shellfish beds?

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Tuesday, June 22, 2021 at 7:09 AM
To: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: RE: Draft Talking Points

Letters of support for dredging from Warden and Commercial Shellfishermen

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 21, 2021 8:57 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
Subject: Re: Draft Talking Points

Checking in – any comments on the talking points below?

Also, Joe, were you able to make contact with Craig Martin in NE Division?

I am talking with Keating/Warren/Markey staff tomorrow afternoon.

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, June 18, 2021 at 2:05 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joe Aberdale <josephaberdale@gmail.com>
Subject: Draft Talking Points

Joe:

Per our discussion today, I will go back to the Markey, et al offices and schedule my meeting with staff next week. Prior to that meeting, I'd like to be aligned with you, Will and Chris as to the points that should be included in the letter (and points that could be made informally).

Proposed talking points for letter – please add anything I missed and correct anything I wrote in error:

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- The Town has presented data that speak to the fact that the mooring field does not have the same level of environmental value that USACE has assigned to it
 - QUESTION: Are there a few specific datapoints that could be included in the letter to back up this statement?
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- o Even if there was a project that could be completed at Cape Cod National Seashore, it would take years to complete such a project
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With respect to mitigation, while I would not put this in the letter, I do think we should consider offering the 2 acres of shellfish area that was purchased by the town two years ago as retroactive mitigation. It may present a face-saving option for the Corps.

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<DRAFT MA Delegation Letter to USACE.docx>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Saturday, June 26, 2021 10:47 AM
To: Chris Allgeier
Cc: Joseph Aberdale; William Sullivan
Subject: Re: Draft Talking Points

Thanks, guys. I appreciate you taking a close look. I will get it to the Congressional delegation.

Joe, with respect to the pictures, I will send to the delegation and ask them if they think the pics should be included with the letter.

On Jun 25, 2021, at 5:44 PM, Chris Allgeier <cjallgeier@gmail.com> wrote:

Looks good. Ready for prime time.

Minor nit:

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to.... and we encourage the agency to use the discretion available to it.

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To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan

<William.Sullivan@wellfleet-ma.gov>

Subject: Re: Draft Talking Points

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<DRAFT MA Delegation Letter to USACE.docx>

<v2 DRAFT MA Delegation Letter to USACE.docx>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 28, 2021 5:32 AM
To: Chris Allgeier
Cc: Joseph Aberdale; William Sullivan
Subject: Re: Draft Talking Points

Guys, I sent the letter and pictures to the Congressional delegation. I will keep you posted.

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, June 25, 2021 at 5:44 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: Draft Talking Points

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Ray,

Paragraph #6. 2019

Para. #7. In addition to stating that 70% of the land is federal property I recommend mentioning that the land is part of a national park, the Cape Cod National Seashore.

I recommend consideration of also including the following.

The first item we have always presented to agencies is that of safety. The harbormaster is obligated in an agreement with the Coast Guard to provide search and rescue operations in the harbor and Cape Cod Bay. There have been several serious instances where this obligation could not be met.

The Army Corps has stated to us that they are denying the permit based primarily on the resistance of the National Marine Fisheries Service. While they are not required to deny the permit based on NMFS's objection they are choosing to do so in this case. They have a lot of discretion in making a decision.

Excellent job Ray. Thank you so much!

Best,

Joe

On Jun 25, 2021, at 7:36 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

See the attached letter I'd like to propose the Congressional delegation send to USACE. I used strong language the delegation may or may not be comfortable with – nonetheless, I believe we need to push them in this direction.

Pls review the letter – let me know if I am missing anything or misrepresenting any facts. After you are good with the letter, I will send it to delegation staff.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, June 23, 2021 at 1:47 PM
To: Ray Bucheger <Ray@federalrelations.com>

Cc: Will Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Subject: Re: Draft Talking Points

Thanks Ray!

On Jun 23, 2021, at 12:25 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

My call with the three Congressional delegation offices was moved to today. I just got off the phone – it sounds like we are in a good place in terms of alignment. I agree that a delegation letter to the acting ASA is the right next step and I have offered to draft the letter so that we can control the message. I will put together a draft ASAP for you all to review before we share with the Andrew, et al.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, June 22, 2021 at 7:36 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: Re: Draft Talking Points

Thanks, Will. These letters are good to have, but it would also be good to get an updated letter specific to this project – i.e. a letter from someone representing the industry that is willing to say Area 2 is not suitable for shellfish farming and in fact, any delay in dredging Area 2 could affect areas of the harbor that are suitable for oyster beds?

Joe, you mentioned that the shellfish constable has submitted a letter stating that there are no shellfish beds within Area 2 – could you send me that letter?

You also reference official maps indicating the boundaries of Area 2 vis a vis shellfish beds – could you send that (sorry if you have sent it previously).

Could you also send the study the state did which concluded that the greatest threat to the town's shellfish industry is the encroachment of the black mayonnaise onto the shellfish beds?

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Tuesday, June 22, 2021 at 7:09 AM
To: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>
Subject: RE: Draft Talking Points

Letters of support for dredging from Warden and Commercial Shellfishermen

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 21, 2021 8:57 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>; Joseph Aberdale <josephaberdale@gmail.com>
Subject: Re: Draft Talking Points

Checking in – any comments on the talking points below?

Also, Joe, were you able to make contact with Craig Martin in NE Division?

I am talking with Keating/Warren/Markey staff tomorrow afternoon.

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, June 18, 2021 at 2:05 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>, Joe Aberdale <josephaberdale@gmail.com>
Subject: Draft Talking Points

Joe:

Per our discussion today, I will go back to the Markey, et al offices and schedule my meeting with staff next week. Prior to that meeting, I'd like to be aligned with you, Will and Chris as to the points that should be included in the letter (and points that could be made informally).

Proposed talking points for letter – please add anything I missed and correct anything I wrote in error:

- The Town is seeking a permit for maintenance dredging. The Town should not be punished for lacking the resources needed to dredge the area until now.
- The Town has presented data that speak to the fact that the mooring field does not have the same level of environmental value that USACE has assigned to it
 - QUESTION: Are there a few specific datapoints that could be included in the letter to back up this statement?
- There is no difference between Area 1 and Area 2, which begs the question, why is mitigation being required for the permit to dredge Area 2 when USACE granted a permit only months ago to dredge Area 1 without requiring mitigation.
 - Area 1 and Area 2 are adjacent to each other
 - Area 1 and Area 2 are part of the same mooring field
 - Area 1 and Area 2 are both filled with the same black mayonnaise
 - Area 1 and Area 2 are both in the same condition at low tide.
- The shellfish farmers do not believe Area 2 has value and they do not believe that dredging Area 2 will disturb their oyster beds. In fact, local oyster farmers are concerned about the black mayonnaise currently in Area 2 possibly affecting their operations in the future
 - QUESTION: Any chance we could get a letter from a local shellfish association or group of companies that would pledge support for the project, explain they would never grow oysters in Area 2, and express concern about any delay in dredging Area 2?
- Even if Area 2 had the level of environmental value that has been suggested, there are no good mitigation options:

- 70% of land in Wellfleet in federal property, and much of the land that Wellfleet does control is conservation land.
- Even if there was a project that could be completed at Cape Cod National Seashore, it would take years to complete such a project
- Herring River is not a good option because [PLEASE FILL IN THE BLANK HERE]

With respect to mitigation, while I would not put this in the letter, I do think we should consider offering the 2 acres of shellfish area that was purchased by the town two years ago as retroactive mitigation. It may present a face-saving option for the Corps.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

<DRAFT MA Delegation Letter to USACE.docx>

<v2 DRAFT MA Delegation Letter to USACE.docx>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, June 29, 2021 7:47 PM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: FW: FBB Invoice for Federal Consulting Services
Attachments: LH Invoice 12053 (35155-0001).pdf; LH Invoice 12677 (35155-0001).pdf

Joe, Chris and Will:

Attached is an invoice for the second installment of our fees.

Thank you

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, May 28, 2021 at 10:44 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Joe Aberdale <josephaberdale@gmail.com>
Subject: FBB Invoice for Federal Consulting Services

Will and Joe:

Per our contract, attached is an invoice for the first installment of our fees. Let me know if there is someone else to whom I should direct this email.

Thanks again for the opportunity to work with you on this issue.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>



Lindsay Hart, LLP

1300 SW Fifth Avenue, Suite 3400
Portland, OR 97201-5640
T 503.226.7677 F 503.226.7697
Federal Tax ID: 93-1034742

TOWN OF WELLFLEET
300 Main Street
Wellfleet, MA 02667
USA

Invoice 12677
06/23/2021

ID: 35155-0001

Matter: Federal Relations
Due Date: 07/23/2021

Description:

GOVERNMENT AFFAIRS CONSULTING SERVICES

Payments received after 06/23/2021 are not reflected in this statement.

Professional Services

Date	Tk	Details	Hours	Rate	Amount
Federal Relations	Fixed Fee				\$5,000.00
For professional services rendered					\$5,000.00
Invoice Amount					\$5,000.00
Previous Invoices Balance					\$5,000.00
Balance Due					\$10,000.00

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, July 1, 2021 1:57 PM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: FW: Wellfleet

Guys, see below. What is the response?

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Thursday, July 1, 2021 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
Subject: FW: Wellfleet

Hey Guys,

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Best,

-Andrew

From: Harrington, Janet G CIV USARMY CENAE (USA) <Janet.G.Harrington@usace.army.mil>
Sent: Wednesday, June 30, 2021 4:23 PM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Wellfleet

Hi Andrew,

When we had the phone call on Wellfleet it sounded as though there was some type of assessment data indicating the area isn't functioning as a high quality mudflat area.

We still have not received this.

In theory this could help to adjust mitigation requirements.

If they wish to share it, we would gladly receive it.

Just figured I'd mention this to you.

Thanks for all your help and hope you have a wonderful 4th.

Janet

William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Thursday, July 1, 2021 7:12 PM
To: Ray Bucheger
Cc: Joseph Aberdale; William Sullivan
Subject: Re: Wellfleet

I suggest a call with GEI, Dan Robbins and Alyssa Richard so we're all on the same wave length.

I'm mostly off-shore for a few days and really not available until Tuesday but if people agree, perhaps Will could schedule a GEI call for early next week.

Chris

Sent from my iPhone

On Jul 1, 2021, at 1:57 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

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William Sullivan

From: William Sullivan
Sent: Friday, July 2, 2021 1:06 PM
To: Ray Bucheger; Joseph Aberdale; Chris Allgeier
Subject: RE: Wellfleet

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From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, July 1, 2021 1:57 PM
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William Sullivan

From: William Sullivan
Sent: Friday, July 2, 2021 1:05 PM
To: Dan Robbins
Subject: FW: Wellfleet

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From: Ray Bucheger <Ray@federalrelations.com>
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Janet

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Friday, July 2, 2021 1:28 PM
To: William Sullivan
Subject: Re: [EXT] FW: Wellfleet

Thanks happy to have a call with the Andrew and Ray at some point next week and share the information we have. They should have it all already.

GEI50

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



On Jul 2, 2021, at 1:05 PM, William Sullivan <william.sullivan@wellfleet-ma.gov> wrote:

EXTERNAL EMAIL

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From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, July 1, 2021 1:57 PM
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William Sullivan

From: William Sullivan
Sent: Friday, July 2, 2021 1:39 PM
To: Robbins, Dan
Subject: RE: [EXT] FW: Wellfleet

Thanks Dan! Enjoy the weekend

From: Robbins, Dan <d Robbins@geiconsultants.com>
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To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: [EXT] FW: Wellfleet

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William Sullivan

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Friday, July 2, 2021 2:19 PM
To: William Sullivan
Cc: Ray Bucheger; Chris Allgeier
Subject: Re: Wellfleet

Will,

I just spoke with Chris and we agree that Andrew is confused. In that conversation we had with Andrew I referred to the engineers documents we have stating that no harm would come to dredging Area 2. These documents have been provided to the Army Corps and we have referenced them many times in the past to present our case. I am going to pull the past documents and send them to Ray for his review and opinion on going forward. I will also forward them to you.

Dan stated his professional engineer's opinion that no harm would come to dredging Area 2 in the conference call we had with the Corps people last November. Our documents should clarify the matter for Andrew.

Joe

On Jul 2, 2021, at 1:06 PM, William Sullivan <William.Sullivan@wellfleet-ma.gov> wrote:

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, July 12, 2021 1:23 PM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: FW: Wellfleet

It seems our explanation as to the “miscommunication” between the delegation and the Town was sufficient. See below. I will keep you posted.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Monday, July 12, 2021 at 12:51 PM
To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
Subject: RE: Wellfleet

Ray,

This is great! I'll get this over to them immediately!

Best,

-Andrew

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, July 8, 2021 12:56 PM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>; Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>; O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>; Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
Subject: Re: Wellfleet

Andrew:

Based on my discussions with the Town, it doesn't seem like this is an issue of providing new information; rather, it seems to be an issue of ensuring that senior level people at the Corps actually look at the information that has been provided. See attached documents that have been submitted by the Town's engineers are which are clear as to the environmental value of this area.

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cell: 202-236-5101
<http://FBBFederalRelations.com>

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Date: Thursday, July 1, 2021 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
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Sent: Wednesday, June 30, 2021 4:23 PM
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From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, July 20, 2021 8:43 AM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: FBB Invoice for Federal Consulting Services
Attachments: LH Invoice 13145.pdf

Joe, Chris and Will:

Attached is an invoice for the third installment of our fees.

Thank you

Ray

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Congress of the United States
Washington, DC 20510

July 20, 2021

Mr. Jaime A. Pinkham
Acting Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Assistant Secretary Pinkham:

We are writing in support of the Town of Wellfleet's application to the U.S. Army Corps of Engineers (USACE) for permits to dredge the town-managed mooring field in Wellfleet Harbor. We are also writing to express concern about suggestions of unnecessary and burdensome mitigation requirements that could prevent the town from moving forward with this important project. Failure to dredge this area could negatively affect public access of the mooring field, counteract prior dredging efforts, and likely cause harm to shellfish operations located in Wellfleet Harbor, which would significantly affect the regional economy.

The Town of Wellfleet's mooring field comprises 23.8 acres of Wellfleet Harbor and is referred to in the town's permit application as "Area 2". According to a Public Notice issued by the USACE New England District on May 23, 2017, the decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. This includes, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production, and the general needs and welfare of the people. It is evident that the town's proposed dredging project will improve navigation, enhance public safety, support Wellfleet's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity. Accordingly, USACE should swiftly move to approve the Town of Wellfleet's permit.

One of the primary reasons the Town of Wellfleet is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. The Harbormaster has shared with our offices that he is unable to offer full protection to the thousands of boaters who use Wellfleet and the surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Access to the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

The economic benefits associated with dredging in Wellfleet Harbor is one of the many reasons we support federal funding for dredging the federal navigation channel and federal anchorage. We advocated to ensure that USACE included \$5 million in the agency’s FY 2020 work plan for this important project, which is adjacent to the mooring field and would be negatively affected by the backflow of material that has built up in Area 2. As a result, in addition to granting the permits the town needs, we urge the USACE to avoid including conditions that would ultimately make it financially impossible for the Town to proceed with dredging and severely undermine a multimillion federal investment.

Finally, we understand that the Town of Wellfleet’s engineers have completed all of the studies required by USACE and concluded that no environmental harm would be caused by the dredging of Area 2. We believe that closer inspection of this data by USACE would confirm this conclusion. Moreover, the town’s studies also indicate that continued failure to dredge Area 2 poses an threat to the local ecosystem and shellfish farming operations.


We appreciate the work that USACE does to improve navigation in the state, enhance flood control and ensure the integrity of our environment. We look forward to working with USACE to find a path forward on this issue and hope the agency will take a holistic view of the Town of Wellfleet’s application for permits to dredge Area 2. Furthermore, we respectfully request you use your discretion to work with the Town to find a path forward that does not require unnecessary and burdensome mitigation that the Town cannot complete or otherwise cannot afford.

Thank you for your attention to this important matter.

Sincerely,


Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator


William R. Keating
Member of Congress

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, July 20, 2021 10:55 PM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: Wellfleet

Great. Thank you, Joe.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Tuesday, July 20, 2021 at 9:25 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Wellfleet

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Also see the letter from the Shellfish Constable explaining that not only is Area 2 not environmentally valuable, it actually represents potential harm to adjacent shellfish operations.

I'm happy to discuss. Next week would be best as I'm traveling with my family this week.

Ray

Ray Bucheger
FBB Federal Relations

Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Thursday, July 1, 2021 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
Subject: FW: Wellfleet

Hey Guys,

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Best,

-Andrew

From: Harrington, Janet G CIV USARMY CENAE (USA) <Janet.G.Harrington@usace.army.mil>
Sent: Wednesday, June 30, 2021 4:23 PM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Wellfleet

Hi Andrew,

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We still have not received this.

In theory this could help to adjust mitigation requirements.

If they wish to share it, we would gladly receive it.

Just figured I'd mention this to you.

Thanks for all your help and hope you have a wonderful 4th.

Janet

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, July 21, 2021 1:40 PM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: FW: FBB Invoice for Federal Consulting Services
Attachments: LH Invoice 13145.pdf

Joe, Chris and Will:

Following up on this – please send payment to our Portland, OR office. Here is the address:

Lindsay Hart, LLP
1300 SW Fifth Avenue, Suite 3400
Portland, OR 97201-5640

Thank you!

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, July 20, 2021 at 8:42 AM
To: Joe Aberdale <josephaberdale@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, Allgeier, Chris <cjallgeier@gmail.com>
Subject: FBB Invoice for Federal Consulting Services

Joe, Chris and Will:

Attached is an invoice for the third installment of our fees.

Thank you

Ray

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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, July 26, 2021 10:44 AM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: Re: Wellfleet

Guys:

Checking in – do we have the summary document from your engineers?

Thanks

Ray

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Tuesday, July 20, 2021 at 9:25 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Wellfleet

Ray,

I brought it up at today's meeting with the engineers and Dan promised it by the end of the week.

Joe

On Jul 20, 2021, at 6:32 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

Thanks again for organizing the call with your engineers last week. Any chance they have come back to you with the summary document we discussed?

See below: Markey's office raised this with Corps HQ as part of the hearing process for the ASA nominee – the Environment and Public Works (EPW) Committee had a hearing on the nominee last week and is moving closer to confirmation.

Ray

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Best,

Eric

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Subject: Re: Wellfleet

Andrew, Any additional feedback from the District?

Eric, I note that EPW held a hearing on the nominee for ASA. Is there an opportunity to highlight this issue in a QFR or during an upcoming meeting between the nominee and the Senator?

Here is an update on my end:

I had a call with the Town's engineer's yesterday. They believe they have provided all pertinent information to the District justifying the agency issuing the permit without requiring mitigation. Their view aligns with what I said below – all of this information was submitted to relatively low-level people who failed to share the information with more senior people in the District.

The engineers are assembling a one or two page document that we can share with the senior level people that summarizes the reams of information the Town has submitted to the agency. The bottom line seems to be that just because something is a "mud flat", it doesn't mean it is high value or requires mitigation. In this case, we are looking at continuously disturbed mud flat that doesn't generally constitute good habitat (and to the extent that any living creatures live in the muck, the project will allow for recolonization fairly quickly).

In the meantime, if the letter has not yet been sent, it may be useful to point to the fact that the State of Massachusetts has issued all state-level permits needed to complete this project and the State concluded that no mitigation is necessary.

It is also worth noting that the federal channel is already being affected by the sediment in the mooring field and the longer we wait to dredge, the more sloughing will occur. This would be a

real shame considering how hard the delegation worked to get the Corps to free up that money a few years ago. Not to mention the fact that failure to dredge the mooring field would result in a massive waste of federal funds used to dredge the federal channel.

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From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Monday, July 12, 2021 at 12:51 PM
To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren) <Hannah_Benson@warren.senate.gov>
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Ray,

This is great! I'll get this over to them immediately!

Best,

-Andrew

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William Sullivan

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, July 26, 2021 10:50 AM
To: Ray Bucheger
Cc: William Sullivan; Chris Allgeier
Subject: Re: Wellfleet

Ray,

I sent the engineer the email copied below Friday evening. If no response by the end of the day we will call him.

Joe

Hi Dan,

On Tuesday you indicated that the fact sheet you were going to prepare for our lobbyist would be ready by the end of this week. I know it's important to him to have it to move ahead with his program for us. When do you think you can now have it ready?

Thank you.

Joe

On Jul 26, 2021, at 10:44 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

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Thanks

Ray

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From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>

Date: Monday, July 12, 2021 at 12:51 PM

To: Ray Bucheger <Ray@federalrelations.com>, Kashdan, Eric (Markey) <Eric_Kashdan@markey.senate.gov>, O'Brien, Nolan (Markey) <Nolan_O'Brien@markey.senate.gov>, Benson, Hannah (Warren)

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<Janet.G.Harrington@usace.army.mil>

Sent: Wednesday, June 30, 2021 4:23 PM

To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>

Subject: Wellfleet

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Just figured I'd mention this to you.

Thanks for all your help and hope you have a wonderful 4th.

Janet

Rebecca Roughley

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Wednesday, July 28, 2021 5:37 PM
To: Charles Sumner
Cc: Chris Allgeier; William Sullivan; Rebecca Slick
Subject: Re: Wellfleet Harbor 2021 Dredging Bid Documents -TOWN COUNSEL COMMENTS

Charlie,

The weekly conference calls with the engineer have never been invitation only, closed calls. When Rebecca started working she was invited to the Dredging Task Force meetings and attended a few. I would be very pleased to have Rebecca, you and any one you feel appropriate involved in every aspect of the project. Please let us know. Rebecca's and your involvement and support are valued and always welcomed.

Joe

On Jul 28, 2021, at 1:11 PM, Charles Sumner <Charles.Sumner@wellfleet-ma.gov> wrote:

Good morning all,

I have sent this matter off to Town Counsel and asked for an expeditious review as requested. I did notice that you all seemed to have a conference call this morning concerning this project. While talking to Rebecca Slick this morning about this matter, I understood that she was not invited to participate in the conference call. To ensure that we are all working in a comprehensive and collaborative manner I would request that she be involved in all future meetings, planning events and conference calls.

Thank you

Charlie

Charles L. Sumner

Interim Town Administrator

Town of Wellfleet

300 Main Street

Wellfleet, MA 02667

(W) 508-349-0300

(M) 774-353-7033

From: Chris Allgeier <cjallgeier@gmail.com>

Sent: Wednesday, July 28, 2021 10:32 AM

To: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>

Cc: Joseph Aberdale <josephaberdale@gmail.com>

Subject: Wellfleet Harbor 2021 Dredging Bid Documents -TOWN COUNSEL COMMENTS

Good morning,

On this morning's engineering call, GEI advised that the 2021 Dredging final bid documents will be ready to issue in a few days, awaiting only any comments from Town Counsel. As such, I am requesting that someone expedite the comments from KP Law, if any.

The overall timeline is very tight. Public Advertisement submittals further exacerbate the timeline. We're already thinking of reducing the bid period from 21 days down to 18 days.

Expediting the comments is critical and would be much appreciated.

Happy to discuss further, if desired.

Chris

Begin forwarded message:

From: Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Draft Wellfleet Dredging Documents
Date: July 24, 2021 at 5:16:45 PM EDT
To: Joseph Aberdale <josephaberdale@gmail.com>, Skip Annett <skipannett@att.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>, Kevin Coakley <captk5656@aol.com>, Curt Felix <cfelix@planktonpower.net>, Alfred Pickard <wcmom@aol.com>, "Rebecca.Slick@wellfleet-ma.gov" <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifeexercises@comcast.net>, William Sullivan <william.sullivan@wellfleet-ma.gov>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Attached are my comments to the GEI Dredging documents. I have included the excel file as well as a pdf in case people do not have excel.

Please feel free to add to the attached comments or send me your comments and I'll update the list accordingly.

CAUTION: DO NOT OPERATE HEAVY MACHINERY WHEN READING THE DOCUMENTS !

On Jul 23, 2021, at 2:48 PM, Chris Allgeier <cjallgeier@gmail.com> wrote:

Attached in 3 pdf files, please find the DRAFT documents for the 2021 Dredging Bid Package (downloaded from the GEI link for everyone's convenience).

Please review and provide any comments by COB Tuesday July 27, 2021.

Chris

<Wellfleet Dredging-Area1_Drawings_DRAFT_2021Jul22.pdf>
<Wellfleet Dredging-Area1_Front End_DRAFT_2021Jul22.pdf>
<Wellfleet Dredging-Area1_TechSpecs_DRAFT_2021Jul22.pdf>

Begin forwarded message:

From: "Robbins, Dan" <drobbsins@geiconsultants.com>
Subject: Draft Wellfleet Dredging Documents
Date: July 22, 2021 at 6:21:46 PM EDT
To: Will Sullivan <william.sullivan@wellfleet-ma.gov>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, Chris Allgeier <cjallgeier@gmail.com>, Alfred Pickard <wmcmom@aol.com>

Hello Will,
Please find below a link to the Draft Wellfleet Dredging Documents. We are preparing the pre-qualification documents related to the state funding and will provide those for review under separate cover.

<https://geiconsultants.sharefile.com/d-s9ae9113aa4e145f09bbf0f12b88a0051>

As an aside and mentioned on our call with the lobbyist the Army Corps has requested that we submit a new permit application for the area 2 dredging. We confirmed that this WILL NOT reset the clock or invalidate the progress that has been done. They are trying to progress the public notice forward. Alyssa will be reaching out to the Town to request an updated abutters list for the public notice.

I look forward to any comments you may have as we also do internal reviews at the same time to keep the schedule moving forward.

Regards
Dan

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801





**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751**

July 28, 2021

Regulatory Division
File No. NAE-2015-1414

William Sullivan
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Dear Mr. Sullivan:

This is in response to a recent request dated June 4th, 2021 to modify your Department of the Army permit, number NAE-2015-1414, that authorized maintenance dredging of 116,500 cubic yards of material from 14.6 acres in Wellfleet Harbor. The area was authorized to be dredged to a design depth of -6 feet MLW with 1-foot overdredge (-7 ft MLW) and disposed of at the Cape Cod Bay Disposal Site (CCBDS). This work was located on Kendrick Avenue in Wellfleet, MA.

The permit is hereby modified to add an additional section to the dredging footprint to be dredged and disposed of at CCBDS. This additional area will be approximately 17,835 square feet in size. The volume will be 4,990 cubic yards. This work is also on Kendrick Avenue in Wellfleet, MA. The work is shown on the enclosed plans titled "Harbor Dredging, Town of Wellfleet", on three sheets, and dated "May 2021".

All other terms and conditions of the original permit of November 25th, 2020 and the modification of December 8th, 2021 remain in full force and effect.

This authorization requires that you notify us before beginning the work and that you allow us to inspect the project. You must complete and return the Work Start Notification Form, if not already submitted, to our office no later than two weeks before the work will begin.

We continually strive to improve our customer service. For us to better serve you, please complete our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

If you have any questions, please contact Charles Farris of my staff at (978) 318-8336.

Sincerely,

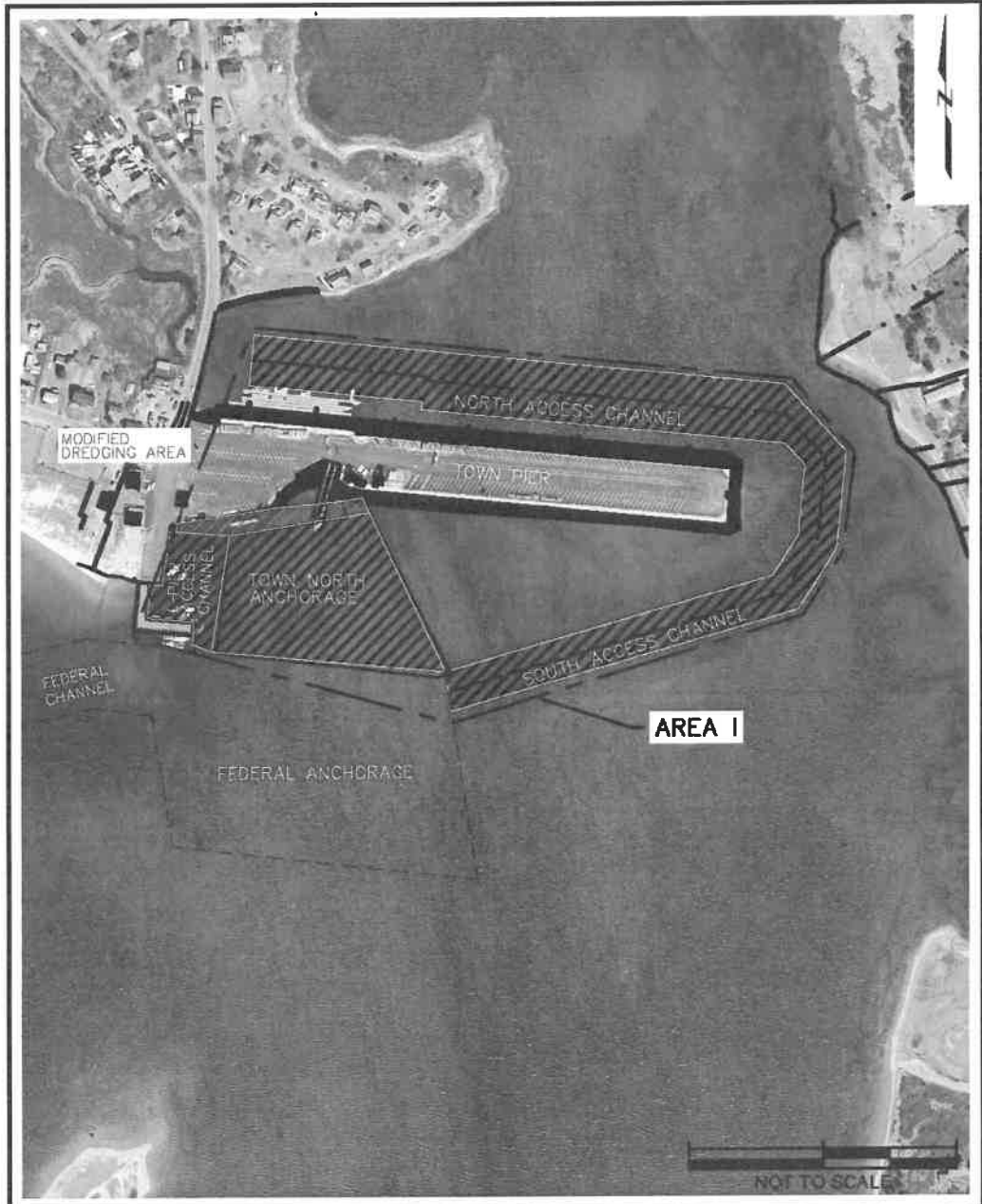
Robert J. DeSista

Robert J. DeSista
Chief, Policy and Technical Support Branch
Regulatory Division

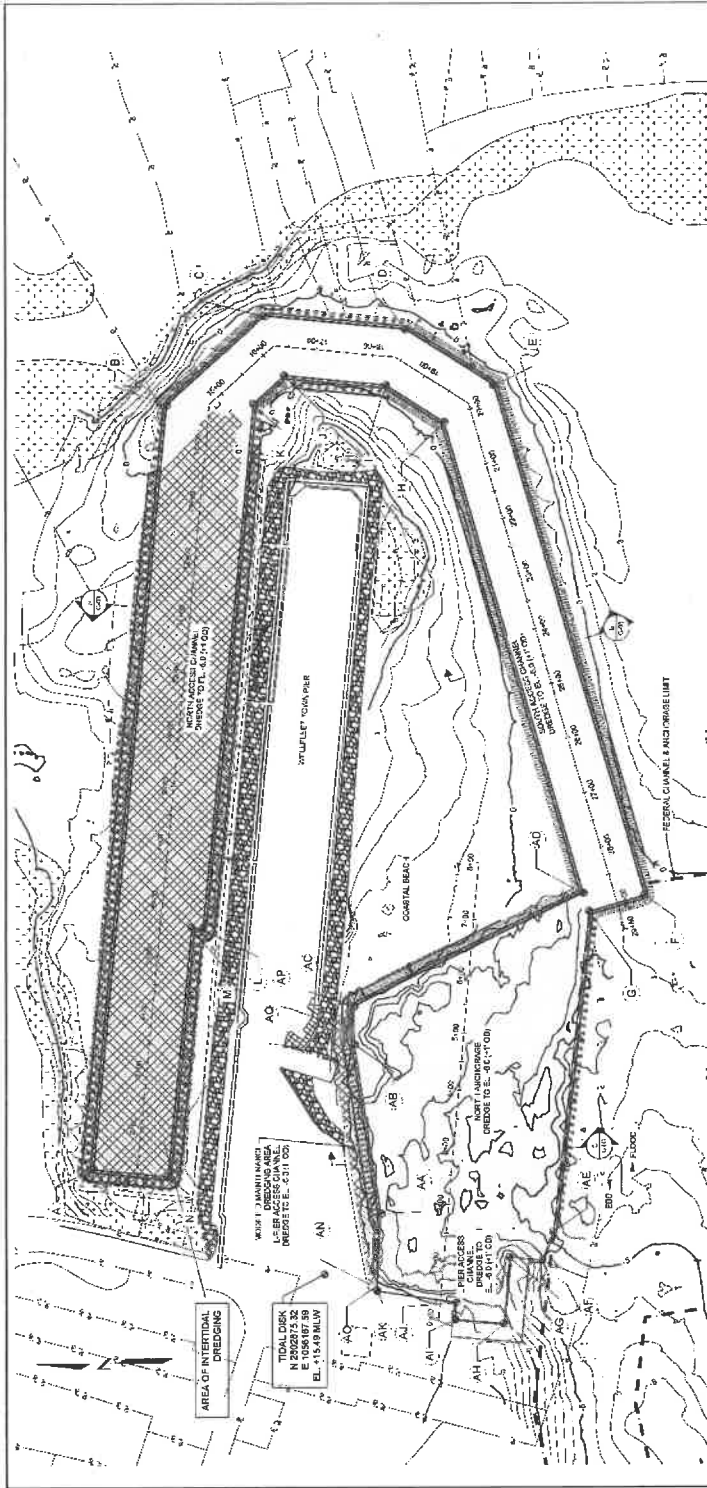
cc:

Alyssa Richard, GEI Consultants, arichard@geiconsultant.com

Robert Boeri, Massachusetts Office of Coastal Zone Management, robert.boeri@state.ma.us



<p>Harbor Dredging Wellfleet Harbor</p>		<p>SITE OVERVIEW</p>
<p>Town of Wellfleet Wellfleet, MA</p>	<p>Project 2004486</p>	<p>MAY 2021 Fig. #1</p>



- REGULATORY CONTOUR
- US SURVEY CONTOUR
- FEDERAL CHANNEL
- AREA OF DREDGING
- AREA OF INTERIOR DREDGING
- MODIFIED WATERSHED AREA

NOTES:
 1. CALCULATED DREDGE SLACK
 2. SEE SHEET C-01 FOR DREDGE AREA

CALCULATED DREDGE VOLUME

AREA	AREA (SQ. FT.)	DEPTH (FT.)	VOLUME (CU. YD.)
INTERIOR	1,111,111	1.0	1,111,111
WELL FLEET	2,222,222	1.0	2,222,222
WELL FLEET CHANNEL	3,333,333	1.0	3,333,333
WELL FLEET DAMPIER	4,444,444	1.0	4,444,444
TOTAL	11,111,111	1.0	11,111,111

PERMITS

PERMIT	NO.	DATE	ISSUED BY
STATE	100-1000	10/1/00	DEPT. OF ENVIRONMENTAL MANAGEMENT
FEDERAL	100-1000	10/1/00	U.S. ARMY CORPS OF ENGINEERS
MUNICIPAL	100-1000	10/1/00	MUNICIPALITY OF WELLS FLEET

DESIGN SUMMARY

DESIGN	DATE	BY	CHKD.
CONCEPT	10/1/00	J. SMITH	M. JONES
PRELIMINARY	10/1/00	J. SMITH	M. JONES
FINAL	10/1/00	J. SMITH	M. JONES

FOR PERMIT

WELLS FLEET HARBOR DREDGING
 AREA 1 MODIFICATION
 WELLS FLEET HARBOR

PROPOSED DREDGE AREA

DESIGN NO. C-02
 SHEET NO. 02

Town of Wellsfleet
 288 Main Street
 Wellsfleet, MA 02867
 CEI Project 200109

Scale: 1" = 100'

DATE: 10/1/00

PROJECT NO. 100-1000

STATE: MA

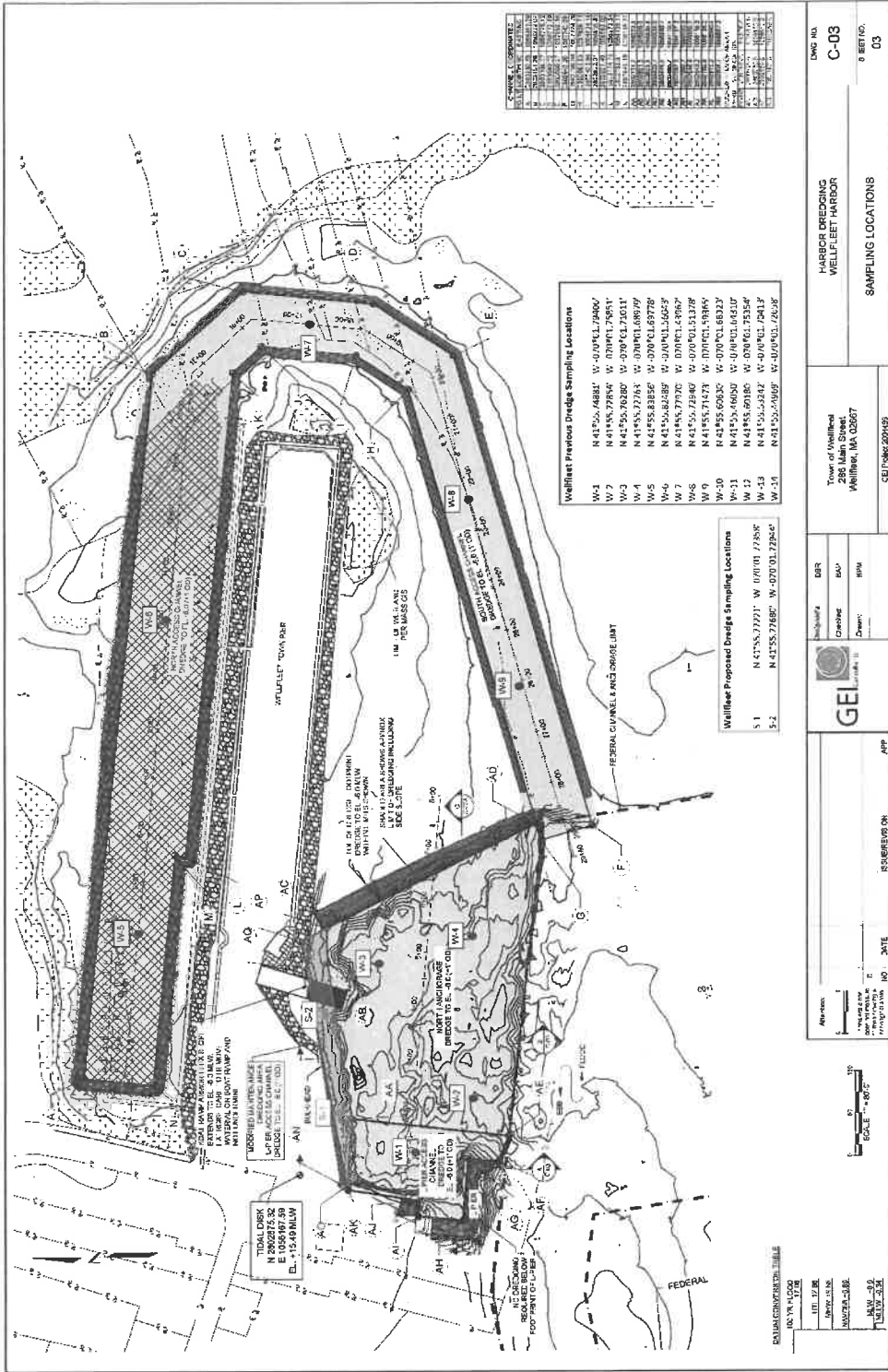
PROJECT: WELLS FLEET HARBOR DREDGING

DESIGNER: GEI

OWNER: TOWN OF WELLS FLEET

DATE: 10/1/00

PROJECT: WELLS FLEET HARBOR DREDGING



William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, July 29, 2021 9:07 AM
To: Richard, Alyssa; Robbins, Dan
Cc: William Sullivan
Subject: Emailing: Wellfleet Area 1 - add. dredging - Modification Letter.pdf
Attachments: Wellfleet Area 1 - add. dredging - Modification Letter.pdf

Here is a copy of your permit action for the additional dredging in Area 1. Good luck!

For Area 2, did you get this list of abutters yet. I can't start your public notice without them. How are you coming of the permit application and the mitigation list? You can send me the application first.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Thursday, July 29, 2021 9:17 AM
To: Farris, Charles N CIV USARMY CENAE (USA); Richard, Alyssa
Cc: William Sullivan
Subject: RE: Emailing: Wellfleet Area 1 - add. dredging - Modification Letter.pdf

Thank you Norm!

I believe that Alyssa received the updated certified abutters list this week and will be providing with the application in the next day or so.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801
tel (781) 721-4017
mobile (603) 833-0609
d Robbins@geiconsultants.com
<http://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, July 29, 2021 9:07 AM
To: Richard, Alyssa <arichard@geiconsultants.com>; Robbins, Dan <d Robbins@geiconsultants.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [EXT] Emailing: Wellfleet Area 1 - add. dredging - Modification Letter.pdf

EXTERNAL EMAIL

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Regulatory Division
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Concord, MA 01742
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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, July 29, 2021 3:49 PM
To: Richard, Alyssa; Robbins, Dan; William Sullivan
Subject: Town of Wellfleet - WSNF for Area 1 additional dredging.docx
Attachments: Town of Wellfleet - WSNF for Area 1 additional dredging.docx

When you are ready to start dredging next season, please send in this form two weeks before you start

Norm

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, July 29, 2021 9:07 AM
To: Richard, Alyssa; Robbins, Dan
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696 Virginia Road
Concord, MA 01742
(978) 318-8336



**US Army Corps
of Engineers** ®
New England District

WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

EMAIL TO: Charles.n.farris@usace.army.mil and cenae-r@usace.army.mil; or

MAIL TO: Charles N. Farris
Regulatory Division
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, Massachusetts 01742-2751

Also, if the work is in the Massachusetts Coastal Zone (<https://www.mass.gov/service-details/czm-regions-coastal-communities-and-coastal-zone-boundary>), email this form to robert.boeri@mass.gov or mail it to: The Massachusetts Office of Coastal Zone Management, Project Review Coordinator, Suite 800, 251 Causeway Street, Boston, MA 02114.

A modification for Corps of Engineers Permit No. NAE-2015-1414 was issued to the Town of Wellfleet. This work is located in Wellfleet Harbor and authorized the addition of an adjacent section to the dredging footprint to be dredged and disposed of at CCBDS. This additional area will be approximately 17,835 square feet in size. The volume will be 4,990 cubic yards.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Phone & email: () _____ () _____

Proposed Work Dates: Start: _____ Finish: _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: _____ **Date Permit Expires:** _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ **Submittals Required:** _____

Inspection Recommendation: _____



**US Army Corps
of Engineers®**
New England District

WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

EMAIL TO: Charles.n.farris@usace.army.mil and cenae-r@usace.army.mil; or

MAIL TO: Charles N. Farris
Regulatory Division
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, Massachusetts 01742-2751

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FOR USE BY THE CORPS OF ENGINEERS

PM: _____ Submittals Required: _____

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William Sullivan

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Friday, July 30, 2021 12:28 PM
To: William Sullivan; Robbins, Dan
Subject: FW: Abutters list for Wellfleet Harbor Dredge Project

Will,

I sent over the Corps permit form this morning for your signature. Norm is also looking for confirmation that we are working on a mitigation plan. I just wanted to be sure you were OK with me telling Norm that we are putting that together. I'm trying to not commit the Town to anything while also keeping the process moving along. Since the lobbyist is still working towards no mitigation I am trying not to send too many mixed messages so I wanted your opinion on this first. Let me know your thoughts.

Thanks,
Alyssa

We have moved - please note our new address.

Alyssa Richard
Environmental Specialist
GEI Consultants, Inc.
124 Grove Street, Suite 300, Franklin, MA 02038-3156
tel (508) 533-6666
arichard@geiconsultants.com
<http://www.geiconsultants.com>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Friday, July 30, 2021 8:31 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] RE: Abutters list for Wellfleet Harbor Dredge Project

EXTERNAL EMAIL

Alyssa

Thanks for the abutters list, I will start working on the public notice. Working with ERS in the Corps, I was able to get their concurrence with NO additional sampling needed. How are you coming on the list of mitigation options. Have started working on it yet? I need to know for the public notice.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Richard, Alyssa <arichard@geiconsultants.com>

Sent: Friday, July 30, 2021 7:09 AM

To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>

Cc: Robbins, Dan <d Robbins@geiconsultants.com>

Subject: [Non-DoD Source] Abutters list for Wellfleet Harbor Dredge Project

Norm,

Please find attached the certified abutters list for the Wellfleet Harbor Dredge Project. The application form is just waiting on the Town's signature which I think we should have today or Monday at the latest. If you need the abutter lists in some other form please let me know.

As for the addition to Area I, since you have issued an amended permit does that mean that the Corps has determined that additional sampling is not needed? I need to be sure that we are all set with disposal in that area because the State Water Quality Cert is waiting on that piece to move forward with their amendment. If you could just confirm for me that there is no additional sampling required I will pass that information along to the State.

Thanks

GEI

ALYSSA RICHARD
Environmental Specialist

508.533.6666

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<Blockedhttps://dynasend.com/signatures/vcard/arichard-at-geiconsultants.com.vcf>

William Sullivan

From: William Sullivan
Sent: Friday, July 30, 2021 12:56 PM
To: Richard, Alyssa
Subject: RE: Abutters list for Wellfleet Harbor Dredge Project

Good question!

I guess technically we are working on a plan right? Even if it is no Mitigation....Maybe something along the lines that we are working on a solution to this problem?

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Friday, July 30, 2021 12:28 PM
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Thanks,
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William Sullivan

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Friday, July 30, 2021 4:45 PM
To: William Sullivan
Subject: RE: Abutters list for Wellfleet Harbor Dredge Project

Sounds good I will send Norm a follow up.

Alyssa

GEI ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Sent: Friday, July 30, 2021 12:56 PM
To: Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] RE: Abutters list for Wellfleet Harbor Dredge Project

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Sent: Friday, July 30, 2021 8:31 AM
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Cc: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 9, 2021 9:33 AM
To: Richard, Alyssa
Cc: William Sullivan; Robbins, Dan
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project

Importance: High

As I'm writing the public notice, I see that you have no plan views in your application. Please send me a version with the plan views attached as well or it isn't an official application.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
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696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, August 02, 2021 3:21 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [Non-DoD Source] Area II ENG form Wellfleet Harbor Dredge Project

Norm,

I have attached the ENG 4345 signed for your review and for the public notice. We have been working with the town to try to resolve the issue of mitigation. We do not have a mitigation plan as such that the town has approved at this point though. What kind of language do you need to include in the public notice? Let me know if you need anything else from us.

Alyssa

GEI

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William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 9, 2021 9:42 AM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project

Thanks! I'm s=getting the Public Notice out this week.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Monday, August 09, 2021 9:40 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [Non-DoD Source] RE: Area II ENG form Wellfleet Harbor Dredge Project

We will send later today.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609 drobbins@geiconsultants.com
<mailto:drobbins@geiconsultants.com>
<http://www.geiconsultants.com/> <Blocked<http://www.geiconsultants.com/>>

-----Original Message-----

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Sent: Monday, August 9, 2021 9:33 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
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Importance: High

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Charles N. Farris

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(978) 318-8336

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, August 11, 2021 5:17 PM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: Check-In / Update

Joe:

To your point, the delegation letter has gone to the acting ASA. I am waiting for a copy.

Also working to lock down a meeting with delegation staff for tomorrow.

Ray

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Friday, August 6, 2021 at 10:25 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: Check-In / Update

Ray,

Nothing significantly new. The challenge you outlined regarding making sure the Army Corps Washington D.C. staff has all of the necessary information needed to conduct their review seems to be the prominent issue. We have to make sure they are not solely reliant on the Corps New England division for that info. Perhaps you can check with the Corps D.C. staff to verify that they have everything needed and get a status update on their review.

Thanks Ray.

Joe

On Aug 6, 2021, at 9:40 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

I haven't heard anything from the delegation or USACE in a few weeks – I am working to set up calls with the delegation and with the District.

I will keep you posted.

Anything new on your end?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, August 11, 2021 6:49 PM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project

Just checking on that application. I have a copy of the public notice that I'd like to drop this week.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <drobbins@geiconsultants.com>
Sent: Monday, August 09, 2021 9:40 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [Non-DoD Source] RE: Area II ENG form Wellfleet Harbor Dredge Project

We will send later today.

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609 drobbins@geiconsultants.com
<mailto:drobbins@geiconsultants.com>
<http://www.geiconsultants.com/> <Blocked<http://www.geiconsultants.com/>>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
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Subject: [EXT] RE: Area II ENG form Wellfleet Harbor Dredge Project
Importance: High

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From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, August 02, 2021 3:21 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
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Alyssa

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Cc: Richard, Alyssa; William Sullivan
Subject: Re: [EXT] RE: Area II ENG form Wellfleet Harbor Dredge Project

Sorry for the delay norm I have the plans and will be sending them over in the next 30 minutes.

GEI50 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



On Aug 11, 2021, at 6:49 PM, Farris, Charles N CIV USARMY CENAE (USA)
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GEI

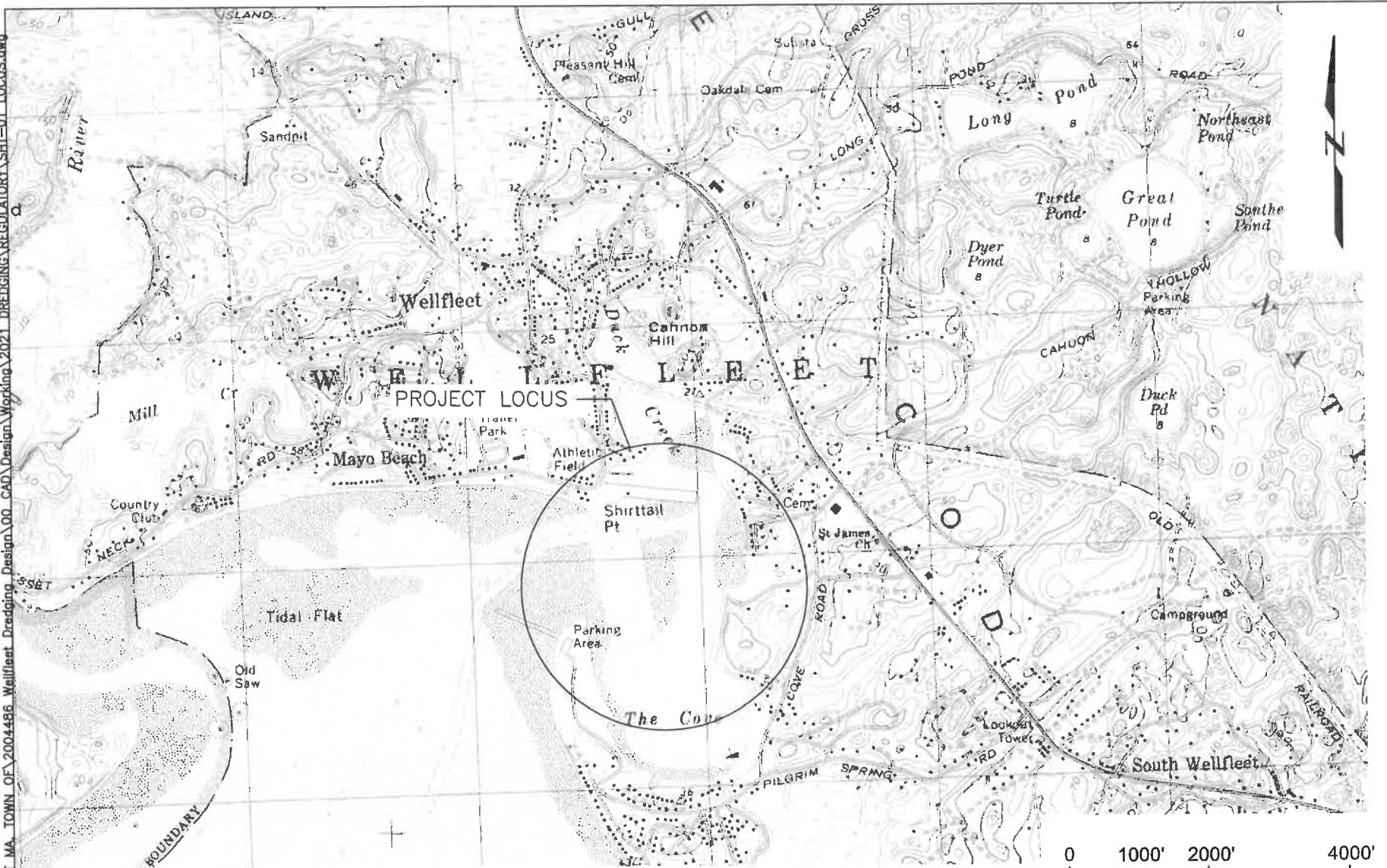
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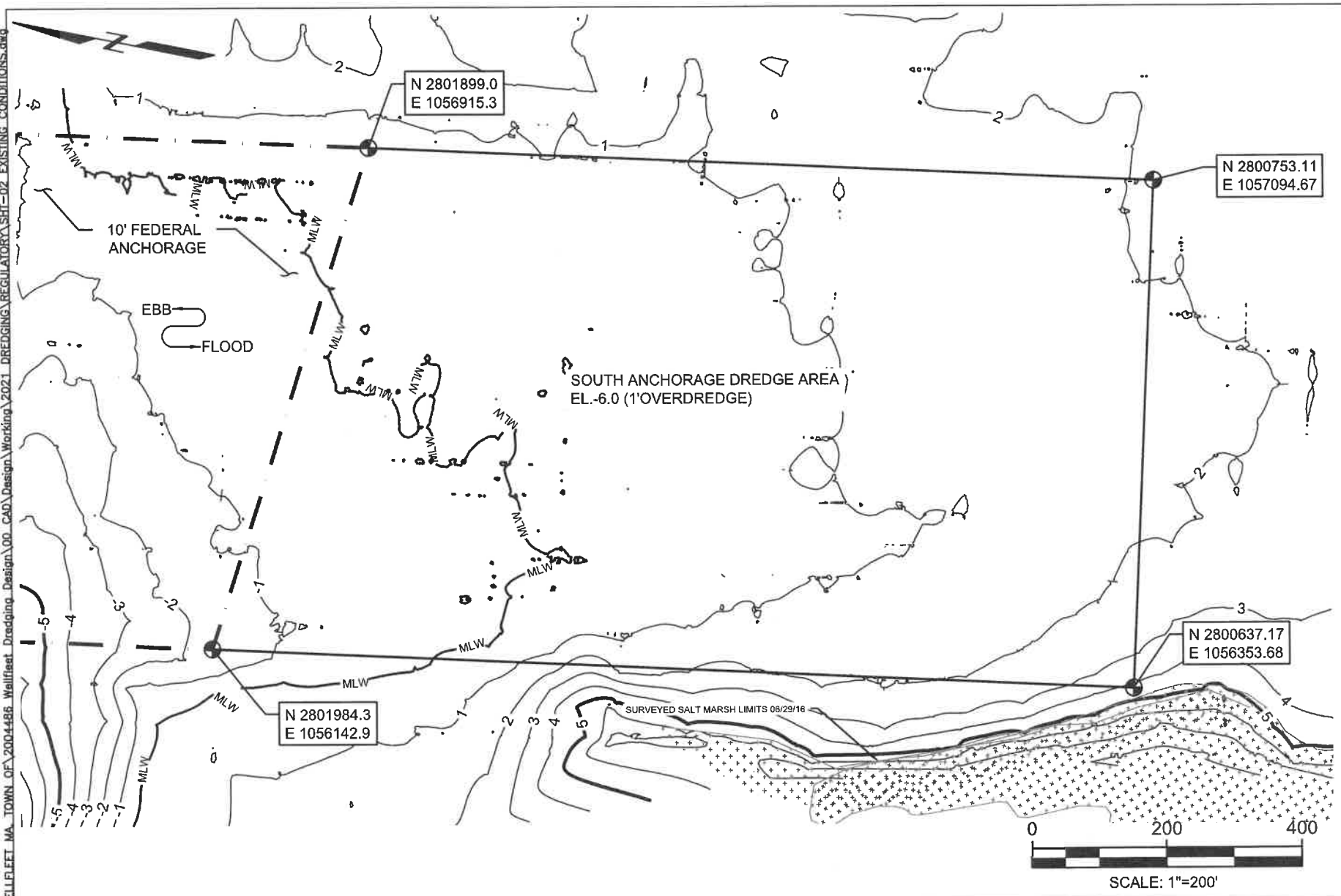


100 YR FLOOD	+17.06
HTL	+12.86
MHW	+9.66
NAVD88	+5.89
MLW	0.0
MLLW	-0.34

TITLE:	LOCUS MAP	
PURPOSE:	HARBOR DREDGING	APPLICATION BY:
		TOWN OF WELLFLEET

IN: WELLFLEET HARBOR
AT: WELLFLEET
COUNTY: BARNSTABLE STATE: MA
SHEET: 01 OF 04
DATE: 8/11/2021

File: B:\Working\WELLFLEET_MA_TOWN_OF_WELLFLEET\Wellfleet Dredging Design\00_CAD\Design\Working\2021_DREDGING\REGULATORY\SH1-02_EXISTING_CONDITIONS.dwg

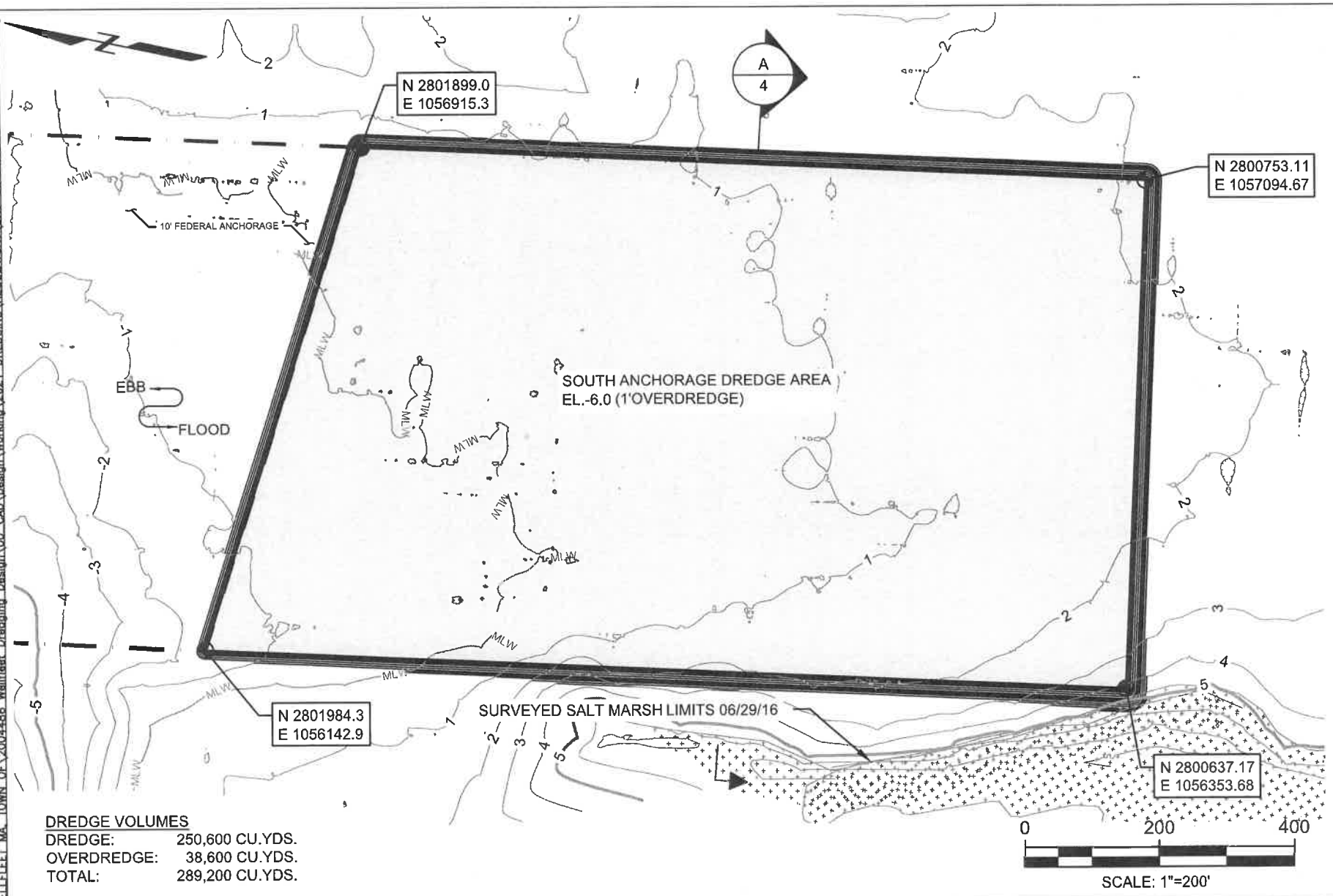


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HTL	+12.86
MHW	+9.66
NAVD88	+5.89
MLW	0.0
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TITLE: EXISTING CONDITIONS - PLAN	
PURPOSE: HARBOR DREDGING	APPLICATION BY: TOWN OF WELLFLEET

IN: WELLFLEET HARBOR
AT: WELLFLEET
COUNTY: BARNSTABLE STATE: MA
SHEET: 02 OF 04
DATE: 8/11/2021

File: B:\Working\WELFLEET_MA_TOWN_OF_2004486_Wellfleet_Dredging_Design\00_CAD\Design\Working\2021_DREDGING_REGULATORY_SHT-03_PROPOSED_CONDITIONS.dwg

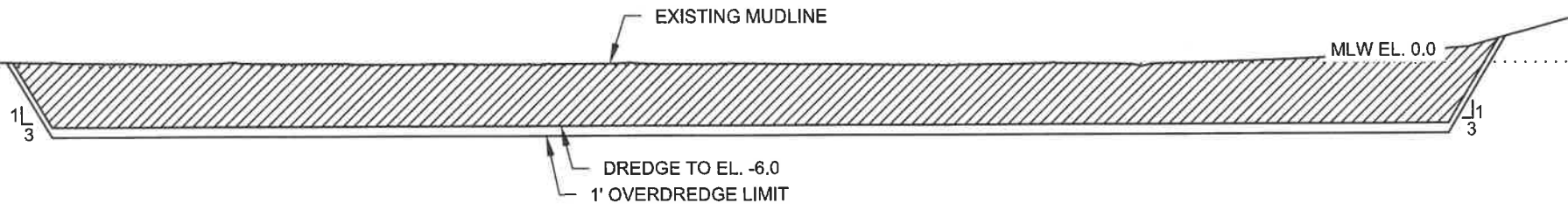


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PURPOSE: HARBOR DREDGING	APPLICATION BY: TOWN OF WELFLEET

IN: WELFLEET HARBOR
AT: WELFLEET
COUNTY: BARNSTABLE STATE: MA
SHEET: 03 OF 04
DATE: 8/11/2021

File: B:\Working\WELFLEET_MA_TOWN_OF\2004486_Wellfleet_Dredging_Design\00_CAD\Design\Working\2021_DREDGING\REGULATORY\SH1-05_SECTIONS_1.dwg



A DREDGE SECTION
4 HORIZONTAL SCALE: 1" = 80'-0"



100 YR FLOOD	+17.06
HTL	+12.86
MHW	+9.66
NAVD88	+5.89
MLW	0.0
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TITLE: DREDGE SECTION		IN: WELFLEET HARBOR	
		AT: WELFLEET	
		COUNTY: BARNSTABLE STATE: MA	
PURPOSE:	APPLICATION BY:	SHEET: 04 OF 04	
HARBOR DREDGING	TOWN OF WELFLEET	DATE: 8/11/2021	

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, August 12, 2021 6:32 AM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: FBB Invoice for Federal Consulting Services
Attachments: LH Invoice 13571 .pdf

Joe, Chris and Will:

Attached is an invoice for the fourth installment (of five) of our fees.

Thank you

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>



Lindsay Hart, LLP

1300 SW Fifth Avenue, Suite 3400
Portland, OR 97201-5640
T 503.226.7677 F 503.226.7697
Federal Tax ID: 93-1034742

TOWN OF WELLFLEET
300 Main Street
Wellfleet, MA 02667
USA

Invoice 13571
08/12/2021
ID: 35155-0001

Matter: Federal Relations
Due Date: 09/11/2021

Description:

Government Affairs Consulting Services

Payments received after 08/11/2021 are not reflected in this statement.

Professional Services

Date	Tk	Details	Hours	Rate	Amount
Federal Relations	Fixed Fee				\$5,000.00
For professional services rendered					\$5,000.00
Invoice Amount					\$5,000.00
Previous Invoices Balance					\$5,000.00
Balance Due					\$10,000.00

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, August 12, 2021 9:16 AM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan; DeSista, Robert J CIV USARMY CENAE (USA)
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project
Attachments: PROJECT NARRATIVE Wellfleet Harbor - Area 1 and 2.pdf

Thanks, Dan

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Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [Non-DoD Source] RE: Area II ENG form Wellfleet Harbor Dredge Project

Hi Norm,
Please find attached plans for Area II to accompany the ENG form. Please let me know if you have any questions.

Regards
Dan

Daniel B. Robbins, PE (NH)
Senior Project Manager (Waterfront)
GEI Consultants, Inc.
400 Unicorn Park Drive, Woburn, MA 01801 tel (781) 721-4017 mobile (603) 833-0609 drobbins@geiconsultants.com
<mailto:drobbins@geiconsultants.com>
<http://www.geiconsultants.com/> <Blockedhttp://www.geiconsultants.com/>

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, August 11, 2021 6:49 PM
To: Robbins, Dan <drobbs@geiconsultants.com>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [EXT] RE: Area II ENG form Wellfleet Harbor Dredge Project

EXTERNAL EMAIL

Just checking on that application. I have a copy of the public notice that I'd like to drop this week.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Monday, August 09, 2021 9:40 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>
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Importance: High

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From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Monday, August 02, 2021 3:21 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; Robbins, Dan <d Robbins@geiconsultants.com>
Subject: [Non-DoD Source] Area II ENG form Wellfleet Harbor Dredge Project

Norm,

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Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist

508.533.6666

124 Grove Street, Suite 300, Franklin, MA 02038-3156

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<Blockedhttps://dynasend.com/signatures/vcard/arichard-at-geiconsultants.com.vcf>

William Sullivan

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Thursday, August 12, 2021 2:39 PM
To: Farris, Charles N CIV USARMY CENAE (USA); Richard, Alyssa
Cc: William Sullivan; DeSista, Robert J CIV USARMY CENAE (USA)
Subject: RE: Area II ENG form Wellfleet Harbor Dredge Project
Attachments: USACE Permit Drawings_Wellfleet Harbor Area 2.pdf

Hello Norm sorry for the confusion. The dredge volume should be 269,200 CY, attached is a revised set of plans reflecting the correction. This increase in volume between the 2016 and 2021 applications is the result of a bathymetric survey completed in January 2020. Regarding the square footage of Area II it measures 21.7 acres at the toe of the dredge area and 23.9 acres at the surface edge of the side slopes (disturbed area).

Please let me know if you have any additional questions.

Regards

Dan

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From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, August 12, 2021 9:16 AM
To: Robbins, Dan <drobbs@geiconsultants.com>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>; DeSista, Robert J CIV USARMY CENAE (USA) <Robert.J.Desista@usace.army.mil>
Subject: [EXT] RE: Area II ENG form Wellfleet Harbor Dredge Project

EXTERNAL EMAIL

Thanks, Dan

I just want to point out that there is a discrepancy between the proposed dredge volume in the plans compared to the proposed dredge volume in the 4345 form. The formers 289,200 cy while the latter says 269,200 cy. Please let me know which volume is the most accurate one. I will pause the release of the public notice until you sort that out as the application isn't complete until I get the correct volume. Re-check the area to make sure.

BTW, I looked at the project narrative from the 2016 application and the proposed volume in the 2016 narrative was significantly smaller. The volume proposed (see Table 2 in the attached Narrative) back then was for 248,000 cy (although the proposed area was larger - 23.9 acres . Why is there this discrepancy? Thanks!

Regards,
Charles N. Farris
Regulatory Dredging Liaison

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Charles N. Farris

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Subject: [Non-DoD Source] Area II ENG form Wellfleet Harbor Dredge Project

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Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist

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124 Grove Street, Suite 300, Franklin, MA 02038-3156

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<Blocked<https://dynasend.com/signatures/vcard/arichard-at-geiconsultants.com.vcf>>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Thursday, August 26, 2021 1:42 PM
To: William Sullivan
Subject: RE: Site visit

Let's shoot for next Saturday. Thanks! We can find out low tide and I can mee you there looks like low tide on the 4th is at 4:33 should I plan to get ther at 345-in case we are getting on a boat?

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Sent: Thursday, August 26, 2021 10:44 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Subject: [Non-DoD Source] RE: Site visit

Hi,
Sorry I didnt get the message. But that would be great. I am there tomorrow and Saturday. Then I am taking a couple days off before the kids get back to school. But I will be back the following Friday and Saturday? Does any of those date work for you?
Thank you,
Will

William Sullivan

Harbormaster

255 Commercial Street, Town Pier

Wellfleet, MA 02667

(508) 349-0320 <tel:(508) 349-0320>

----- Original message -----

From: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, August 27, 2021 12:39 PM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Update

Guys:

I just spoke with Andrew, who has been working 24/7 the past two weeks trying to help move people out of Afghanistan – Rep Keating is on the Foreign Affairs Committee and the Armed Services Committee and has been a key player in getting people out of Kabul. Andrew handles immigration which means that he has been almost 100% focused on that effort.

Despite that focus, he has had a conversation with Bob DeSista since the delegation letter went out the door. DeSista apparently insists he is working with HQ to resolve this. I told Andrew I am going to go back to Bob and folks at HQ to get a sense of how the agency is thinking about the delegation letter. Andrew and I agreed to connect early next week to talk about next steps based on what I learn (or not learn), including getting members to call the ASA directly.

As an aside, the Senate EPW Committee is voting on confirmation for the ASA on 9/15, which presumably gives Senator Markey an opportunity to press the ASA over the next few weeks. I have gone out the Markey's staff separately on that point.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, August 13, 2021 5:44 PM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Congressional letter
Attachments: MA Delegation Letter-Wellfleet Harbor Dredging USACE Letter FINAL (002).pdf

Guys, attached is the letter the Mass delegation sent to USACE.

My call with staff was moved to next week.

Ray

Ray Bucheger
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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, August 30, 2021 12:14 PM
To: William Sullivan
Subject: Site visit - reschedule?

Importance: High

Wil

Some things come up at work, so I can't do this weekend. Could we work on a re-schedule. Can you do Thursday Sept 9 at 1:30 or Friday Sept 10 at 2? Saturdays are tough for me this month. Please get bac to me so I can pencil something in.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, August 31, 2021 4:14 PM
To: Joseph Aberdale
Cc: Chris Allgeier; William Sullivan
Subject: Re: Update

Just receive it (have not read it yet) – here is the link:

<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PublicNotices/2021/Wellfleet-Area-2-dredging-PN%208-24-2021.pdf>. The comment period closes on 24 Sep 2021.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Tuesday, August 31, 2021 at 4:09 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

No. What is the significance of a public notice?

Joe

On Aug 31, 2021, at 4:08 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

I just had a brief conversation with HQ – they told me the District issued a public notice for the project. They said they would send it, but I have not seen it yet. Are you aware of this notice?

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Friday, August 27, 2021 at 1:19 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

Well done Ray. Thank you!

On Aug 27, 2021, at 12:38 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

I just spoke with Andrew, who has been working 24/7 the past two weeks trying to help move people out of Afghanistan – Rep Keating is on the Foreign Affairs Committee and the Armed Services Committee and has been a key player in getting people out of Kabul. Andrew handles immigration which means that he has been almost 100% focused on that effort.

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William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Tuesday, August 31, 2021 6:14 PM
To: Ray Bucheger
Cc: Joseph Aberdale; William Sullivan
Subject: Re: Update

Dan Robbins (GEI) told us about this forthcoming public notice on our last 2 or 3 engineering calls. It is part of the permit process.

I believe it to be a good thing, moving ahead with mandatory public notices.

Sent from my iPhone

On Aug 31, 2021, at 4:30 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

I note that the District states that for dredging and disposal, that the “adverse effects will not be substantial.” This seems to be a departure from the position the District took in the attached May 23, 2017 Public Notice, no?

“Thus, the District Engineer has made a preliminary determination that the site-specific individual and cumulative adverse effects will not be substantial. Consultation with the National Marine Fisheries Service regarding EFH conservation recommendations has been conducted and their recommendations will be addressed. The applicant is undertaking a full review of their mitigation requirement seeking to find the most practicable assembly of compensatory mitigation measures that would be applied after efforts to avoid and minimize the impact to critical habitats have been addressed.

The dredging portion of this project will impact approximately 945,252 SF of EFH. Habitat at this site can be described as 65-95% silt. Loss of this habitat may adversely affect species that use these waters and substrate. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for Cape Cod Bay Disposal Site (CCBDS). This is an open water site, which provides EFH. Habitat at this site can be described as 65-95% silt. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.”

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<Town_of_Wellfleet may232017publicnotice[59].pdf>

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<http://FBBFederalRelations.com>

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Date: Tuesday, August 31, 2021 at 4:14 PM
To: Joseph Aberdale <josephaberdale@gmail.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

Just receive it (have not read it yet) – here is the link:
<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PublicNotices/2021/Wellfleet-Area-2-dredging-PN%208-24-2021.pdf>. The comment period closes on 24 Sep 2021.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Tuesday, August 31, 2021 at 4:09 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

No. What is the significance of a public notice?

Joe

On Aug 31, 2021, at 4:08 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

I just had a brief conversation with HQ – they told me the District issued a public notice for the project. They said they would send it, but I have not seen it yet. Are you aware of this notice?

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Friday, August 27, 2021 at 1:19 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

Well done Ray. Thank you!

On Aug 27, 2021, at 12:38 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Guys:

I just spoke with Andrew, who has been working 24/7 the past two weeks trying to help move people out of Afghanistan – Rep Keating is on the Foreign Affairs Committee and the Armed Services Committee and has been a key player in getting people out of Kabul. Andrew handles immigration which means that he has been almost 100% focused on that effort.

Despite that focus, he has had a conversation with Bob DeSista since the delegation letter went out the door. DeSista apparently insists he is working with HQ to resolve this. I told Andrew I am going to go back to Bob and folks at HQ to get a sense of how the agency is thinking about the delegation letter. Andrew and I agreed to connect early next week to talk about next steps based on what I learn (or not learn), including getting members to call the ASA directly.

As an aside, the Senate EPW Committee is voting on confirmation for the ASA on 9/15, which presumably gives Senator Markey an opportunity to press the ASA over the next few weeks. I have gone out the Markey's staff separately on that point.

Ray

Ray Bucheger

FBB Federal Relations

Affiliated with Lindsay Hart, LLP

cell: 202-236-5101

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, August 31, 2021 6:20 PM
To: Chris Allgeier
Cc: Joseph Aberdale; William Sullivan
Subject: Re: Update

Process notwithstanding, does GEI believe that the language used (“adverse effects will not be substantial”) indicates a change in position with respect to mitigation?

Either way, HQ encouraged the Town to submit comments. Has GEI started working on comments?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Tuesday, August 31, 2021 at 6:13 PM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: Update

Dan Robbins (GEI) told us about this forthcoming public notice on our last 2 or 3 engineering calls. It is part of the permit process.

I believe it to be a good thing, moving ahead with mandatory public notices.

Sent from my iPhone

On Aug 31, 2021, at 4:30 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

I note that the District states that for dredging and disposal, that the “adverse effects will not be substantial.” This seems to be a departure from the position the District took in the attached May 23, 2017 Public Notice, no?

*“Thus, the District Engineer has made a preliminary determination that the **site-specific individual and cumulative adverse effects will not be substantial**. Consultation with the National Marine Fisheries Service regarding EFH conservation recommendations has been conducted and their recommendations will be addressed. The applicant is undertaking a full review of their mitigation requirement seeking to find the most practicable assembly of compensatory mitigation measures that would be applied after efforts to avoid and minimize the impact to critical habitats have been addressed.*

*The dredging portion of this project will impact approximately 945,252 SF of EFH. Habitat at this site can be described as 65-95% silt. Loss of this habitat may adversely affect species that use these waters and substrate. However the District Engineer has made a preliminary determination that the **site-specific adverse effect will not be substantial**. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.*

The dredged material disposal is proposed for Cape Cod Bay Disposal Site (CCBDS). This is an open water site, which provides EFH. Habitat at this site can be described as 65-95% silt. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.”

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<Town_of_Wellfleet may232017publicnotice[59].pdf>

Rebecca Roughley

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Tuesday, September 7, 2021 5:29 PM
To: Chris Allgeier; Robbins, Dan; William Sullivan; Richard, Alyssa; Rebecca Slick
Subject: Possible Mitigation Projects
Attachments: SPAT Grant Proposal- Assessment of Spat Settlement in the Herring River Estuary.pdf

I have been doing some research and contacting sources and have enclosed some Wellfleet projects that might possibly be used to satisfy the Army Corps request for mitigation on the dredging project. Some of these projects are quite small and probably not as appealing as others. Perhaps several of them together could be offered.

Joe

1. Audubon has a large scale terrapin nest protection program in various locations around the Harbor; contact rprescott@massaudbon.org
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3. Friends of Herring River has conducted (and is still looking at) a variety of projects related to sediment transport in the Harbor, and other parameters that are important to understand for the Herring River Restoration. contact: Matha Craig
4. The Wellfleet Conservation Trust has a number of projects, from turtle gardens to new trails along the Herring River; contact Denny O'Connell
5. Conservation Agent Hillary Greenbery Lemos has a list of Conservation Properties/Open Space that are maintained by the Dept.
6. ConsCom is conducting a project to monitor pre-restoration spat settlement in the Herring River Estuary. See attached for description.
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8. CCS has also done a number of other studies for example, analysis of black mayonnaise (aka black custard) in the Harbor. Contact: Dr. Agnes Mittermayr. amittermayr@coastalstudies.org.
9. CCS Owen Nichols has studied fish resources in the Harbor (funded partly by Friends of Herring River) nichols@coastalstudies.org
10. John Riehl can tell you about studies of Mayo Creek. jlrigh@comcast.net

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, September 8, 2021 5:45 PM
To: Chris Allgeier; Joseph Aberdale; Dan Robbins; William Sullivan; Alyssa Richard; Rebecca Slick
Subject: FW: WELLFLEET HARBOR - DRAFT MITIGATION LETTER
Attachments: Town of Wellfleet - DRAFT Mitigation 090721 Rev. A.docx; SPAT Grant Proposal-Assessment of Spat Settlement in the Herring River Estuary.pdf; DRAFT Mitigation Letter.docx; DRAFT Town of Wellfleet Comment Letter.docx; MA Delegation Letter-Wellfleet Harbor Dredging USACE Letter FINAL (002)[86].pdf

All:

As promised on today's call, attached is verbiage that could be inserted into a Town support letter and used to promote the benefits of the dredging project. I have attached the delegation letter for purposes of ensuring that what we submit doesn't match what the delegation wrote too closely – as I mentioned on the phone, the delegation used much of what we drafted, but not all of what we drafted.

Also attached is verbiage that could be inserted into Chris's mitigation letter.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Tuesday, September 7, 2021 at 5:57 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Dan Robbins <d Robbins@geiconsultants.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>, Alyssa Richard <arichard@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Ray Bucheger <Ray@federalrelations.com>
Subject: WELLFLEET HARBOR - DRAFT MITIGATION LETTER

Attached is a very preliminary draft of a mitigation letter we can use as a straw man on tomorrow's call, to discuss tone, content, format, etc. It does not include the items on Joe's list which we can also discuss tomorrow.

Chris

Begin forwarded message:

From: Joseph Aberdale <josephaberdale@gmail.com>

Subject: Possible Mitigation Projects

Date: September 7, 2021 at 5:28:57 PM EDT

To: Chris Allgeier <cjallgeier@gmail.com>, "Robbins, Dan" <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>

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Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

US Army Corps of Engineers of New England
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

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Wellfleet Harbor Dredging Project

The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

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In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

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Duck Creek

Mayo Creek

Blackfish Creek – contact Wellfleet Conservation Trust.

To: Wellfleet SPAT
From: Barbara Brennessel, Ph.D. and John Portnoy, Ph.D. (Board members of Friends of Herring River)
Contact Person: Barbara Brennessel
bbrennes@wheatonma.edu
51 Chris Drive
Wellfleet, MA 02667
508-479-6553

Purpose of the Grant: To assess pre-restoration spat settlement in the Herring River Estuary

Grant Request from SPAT: \$2000

Pre-restoration Assessment of Spat Settlement in the Herring River Estuary

Introduction:

The planned restoration of natural tidal flow into Wellfleet's Herring River is projected to restore habitats for many estuarine animals including economically and recreationally important shellfish. Current hydrodynamic models indicate that water quality will improve and salinity will increase upstream of the current Chequessett Neck Road Dike. The documentation of sets of oysters (*Crassostrea virginica*) and soft-shell clams (*Mya arenaria*) upriver of the dike after a breach in the 1970s is an example of how this area of the estuary will respond to increasing salinity.

Water quality parameters and salinity are important for shellfish reproduction, growth, and survival. The Town of Wellfleet and the Cape Cod Cooperative Extension/Woods Hole Oceanographic Institute conducted studies on oyster and quahog (*Mercenaria mercenaria*) growth and survival in the estuary in 2004. The National Park Service conducted studies on oyster growth, condition and survival in 2013-2014. Both studies point to the conclusion that shellfish growth and survival is much lower upriver (landward) of the Chequessett Neck Road Dike. Currently, Nauset High School is monitoring oyster growth and survival in this area as part of their Advanced Placement Environmental Science Curriculum.

Despite the above-referenced studies of current (pre-restoration) oyster growth and survival, no study has documented the existing settlement of oyster larvae in the estuary. Such settlement of "spat" is important for the reproduction and spread of Wellfleet oysters, and also for the wild commercial fishery. According to Wellfleet Shellfish Constable, Nancy Civetta, "The Herring River area ...is open from March 15 through August 31, and it is the most productive intertidal area in the harbor for commercial permit holders during that time period." The Town of Wellfleet currently sets out surf clam (*Spisula solidissima*) shell (cultch) in three locations

within the estuary. It will be important for the Town to understand how spat settlement might change, and is expected to improve, as a result of the Restoration Project.

Objective:

We propose to monitor spat settlement in four locations within the Herring River Estuary and compare these results to a reference location within Wellfleet Harbor. The reference location will be chosen with the help and advice of the Wellfleet Shellfish Department; it will most likely be in Chipman's Cove where spat settlement is common and often abundant, and where the Town allows aquaculturists to collect spat on Chinese Hats.

Methods:

To account for annual variability, the study will be conducted in three consecutive years: 2020, 2021 and 2022. The five sites for monitoring are indicated on the map below. The sites are: 1) mouth of the River; 2) just seaward of the dike; 3) just landward of the dike; 4) upriver below High Toss Road; 5) and the reference site in Chipman's Cove.



Spat will be collected on 15X15-cm tiles, with replicates of three tiles set 10 cm above the sediment on small racks at each location. Tiles will be set out near the

end of June and exchanged for fresh tiles in mid-July, at the end of July and mid-August. The number of spat on each tile will be counted after the tile has been in the water for two weeks. This will allow us to determine the number of spat as well as the seasonality of spat settlement.

At each site, we will also collect continuous measurements of water temperature and water depth (hydroperiod). The salinity regime at each station throughout the tidal cycle will be described by concurrent monitoring by restoration project partners and/or from prior long-term records. These water parameters will be compared with the number of spat per tile at each site.

All work will be conducted by Friends of Herring River Volunteers and Wheaton College Interns in cooperation with the Wellfleet Shellfish Department, and under suitable National Park Service research permits. The Shellfish Department may have an Americorps placement to help with this study. Abigail Archer and Josh Reitsma, at the Cape Cod Cooperative Extension, have offered to help with data analysis.

Budget:

Equipment:

5 cases unglazed quarry tile (Home Depot, Lowes or equivalent 6X6 inch)	\$200
equipment for making and securing racks and tiles	\$200
5 water temperature loggers: Onset @ \$75, shipping	\$400
5 water pressure loggers: Onset @ \$300, shipping	\$1600
Total	\$2400
Contribution from Friends of Herring River	-\$400
Amount requested from SPAT	\$2000

Due to the tax-exempt status of Friends of Herring River, taxes are not included in these estimates.

In-kind Contribution:

Estimated minimum volunteer time (construct and deploy equipment, count spat)
 2 volunteers @ 5 tides X 4 hours per tide= 40 hours/year for 3 years=120 hours.
 For grant purposes, due to the level of education and professional status, there is a \$65/hr in-kind contribution from Friends of Herring River Board members. So volunteer time for this project is equivalent to \$7,800.

The Public Notice issued on August 24, 2021 indicates that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people. In that spirit, we hope the agency will take a holistic view of the Town's application. If the agency does so, it will be clear that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

Failure to dredge area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the Corps spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

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Mayo Creek

Blackfish Creek – contact Wellfleet Conservation Trust.

We are concerned that unnecessary and burdensome mitigation requirements could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets – the Corps invested \$5 million to dredge the federal channel only a few years ago.

The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to other areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

Consistent with this reality, the Town's engineers have completed all the studies required by USACE and concluded that this area has minimal environmental value and that no harm would result from the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. This conclusion would be consistent with the views held by the State of Massachusetts, which has issued all state-level permits needed to complete this project and concluded that no mitigation is necessary.

Potential Mitigation

It is important to note that the Town has few good mitigation options. Most of land within Wellfleet is protected land – approximately 70% of the land is located within the Cape Cod

National Seashore and an additional 10% is under the protection of other agencies or trusts. This leaves a relatively small amount of land available for new mitigation projects. Nonetheless, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. While this pro-active approach to environmental protection is part of the Town ethos, the unintended consequence is that there are few new opportunities available to satisfy mandatory mitigation requirements.

With that being said, there are a number of current projects moving forward in furtherance of the Town's stewardship and resource management that we believe could be utilized for mitigation purposes if the agency insists on requiring mitigation for the dredging project.

The Public Notice issued on August 24, 2021 indicates that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people. In that spirit, we hope the agency will take a holistic view of the Town's application. If the agency does so, it will be clear that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.

Failure to dredge area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the Corps spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Excluded from area of critical environmental concern (ACEC)

We are concerned that unnecessary and burdensome mitigation requirements could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets – the Corps invested \$5 million to dredge the federal channel only a few years ago.

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, September 13, 2021 6:11 AM
To: Chris Allgeier; Joseph Aberdale; Alyssa Richard; Rebecca Slick; Alfred Pickard
Cc: Dan Robbins; William Sullivan
Subject: Re: WELLFLEET HARBOR - DRAFT MITIGATION LETTER

Thanks, Chris. Is someone sending a dial-in?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Saturday, September 11, 2021 at 11:21 AM
To: Joseph Aberdale <josephaberdale@gmail.com>, Alyssa Richard <arichard@geiconsultants.com>, Rebecca.Slick@wellfleet-ma.gov <Rebecca.Slick@wellfleet-ma.gov>, Alfred Pickard <wmcmom@aol.com>
Cc: Dan Robbins <d Robbins@geiconsultants.com>, Ray Bucheger <Ray@federalrelations.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: Re: WELLFLEET HARBOR - DRAFT MITIGATION LETTER

REMINDER: OUR NEXT CALL IS TUESDAY SEPT. 14, AT 10 AM.

The follow-up activities from our Sept. 8, 2021 call include:

1. Alyssa: contact Bob Prescott, Owen Nichols, Amy Costa, Agnes Mittermayr.
2. Joe: Martha Craig (financial aspects). Denny O'Connell for land acquisition details and costs.
3. Rebecca: details of land that the Town gave to Conservation Commission.
4. Alfred: help Rebecca on the Town lands given to Conservation Commission.

Please provide details/results, prior to Tuesday's call so we can fold the information into the draft letters.

Chris

On Sep 8, 2021, at 5:44 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

All:

As promised on today's call, attached is verbiage that could be inserted into a Town support letter and used to promote the benefits of the dredging project. I have attached the delegation letter for purposes of ensuring that what we submit doesn't match what the delegation wrote too closely – as I mentioned on the phone, the delegation used much of what we drafted, but not all of what we drafted.

Also attached is verbiage that could be inserted into Chris's mitigation letter.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Tuesday, September 7, 2021 at 5:57 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Dan Robbins <d Robbins@geiconsultants.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>, Alyssa Richard <arichard@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Ray Bucheger <Ray@federalrelations.com>
Subject: WELLFLEET HARBOR - DRAFT MITIGATION LETTER

Attached is a very preliminary draft of a mitigation letter we can use as a straw man on tomorrow's call, to discuss tone, content, format, etc. It does not include the items on Joe's list which we can also discuss tomorrow.

Chris

Begin forwarded message:

From: Joseph Aberdale <josephaberdale@gmail.com>
Subject: Possible Mitigation Projects
Date: September 7, 2021 at 5:28:57 PM EDT
To: Chris Allgeier <cjallgeier@gmail.com>, "Robbins, Dan" <d Robbins@geiconsultants.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>

I have been doing some research and contacting sources and have enclosed some Wellfleet projects that might possibly be used to satisfy the Army Corps request for mitigation on the dredging project. Some of these projects are quite small and probably not as appealing as others. Perhaps several of them together could be offered.

Joe

1. Audubon has a large scale terrapin nest protection program in various locations around the Harbor; contact rprescott@massaudbon.org
2. Wellfleet Shellfish Department is conducting a study of the efficacy of cultch deployment in the wild oyster fishery;; contact Nancy Civetta

3. Friends of Herring River has conducted (and is still looking at) a variety of projects related to sediment transport in the Harbor, and other parameters that are important to understand for the Herring River Restoration. contact: Matha Craig
4. The Wellfleet Conservation Trust has a number of projects, from turtle gardens to new trails along the Herring River; contact Denny O'Connell
5. Conservation Agent Hillary Greenbery Lemos has a list of Conservation Properties/Open Space that are maintained by the Dept.
6. ConsCom is conducting a project to monitor pre-restoration spat settlement in the Herring River Estuary. See attached for description.
7. CCS, The Center for Coastal Studies has been monitoring water parameters in Wellfleet Harbor for years. Contact Dr. Amy Costa; acosta@coastalstudies.org
8. CCS has also done a number of other studies for example, analysis of black mayonnaise (aka black custard) in the Harbor. Contact: Dr. Agnes Mittermayr. amittermayr@coastalstudies.org.
9. CCS Owen Nichols has studied fish resources in the Harbor (funded partly by Friends of Herring River) nichols@coastalstudies.org
10. John Riehl can tell you about studies of Mayo Creek. jlrieh@comcast.net

<Town of Wellfleet - DRAFT Mitigation 090721 Rev. A.docx><SPAT Grant Proposal- Assessment of Spat Settlement in the Herring River Estuary.pdf><DRAFT Mitigation Letter.docx><DRAFT Town of Wellfleet Comment Letter.docx><MA Delegation Letter-Wellfleet Harbor Dredging USACE Letter FINAL (002)[86].pdf>

Rebecca Roughley

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Monday, September 13, 2021 10:49 PM
To: Chris Allgeier; Robbins, Dan; Richard, Alyssa; Ray Bucheger; William Sullivan; Alfred Pickard; Rebecca Slick
Subject: Public Response and Mitigation Response Drafts
Attachments: Town of Wellfleet - Public Notice Response 091321 Rev. C.docx; Town of Wellfleet - DRAFT Mitigation 091221 Rev. C.docx; CONSERVATION LAND IN WELLFLEET.docx

Enclosed find the drafts of the two letters. Tomorrow we can decide which possible mitigation projects are to be included in the mitigation letter. Also enclosed find the responses I received from the agencies listed in numbers 3 and 4 on my list of possible mitigation projects.

Joe

#3. Friends of the Herring River

The Herring River Project:

Martha Craig stated that the Friends of the Herring River are mainly supporting the Cape Cod National Seashore in its efforts to facilitate the restoration project. The Friends are supporting the process of securing the necessary permits to replace the Herring River bridge as well as supporting all of the monitoring projects being performed by the CCNS.

#4. The Wellfleet Conservation Trust

This detailed response contains an excellent map showing several conservation land areas overseen by various departments in town.

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, September 14, 2021 6:39 AM
To: Joseph Aberdale; Chris Allgeier; Robbins, Dan; Richard, Alyssa; William Sullivan; Alfred Pickard; Rebecca Slick
Subject: Re: Public Response and Mitigation Response Drafts
Attachments: CONSERVATION LAND IN WELLFLEET.docx; Town of Wellfleet - DRAFT Mitigation 091221 Rev. C_RWB.docx; Town of Wellfleet - Public Notice Response 091321 Rev. C_RWB.docx

Joe:

Sorry to be late on this – suggested edits to the letters is attached. I look forward to chatting at 10am.

Ray

Ray Bucheger
FBB Federal Relations
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CONSERVATION LAND IN WELLFLEET

The Town of Wellfleet has a very environmentally conscious citizenry which supports various organizations that conserve open space for protection of natural resources and habitat. In addition to the Cape Cod National Seashore which protects about 50% of the land, Wellfleet actively supports the Wellfleet Bay Wildlife Sanctuary (WBWS) of Mass Audubon, the Wellfleet Conservation Trust (WCT), and the Town's Open Space program under the direction of the Conservation Commission and the Open Space Committee.

The WBWS protects over 1,000 acres of land and provides nature education programs. Much of the WBWS land is in South Wellfleet and is in, or near, the shoreline. This is a non-governmental organization that is mostly funded by public support and is an IRS approved 501(c)(3) tax-exempt organization.

The WCT is also a 501(c)(3) qualified land trust and is an all-volunteer land trust. It stewards open space according to the Standards and Practices of the national Land Trust Alliance. Protection is provided through direct ownership and holding conservation restrictions (easements). WCT protects over 400 acres of open space in over 150 parcels of land, much of which is near the harbor. WCT acquires its land through direct acquisitions, bargain purchases and receipt of land donations. All Conservation Restrictions are donated. The land valuation account on WCT's financial books is approximately \$13 million. WCT is the owner of record for much of the flats and related upland south of the Mooring Basin.

WCT works in partnership with the Town and has provided numerous instances of advice and supplemental financial support for the Town's Open Space Programs. The Town has protected over 120 acres of land as designated Open Space and has placed that land under the "care and custody" of the Conservation Commission.

See the attached map of "Wellfleet Conservation Lands and Open Space". This map is available on WCT's website and can be magnified for more detailed examination. See:
<https://wctweb.files.wordpress.com/2020/11/townofwellfleet.pdf>

Wellfleet Open Space & Conservation Lands



Prepared by the Wellfleet Conservation Trust
&
AmeriCorps Cape Cod
July 2021
Sources: MassGIS, Town Assessors

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, September 14, 2021 11:13 AM
To: Joseph Aberdale; Chris Allgeier; Robbins, Dan; Richard, Alyssa; William Sullivan; Alfred Pickard; Rebecca Slick
Subject: Re: Public Response and Mitigation Response Drafts
Attachments: 9.14.21 Draft Town of Wellfleet Comment Letter.doc

See attached.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, September 14, 2021 at 6:38 AM
To: Joseph Aberdale <josephaberdale@gmail.com>, Chris Allgeier <cjallgeier@gmail.com>, Robbins, Dan <drobbs@geiconsultants.com>, Richard, Alyssa <arichard@geiconsultants.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, Alfred Pickard <wcmom@aol.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>
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Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, September 15, 2021 9:45 AM
To: Rebecca Slick
Cc: Chris Allgeier; Joseph Aberdale; Dan Robbins; Alyssa Richard; William Sullivan; Alfred Pickard
Subject: Re: Public Response and Mitigation Response Drafts

All: I received the below message from Bob DeSista this morning. He has been talking with Congressional staff but has largely ignored my outreach the past few weeks (note he references my outreach to HQ). I'm interested in GEI's reaction to this.

DESISTA EMAIL:

" Good morning Ray,

I have seen the email correspondence you have had with our folks in the RIT, particularly the comments you sent to Su Wilcox to supplement the letter from the Congressional delegation. I understand your concern that the mitigation requirements have the potential to derail the project. Know that we are intent on working with the Town to resolve the mitigation requirements without burdening the Town with onerous and unnecessary mitigation. It is vital that the Town engages with us as soon as possible about the mitigation requirements so we can meet the environmental requirement for mitigation as outlined in the CWA and the Magnusson-Stevens Act in a fair, equitable and timely manner. You referenced the NMFS stance on the impact to shellfish resources. Indeed, one of the original concerns of NMFS was for the shellfish resources. However, they meant in the sense of the ecological function of the Area 2 mudflats. The Town engineer seems to be understanding this diminished function in terms of the Land Containing Shellfish classification of impacted area. As this definition is partly determined as the viability of the area in question to fisheries usage, their studies only demonstrated the non-viability of the area as a fisheries resource. Unfortunately, NMFS carefully replies that the habitat function is separate from the viability of the fisheries resources alone.

Quoting from the NMFS response to the data the town provided to them in 2018 "We...made a preliminary determination that this project would result in substantial adverse impacts to EFH. Further, because the project involves mudflats, which are has designated as "special aquatic sites" under the Clean Water Act, we also found that this project may result in substantial and unacceptable adverse effects to Aquatic Resources of National Importance as outlined in Part N(3)(a) of our 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army concerning Section 404(q) of the Clean Water Act (MOA)...The project is located in an important area for a number of marine and estuarine finfish and shellfish species, and is likely to result in direct and indirect adverse impacts to managed fish species and EFH. The area has been identified as EFH for 31 federally-managed species including, but not limited to, winter flounder, summer flounder, Atlantic cod, pollack, ocean pout, silver hake, red hake, white hake, windowpane flounder, little skate, winter skate, thorny skate, and surf clam."

Attached is the complete letter representing the NMFS EFH conservation recommendations from which these quotes were taken. Alo attached is the Towns reply to the original NMFS determination which occasioned the NMFS response. As indicated the NMFS response, there are serious concerns about the environmental impacts from the proposed work that are exclusive of the fisheries-related impacts that you and the Town have addressed.

We also reached out to our folks responsible for our own recent dredging in Wellfleet. It is their opinion that a delay in the remaining dredging to be performed in Area 2 does not pose a siltation threat to the elevation in the FNP re-established by last year's dredging.

You have mentioned that the Town has additional information that substantiates the Town's contention of severely diminished ecological function in the Area 2 mudflats. This information would be very useful to help us assist the town resolve the mitigation requirements. We would really appreciate any data the Town may have for us to consider, particularly any data regarding the aquatic resource functions of the area and any studies completed by the Town's engineers that you believe we are not aware of. Our public notice on the project will be closing soon, so whatever you may have would be very helpful.

Thank you for the continuing interest and input to the Corps review of this vital marine infrastructure project.

Bob

Robert J. DeSista
Deputy Chief, Regulatory Division
New England District
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

(o) 978-318-8879
(c) 978-831-3301"

On Sep 15, 2021, at 9:39 AM, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov> wrote:

Thank you Chris. I am meeting with Charlie in person tomorrow so we will get this signed and sent!

Rebecca Slick
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Tuesday, September 14, 2021 6:42 PM
To: Ray Bucheger <Ray@federalrelations.com>; Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>
Cc: Joseph Aberdale <josephaberdale@gmail.com>; Dan Robbins <d Robbins@geiconsultants.com>; Alyssa Richard <arichard@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Alfred Pickard <wmcmmom@aol.com>
Subject: Re: Public Response and Mitigation Response Drafts

The letter looks fine to me. I have changed the date to 9/16 in anticipation of Charlie signing it on Thursday and removed the yellow shading.

Attached is a Word file and a pdf.

Chris

On Sep 14, 2021, at 11:12 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

See attached.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

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<9.14.21 Draft Town of Wellfleet Comment Letter.doc>

Rebecca Roughley

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Thursday, September 16, 2021 1:13 PM
To: Richard, Alyssa
Cc: Chris Allgeier; Robbins, Dan; William Sullivan; Alfred Pickard; Rebecca Slick; Curt Felix; Ray Bucheger
Subject: Re: [EXT] Wellfleet - Mitigation Response Drafts

Great work Alyssa, very much appreciated.

The 50% entry was incorrect. The next town over, Eastham, is 50%. The Cape Cod National Seashore Park and government statements are all 70%.

Joe

On Sep 16, 2021, at 12:28 PM, Richard, Alyssa <arichard@geiconsultants.com> wrote:

Hi all,

Please find attached the compiled draft of the mitigation document. Aspects covered in the Tues meeting have been incorporated into the document and some other minor changes have been made. There is one highlighted question still left open, one source says the National Sea Shore comprises 70% of the land in Wellfleet and one says 50%. I would tend to use the 50% number as that is what is referenced in the Conservation Land in Wellfleet document, but if someone knows or has a reference to the correct number I would appreciate it.

Attachments planned are the conservation trust map, the HDYLTA Trust survey map and a MA DEP resources map. I have attached the resources map here but I can also forward the other two maps if needed. Please let me know if there are any additional edits required.

Alyssa

 ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Thursday, September 16, 2021 6:07 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>; Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>; William Sullivan <william.sullivan@wellfleet-ma.gov>; Alfred Pickard <wmcmom@aol.com>; Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>; Curt Felix <cfelix@planktonpower.net>; Ray Bucheger <Ray@federalrelations.com>
Subject: [EXT] Wellfleet - Mitigation Response Drafts

EXTERNAL EMAIL

Good morning Alyssa,

Attached is the information on water quality from Curt Felix, for inclusion in our mitigation letter.

I believe at this point, you have the "master file". Please update it with the attached information.

Thanks,
Chris

<Town of Wellfleet - DRAFT Mitigation 091221 Rev 0916.docx><HDYLTA DEP Map.png><HDYLTA DEP
Map legend.png>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Friday, September 17, 2021 7:58 AM
To: William Sullivan
Subject: Site visit today

Hi Will

Just wanted to remind you that I'm coming down for a site visit in Wellfleet today. Meet at 4pm at the pier? Cell phone 774-238-0449

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Friday, September 17, 2021 11:51 AM
To: William Sullivan
Subject: RE: Site visit today

My schedule is tight next week, your assistant or Nancy would be great.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Sent: Friday, September 17, 2021 10:05 AM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Subject: [Non-DoD Source] RE: Site visit today

Hi Norm,

I have had a family issue come up and need to head out in a few minutes. Would you prefer me to set you up with my assistant Harbormaster and Possibly Nancy Civetta if she is available? Or Reschedule for Monday afternoon? Im sorry this is so last minute but please tell me how you would like to proceed?

Thank you,
Will

-----Original Message-----

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Friday, September 17, 2021 7:58 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
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William Sullivan

From: Robbins, Dan <drobbsins@geiconsultants.com>
Sent: Friday, September 17, 2021 4:32 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Cc: William Sullivan; Rebecca Slick; Richard, Alyssa; Charles Sumner; Chris Allgeier
Subject: Wellfleet Dredging of Area 2 - Mitigation Letter
Attachments: Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf

Hello Norm,

In coordination with the Town of Wellfleet please find attached a letter of mitigation in support of dredging for Area 2. This letter outlines background on the project, the towns initiatives, and projects.

If you have any questions please reach out to me or Alyssa.

Regards,
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, September 16, 2021 4:56 PM
To: Richard, Alyssa; Chris Allgeier
Cc: Joseph Aberdale; Robbins, Dan; William Sullivan; Alfred Pickard; Rebecca Slick; Curt Felix
Subject: Re: [EXT] Wellfleet - Mitigation Response Drafts
Attachments: Wellfleet Mitigation on Letterhead_RWB.doc

This is coming together nicely. Minor edits/notes from me – see attached.

Ray

From: Richard, Alyssa <arichard@geiconsultants.com>
Date: Thursday, September 16, 2021 at 4:30 PM
To: Chris Allgeier <cjallgeier@gmail.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, Robbins, Dan <drobbs@geiconsultants.com>, William Sullivan <william.sullivan@wellfleet-ma.gov>, Alfred Pickard <wcmom@aol.com>, Rebecca.Slick@wellfleet-ma.gov <Rebecca.Slick@wellfleet-ma.gov>, Curt Felix <cfelix@planktonpower.net>, Ray Bucheger <Ray@federalrelations.com>
Subject: RE: [EXT] Wellfleet - Mitigation Response Drafts

Here is the clean version with the change to reflect the CCNS at 70% of land and now on Town letterhead.

Rebecca is it too late to get a signature on this today. I know we are down to the wire. If not I can change the date to Monday and we'll go from there.

Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Thursday, September 16, 2021 3:44 PM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>; Robbins, Dan <drobbs@geiconsultants.com>; William Sullivan <william.sullivan@wellfleet-ma.gov>; Alfred Pickard <wcmom@aol.com>; Rebecca.Slick@wellfleet-ma.gov; Curt Felix <cfelix@planktonpower.net>; Ray Bucheger <Ray@federalrelations.com>
Subject: Re: [EXT] Wellfleet - Mitigation Response Drafts

EXTERNAL EMAIL

Alyssa,

Well done.

I accepted all the edits and produced a "clean version" to which I made minor, mostly format changes - line spacing, a few commas, etc.

Attached is that file with the changes shown.


On Sep 16, 2021, at 12:28 PM, Richard, Alyssa <arichard@geiconsultants.com> wrote:

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Chris

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Map legend.png>



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

September 17, 2021

US Army Corps of Engineers of New England
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

Wellfleet Harbor Dredging is comprised of three distinct components: 1) the federal navigation channel; 2) Area 1, which is comprised of the North and South Access Channels, the North Anchorage, and the L-Pier Access Channel; and Area 2, which is comprised of the South Anchorage. Dredging of the federal channel was completed in November 2020 with a federal investment of \$5 million. Upon completion of the dredging of the federal project, the Town of Wellfleet initiated work in Area 1 – the Town performed some dredging work in the vicinity of the L-pier, in December 2020 and will be dredging the remainder of Area 1 beginning October 1, 2021 through December 31, 2021. Pending receipt of necessary permits, Area 2 dredging is scheduled to begin October 1, 2022 and run through December 31, 2022.

The three components of the overall Wellfleet Harbor Dredging project work as a system – all three projects need to be completed in order to maximize efficient use of Wellfleet Harbor. Failure to complete dredging of Area 2 in a timely manner undermines use of the Harbor and will negatively impact use of the federal channel and Area 1. For the reasons described below, we are concerned ~~about~~ the suggestion of unnecessary and burdensome mitigation requirements could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets – the Corps invested \$5 million to dredge the federal channel just last year in 2020.

The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to other areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

In May of 2020, the Center for Coastal Studies with funding from the Town of Wellfleet Natural Resources Advisory Board, conducted a study of the Wellfleet Harbor sediments. The goal of the study was to better characterize the nature, density, and movement of the sediments. The study found that the material in the harbor, called "black custard" for the purposes of this study was 70% silt and 30% organic material. This material is present predominantly in the Harbor and was not found in a sample taken downstream of the Chequessett Neck dike. Sampling and sonar studies indicate that the material is present to a depth of 8 – 12 ft. The organic material present is derived from marine sources. Deposition of fine-grained sediment in the study area is likely a product of slowing tidal currents that arise from a decrease in depth and a process known as flocculation, where fine-grained sediment comes together and falls out of suspension to be deposited in the harbor. While conducting this study a biological assessment of the samples was also conducted. The Samples 1, 2 and 4 (Area 1) showed a paucity of individuals and low species diversity. Sample 3 (Area 1) did show a high number of individuals and some species diversity (6 identified species) although approximately 85% of individuals found were mud worms. In comparison the control sample taken outside the harbor near the Chequessett Neck dike yielded 60 individuals and showed a much higher diversity (10 species). This result is similar to the 2018 biological survey conducted in Area 2 which showed very low species diversity and few individuals per sample.

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Consistent with this reality, the Town's Engineering Consultants have completed all the studies required by USACE and concluded that this area has minimal environmental value and that no harm would result from the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. This conclusion would be consistent with the views held by the State of Massachusetts, which has issued all state-level permits needed to complete this project and concluded that no mitigation is necessary.

Furthermore, failure to dredge Area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Potential Mitigation

It is important to note that the Town has few good mitigation options. Most of the land within Wellfleet is protected land – approximately 70% of the land is located within the Cape Cod National Seashore. In addition to the Cape Cod National Seashore, which protects about 70% of the land, Wellfleet actively supports the Wellfleet Bay Wildlife Sanctuary (WBWS) of Mass Audubon. WBWS protects over 1,000 acres of land and provides nature education programs. Much of the WBWS land is in South Wellfleet and is on, or near, the shoreline. The Town also supports the Wellfleet Conservation Trust (WCT), and the Town's Open Space program under the direction of the Conservation Commission and the Open Space Committee. This leaves a relatively small amount of land available for new mitigation projects. (Please see the attached map of "Wellfleet Conservation Lands and Open Space". This map is available on WCT's website and can be magnified for more detailed examination.
<https://wctweb.files.wordpress.com/2020/11/townofwellfleet.pdf>)

Nonetheless, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. While this pro-active approach to environmental protection is part of the Town ethos, the unintended consequence is that there are few new opportunities available to satisfy mandatory mitigation requirements.

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

With that being said, there are a number of current projects moving forward in furtherance of the Town's stewardship and resource management that we believe could be utilized for mitigation purposes if the agency insists on requiring mitigation for the dredging project.

Below is a listing of recent and current projects in furtherance of the Town's stewardship and resource management.

Herring River Restoration Project

The Herring River Restoration Project is a long term, complicated project involving many federal agencies, Town departments and committees, citizen advisory groups, and private landowners. The goal of the Herring River Restoration Project is to restore a healthy, functioning tidal marsh within the Herring River flood plain by re-establishing tidal exchange in the river basin and its sub-basins. Tidal exchange will be increased incrementally over time using an adaptive management approach to achieve desired conditions for native estuarine habitats. The Friends of the Herring River primarily support the Cape Cod National Seashore in its efforts to facilitate the restoration project. The Friends are supporting the process of securing the necessary permits to replace the Herring River bridge as well as supporting all of the monitoring projects being performed by the CCNS.

An essential feature of the project is to replace the Chequessett Neck Dike with a bridge and control structure to allow managed increases in tidal flow. Other restrictions to tidal flow will be removed or modified and flood protection measures will be taken to protect private property.

The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

HDYLTA Trust

In October of 2019, The Town of Wellfleet, at a cost of \$2 million, acquired 168 acres (calculated at mean low water mark) of Land Under Ocean / Tidal Flats. This area includes 56.06 acres already under use for shellfish grants with an additional 4 acres to be allotted to a grant expansion area. The current shellfish grants provide both economic benefit to the Town, and environmental benefit through the active water filtration of the shellfish. The rest of the purchased area includes Coastal Beach, Salt Marsh and Open Water resources. A significant portion of the site consists of Tidal Flats. (See attached Survey and MA OLIVER Mapping) The Town would seek to preserve the portion of this land not set aside for shellfish grants, and this portion would be kept in a town restriction. This means that approximately 100 acres of land, with a significant portion being intertidal, ~~will~~would remain undeveloped.

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**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

Wellfleet Conservation Trust

In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

Upcoming request for two parcels of Town owned land to be transferred to the Conservation Commission for purposes of open space conservation.

Commented [RB1]: This sentence is confusing

Map 30-Parcel 186 is a 2.06 acres of wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society.

Map 42 – Parcel 137 is 3.26 acres of wetlands marsh that abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

Reactive Protective Barrier

At the June 2021 Wellfleet Annual Town meeting, voters approved \$50,000 for an engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street.

Pre-restoration Assessment of Spat Settlement in the Herring River Estuary

The planned restoration of natural tidal flow into Wellfleet's Herring River is projected to restore habitats for many estuarine animals, including economically and recreationally important shellfish. This study monitors spat settlement in four locations within the Herring River Estuary and will compare the results to a reference location within Wellfleet Harbor. The study is in progress and is expected to be complete in 2022.

Wellfleet Mitigation Efforts regarding Water Quality, Rare and Endangered Species and Habitat Restoration

Through a combination of efforts among the Wellfleet Clean Water Advisory Committee, which is responsible for the Town's EPA 208 nitrogen mitigation plan, Wellfleet Conservation Commission, Wellfleet Natural Resources Advisory Board, Wellfleet Health and Conservation Department and Wellfleet Department of Public Works, there are several mitigation projects on-going in the inner Wellfleet Harbor which directly address conservation issues and aim to also reduce the long term need for dredging in the inner harbor. Collectively, these projects will cost several million dollars over the next five years and have a profound impact on water quality health as well as rare and endangered species. Projects that have a direct nexus to the area of dredging in Wellfleet Harbor are discussed below. These projects are separate from the Herring River Restoration which is estimated at \$75 million and aims to restore 1,100 acres of degraded marsh back to healthy salt marsh.

Salt Marsh Restoration:

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Salt marshes are well documented as natural treatment systems providing significant water quality and ecological benefits. Salt marsh restoration includes restoring degraded or impaired marsh to natural brackish flow which restores the natural salt vegetation and marine species that revive ecological functions that reduce nutrient levels and increase species diversity. The Town of Wellfleet has identified numerous potential restoration projects that will restore large areas of salt marsh. These include Herring River, Mayo Creek and others. Most of these projects are intended to restore tidal flow into areas that have been historically blocked by water control structures such as dams, dikes, clapper valves, culverts, etc.

Three habitat restoration projects that are underway in Wellfleet (Mayo Creek, Herring River, and Hawes Pond) will likely result in significant water quality and habitat improvements and are estimated at over 1,200 acres. However, these projects are very site-specific and the resulting nitrogen reductions are difficult to estimate. The Cape Cod Commission's MVP tool estimates a reduction of 317 kg/year for Mayo Creek restoration, potentially 25% of the target for the Duck Creek area. Their corresponding nitrogen reduction credits be established through monitoring as part of the adaptive management program. Mayo Creek funding was approved at the June 2021 Town Meeting and the other projects are on-going and approved by the Wellfleet Board of Selectman and supported by the respective committees, Town Departments and staff.

Mayo Creek

~~From~~ According to the Mayo Creek Restoration Committee final report to the Board of Selectmen June 2019: "The Mayo Creek estuary formed thousands of years ago behind the Mayo Beach barrier spit, and is bordered on three sides by hills: Summit Hill, Taylor Farm and the ridge along Holbrook Avenue. The original tidelands covered about 60 acres.

Tides and seawater were blocked from this back-barrier salt marsh in 1909 when, the Town replaced a bridge across the original 100-foot-wide inlet with a solid-fill dike. This dike currently serves as a causeway connecting Commercial Street with the Wellfleet Marina and Kendrick Avenue. The only opening for water passage through the dike is a two-foot-diameter culvert intended to allow freshwater drainage to the harbor; a one-way valve at the seaward end of this culvert prevents nearly all saltwater inflow to the Mayo Creek estuary. About 15 acres of the original tidelands were filled with harbor dredged material in the early to mid-20th century.

Restoration has been approved and funded by Town Meeting and is anticipated to include road improvements and the installation of a self-regulating tide gate to protect upland properties. The new tide gate will allow for an increase in tide range and periods of free flow between the harbor and the upstream wetlands to allow recovery of the salt marsh and increased habitat for rare and endangered species.

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Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Hawes Pond

From a report prepared by VHB Consulting for Mass DOT: “Hawes Pond is an approximately 0.7 acre pond that is connected to Duck Creek, a tributary that flows through a saltmarsh into Wellfleet Harbor. A shallow 550-foot channel and 145-foot culvert beneath Main Street connects Hawes Pond to Duck Creek.” Due to a failed tide gate, “The water has become stagnant and the Pond’s salinity has been reduced.” Hawes Pond is considered of an emergency priority by the Wellfleet Conservation Commission and they relayed this to Mass DOT through a series of planning meetings among the stakeholders. The salt marsh is dying and due to the blocked tide gate, one of the remaining highly productive eel runs in Wellfleet is at risk of complete collapse. This habitat is also an important Diamond Terrapin Turtle spawning area.

This area is directly connected to the Inner Harbor Basin through Duck Creek which empties at the Marina Basin. The Wellfleet Clean Water Advisory Committee has documented this area as the most difficult and with the highest nitrogen loads to be remediated in Wellfleet Harbor and lists Hawes Pond on its project list for nutrient remediation.

DOT has recommended the installation of a self-regulating tide gate at an estimated cost of \$150,000 as the best solution for this area and it is included in the Town’s draft watershed plan for compliance with EPA 208 requirements.

Shellfish/Aquaculture:

The Town of Wellfleet is a recognized leader in the shellfish industry and has focused on shellfish restoration and aquaculture research over the past several decades. Inherent in this approach is a belief that the marine ecosystem must be restored to enable it to increase filtration and consume phytoplankton (its food source). Excess phytoplankton can result from either large nutrient loads or too little consumption and leads to highly organic muck known as “black custard” (the decay products from excess phytoplankton and marine vegetation) and eutrophication (too little oxygen).

A pilot project conducted by the town, at a site adjacent to the Town Pier, in conjunction with University of Massachusetts and the Center for Coastal Studies reported over a 70% reduction in concentrations of nitrogen and over 90% reduction in chlorophyll (which is an indicator for phytoplankton). Recent updates to the Cape Cod Commission’s Technology Matrix indicate a range of potential nitrogen mitigation associated with shellfish and aquaculture ranging from 52 – 300 kg/acre-year for these projects depending upon the density of shellfish. Moreover, a recent analysis from the Center for Coastal Studies on the make-up of black custard indicated no human component and 85% phytoplankton and 15% marine vegetation, meaning ecosystem restoration will be critical as a solution for Wellfleet to reduce the accumulation of so called “black custard” which is the major re-siltation material in the dredged areas.

Expansion of this effort adjacent to the boat slips, and in the vicinity of the Town Pier is similar to efforts advanced in places like Virginia, Florida and Texas for reduction in

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

these materials that fill the harbor and will require future dredging. At the same time these improve water clarity and substantially increase species diversity. The original project site saw a dramatic increase in diamond back terrapin use and in a report to the Clean Water Advisory Committee, showed a very large increase in speciation.

We look forward to a timely and favorable resolution of the mitigation issue. If necessary, we are available to meet and discuss the above items in further detail at your convenience.

Respectfully,

Charles Sumner
Town Administrator



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

September 17, 2021

US Army Corps of Engineers of New England
New England District
696 Virginia Road
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Attention: Charles Farris

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**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to other areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

In May of 2020, the Center for Coastal Studies with funding from the Town of Wellfleet Natural Resources Advisory Board, conducted a study of the Wellfleet Harbor sediments. The goal of the study was to better characterize the nature, density, and movement of the sediments. The study found that the material in the harbor, called "black custard" for the purposes of this study was 70% silt and 30% organic material. This material is present predominantly in the Harbor and was not found in a sample taken downstream of the Chequessett Neck dike. Sampling and sonar studies indicate that the material is present to a depth of 8 – 12 ft. The organic material present is derived from marine sources. Deposition of fine-grained sediment in the study area is likely a product of slowing tidal currents that arise from a decrease in depth and a process known as flocculation, where fine-grained sediment comes together and falls out of suspension to be deposited in the harbor. While conducting this study a biological assessment of the samples was also conducted. The Samples 1, 2 and 4 (Area 1) showed a paucity of individuals and low species diversity. Sample 3 (Area 1) did show a high number of individuals and some species diversity (6 identified species) although approximately 85% of individuals found were mud worms. In comparison the control sample taken outside the harbor near the Chequessett Neck dike yielded 60 individuals and showed a much higher diversity (10 species). This result is similar to the 2018 biological survey conducted in Area 2 which showed very low species diversity and few individuals per sample.

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

Consistent with this reality, the Town's Engineering Consultants have completed all the studies required by USACE and concluded that this area has minimal environmental value and that no harm would result from the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. This conclusion would be consistent with the views held by the State of Massachusetts, which has issued all state-level permits needed to complete this project and concluded that no mitigation is necessary.

Furthermore, failure to dredge Area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Potential Mitigation

It is important to note that the Town has few good mitigation options. Most of the land within Wellfleet is protected land – approximately 70% of the land is located within the Cape Cod National Seashore. In addition to the Cape Cod National Seashore, which protects about 70% of the land, Wellfleet actively supports the Wellfleet Bay Wildlife Sanctuary (WBWS) of Mass Audubon. WBWS protects over 1,000 acres of land and provides nature education programs. Much of the WBWS land is in South Wellfleet and is on, or near, the shoreline. The Town also supports the Wellfleet Conservation Trust (WCT), and the Town's Open Space program under the direction of the Conservation Commission and the Open Space Committee. This leaves a relatively small amount of land available for new mitigation projects. (Please see the attached map of "Wellfleet Conservation Lands and Open Space". This map is available on WCT's website and can be magnified for more detailed examination.
<https://wctweb.files.wordpress.com/2020/11/townofwellfleet.pdf>)

Nonetheless, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. While this pro-active approach to environmental protection is part of the Town ethos, the unintended consequence is that there are few new opportunities available to satisfy mandatory mitigation requirements.

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

With that being said, there are a number of current projects moving forward in furtherance of the Town's stewardship and resource management that we believe could be utilized for mitigation purposes if the agency insists on requiring mitigation for the dredging project.

Below is a listing of recent and current projects in furtherance of the Town's stewardship and resource management.

Herring River Restoration Project

The Herring River Restoration Project is a long term, complicated project involving many federal agencies, Town departments and committees, citizen advisory groups, and private landowners. The goal of the Herring River Restoration Project is to restore a healthy, functioning tidal marsh within the Herring River flood plain by re-establishing tidal exchange in the river basin and its sub-basins. Tidal exchange will be increased incrementally over time using an adaptive management approach to achieve desired conditions for native estuarine habitats. The Friends of the Herring River primarily support the Cape Cod National Seashore in its efforts to facilitate the restoration project. The Friends are supporting the process of securing the necessary permits to replace the Herring River bridge as well as supporting all of the monitoring projects being performed by the CCNS.

An essential feature of the project is to replace the Chequessett Neck Dike with a bridge and control structure to allow managed increases in tidal flow. Other restrictions to tidal flow will be removed or modified and flood protection measures will be taken to protect private property.

The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

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HDYLT Trust

In October of 2019, The Town of Wellfleet, at a cost of \$2 million, acquired 168 acres (calculated at mean low water mark) of Land Under Ocean / Tidal Flats. This area includes 56.06 acres already under use for shellfish grants with an additional 4 acres to be allotted to a grant expansion area. The current shellfish grants provide both economic benefit to the Town, and environmental benefit through the active water filtration of the shellfish. The rest of the purchased area includes Coastal Beach, Salt Marsh and Open Water resources. A significant portion of the site consists of Tidal Flats. (See attached Survey and MA OLIVER Mapping) The Town would seek to preserve the portion of this land not set aside for shellfish grants, and this portion would be kept in a town restriction. This means that approximately 100 acres of land, with a significant portion being intertidal, ~~will~~would remain undeveloped.

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Wellfleet Conservation Trust

In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

Upcoming request for two parcels of Town owned land to be transferred to the Conservation Commission for purposes of open space conservation.

Map 30-Parcel 186 is a 2.06 acres of wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society.

Map 42 – Parcel 137 is 3.26 acres of wetlands marsh that abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

Commented [RB1]: This sentence is confusing

Reactive Protective Barrier

At the June 2021 Wellfleet Annual Town meeting, voters approved \$50,000 for an engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street.

Pre-restoration Assessment of Spat Settlement in the Herring River Estuary

The planned restoration of natural tidal flow into Wellfleet's Herring River is projected to restore habitats for many estuarine animals, including economically and recreationally important shellfish. This study monitors spat settlement in four locations within the Herring River Estuary and will compare the results to a reference location within Wellfleet Harbor. The study is in progress and is expected to be complete in 2022.

Wellfleet Mitigation Efforts regarding Water Quality, Rare and Endangered Species and Habitat Restoration

Through a combination of efforts among the Wellfleet Clean Water Advisory Committee, which is responsible for the Town's EPA 208 nitrogen mitigation plan, Wellfleet Conservation Commission, Wellfleet Natural Resources Advisory Board, Wellfleet Health and Conservation Department and Wellfleet Department of Public Works, there are several mitigation projects on-going in the inner Wellfleet Harbor which directly address conservation issues and aim to also reduce the long term need for dredging in the inner harbor. Collectively, these projects will cost several million dollars over the next five years and have a profound impact on water quality health as well as rare and endangered species. Projects that have a direct nexus to the area of dredging in Wellfleet Harbor are discussed below. These projects are separate from the Herring River Restoration which is estimated at \$75 million and aims to restore 1,100 acres of degraded marsh back to healthy salt marsh.

Salt Marsh Restoration:

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Salt marshes are well documented as natural treatment systems providing significant water quality and ecological benefits. Salt marsh restoration includes restoring degraded or impaired marsh to natural brackish flow which restores the natural salt vegetation and marine species that revive ecological functions that reduce nutrient levels and increase species diversity. The Town of Wellfleet has identified numerous potential restoration projects that will restore large areas of salt marsh. These include Herring River, Mayo Creek and others. Most of these projects are intended to restore tidal flow into areas that have been historically blocked by water control structures such as dams, dikes, clapper valves, culverts, etc.

Three habitat restoration projects that are underway in Wellfleet (Mayo Creek, Herring River, and Hawes Pond) will likely result in significant water quality and habitat improvements and are estimated at over 1,200 acres. However, these projects are very site-specific and the resulting nitrogen reductions are difficult to estimate. The Cape Cod Commission's MVP tool estimates a reduction of 317 kg/year for Mayo Creek restoration, potentially 25% of the target for the Duck Creek area. Their corresponding nitrogen reduction credits be established through monitoring as part of the adaptive management program. Mayo Creek funding was approved at the June 2021 Town Meeting and the other projects are on-going and approved by the Wellfleet Board of Selectman and supported by the respective committees, Town Departments and staff.

Mayo Creek

~~From~~ According to the Mayo Creek Restoration Committee final report to the Board of Selectmen June 2019: "The Mayo Creek estuary formed thousands of years ago behind the Mayo Beach barrier spit, and is bordered on three sides by hills: Summit Hill, Taylor Farm and the ridge along Holbrook Avenue. The original tidelands covered about 60 acres.

Tides and seawater were blocked from this back-barrier salt marsh in 1909 when, the Town replaced a bridge across the original 100-foot-wide inlet with a solid-fill dike. This dike currently serves as a causeway connecting Commercial Street with the Wellfleet Marina and Kendrick Avenue. The only opening for water passage through the dike is a two-foot-diameter culvert intended to allow freshwater drainage to the harbor; a one-way valve at the seaward end of this culvert prevents nearly all saltwater inflow to the Mayo Creek estuary. About 15 acres of the original tidelands were filled with harbor dredged material in the early to mid-20th century.

Restoration has been approved and funded by Town Meeting and is anticipated to include road improvements and the installation of a self-regulating tide gate to protect upland properties. The new tide gate will allow for an increase in tide range and periods of free flow between the harbor and the upstream wetlands to allow recovery of the salt marsh and increased habitat for rare and endangered species.

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Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Hawes Pond

From a report prepared by VHB Consulting for Mass DOT: “Hawes Pond is an approximately 0.7 acre pond that is connected to Duck Creek, a tributary that flows through a saltmarsh into Wellfleet Harbor. A shallow 550-foot channel and 145-foot culvert beneath Main Street connects Hawes Pond to Duck Creek.” Due to a failed tide gate, “The water has become stagnant and the Pond’s salinity has been reduced.” Hawes Pond is considered of an emergency priority by the Wellfleet Conservation Commission and they relayed this to Mass DOT through a series of planning meetings among the stakeholders. The salt marsh is dying and due to the blocked tide gate, one of the remaining highly productive eel runs in Wellfleet is at risk of complete collapse. This habitat is also an important Diamond Terrapin Turtle spawning area.

This area is directly connected to the Inner Harbor Basin through Duck Creek which empties at the Marina Basin. The Wellfleet Clean Water Advisory Committee has documented this area as the most difficult and with the highest nitrogen loads to be remediated in Wellfleet Harbor and lists Hawes Pond on its project list for nutrient remediation.

DOT has recommended the installation of a self-regulating tide gate at an estimated cost of \$150,000 as the best solution for this area and it is included in the Town’s draft watershed plan for compliance with EPA 208 requirements.

Shellfish/Aquaculture:

The Town of Wellfleet is a recognized leader in the shellfish industry and has focused on shellfish restoration and aquaculture research over the past several decades. Inherent in this approach is a belief that the marine ecosystem must be restored to enable it to increase filtration and consume phytoplankton (its food source). Excess phytoplankton can result from either large nutrient loads or too little consumption and leads to highly organic muck known as “black custard” (the decay products from excess phytoplankton and marine vegetation) and eutrophication (too little oxygen).

A pilot project conducted by the town, at a site adjacent to the Town Pier, in conjunction with University of Massachusetts and the Center for Coastal Studies reported over a 70% reduction in concentrations of nitrogen and over 90% reduction in chlorophyll (which is an indicator for phytoplankton). Recent updates to the Cape Cod Commission’s Technology Matrix indicate a range of potential nitrogen mitigation associated with shellfish and aquaculture ranging from 52 – 300 kg/acre-year for these projects depending upon the density of shellfish. Moreover, a recent analysis from the Center for Coastal Studies on the make-up of black custard indicated no human component and 85% phytoplankton and 15% marine vegetation, meaning ecosystem restoration will be critical as a solution for Wellfleet to reduce the accumulation of so called “black custard” which is the major re-siltation material in the dredged areas.

Expansion of this effort adjacent to the boat slips, and in the vicinity of the Town Pier is similar to efforts advanced in places like Virginia, Florida and Texas for reduction in

Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

these materials that fill the harbor and will require future dredging. At the same time these improve water clarity and substantially increase species diversity. The original project site saw a dramatic increase in diamond back terrapin use and in a report to the Clean Water Advisory Committee, showed a very large increase in speciation.

We look forward to a timely and favorable resolution of the mitigation issue. If necessary, we are available to meet and discuss the above items in further detail at your convenience.

Respectfully,

Charles Sumner
Town Administrator

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

September 17, 2021

US Army Corps of Engineers of New England
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

~~As you are aware, the Wellfleet Harbor Dredging Project is currently in progress comprised of three distinct components: 1) the federal navigation channel; 2) Area 1, which is comprised of the North and South Access Channels, the North Anchorage, and the L-Pier Access Channel; and Area 2, which is comprised of the South Anchorage. Dredging of the federal channel was completed in November 2020 with a federal investment of \$5 million. Upon USACE dredged the channel and the federal anchorage in October and November 2020. At the completion of the USACE work the dredging of the federal project, the Town of Wellfleet initiated work in Area 1 – the Town performed some dredging work in the vicinity of the L-pier, in December 2020 and the Town will be dredging the remainder of Area 1 beginning October 1, 2021 through December 31, 2021. Pending receipt of necessary permits, Area 2 dredging is scheduled to begin October 1, 2022 and run through December 31, 2022.~~

~~The three components of the overall Wellfleet Harbor Dredging project work as a system – all three projects need to be completed in order to maximize efficient use of Wellfleet Harbor. Failure to complete dredging of Area 2 in a timely manner undermines use of the Harbor and will negatively impact use of the federal channel and Area 1. For the reasons described below,~~

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~~USACE/NMFS has raised an issue, suggesting that Area 2 dredging would trigger mitigation requirements. We are concerned that about the suggestion of unnecessary and burdensome mitigation requirements could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets – the Corps invested \$5 million to dredge the federal channel just last year in 2020.~~

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The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as “black mayonnaise”. While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can’t survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to other areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the greatest threat to the Town’s shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

Consistent with this reality, the Town’s Engineering Consultants have completed all the studies required by USACE and concluded that this area has minimal environmental value and that no harm would result from the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. This conclusion would be consistent with the views held by the State of Massachusetts, which has issued all state-level permits needed to complete this project and concluded that no mitigation is necessary.

Furthermore, failure to dredge area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town’s engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Potential Mitigation

It is important to note that the Town has few good mitigation options. Most of the land within Wellfleet is protected land – approximately 70% of the land is located within the Cape Cod National Seashore and an additional 10% is under the protection of other agencies or trusts. This leaves a relatively small amount of land available for new mitigation projects. Nonetheless, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. While this pro-active approach to environmental protection is part of the Town ethos, the unintended consequence is that there are few new opportunities available to satisfy mandatory mitigation requirements.

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

[Consider inserting verbiage from document "Conservation land in Wellfleet"]

With that being said, there are a number of current projects moving forward in furtherance of the Town's stewardship and resource management that we believe could be utilized for mitigation purposes if the agency insists on requiring mitigation for the dredging project.

Below is a listing of recent and current projects in furtherance of the Town's stewardship and resource management.

Herring River Restoration Project

The Herring River Restoration Project is a long term, complicated project involving many federal agencies, Town departments and committees, citizen advisory groups, and private landowners. The goal of the Herring River Restoration Project is to restore a healthy, functioning tidal marsh within the Herring River flood plain by re-establishing tidal exchange in the river basin and its sub-basins. Tidal exchange will be increased incrementally over time using an adaptive management approach to achieve desired conditions for native estuarine habitats.

The essential feature of the project is to replace the Chequessett Neck Dike with a bridge and control structure to allow managed increases in tidal flow. Other restrictions to tidal flow will be removed or modified and flood protection measures will be taken to protect private property.

The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

HDYLTA Trust

In 2019 or 2020???, The Town of Wellfleet, at a cost of \$2 million, acquired 168 acres (at mean low water mark) which includes 56.06 acres for shellfish grants, 4 acres grant expansion area, 47.8 acres Beach/Marsh, 31.45 acres Salt Marsh and 3.44 acres beach lots – an effective land area of 142.75 acres. A significant portion of the site consists of intertidal lands.

Wellfleet Conservation Trust

In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

Reactive Protective Barrier

At the June 2021 Wellfleet Annual Town meeting, voters approved \$xxxx for an engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street.

Pre-restoration Assessment of Spat Settlement in the Herring River Estuary

**Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project**

The planned restoration of natural tidal flow into Wellfleet's Herring River is projected to restore habitats for many estuarine animals including economically and recreationally important shellfish. This study monitors spat settlement in four locations within the Herring River Estuary and will compare the results to a reference location within Wellfleet Harbor. **The study is in progress and is expected to complete in 2022.**

Duck Creek

Mayo Creek

Blackfish Creek – contact Wellfleet Conservation Trust.

Open Space Parcels

Upcoming request for two parcels of Town owned land to be transferred to the Conservation Commission for purposes of open space conservation.

- Map 30-Parcel 186 is a 2.06 acres of wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society.
- Map 42 – Parcel 137 is 3.26 acres of wetlands marsh that abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

We look forward to a timely and favorable resolution of the mitigation issue. If necessary, we are available to meet and discuss the above items in further detail at your convenience.

Respectfully,

Charles Sumner
Town Administrator



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

September 17, 2021

U.S Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

Reference: US Army Corps of Engineers Public Notice, August 24, 2021
File Number: NAE-2015-1414

Please accept this letter in support of the Town of Wellfleet's application for maintenance dredging in the area identified as the South Anchorage, also known as Area 2.

The Public Notice issued on August 24, 2021 indicates that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people. In that spirit, we hope the agency will take a holistic view of the Town's application. If the agency does so, it will be clear that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

In addition to affecting life and safety and the economy, failure to dredge Area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged, it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

The Town of Wellfleet fully supports the Wellfleet Harbor Dredging Project, as further evidenced by the significant Town funds that have been approved to implement this much needed project. Altogether, dredging Area 1 and Area 2 represent a combined non-federal investment of nearly \$20 million, including \$13 million to dredge Area 2. Altogether, the Town has set aside \$7.5 million for dredging (including \$1.7 million already incurred), which is complimented by \$2.5 million in funding from the State of Massachusetts. The balance of funding is coming from other non-federal sources.

As detailed above, Area 2 dredging is vital to public safety, the shellfish industry, the Town's economy and the health of the harbor. The Town of Wellfleet has diligently performed all the tasks required by the regulatory agencies and the various oversight committees necessary to receive the permits to dredge Area 2. Dredging this area is critically important to the Town and region, and the failure to dredge will severely impact the life and safety and economic factors that have provided citizens a means of maintaining a positive livelihood for over one hundred years.

Sincerely

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, September 17, 2021 7:32 PM
To: Chris Allgeier; Joseph Aberdale; Alfred Pickard; Curt Felix; Kevin Coakley; Skip Annett
Cc: William Sullivan; Dan Robbins; Rebecca Slick; Janet Reinhart (personal); Nancy Civetta
Subject: Re: Wellfleet Dredging of Area 2 - Mitigation Letter

Can I also get the signed version of the other letter?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, September 17, 2021 at 5:43 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Ray Bucheger <Ray@federalrelations.com>, Alfred Pickard <wcmom@aol.com>, Curt Felix <cfelix@planktonpower.net>, Kevin Coakley <captk5656@aol.com>, Skip Annett <skipannett@att.net>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifeexercises@comcast.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

See below, for the final version of the letter that was issued today.

Begin forwarded message:

From: "Robbins, Dan" <d Robbins@geiconsultants.com>
Subject: Wellfleet Dredging of Area 2 - Mitigation Letter
Date: September 17, 2021 at 4:31:54 PM EDT
To: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,

In coordination with the Town of Wellfleet please find attached a letter of mitigation in support of dredging for Area 2. This letter outlines background on the project, the towns initiatives, and projects.

If you have any questions please reach out to me or Alyssa.

Regards,
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, September 20, 2021 8:50 AM
To: Chris Allgeier; William Sullivan; Joseph Aberdale
Subject: Final FBB Invoice
Attachments: LH Invoice 14156 .pdf

Guys:

Per our agreement, here is the final FBB invoice.

Thanks again for the opportunity to work with Wellfleet. I look forward to seeing the Corps response to the Town's letters. I am sharing with the Congressional delegation and will be asking them to continue to press the Corps to get to yes.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>



Lindsay Hart, LLP

1300 SW Fifth Avenue, Suite 3400
Portland, OR 97201-5640
T 503.226.7677 F 503.226.7697
Federal Tax ID: 93-1034742

TOWN OF WELLFLEET
300 Main Street
Wellfleet, MA 02667
USA

Invoice 14156
09/15/2021
ID: 35155-0001

Matter: Federal Relations
Due Date: 10/15/2021

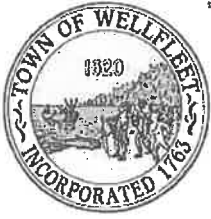
Description:

Government Affairs Consulting Services

Payments received after 09/15/2021 are not reflected in this statement.

Professional Services

Date	Tk	Details	Hours	Rate	Amount
Federal Relations	Fixed Fee				\$5,000.00
					<hr/>
					For professional services rendered
					\$5,000.00
					<hr/>
					Invoice Amount
					\$5,000.00
					<hr/>
					Previous Invoices Balance
					\$5,000.00
					<hr/>
					Balance Due
					\$10,000.00
					<hr/> <hr/>



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

www.wellfleet-ma.gov

September 17, 2021

US Army Corps of Engineers of New England
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

Wellfleet Harbor Dredging is comprised of three distinct components: 1) the federal navigation channel; 2) Area 1, which is comprised of the North and South Access Channels, the North Anchorage, and the L-Pier Access Channel; and Area 2, which is comprised of the South Anchorage. Dredging of the federal channel was completed in November 2020 with a federal investment of \$5 million. Upon completion of the dredging of the federal project, the Town of Wellfleet initiated work in Area 1 – the Town performed some dredging work in the vicinity of the L-pier, in December 2020 and will be dredging the remainder of Area 1 beginning October 1, 2021 through December 31, 2021. Pending receipt of necessary permits, Area 2 dredging is scheduled to begin October 1, 2022 and run through December 31, 2022.

The three components of the overall Wellfleet Harbor Dredging project work as a system – all three projects need to be completed in order to maximize efficient use of Wellfleet Harbor. Failure to complete dredging of Area 2 in a timely manner undermines use of the Harbor and will negatively impact use of the federal channel and Area 1. For the reasons described below, we are concerned the suggestion of unnecessary and burdensome mitigation requirements could prevent the Town from moving forward with this important project. Failure to dredge this area will negatively affect public access of the mooring field and likely cause harm to shellfish operations located in Wellfleet harbor, which would significantly affect the regional economy. That is to say nothing of the threat that failure to dredge this area poses on the agency's own assets – the Corps invested \$5 million to dredge the federal channel just last year in 2020.

The shellfishing areas adjacent to Area 2 contain some of the most productive shellfish beds in Wellfleet Harbor, providing important winter wild shellfish harvesting for the Town's commercial and recreational permit holders. In a letter that National Marine Fisheries Service (NMFS) sent to the New England District of the U.S. Army Corps of Engineers (USACE) on June 16, 2017, NMFS suggested that bordering aquaculture

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

operations could be negatively impacted by siltation associated with dredging activity and recommended the Town coordinate with local shellfish grant owners prior to dredging to minimize potential impacts to these operations. The Town has conducted this outreach to local shellfish grant owners, and what Town leaders were told should be instructive to USACE. Not only do local shellfish grant owners say that Area 2 is inappropriate for shellfish farming, but they are also of the belief that dredging Area 2 will not disturb their oyster beds. To the contrary, local shellfish farmers are very concerned that the material that has filled in Area 2 could harm shellfish beds adjacent to the mooring field.

On that last point, it should be noted that the material the Town is seeking to remove from Area 2 is a combination of particulates, sediment and decaying vegetation that locals refer to as "black mayonnaise". While this material is organic in nature, it is inhospitable to shellfish. Oysters simply disappear into the morass and quahogs and soft-shell clams are unable to achieve an anchorage to orient themselves and siphon up, which is necessary for both respiration and feeding. It should not be a surprise that the shellfish constable has affirmatively stated there are no shellfish beds within Area 2 – shellfish simply can't survive here, and if the Town is unable to dredge Area 2, the same conditions could migrate to other areas of Wellfleet Harbor. This is not speculation – the state of Massachusetts conducted a study in 2019 concluding that the greatest threat to the Town's shellfish industry is the encroachment of the black mayonnaise from Area 2 onto the shellfish beds in other parts of the harbor.

In May of 2020, the Center for Coastal Studies with funding from the Town of Wellfleet Natural Resources Advisory Board, conducted a study of the Wellfleet Harbor sediments. The goal of the study was to better characterize the nature, density, and movement of the sediments. The study found that the material in the harbor, called "black custard" for the purposes of this study was 70% silt and 30% organic material. This material is present predominantly in the Harbor and was not found in a sample taken downstream of the Chequessett Neck dike. Sampling and sonar studies indicate that the material is present to a depth of 8 – 12 ft. The organic material present is derived from marine sources. Deposition of fine-grained sediment in the study area is likely a product of slowing tidal currents that arise from a decrease in depth and a process known as flocculation, where fine-grained sediment comes together and falls out of suspension to be deposited in the harbor. While conducting this study a biological assessment of the samples was also conducted. The Samples 1, 2 and 4 (Area 1) showed a paucity of individuals and low species diversity. Sample 3 (Area 1) did show a high number of individuals and some species diversity (6 identified species) although approximately 85% of individuals found were mud worms. In comparison the control sample taken outside the harbor near the Chequessett Neck dike yielded 60 individuals and showed a much higher diversity (10 species). This result is similar to the 2018 biological survey conducted in Area 2 which showed very low species diversity and few individuals per sample.

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Consistent with this reality, the Town's Engineering Consultants have completed all the studies required by USACE and concluded that this area has minimal environmental value and that no harm would result from the dredging of Area 2. We believe that closer inspection of this data by USACE would not only bear this out, but also show that failure to dredge poses a bigger threat and that the failure to remove the material that has filled in Area 2 would be very harmful to the local environment and local shellfish farming operations. This conclusion would be consistent with the views held by the State of Massachusetts, which has issued all state-level permits needed to complete this project and concluded that no mitigation is necessary.

Furthermore, failure to dredge Area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

Potential Mitigation

It is important to note that the Town has few good mitigation options. Most of the land within Wellfleet is protected land – approximately 70% of the land is located within the Cape Cod National Seashore. In addition to the Cape Cod National Seashore, which protects about 70% of the land, Wellfleet actively supports the Wellfleet Bay Wildlife Sanctuary (WBWS) of Mass Audubon. WBWS protects over 1,000 acres of land and provides nature education programs. Much of the WBWS land is in South Wellfleet and is on, or near, the shoreline. The Town also supports the Wellfleet Conservation Trust (WCT), and the Town's Open Space program under the direction of the Conservation Commission and the Open Space Committee. This leaves a relatively small amount of land available for new mitigation projects. (Please see the attached map of "Wellfleet Conservation Lands and Open Space". This map is available on WCT's website and can be magnified for more detailed examination.

<https://wctweb.files.wordpress.com/2020/11/townofwellfleet.pdf>)

Nonetheless, the Town of Wellfleet continues to be exceptionally pro-active with respect to conservation measures and expenditures. While this pro-active approach to environmental protection is part of the Town ethos, the unintended consequence is that there are few new opportunities available to satisfy mandatory mitigation requirements.

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

With that being said, there are a number of current projects moving forward in furtherance of the Town's stewardship and resource management that we believe could be utilized for mitigation purposes if the agency insists on requiring mitigation for the dredging project.

Below is a listing of recent and current projects in furtherance of the Town's stewardship and resource management.

Herring River Restoration Project

The Herring River Restoration Project is a long term, complicated project involving many federal agencies, Town departments and committees, citizen advisory groups, and private landowners. The goal of the Herring River Restoration Project is to restore a healthy, functioning tidal marsh within the Herring River flood plain by re-establishing tidal exchange in the river basin and its sub-basins. Tidal exchange will be increased incrementally over time using an adaptive management approach to achieve desired conditions for native estuarine habitats. The Friends of the Herring River primarily support the Cape Cod National Seashore in its efforts to facilitate the restoration project. The Friends are supporting the process of securing the necessary permits to replace the Herring River bridge as well as supporting all of the monitoring projects being performed by the CCNS.

An essential feature of the project is to replace the Chequessett Neck Dike with a bridge and control structure to allow managed increases in tidal flow. Other restrictions to tidal flow will be removed or modified and flood protection measures will be taken to protect private property. The extensive time required to implement such a complex, multi-stakeholder projects is testimony to Wellfleet's commitment and persistence in developing conservation measures.

HDYLTA Trust

In October of 2019, The Town of Wellfleet, at a cost of \$2 million, acquired 168 acres (calculated at mean low water mark) of Land Under Ocean / Tidal Flats. This area includes 56.06 acres already under use for shellfish grants with an additional 4 acres to be allotted to a grant expansion area. The current shellfish grants provide both economic benefit to the Town, and environmental benefit through the active water filtration of the shellfish. The rest of the purchased area includes Coastal Beach, Salt Marsh and Open Water resources. A significant portion of the site consists of Tidal Flats. (See attached Survey and MA OLIVER Mapping) The Town would seek to preserve the portion of this land not set aside for shellfish grants, and this portion would be kept in a town restriction. This means that approximately 100 acres of land, with a significant portion being intertidal, would remain undeveloped.

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

Wellfleet Conservation Trust

In August 2020, 18.5 acres overlooking the Herring River Estuary, were gifted to the Wellfleet Conservation Trust.

The Town of Wellfleet is planning, at an upcoming Town Meeting, to request that the following parcels be transferred to the Conservation Commission for the purpose of open space conservation.

Map 30-Parcel 186 is a 2.06 acres of wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society.

Map 42 – Parcel 137 is 3.26 acres of wetlands marsh that abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

Reactive Protective Barrier

At the June 2021 Wellfleet Annual Town meeting, voters approved \$50,000 for an engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street.

Pre-restoration Assessment of Spat Settlement in the Herring River Estuary

The planned restoration of natural tidal flow into Wellfleet's Herring River is projected to restore habitats for many estuarine animals, including economically and recreationally important shellfish. This study monitors spat settlement in four locations within the Herring River Estuary and will compare the results to a reference location within Wellfleet Harbor. The study is in progress and is expected to be complete in 2022.

Wellfleet Mitigation Efforts regarding Water Quality, Rare and Endangered Species and Habitat Restoration

Harbor dredge spoils have been tested and contain a large amount of nitrogen. So called benthic recycling of nitrogen is a known enhancement of eutrophication in sensitive waters. Wellfleet Harbor is both a nitrogen sensitive area and listed as an "Area of Critical Concern". Removal of these anoxic sediments, especially in the inner harbor will significantly reduce nitrogen, providing both nitrogen credits under the "208" program and significant long term improvements in water quality. The improvement of bottom structure by the removal of anoxic sediments will also provide an opportunity for missing bottom species to re-populate providing a much healthier ecosystem in addition to removing the threat of overrunning adjacent oyster and clam beds that could be lost.

Through a combination of efforts among the Wellfleet Clean Water Advisory Committee, which is responsible for the Town's EPA 208 nitrogen mitigation plan, Wellfleet Conservation Commission, Wellfleet Natural Resources Advisory Board, Wellfleet Health and Conservation Department and Wellfleet Department of Public Works, there are several mitigation projects on-going in the inner Wellfleet Harbor

Town of Wellfleet, Massachusetts Wellfleet Harbor Dredging Project

which directly address conservation issues and aim to also reduce the long term need for dredging in the inner harbor. Collectively, these projects will cost several million dollars over the next five years and have a profound impact on water quality health as well as rare and endangered species. Projects that have a direct nexus to the area of dredging in Wellfleet Harbor are discussed below. These projects are separate from the Herring River Restoration which is estimated at \$75 million and aims to restore 1,100 acres of degraded marsh back to healthy salt marsh.

Salt Marsh Restoration:

Salt marshes are well documented as natural treatment systems providing significant water quality and ecological benefits. Salt marsh restoration includes restoring degraded or impaired marsh to natural brackish flow which restores the natural salt vegetation and marine species that revive ecological functions that reduce nutrient levels and increase species diversity. The Town of Wellfleet has identified numerous potential restoration projects that will restore large areas of salt marsh. These include Herring River, Mayo Creek and others. Most of these projects are intended to restore tidal flow into areas that have been historically blocked by water control structures such as dams, dikes, clapper valves, culverts, etc.

Three habitat restoration projects that are underway in Wellfleet (Mayo Creek, Herring River, and Hawes Pond) will likely result in significant water quality and habitat improvements and are estimated at over 1,200 acres. However, these projects are very site-specific and the resulting nitrogen reductions are difficult to estimate. The Cape Cod Commission's MVP tool estimates a reduction of 317 kg/year for Mayo Creek restoration, potentially 25% of the target for the Duck Creek area. Their corresponding nitrogen reduction credits be established through monitoring as part of the adaptive management program. Mayo Creek funding was approved at the June 2021 Town Meeting and the other projects are on-going and approved by the Wellfleet Board of Selectman and supported by the respective committees, Town Departments and staff.

Mayo Creek

According to the Mayo Creek Restoration Committee final report to the Board of Selectmen June 2019: "The Mayo Creek estuary formed thousands of years ago behind the Mayo Beach barrier spit, and is bordered on three sides by hills: Summit Hill, Taylor Farm and the ridge along Holbrook Avenue. The original tidelands covered about 60 acres.

Tides and seawater were blocked from this back-barrier salt marsh in 1909 when, the Town replaced a bridge across the original 100-foot-wide inlet with a solid-fill dike. This dike currently serves as a causeway connecting Commercial Street with the Wellfleet Marina and Kendrick Avenue. The only opening for water passage through the dike is a two-foot-diameter culvert intended to allow freshwater drainage to the harbor; a one-way valve at the seaward end of this culvert prevents nearly all saltwater inflow to the

Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

Mayo Creek estuary. About 15 acres of the original tidelands were filled with harbor dredged material in the early to mid-20th century.

Restoration has been approved and funded by Town Meeting and is anticipated to include road improvements and the installation of a self-regulating tide gate to protect upland properties. The new tide gate will allow for an increase in tide range and periods of free flow between the harbor and the upstream wetlands to allow recovery of the salt marsh and increased habitat for rare and endangered species.

Hawes Pond

From a report prepared by VHB Consulting for Mass DOT: "Hawes Pond is an approximately 0.7 acre pond that is connected to Duck Creek, a tributary that flows through a saltmarsh into Wellfleet Harbor. A shallow 550-foot channel and 145-foot culvert beneath Main Street connects Hawes Pond to Duck Creek." Due to a failed tide gate, "The water has become stagnant and the Pond's salinity has been reduced." Hawes Pond is considered an emergency priority by the Wellfleet Conservation Commission and they relayed this to Mass DOT through a series of planning meetings among the stakeholders. The salt marsh is dying and due to the blocked tide gate, one of the remaining highly productive eel runs in Wellfleet is at risk of complete collapse. This habitat is also an important Diamond Terrapin Turtle spawning area.

This area is directly connected to the Inner Harbor Basin through Duck Creek which empties at the Marina Basin. The Wellfleet Clean Water Advisory Committee has documented this area as the most difficult and with the highest nitrogen loads to be remediated in Wellfleet Harbor and lists Hawes Pond on its project list for nutrient remediation.

DOT has recommended the installation of a self-regulating tide gate at an estimated cost of \$150,000 as the best solution for this area and it is included in the Town's draft watershed plan for compliance with EPA 208 requirements.

Shellfish/Aquaculture:

The Town of Wellfleet is a recognized leader in the shellfish industry and has focused on shellfish restoration and aquaculture research over the past several decades. Inherent in this approach is a belief that the marine ecosystem must be restored to enable it to increase filtration and consume phytoplankton (its food source). Excess phytoplankton can result from either large nutrient loads or too little consumption and leads to highly organic muck known as "black custard" (the decay products from excess phytoplankton and marine vegetation) and eutrophication (too little oxygen).

A pilot project conducted by the town, at a site adjacent to the Town Pier, in conjunction with University of Massachusetts and the Center for Coastal Studies reported over a 70% reduction in concentrations of nitrogen and over 90% reduction in chlorophyll (which is an indicator for phytoplankton). Recent updates to the Cape Cod Commission's Technology Matrix indicate a range of potential nitrogen mitigation

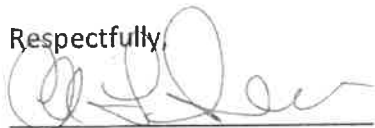
Town of Wellfleet, Massachusetts
Wellfleet Harbor Dredging Project

associated with shellfish and aquaculture ranging from 52 – 300 kg/acre-year for these projects depending upon the density of shellfish. Moreover, a recent analysis from the Center for Coastal Studies on the make-up of black custard indicated no human component and 85% phytoplankton and 15% marine vegetation, meaning ecosystem restoration will be critical as a solution for Wellfleet to reduce the accumulation of so called "black custard" which is the major re-siltation material in the dredged areas.

Expansion of this effort adjacent to the boat slips, and in the vicinity of the Town Pier is similar to efforts advanced in places like Virginia, Florida and Texas for reduction in these materials that fill the harbor and will require future dredging. At the same time these improve water clarity and substantially increase species diversity. The original project site saw a dramatic increase in diamond back terrapin use and in a report to the Clean Water Advisory Committee, showed a very large increase in speciation.

We look forward to a timely and favorable resolution of the mitigation issue. If necessary, we are available to meet and discuss the above items in further detail at your convenience.

Respectfully,



Charles Sumner
Town Administrator

Wellfleet Open Space & Conservation Lands



0 0.5 1 Miles

Prepared by the Wellfleet Conservation Trust

&
AmeriCorps Cape Cod
July 2021
Sources: MassGIS, Town Assessors

- DEP Wetlands Detailed With Outlines
- Barrier Beach System
- Barrier Beach-Deep Marsh
- Barrier Beach-Wooded Swamp Mixed Trees
- Barrier Beach-Coastal Beach
- Barrier Beach-Coastal Dune
- Barrier Beach-Marsh
- Barrier Beach-Salt Marsh
- Barrier Beach-Shrub Swamp
- Barrier Beach-Wooded Swamp Coniferous
- Barrier Beach-Wooded Swamp Deciduous
- Bog
- Coastal Bank Bluff or Sea Cliff
- Coastal Beach
- Coastal Dune
- Cranberry Bog
- Deep Marsh
- Barrier Beach-Open Water
- Open Water
- Rocky Intertidal Shore
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Tidal Flat
- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

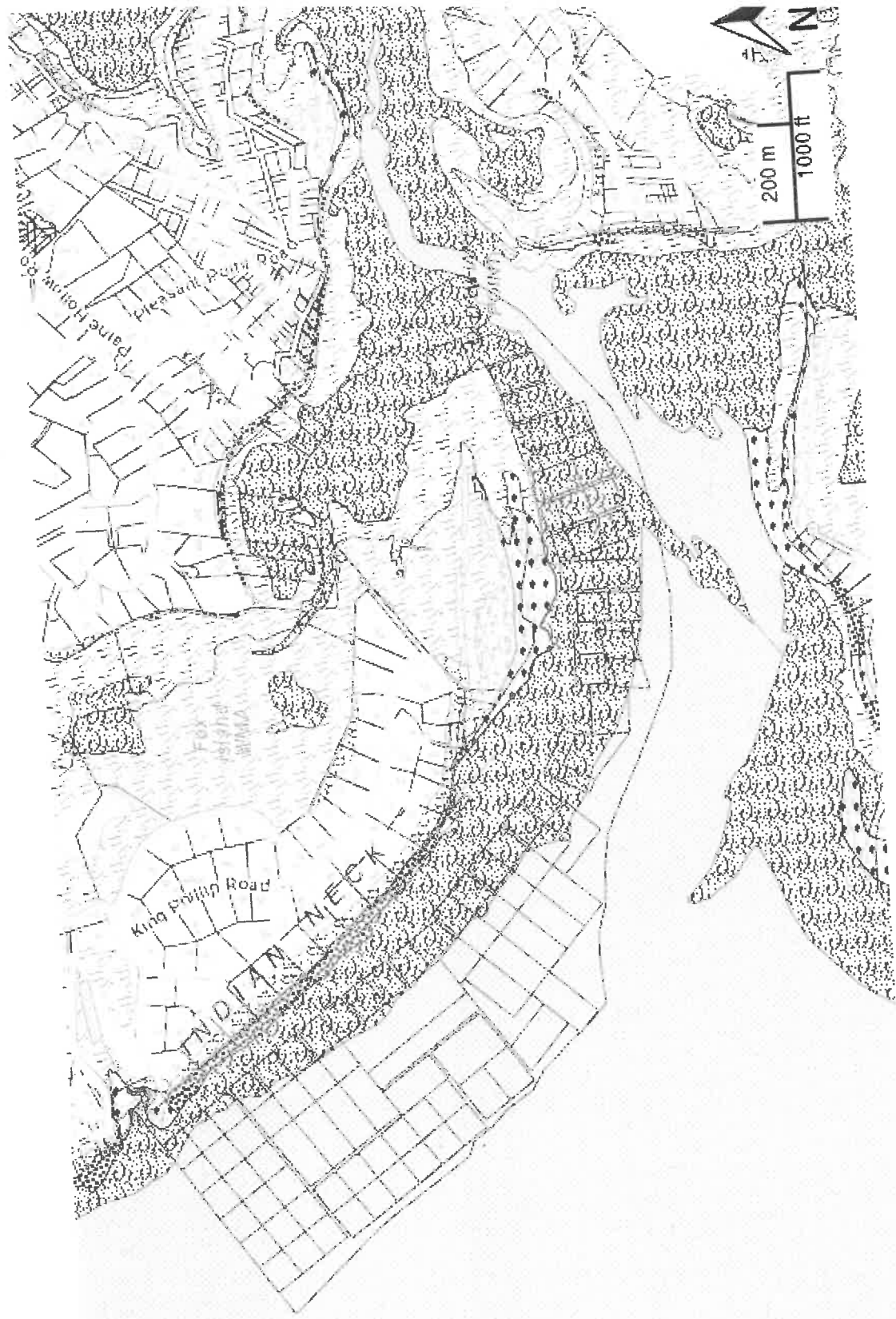
Tax Parcels for Query

Detailed Features

Tax Parcels for Display

Structures

MassGIS Statewide Features Basemap





TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

September 16, 2021

U.S Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Attention: Charles Farris

Reference: US Army Corps of Engineers Public Notice, August 24, 2021
File Number: NAE-2015-1414

Please accept this letter in support of the Town of Wellfleet's application for maintenance dredging in the area identified as the South Anchorage, also known as Area 2.

The Public Notice issued on August 24, 2021 indicates that all factors which may be relevant to the proposal will be considered, including, among other things, economics, general environmental concerns, fish and wildlife values, navigation, recreation, water quality, safety, food production and the general needs and welfare of the people. In that spirit, we hope the agency will take a holistic view of the Town's application. If the agency does so, it will be clear that the Town's proposed dredging project will improve navigation, enhance public safety, support the Town's economy, protect the federal navigation channel from needless and preventable siltation and rid the basin of a substance that threatens shellfish farming operations in the vicinity.

One of the primary reasons the Town is seeking to dredge the mooring field in Wellfleet Harbor is because the area is inaccessible for six to eight hours every day during each low tide, which affects life and safety and the economy. With respect to life and safety, Wellfleet's Harbormaster is an integral part of the Cape and Islands Maritime Response System (CCIMRS) with responsibility for search and rescue, to prevent loss of life at sea and to protect the maritime environment for Wellfleet Harbor and Cape Cod Bay. Presently the Harbormaster is unable to offer full protection to the thousands of boaters who use Wellfleet and surrounding waters because of the inaccessibility of the harbor. This inaccessibility also affects Wellfleet's federal designation as a harbor of refuge for other ships in distress.

Inability to access the harbor also impacts the entire Outer Cape economy – Wellfleet Harbor is the economic engine for the Town of Wellfleet and serves as a regional hub for tourism and commerce. Recent economic studies document a direct loss annually of \$5 million to \$8 million in commerce along with hundreds of jobs if Area 2 is not dredged. This includes impacts on the shellfishing industry, which generates over \$15 million annually in direct sales and supports over 200 jobs in Wellfleet. Approximately 15 percent of the population – and more importantly, 25 percent of working age people in Wellfleet – rely on shellfishing for their livelihoods.



TOWN OF WELFLEET

300 MAIN STREET WELFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

In addition to affecting life and safety and the economy, failure to dredge Area 2 in a timely manner could cause siltation in the federal channel, which is located adjacent to the mooring field. This would be hugely unfortunate, given that the US Army Corps of Engineers spent \$5 million to dredge this federal asset in FY20. Similarly, the part of the mooring field referred to as Area 1 has received permits and is scheduled to be dredged starting on October 1, 2021. The Town's engineers have warned that after Area 1 is dredged, it will rapidly fill in with material from Area 2 if that part of the mooring field is not dredged soon thereafter. Failure to dredge Area 2 would result in a massive waste of local investment, which would be on top of an unnecessary and avoidable risk to the investment made here by the federal government.

The Town of Wellfleet fully supports the Wellfleet Harbor Dredging Project, as further evidenced by the significant Town funds that have been approved to implement this much needed project. Altogether, dredging Area 1 and Area 2 represent a combined non-federal investment of nearly \$20 million, including \$13 million to dredge Area 2. Altogether, the Town has set aside \$7.5 million for dredging (including \$1.7 million already incurred), which is complimented by \$2.5 million in funding from the State of Massachusetts. The balance of funding is coming from other non-federal sources.

As detailed above, Area 2 dredging is vital to public safety, the shellfish industry, the Town's economy and the health of the harbor. The Town of Wellfleet has diligently performed all the tasks required by the regulatory agencies and the various oversight committees necessary to receive the permits to dredge Area 2. Dredging this area is critically important to the Town and region, and the failure to dredge will severely impact the life and safety and economic factors that have provided citizens a means of maintaining a positive livelihood for over one hundred years.

Sincerely,

Charles Sumner

Town Administrator

William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Friday, September 17, 2021 5:43 PM
To: Joseph Aberdale; Ray Bucheger; Alfred Pickard; Curt Felix; Kevin Coakley; Skip Annett
Cc: William Sullivan; Dan Robbins; Rebecca Slick; Janet Reinhart (personal); Nancy Civetta
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter
Attachments: Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf

See below, for the final version of the letter that was issued today.

Begin forwarded message:

From: "Robbins, Dan" <d Robbins@geiconsultants.com>
Subject: Wellfleet Dredging of Area 2 - Mitigation Letter
Date: September 17, 2021 at 4:31:54 PM EDT
To: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,

In coordination with the Town of Wellfleet please find attached a letter of mitigation in support of dredging for Area 2. This letter outlines background on the project, the towns initiatives, and projects.

If you have any questions please reach out to me or Alyssa.

Regards,
Dan

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Friday, September 17, 2021 9:21 PM
To: Ray Bucheger; Rebecca Slick
Cc: Joseph Aberdale; William Sullivan; Dan Robbins; Alyssa Richard
Subject: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)

Rebecca,

Please provide the signed **TOWN RESPONSE TO PUBLIC NOTICE** letter.
(I don't think I have the final signed version).

More importantly ...did anyone send it to Norm Farris, USACE?

Chris

On Sep 17, 2021, at 7:31 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Can I also get the signed version of the other letter?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, September 17, 2021 at 5:43 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Ray Bucheger <Ray@federalrelations.com>, Alfred Pickard <wmcmom@aol.com>, Curt Felix <cfelix@planktonpower.net>, Kevin Coakley <captk5656@aol.com>, Skip Annett <skipannett@att.net>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifexercises@comcast.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

See below, for the final version of the letter that was issued today.

Begin forwarded message:

From: "Robbins, Dan" <d Robbins@geiconsultants.com>
Subject: Wellfleet Dredging of Area 2 - Mitigation Letter
Date: September 17, 2021 at 4:31:54 PM EDT
To: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,
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Regards,

Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: lifeexercises <lifeexercises@comcast.net>
Sent: Saturday, September 18, 2021 6:25 PM
To: Chris Allgeier; Joseph Aberdale; Ray Bucheger; Alfred Pickard; Curt Felix; Kevin Coakley; Skip Annett
Cc: William Sullivan; Dan Robbins; Rebecca Slick; Nancy Civetta
Subject: RE: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

Well done.
Janet Reinhart

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Chris Allgeier <cjallgeier@gmail.com>
Date: 9/17/21 3:43 PM (GMT-07:00)
To: Joseph Aberdale <josephaberdale@gmail.com>, Ray Bucheger <Ray@federalrelations.com>, Alfred Pickard <wmcmmom@aol.com>, Curt Felix <cfelix@planktonpower.net>, Kevin Coakley <captk5656@aol.com>, Skip Annett <skipannett@att.net>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifeexercises@comcast.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

See below, for the final version of the letter that was issued today.

Begin forwarded message:

From: "Robbins, Dan" <d Robbins@geiconsultants.com>
Subject: Wellfleet Dredging of Area 2 - Mitigation Letter
Date: September 17, 2021 at 4:31:54 PM EDT
To: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,

In coordination with the Town of Wellfleet please find attached a letter of mitigation in support of dredging for Area 2. This letter outlines background on the project, the towns initiatives, and projects.

If you have any questions please reach out to me or Alyssa.

Regards,
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Rebecca Slick
Sent: Monday, September 20, 2021 12:51 PM
To: Chris Allgeier; Ray Bucheger
Cc: Joseph Aberdale; William Sullivan; Dan Robbins; Alyssa Richard
Subject: RE: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)
Attachments: Town of Wellfleet Public Comment Letter 9_16_21.pdf

Rebecca Slick
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Friday, September 17, 2021 9:21 PM
To: Ray Bucheger <Ray@federalrelations.com>; Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>
Cc: Joseph Aberdale <josephaberdale@gmail.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Dan Robbins <d Robbins@geiconsultants.com>; Alyssa Richard <arichard@geiconsultants.com>
Subject: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)

Rebecca,

Please provide the signed **TOWN RESPONSE TO PUBLIC NOTICE** letter.
(I don't think I have the final signed version).

More importantly ...did anyone send it to Norm Farris, USACE?

Chris

On Sep 17, 2021, at 7:31 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Can I also get the signed version of the other letter?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, September 17, 2021 at 5:43 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Ray Bucheger <Ray@federalrelations.com>, Alfred Pickard <wmcmom@aol.com>, Curt Felix <cfelix@planktonpower.net>, Kevin Coakley <captk5656@aol.com>, Skip Annett <skipannett@att.net>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifexercises@comcast.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

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Date: September 17, 2021 at 4:31:54 PM EDT
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Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,

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Regards,

Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Monday, September 20, 2021 7:24 AM
To: Robbins, Dan
Cc: William Sullivan; Rebecca Slick; Richard, Alyssa; Charles Sumner; Chris Allgeier
Subject: RE: Wellfleet Dredging of Area 2 - Mitigation Letter

Thank you, this is very helpful. Let me get back to you later this week after I have a chance to review it. Please send me the data report from the Center for Coastal Studies as soon as you can.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

-----Original Message-----

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Friday, September 17, 2021 4:32 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>; Charles Sumner <Charles.Sumner@wellfleet-ma.gov>; Chris Allgeier <cjallgeier@gmail.com>
Subject: [Non-DoD Source] Wellfleet Dredging of Area 2 - Mitigation Letter

Hello Norm,

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If you have any questions please reach out to me or Alyssa.

Regards,

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)

781.721.4017 | cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801

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<Blocked<https://www.linkedin.com/in/daniel-robbins-p-e-58a37bb/>>
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<Blocked<https://dynasend.com/signatures/vcard/drobbins-at-geiconsultants.com.vcf>>

William Sullivan

From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Monday, September 20, 2021 1:45 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Cc: Rebecca Slick; William Sullivan; Charles Sumner; Richard, Alyssa
Subject: Town of Wellfleet Response to Public Notice
Attachments: Town of Wellfleet Public Comment Letter 9_16_21.pdf

Hello Norm,

On behalf of the Town of Wellfleet please find attached the Town's response to the open Public Notice for the Dredging of Area 2.

We thank you for your consideration of their response in making your decisions.

Best Regards,
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, September 21, 2021 12:18 PM
To: Chris Allgeier; Joseph Aberdale; William Sullivan
Cc: Dan Robbins; Alyssa Richard; Rebecca Slick
Subject: Re: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)

Joe, Will and Chris:

I just spoke with Rep Keating's office. They are going to organize a call with the two Senate offices and the Corps as a follow-up to our letter. Their basic message will be that this is an important project, the Town's position remains the same (significant mitigation is unnecessary and burdensome), but per Friday's letter, the Town is making a good-faith effort to resolve this to the benefit of everyone involved, so let's resolve this.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>
Date: Monday, September 20, 2021 at 12:51 PM
To: Chris Allgeier <cjallgeier@gmail.com>, Ray Bucheger <Ray@federalrelations.com>
Cc: Joseph Aberdale <josephaberdale@gmail.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Alyssa Richard <arichard@geiconsultants.com>
Subject: RE: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)

Rebecca Slick
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Chris Allgeier <cjallgeier@gmail.com>
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Cc: Joseph Aberdale <josephaberdale@gmail.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Dan Robbins <d Robbins@geiconsultants.com>; Alyssa Richard <arichard@geiconsultants.com>
Subject: Response to Public Notice (Re: Wellfleet Dredging of Area 2 - Mitigation Letter)

Rebecca,

Please provide the signed **TOWN RESPONSE TO PUBLIC NOTICE** letter.
(I don't think I have the final signed version).

More importantly ...did anyone send it to Norm Farris, USACE?

Chris

On Sep 17, 2021, at 7:31 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Can I also get the signed version of the other letter?

From: Chris Allgeier <cjallgeier@gmail.com>
Date: Friday, September 17, 2021 at 5:43 PM
To: Joseph Aberdale <josephaberdale@gmail.com>, Ray Bucheger <Ray@federalrelations.com>, Alfred Pickard <wmcmom@aol.com>, Curt Felix <cfelix@planktonpower.net>, Kevin Coakley <captk5656@aol.com>, Skip Annett <skipannett@att.net>
Cc: William Sullivan <william.sullivan@wellfleet-ma.gov>, Dan Robbins <drobbs@geiconsultants.com>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, Janet Reinhart <lifexercises@comcast.net>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Subject: Fwd: Wellfleet Dredging of Area 2 - Mitigation Letter

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Begin forwarded message:

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Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>, "Richard, Alyssa" <arichard@geiconsultants.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>

Hello Norm,

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If you have any questions please reach out to me or Alyssa.

Regards,
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, October 19, 2021 2:47 PM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Update + Action Item

Guys:

The District has conveyed the following to Keating's staff (Monday) and Markey's staff (roughly a week ago):

1. The District and Town are making progress on the mitigation discussion
2. The majority of mitigation has been identified
3. The two sides are close to finding a path forward on the rest

The Congressional delegation is ready to check in with DC again, but before they do, they have requested that your engineers check in with their contacts at the District and 1) determine whether the Town's perspective is as rosy as the District's perspective and 2) find out exactly what the District means by #3 above.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, October 25, 2021 3:55 PM
To: Robbins, Dan; Joseph Aberdale
Cc: Chris Allgeier; William Sullivan; Rebecca Roughley
Subject: Re: [EXT] Lobbyist Request

Thanks, Dan. The District is painting a rosier picture for the delegation than seems to exist. I just spoke with Rep Keating's staffer – they are working to set up a call between the Congressman and Corps leadership in DC.

Ray

From: Robbins, Dan <drobbsins@geiconsultants.com>
Date: Monday, October 25, 2021 at 10:22 AM
To: Joseph Aberdale <josephaberdale@gmail.com>
Cc: Ray Bucheger <Ray@federalrelations.com>, Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, Rebecca Slick <Rebecca.Slick@wellfleet-ma.gov>
Subject: RE: [EXT] Lobbyist Request

Joe and Ray,

We have heard that the Corps is reviewing the mitigation letter previously presented and is hoping to have a response back in the near future. We have not received a response on the presented mitigation options from them to date and as such do not have enough information to provide a response to item three.

Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Saturday, October 23, 2021 1:09 PM
To: Robbins, Dan <drobbsins@geiconsultants.com>
Cc: Ray Bucheger <Ray@federalrelations.com>; Chris Allgeier <cjallgeier@gmail.com>; Will Sullivan <william.sullivan@wellfleet-ma.gov>
Subject: [EXT] Lobbyist Request

EXTERNAL EMAIL

Dan,

Enclosed find a recent request for a response from Ray, our lobbyist. Dan do you have any info. related to the enclosed? Would you please contact Norm to assess the enclosed so we can respond to Ray's questions?

Thank you.

Joe

Guys:

The District has conveyed the following to Keating's staff (Monday) and Markey's staff (roughly a week ago):

- 1. The District and Town are making progress on the mitigation discussion*
- 2. The majority of mitigation has been identified*
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Ray

Ray Bucheger

FBB Federal Relations

Affiliated with Lindsay Hart, LLP

cell: 202-236-5101

<http://FBBFederalRelations.com>

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, October 27, 2021 2:36 PM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan; Bell, Taylor M CIV USARMY CENAE (USA); DeSista, Robert J CIV USARMY CENAE (USA)
Subject: Mitigation options for Wellfleet Area 2 project
Attachments: 20211027_MitigationInformationRequest for mitigation plan.pdf; Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf

Dan

Attached please find our response to your mitigation options that you proposed for compensatory mitigation for the work to be performed in Chipmans Cove in the South Anchorage Baisn. After due consideration we are providing a detailed response to help you develop the mitigation plan that you need to provide for your mitigation options to be applied to the project. Please review this carefully and reply to me as soon as possible about your willingness to provide a mitigation as well as any questions you may have. Attached also find the letter that you sent 17 September of this year wherein you proposed suitable mitigation options.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, October 27, 2021 2:36 PM
To: Robbins, Dan; Richard, Alyssa
Cc: William Sullivan; Bell, Taylor M CIV USARMY CENAE (USA); DeSista, Robert J CIV USARMY CENAE (USA)
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Attachments: 20211027_MitigationInformationRequest for mitigation plan.pdf; Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf

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US Army Corps of Engineers
Regulatory Division
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(978) 318-8336



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 27, 2021

Regulatory Division
File No. NAE-2015-1414

Dan Robbins
GEI Consultants
400 Unicorn Park Drive
Woburn, Massachusetts 01801

Dear Mr. Robbins:

Thank you for your letter dated September 20, 2021 that was submitted on behalf of the Town of Wellfleet which contains mitigation approaches for the proposed South Anchorage (Area 2) dredging project in Wellfleet, Massachusetts. In the September 20, 2021 letter you have presented two preservation proposals that could provide compensatory mitigation to offset unavoidable impacts associated with your project. The preservation project associated with the HDYLTA and the preservation project associated with the Wellfleet Conservation Trust may have the potential to provide compensatory mitigation. Prior to the Corps making an official determination on the merit of the proposed mitigation additional information will be required.

In accordance with 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register April 10, 2008, effective June 9, 2008) please provide a complete draft mitigation plan and address how the proposed project meets each requirement for preservation (33 CFR 332.3(h)(1)). For a draft mitigation plan to be considered complete it must include and address all 12 components of a mitigation plan ((33CFR 332(c)(2)-(14)). If the 12 components are not thoroughly addressed the application will be deemed incomplete. Attached you will find a letter describing the 12 components to guide your application. In addition to the letter, please utilize the New England District Compensatory Mitigation Procedures for more information about the 12 components

(<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/Compensatory-Mitigation-SOP-2020.pdf>).

For the proposed mitigation project, the following requirements must be met (33 CFR 332.3(h)(1)) before the Corps can consider preservation:

- The resources to be reserved provide important physical, chemical, or biological functions for the watershed;
- The resources to be preserved contribute significantly to the ecological sustainability of the watershed;
- The resources are under threat of destruction or adverse modification;

- The preserved site will be permanently protected through an appropriate real estate instrument (e.g., easement, title transfer to state resource agency or land trust).

As part of the complete mitigation plan, long-term management must be thoroughly documented and established prior to any permit decision. I have included an example long-term management plan. The proposed preservation parcels must have long-term protection through a real estate instrument such as a conservation easement. A third party, such as a non-profit conservation organization, land trust, state or federal entity will hold the conservation easement to oversee long-term management of the property. Please check with the State of Massachusetts Division of Ecological Restoration to see if your preservation proposal is eligible and consistent with Article 97 of the state constitution, as they may be able assist with the long-term management.

Depending on the aquatic resource function of the two proposed preservation projects, additional mitigation measures may be needed. An initial estimate of the proposed mitigation projects indicates that 118.5 acres of intertidal land would be preserved. This mitigation may generate an estimated 5.925 mitigation credits. Based on the best available information, the proposed dredging of 23.851 acres of mudflats would require the generation of 7.16 mitigation credits to offset impacts. Therefore, a minimum of 1.235 mitigation credits are currently required in addition to the proposed mitigation. To meet the compensatory mitigation requirements, you may: reduce the overall dredge footprint by approximately 4.12 acres; or purchase the remaining credits from the Massachusetts Department of Fish and Game In-Lie Fee Program; or provide another permittee responsible mitigation not included in the September 20, 2021 mitigation proposals.

If you have any questions or need assistance in preparing the mitigation plan, please contact Mr. Charles Farris at (978) 318-8336.

Sincerely,



Taylor Bell
Mitigation Program Manager
Regulatory Division

Enclosures

cc:

William Sullivan, Town of Wellfleet Harbormaster
Alyssa Richard, GEI Consultants

Mitigation Plan 33CFR 332(c) (2) though (14)

- A. Goals and Objectives:** *[Insert a description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, ecoregion, physiographic province, or other geographic area of interest.]*
- B. Site Selection:** *[Insert a description of the factors considered during the site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation project site. See 33 C.F.R. § 332.3(d).]*
- C. Site Protection Instrument:** *[Insert a description of the legal arrangements and instrument, including site ownership that will be used to ensure the long-term protection of the compensatory mitigation project site. See 33 C.F.R. § 332.7(a).]*
- D. Baseline Conditions:** *[Insert a description of the ecological characteristics of the proposed compensatory mitigation project site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the Property, the geographic coordinates, and other site characteristics appropriate to the type of resource proposed for compensatory mitigation. The baseline information should also include a delineation of Waters of the U.S. on the proposed compensatory mitigation project site].*
- E. Determination of Credits:** *[Insert a description of the number of Credits to be provided, including a brief explanation of the rationale for this determination. The explanation shall describe the proposed mitigation approach for each wetland and stream reach within the project site that will be considered in the Mitigation Plan (establishment, re-establishment, rehabilitation, enhancement, preservation – listed separately). This description should be accompanied by a list presented in a table and organized by wetland or stream reach, area/length, proposed mitigation approach, and proposed mitigation ratio. See 33 C.F.R. § 332.3(f).]*
- F. Mitigation Work Plan:** *The mitigation work plan should contain detailed written specifications and work descriptions for the Project, including, but not limited to, the geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures. For mitigation projects proposing stream restoration*

(rehabilitation or reestablishment), the mitigation work plan should also include: planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, riparian area plantings, and other relevant information].

G. Maintenance Plan: *[Insert a description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed].*

H. Performance Standards: *Appropriate Performance Standards are ecologically-based standards that will be used to determine whether the mitigation project is achieving its objectives. Performance Standards should relate to the objectives of the mitigation project, so the project can be objectively evaluated to determine if it is developing into the desired resource type, providing expected functions, and attaining any other applicable metrics (e.g. acres). Performance Standards must be based on attributes that are objective and verifiable. Ecological Performance Standards must be based on the best available science that can be measured or assessed in a practicable manner. Performance Standards may be based on variables or measures of functional capacity described in functional assessment methodologies, measurements of hydrology or other aquatic resource characteristics, and/or comparisons to reference aquatic resources of similar type and landscape position. The use of reference aquatic resources to establish Performance Standards will help ensure that those Performance Standards are reasonably achievable, by reflecting the range of variability exhibited by the regional class of aquatic resources as a result of natural processes and anthropogenic disturbances. Performance Standards based on measurements of hydrology should take into consideration the hydrologic variability exhibited by reference aquatic resources, especially wetlands. Where practicable, Performance Standards should take into account the expected stages of the aquatic resource development process, in order to allow early identification of potential problems and appropriate Adaptive Management. In general, Performance Standards should be SMART (Specific, Measureable, Attainable, Reasonable (Practicable), Trackable). See 33 C.F.R. § 332.5.]*

I. Monitoring Requirements: *[Monitoring the Project is necessary to determine if the Project is meeting its Performance Standards and if measures are necessary to ensure the Project is accomplishing its objectives. The submission of monitoring reports to assess the development and condition of the compensatory mitigation project is required, but the content and level of detail for those monitoring reports must be commensurate with the scale and scope of the mitigation project, as well as the mitigation type. The Mitigation Plan must address the monitoring requirements for the Project, including the parameters to be monitored, the length of the Monitoring Period, the party responsible for conducting the monitoring, the frequency for submitting monitoring reports to USACE and the IRT, and the party responsible for submitting those monitoring reports to USACE and the IRT. See 33 C.F.R. § 332.6.]*

i. Monitoring Methods: *In general, compensatory mitigation monitoring methods should include quantitative sampling methods following established, scientific protocols. Sampling documentation, as part of monitoring reports, should include maps and coordinates (also shapefiles, if available) showing locations of sampling*

points, transects, quadrats, etc. In addition, permanent photo stations should be established coincident with sampling locations. Additionally, where structures are placed in Waters of the U.S. and/or State, photo stations should be established that capture the structures and any consequent effect on channel morphology.

Monitoring reports shall be prepared in accordance with **RGL 08-03**, which identifies specific contents and formatting of the report. Monitoring reports shall include the data collected from all applicable sections of this guidance; however, not all monitoring reports will include the same information (e.g., for five monitoring periods, monitoring reports submitted in years two and four typically will not include vegetation plot data). Performance Standards, as provided in the Mitigation Plan or in the permit conditions, must be restated verbatim in the monitoring report. Additionally, each monitoring report shall include baseline data and data from preceding monitoring years presented in both graphic and tabular forms.

Stream mitigation Projects with in-channel modifications, high levels of complexity and scale shall provide As-Built surveys that include at minimum the following information: photo documentation at all cross-sections and structures, a plan view survey, a longitudinal profile, and vegetation information (type, number and location of species planted).

As-Built Plan surveys for wetland mitigation projects shall be completed immediately following the completion of construction to document post-construction conditions. Projects provide As-Built Plan surveys that include the following: photo documentation at permanent documented photo points with bearing and azimuth, a plan view diagram, baseline location and in-situ soil profile descriptions at well locations, and vegetation information (type, number of species planted). Also, any special permit condition relating to signage or Deed Restriction should be submitted. These projects shall also provide location data including coordinates and shapefiles, if available, of all monitoring activities (permanent vegetation plots, wells, piezometers, pressure transducer gages, surface water gauges, crest gauges, stream cross-sections, bank pins, water quality and aquatic biota sampling points, etc.)]

J. Long-Term Management Plan: [Provide a description of how the mitigation project will be managed after Performance Standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for Long-Term Management. Long-Term Management activities may include, but are not limited to: Maintenance of Signage, Conservation Easement Enforcement, Access Gate Maintenance, Fencing, Non-Native Invasive Species Management, Tax Payments, Maintenance of Property Insurance, Reporting, and other project-specific items as listed in the Long-Term Management Plan. See 33 C.F.R. § 332.7(d).]

K. Adaptive Management Plan: [Provide a management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project,

including the party or parties responsible for implementing Adaptive Management. The Adaptive Management Plan will guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success. See 33 C.F.R. § 332.7(e).]

L. Financial Assurances: *[Provide a description of Financial Assurances that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its Performance Standards. See 33 C.F.R. § 332.3(w).]*

LONG TERM MANAGEMENT PLAN TEMPLATE

MANAGEMENT PLAN

for

Fill in Project Name

Organization

Author and title

Date

The general outline that follows is designed to assist in the development of the Long-term Management Plan for Mitigation Projects. Objectives and tasks are provided for illustrative purposes only and may not represent management requirements suitable or necessary for every site. Sections in plain text represent language that should be included in a plan. Items in italics describe the type of information to be included in that section and should be deleted and replaced with the pertinent information for the project site.

Note: Maps are required. *Maps may be put into an Appendix or interspersed throughout the document. Maps showing the following are required, as outlined in the text that follows:*

- *General vicinity of the parcel showing other conservation lands;*
- *Parcel boundaries, on a topo or aerial photo;*
- *Road map showing how to get to property, with parking and trailhead information, if applicable;*
- *Man-made features on the property including structures, trails, roads, etc.;*
- *Aquatic resources including wetlands, streams and other resources related to the aquatic environment;*
- *Biological and other natural resources and communities of note;*
- *Soils and Geology;*
- *Hydrology and Topography;*
- *Threats such as locations of invasive species infestations and trash or trespass locations.*

Maps of similar content may be combined as long as the information they are to convey is clear and well-defined.

- I. Geographic Information**

- II. Introduction**

- III. Property Description**

- IV. Natural Resources**

- V. Management Vision & Goals**

- VI. Management Actions**

- VII. Funding & Task Prioritization**

APPENDICES

- Appendix A: Invasive Species Control Plan (if applicable)**
- Appendix B: Legal Documents**
- Appendix C. Restoration or Enhancement Plan (if applicable)**
- Appendix D. other**

I. Geographic Information

Site Name: _____

Town/County: _____

Total Site Size: _____

Type of Ownership: *(i.e., fee or conservation easement; if easement include landowner's name)*

Date Acquired: _____

II. Introduction

A. Purpose of Management plan

The purpose of this management plan is to ensure that the property is managed and maintained in perpetuity in the Mitigation Plan referenced in Corps Permit Number [*Corps permit number*].

B. Long-Term Steward and Responsibilities

The Long-Term Steward of the site is [*steward organization*]. [*Steward organization*], and subsequent Long-Term Stewards if the property is transferred, shall implement this management plan, managing and monitoring the property in perpetuity to preserve its habitat and conservation values. Before any action is taken to void or modify the deed (or easement), management plan, or long-term protection mechanism, including transfer of title to, or establishment of any other legal claims over the site, 60-day advance notification must be given to the U.S. Army Corps of Engineers district engineer.

C. Management Plan Review

The management plan will be reviewed at a minimum once every 5 years by the Long-Term Steward. The plan may be revised or supplemented with additional information and management recommendations. Any revisions other than edits that change the management actions beyond standard maintenance activities will be reviewed with the U.S. Army Corps of Engineers.

III. Property Description

A. Setting and Location

Describe the location and general physical setting of the property: rural, urban, forest, field, upland, wetland, streams, etc. Detailed natural resource information will be described in Section V. Note if the property is adjacent to other conservation holdings. Provide maps of:

- 1) the general vicinity to show the parcel location in relation to municipal boundaries, major roads, lakes and streams, and other distinguishable landmarks, and*
- 2) the project parcel which shows the property boundaries on a topographic map or aerial photo.*

B. Directions and Access

Include driving directions, legal access points for the property, and information on parking and trailhead amenities (include road map with any access points, rights of way, trailhead and parking locations that are applicable).

C. History and Land Use of Property

1. Acquisition History

Describe the permittee's and/or steward's acquisition of the site, as well as historic land ownership, if known.

2. Land Use

Describe past and present land use including farming/agriculture, forest harvest history, development history, history of recreational use, etc.

3. Man-made/Cultural Features

Describe all existing man-made features including roads, trails, buildings, stone walls/fencing, water control structures, boat launches, historic areas, etc., and their intended future use on the property.

Include a map, plan, or aerial photo showing locations of all man-made/cultural features on the property including: roads, hiking and/or snowmobile/ATV trails, structures, walls, buildings, boat launches, easements, rights-of-way, leases, etc.

4. Historic or Archaeological Sites

Describe any known historic features or archaeological sites (without providing specific locations of archaeological sites), and include a summary of the results of any site surveys/inventories, including who conducted them. An assessment of the impacts of management should be given for such sites. If you are uncertain about whether there may be any Historic or Archaeological sites on your property, contact the state's Historic Preservation Office.

5. Existing Easements or Other Restrictions

Include descriptions/locations of any existing easements, rights-of-way or leases held by others, their nature (buried pipeline, overhead power, ingress/egress, snowmobile trail, mineral or timber rights or other interests), authorized users (if known), access procedures, etc.

6. Legal Documents Appendix

General note about status of legal documents with a reference to the Appendix, as applicable. The Appendix may include copies of legal documents such as deeds, legal descriptions, rights-of-way, deed restrictions, survey, mineral rights, conservation easements, conditions of transfer, etc.

D. Adjacent Land Uses

Description of adjacent uses around the property -- Detail the baseline adjacent land uses. These land uses may change over time; however, the description of the baseline conditions will

give the Long-Term Steward some idea of the conditions present when the management plan was first developed.

IV. Natural Resources

Sections below provide documentation of the current conditions on the site

A. Aquatic Resources

Describe all wetlands, streams and aquatic resources on the site with acreage/length, species and general characteristics and habitat quality.

Include maps showing all aquatic resources on the site.

B. Baseline Description of Biological Resources

1. Biological Species and Communities

Include a general description of biological and other natural resources including but not limited to: natural community structure, natural resource inventory data, wildlife use, conservation targets, natural disturbance, assessment of native vs. invasive and non-native species, an overview of native plant species present, if applicable, including their habitat and management.

Include maps of resources as appropriate.

Complete lists of species may be included in Appendices.

If invasives are present see subsection F, "Threats" below

2. Endangered, Threatened and Rare Species, and Species of Special Concern

- i. Describe all federal and state endangered and threatened species that occur or may occur on the site.*
- ii. Describe all rare species and species of special concern such as natural heritage mapped species and community occurrences that occur or may occur on the site.*
- iii. Provide a map showing locations, if appropriate.*

C. Soils & Geology

Describe soils & geology on the site. A soil scientist or other professional may also be used. Include a Soils and Geology map. This map may be combined with the Hydrology and Topography map; see section below.

NRCS has information on soils data online: <http://soils.usda.gov/>;

*NRCS online soil survey web application:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>*

*An informational brochure about the soil data can be found at:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050731.pdf*

D. Hydrology and Topography

Describe hydrology and topography of the site. Indicate the general topography of the site and describe surface flows onto and off of the site.

USGS has online data for topographic maps, the national hydrography data set and hillshade.

<http://nationalmap.gov/>

Map viewer: <http://viewer.nationalmap.gov/viewer/>

Indicate whether wetlands are driven by surface flows (i.e., fluvial systems) or groundwater flows from offsite sources. If possible, describe the Strahler stream order of the streams onsite, (<http://usgs->

mrs.cr.usgs.gov/NHDHelp/WebHelp/NHD_Help/Introduction_to_the_NHD/Feature_Attribution/Stream_Order.htm) and provide a description of the channel structure.

To the extent possible, include a Hydrology and Topography map.

E. Summary of Restored or Enhanced Resources

If restoration/enhancement has taken place (or will take place) on the property, describe all restored or enhanced resources, including acreages and/or lengths. Include final, as-built plans and a map showing the locations. A brief summary is all that is needed. The Restoration/Enhancement plan should be included by reference, and may be attached as an Appendix.

F. Threats (existing or potential)

Identify areas that may be of management concern or items that may compromise biological integrity over time. Include any known or potential issues such as:

1. Motorized Vehicle Use

Including issues with ATVs or other vehicles that are causing, or may cause damage to resources on the site

2. Waste Disposal (such as dumping of trash or debris)

3. Invasive Species, Pests and Pathogens

Invasive species threaten the diversity or abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to the invaded habitat. Describe any current invasive species infestations on the site or in adjacent areas and include a map showing locations.

4. Vandalism and Encroachment (such as destruction of signs or other property, boundary encroachments, etc.)

V. Management Vision & Goals

Describe the overall vision and goals for management of the site as a whole into the future.

The overall goal of long-term management is to foster the long term viability of the resources, and any listed species/habitat. Routine monitoring and minor maintenance tasks are intended to assure the viability of the site in perpetuity. Those who are chosen to carry out monitoring activities will have the knowledge, training, and experience to accomplish monitoring responsibilities. An objective of this long-term management plan is to conduct regular monitoring to identify any issues that arise, and use adaptive management to determine what actions might be appropriate. Adaptive management means an approach to natural resource management which incorporates changes to management practices, including corrective actions as determined to be appropriate. Adaptive management includes those activities necessary to address the effects of climate change, fire, flood, or other natural events. Before considering any adaptive management changes to the long-term management plan, the Long Term Steward will consider whether such actions will help ensure the continued viability of site's biological resources and conservation values.

Sample goals: The primary management goal is to preserve the ecological integrity of the various wetlands and other natural resources located on the property while simultaneously providing limited human access to this unique ecological area through a network of pedestrian trails.

OR The preserve shall be forever used, operated and maintained in its current undeveloped and open space condition for the long-term protection of wetlands, conservation of wildlife and other natural resources. Low-impact recreation and nature observation will be allowed.

OR The future condition of the property will be high value, forested wetlands with associated, upland buffers. Long-Term Steward will manage the property as habitat for wildlife and as a recreational/educational resource for the public. No forestry or active wildlife management is planned. The existing woods roads/trails on the property will be maintained for low impact recreation and nature observation.

A bulleted list of goals may be included.

To reach these goals, the Long-Term Steward will: (examples)

- *Maintain the property in its undeveloped state.*
- *Maintain the quality of the existing natural resources.*
- *Maintain and expand Best Management Practices that limit soil erosion and protect local water quality;*
- *Provide regulated, passive recreational opportunities where appropriate;*
- *Protect, maintain, and enhance existing cultural (aesthetic) resources; and*
- *Facilitate educational opportunities relating to natural resources, natural resource management, and conservation.*

A. Permitted Uses: (examples)

1. *Passive Recreation (hiking/walking, snowshoeing, cross-country skiing)*

2. *Hunting & fishing – may be allowed on the site but are not specifically funded or a part of this long-term management plan.*

B. Prohibited Uses: *(examples)*

1. *Off-road/motorized vehicles*
2. *Camping or overnight use*
3. *Fires*
4. *Cutting or removal of vegetation*

C. Public Use Guidelines: *(i.e., general guidelines Long-Term Steward has developed for its holdings – if desired and applicable)*

- *Carry in, carry out*
- *Day-use only*
- *Keep dogs on leash at all times*
- *Stay on the trails*
- *Respect abutting private property*
- *Avoid disturbing plants and wildlife*

VI. Management Actions

This section includes the actions that need to be taken over time to maintain the site. Subsections may include:

A. Natural Resources

1. *Management of wetlands, streams and other natural resources*

Objectives: *Monitor, conserve and maintain the site's natural resources. Limit any impacts to resources from human use, vehicular travel, invasive species or other adverse impacts*

- *Action: At least one annual walk-through survey will be conducted to qualitatively monitor the general condition of these habitats. General topographic conditions, hydrology, general vegetation cover and composition, invasive species, erosion, will be noted, evaluated and mapped during a site examination. Notes to be made will include observations of species encountered, water quality, general extent of wetlands and streams, and any occurrences of erosion, structure failure, or invasive or non-native species establishment.*
- *Action: Establish reference sites for photographs and prepare a site map showing the reference sites for the file. Reference photographs will be taken of the overall site at least every f--- year(s) (no less than five) from the beginning of the long-term management plan, with selected reference photos taken on the ground more frequently, _____ times per year (if applicable).*

Special attention should be paid to any area adjacent to or draining into the property from off-site lands. Streams and wetlands should be observed near bank boundaries to observe if increased sediment deposition has occurred. The monitoring report should provide a discussion of any recent changes in the watershed (i.e., subdivision being developed upstream of stream bank).

2. *Ecological Monitoring for Threatened/Endangered/Rare/Special Concern Species (If applicable).* *The methodology used may vary for different plant and animal species as determined in consultation with the appropriate agencies.*

Objectives: *Monitor population status and trends. Manage to maintain habitat for _____.*

- *Action: Monitor status every year by conducting population assessment surveys. The annual survey dates will be selected during the appropriate period as identified by the applicable agencies and will generally occur from _____ through _____ each year. Occupied habitat will be mapped and numbered to allow repeatable data collection over subsequent survey years.*
- *Action: Visually observe for changes to occupied habitat, such as changed hydrology or vegetation composition. Record any observed changes. Size of population (1 acre, etc.).*
- *Action: Implement other actions that enhance or monitor habitat characteristics for _____.*

3. *Invasive Species, Pests and Pathogens*

Note: *Given the growing problem with invasive species, an invasive species inventory should be carried out at regular intervals on all sites.*

Objectives: *Monitor and maintain control over invasive species, pests and pathogens that diminish native natural resources on the site. If invasive species are present, an Invasive Species Control Plan (ISCP) shall be developed and attached to this management plan as an Appendix (see ISCP Template in Appendix).*

Action: Mapping of presence of invasive species, pests and pathogens presence shall occur during the first two years of site management, to establish a baseline. Mapping shall be accomplished through use of available technologies, such as GIS, GPS, and aerial photography. Note: Invasives are easier to control if they are located and a control plan is undertaken before they become established. It is recommended that all properties be evaluated for the presence of invasive species, even if none are known to occur on the site]

- *Action: Each year's annual walk-through survey (or a supplemental survey) will include a qualitative assessment (e.g., visual estimate of cover) of invasive species and actions taken, in accordance with an Invasive Species Control Plan.*
- *Action: Actions shall be taken to control invasive species in accordance with the Invasive Species Control Plan in Appendix A.*

4. *Forest/Vegetation Management (if approved)*

Objectives: *Adaptively manage vegetation based on site conditions and data acquired through monitoring to maintain biological values. Analyze effects of any authorized forestry, agricultural or field maintenance activities on the wetland, streams, and buffers on the site. If determined appropriate, develop and implement specific vegetation management techniques (e.g., selective thinning) in coordination with the U.S. Army Corps of Engineers. [Site specific targets for vegetation may be specified here and actions revised or added to achieve those targets].*

- *Action: If determined appropriate, develop a forest, or other vegetation, management plan for review and approval by the Corps.*
- *Action: Implement forest/vegetation management techniques.*

B. Infrastructure and Facilities, Security and Public Access

1. Gates, Parking, Fences, Signage, and Property Boundaries

Objective: *Monitor and maintain condition of gates, parking areas, fences, signage, and property boundaries to prevent casual trespass, allow necessary access, and facilitate management.*

- *Action: During each site visit, record condition of parking areas, gates, fencing, signs, crossings, and property boundaries. Record location and type of any maintenance issues, with actions to be taken for resolution, if applicable. Action: Maintain gates, fences, signs, crossings and property boundary markers as necessary. Repair or replace as necessary, and as funding allows.*

2. Roads, Trails and Structures

Objectives: *Create/maintain trails to allow public access as necessary and as approved by the Corps. Any construction or maintenance of trails shall be conducted in such a manner as to avoid any disturbance to wetland habitat and buffers or habitat for sensitive species. Monitor and maintain condition of roads, trails and structures to facilitate management, public use, and prevent adverse impacts to wetlands, streams and other resources. Retire unnecessary sections of existing road.*

- *Action: During each site visit, record condition of roads, trails and structures. Record location and type of any maintenance issues, with actions to be taken for resolution.*
- *Action: Maintain roads, trails and structures as necessary. Replace as necessary, and as funding allows.*

3. Trash and Trespass

Objectives: *Monitor sources of trash and trespass. Collect and remove trash, repair vandalized structures, and rectify trespass impacts. Specifically address any ATV issues, existing or potential.*

- *Action: During each site visit, record occurrences of trash and/or trespass. Record location and type of any trespass issues, with actions to be taken to avoid, minimize, or rectify trash and/or trespass impacts.*
- *Action: At least once yearly collect and remove as much trash as possible and repair and rectify vandalism and trespass impacts.*
- *Action Take appropriate action to address issues of vandalism, trespass, or ATV violations including but not limited to:*
 - *Outreach to violators*
 - *Placement of boulders, gates or other obstructions to prevent access*
 - *Contacting local law enforcement*

VII. Funding and Task Prioritization

A. Funding

Long-Term Steward will oversee implementation of the management plan, monitoring activities, and long-term stewardship of the property. With assistance from stewardship volunteers, the Long-Term Steward will maintain and monitor the property in perpetuity.

Table 1 summarizes the anticipated start-up/development costs for the site. Table 2 summarizes the anticipated annual costs for long-term management for the site. After initial start-up costs, annual costs associated with the long-term maintenance of the property are estimated to be \$ _____. \$ _____ will be/has been placed into a stewardship endowment to be maintained by _____ and distributions from the endowment will cover costs associated with stewardship of the property, if applicable. With the current annual estimated capitalization rate of _____ the total endowment amount required will be \$ _____.

[The sample lists of tasks in Tables 1 and 2 are not meant to be exhaustive. Some sites may have more elements to consider and some may have fewer depending on the attributes of the site.]

B. Task Prioritization and Cost Estimates

Table 1: Schedule of Start-up Activities (examples)

Goal	Action	Prior-ity	Target Date	Completed By	Cost	Other Cost	Notes
<i>Natural Resources</i>	<i>Establish baseline for monitoring</i>	<i>2</i>	<i>Summer 201x</i>	<i>Steward & volunteers</i>	<i>\$200</i>		
<i>Natural Resources</i>	<i>Invasive species baseline</i>	<i>1</i>	<i>Summer/Fall 201x</i>	<i>Steward & volunteers</i>	<i>\$200</i>		
<i>Infra-structure</i>	<i>Boundary Line Marking</i>	<i>1</i>	<i>Summer 201x</i>	<i>Steward</i>	<i>\$200</i>		
<i>Infra-structure</i>	<i>Install Gates and locks</i>	<i>1</i>	<i>Summer 201x</i>	<i>Contractor</i>	<i>\$1,000</i>		
<i>Infra-structure</i>	<i>Install Boulders/ Barricades</i>	<i>1</i>	<i>Spring 201x</i>	<i>Contractor</i>	<i>\$4,000</i>		
<i>Infra-structure</i>	<i>Parking lot development</i>	<i>2</i>	<i>Fall 201x</i>	<i>Contractor</i>		<i>\$5,000</i>	<i>Gravel and equipment costs</i>
<i>Infra-structure</i>	<i>Trail Planning & Development</i>	<i>3</i>	<i>Spring-Fall 201y</i>	<i>Steward & volunteers</i>		<i>\$1,000</i>	<i>Mileage & equipment</i>
<i>Infra-structure</i>	<i>Signs & Installation</i>	<i>2</i>	<i>Summer 201y</i>	<i>Steward & volunteers</i>	<i>\$500</i>		<i>Mileage & equipment</i>
<i>Infra-structure</i>	<i>Garbage Dump Cleanup</i>	<i>2</i>	<i>Summer 201x</i>	<i>Contractor</i>	<i>\$5,000</i>		

Total Start-up Costs: _____

Table 2 Estimated Annual Costs (examples)

Cost	Cost per year*	Notes
<i>Staff Time</i>	<i>\$2,000</i>	
<i>Trail Maintenance</i>	<i>\$500</i>	
<i>Property Taxes</i>	<i>\$5,000</i>	
<i>Boulder/Road Barricade Maintenance</i>	<i>\$400</i>	

<i>Sign Maintenance/replacement</i>	\$100	
<i>Trash Removal</i>	\$500	
<i>Brochures, Information</i>	\$100	
<i>Mileage</i>	\$200	
<i>Monitoring</i>	\$500	
<i>Boundary Marking (every 5 years)</i>	\$100	<i>5 year cost/5 for cost per year</i>
<i>Management Plan Update (every 5 years)</i>	\$50	<i>5 year cost/5 for cost per year</i>

Total Annual Costs: _____

*These costs are examples only and don't necessarily represent expected costs.

Total stewardship account that will be used to fund these costs: _____

VIII. Literature Cited

IX. Appendices

May include:

Invasive Species Control Plan

Maps (if not incorporated into the main body of the plan)

Legal Documents

Species lists,

Restoration plan (if a restoration project),

Historical documents,

etc.

Appendix A

Invasive Species Control Plan (ISCP) Template

General Notes on this template: Invasive species are an ever-increasing issue all across New England. Removal of invasive species when there are very few plants is critical and should be given the highest priority. Most light infestations can be controlled by pulling or digging and this should be done when invasives are found, or immediately after. Larger infestations may require the use of a licensed herbicide applicator.

The New England District of the US Army Corps of Engineers has information on Invasive Species and control on their website. The Invasive Species Plant Atlas of New England includes descriptions, as well as links to management information on other sites. It may also be useful to consult with appropriate state or federal agencies for guidance on what species may threaten the site and or management of those species.

iMapInvasives website: <http://www.imapinvasives.org/>

iMapInvasives Invasive plant Management Decision Analysis tool:

http://www.imapinvasives.org/IPMDAT_v1.1_06-30-11.pdf

The template that follows is designed to help project sponsors create a plan of action when invasives are found on their property. It also includes forms that can be used to track inventory, actions taken and progress over time. Information in the template and form is based on information collected by a number of other organizations and agencies. The level of detail needed will depend on the level and type of infestation.

There are many sources of information about invasives species and their control online.

Links to Invasive Plant Information and Fact Sheets to include with your plan:

The Plant Conservation Alliance Alien Plant Working Group Fact Sheets. Includes management information. <http://www.nps.gov/plants/alien/fact.htm>

Invasive Plant Fact Sheets from the State of Michigan have good detailed information, particularly on control. http://www.michigan.gov/dnr/0,4570,7-153-10370_59996_61470---,00.html

Vermont Invasives “Gallery of Invaders.” Includes description, control measures and videos on website, with links to fact sheets. <http://www.vtinvasives.org/invaders/imagesall>

Additional information:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/InvasiveSpecies/ISCPGuidance.pdf>

http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

<http://umaine.edu/invasivespecies/>

http://umaine.edu/invasivespecies/home/id_resources/

<http://www.invasivespeciesinfo.gov/index.shtml>

<http://www.vtinvasives.org/invaders/imagesall>

<http://www.fws.gov/contaminants/Documents/GuidanceIPMPlan.pdf>

<http://www.fws.gov/invasives/staffTrainingModule/planning/plans.html>

<http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/invasiveplants/docs.Par.42434.File.dat/IWMhandbook.pdf>

<http://www.invasive.org/gist/products.html>

<http://www.weedcenter.org/management/planning.html>

<http://clean-water.uwex.edu/pubs/pdf/InvasivePlants.pdf>

https://extension.unh.edu/resources/files/Resource000988_Rep1135.pdf

Invasive Species Control Plan Template

For [Project name]

Organization

Author(s) and Title(s)

Date

Table of Contents

Page

- I. Introduction
- II. Baseline Invasive Species Inventory
- III. Plan Objectives/Goals
- IV. Implementation (monitoring?)
- V. Evaluation

I. Introduction

Write a brief discussion of the context of the invasive species problem within the project, project site management objectives, and conservation targets.

II. Baseline Invasive Species Inventory

- A. Survey the property and nearby areas and make a list of the invasive/nuisance species found. Attach information (such as fact sheets) for all invasive/non-native species known to be present on the site and those that might pose a danger of infestation from other locations nearby. (see links to sources of fact sheets at the beginning of the template). Specifically locate each site where invasive species are found, preferably with GPS coordinates. Label each site with a unique ID for reference and tracking purposes. See the survey form in the Appendix for an example of the kinds of data to collect.
- B. Describe each area where invasives were found noting species, size of area infested and level of infestation (percent cover) for each area. Note the type of infestation, such as single plant or small patch, large patch; linear patch such as along road or stream, and whether it is increasing, decreasing or staying the same at each location, if this can be determined.
- C. Identify the threats and/or issues posed by specific invasive species and how they are interfering, or could interfere in the future, with your site management objectives.
 1. Within the project area
 2. From adjacent properties and/or the surrounding area, watershed and/or region. (To the extent possible. Surveying the surrounding areas helps to determine potential sources of re-infestation)
- D. Create baseline maps showing extent of the invasive species on and/or around the project area and identify photo reference points for use in monitoring. Show boundary of project site and, if the entire site has not been searched for invasives, indicate on the map which areas have been searched.
- E. Prioritize species and/or infestation areas to be controlled. Include a rationale for the level of priority assigned. Priorities may be numbered or categorized as "High", "Medium", or "Low". In the long run, it is usually most efficient to devote resources to preventing new problems and immediately addressing recently established infestations. The following may be useful in determining which areas to focus on first:
 1. current extent of the species on or near the site;
 2. value of the habitats/areas that the species infests or may infest; and
 3. current and potential impacts on the management goals for the project site;
 4. ability to manage a particular species/difficulty of control

III. Plan Objectives/Goals

- A. Goals and Anticipated Results of Control Plan. Outline the goals for management of invasive species on the site. Include measures for success, such as reduction of % cover or size of area impacted by the invasive species and the timeframe in which you hope to achieve this.

*Establish **measurable** objectives for the planned control activities. Include:*

- *the **impact** on numbers, density, cover, etc. that you want to achieve;*
- *the **size** of the area in which you hope to achieve this;*
- *the **period** in which you hope to achieve it.*

- B. Summary of Actions Planned: Identify the control / management method(s) selected for each species. Different invasives may need different control methods so be sure to research each species, particularly what not to do, so you avoid spreading the problem further. Some methods of control may require permits or professional applicators. Indicate which of the available control options are preferred for this site and why, and the circumstances under which they may be used. Summarize the techniques, including disposal methods, if applicable. Escalating measures may need to be outlined in case the first measures don't work.

1. Prevention
2. Mechanical/Physical methods (such as cutting, digging, pulling, mowing, prescribed burning)
3. Chemical Methods (such as herbicides)
4. Biological Control Agents
5. Cultural control (altering the habitat to make it less suitable to the invasive; such as maintaining a level of forest canopy closure that impedes shade intolerant species, or restoration/re-vegetation of native plants)
6. No Treatment (explain the rationale)

- C. Constraints. Identify any constraints such as site conditions or regulatory issues that impact practicable solutions.

D. Required Resources

1. Personnel Qualifications and permits
2. Equipment
3. Sanitation/recontamination considerations

E. Project Partners (government agencies and/or others available for technical, administrative or practical support)

IV. Implementation

- A. Implementation Schedule. A table is one way of outlining the schedule, or text format may
- B. Best Management practices and record-keeping methods to be used.
- C. Budget

V. Monitoring Program

- A. Describe monitoring plan, frequency of monitoring and outline procedures if re-treatment or alternative methods of control are needed.

- VI. Evaluation: *This section is to be filled in later, after treatment and evaluation of preliminary monitoring results. The evaluation should be used to determine whether any of the sections above should be modified.*

Invasive Species Treatment and Monitoring Form

Project Name: _____

Date: _____

Personnel Names and roles: _____

Activity Type: (circle one) initial evaluation, pre-treatment evaluation, post-treatment monitoring, other

Infestation site ID: _____ Location Lat/Long (center point)

Invasive Species Scientific and Common Name:

Attach photos of invasive species.

Estimated Infested Area size with unit of measure (i.e., sq. ft.): _____

An infested area is defined by drawing a line around the actual perimeter of the infestation. If multiple invasive species exist in an area, a separate form should be filled out for each one.

Estimated Gross Area size with unit of measure: _____

Like Infested Area, Gross Area is the area occupied by an invasive species. Unlike Infested Area, the area is defined by drawing a line around the general perimeter of the infestations, not the area covered by individual or groups of invasive species. Gross area may contain significant parcels of land that are not occupied by invasives. Gross area is used in describing large infestations. When a value is entered for gross area, the assumption is that the area within the perimeter of the invasive population (area perimeter) is an estimate, or the product of calculating the area within a described perimeter. It is not a measured value. If a value for Gross Area is entered, a value for Infested Area must still be entered. Infested Area is derived from estimating the actual or percentage of area occupied by invasives.

(Helpful Gross Area and Infested Area article with diagram:

<http://www.se-eppc.org/wildlandweeds/pdf/Spring2009-Price-pp4-6.pdf>)

Total Area Surveyed with unit of measure: _____

Total area surveyed is the entire land area surveyed for invasive species, whether invasives were found or not. This provides a general understanding of the locations that may be resistant to invasion, provides an estimation of the extent of invasions, and allows examination of areas searched so gaps in searched area and habitats can be assessed.

Abundance: Single plant or clump Scattered individuals or clumps Scattered dense patches or clumps Linear patches (e.g. along stream, trail, road) Dominant cover/Dense throughout Monoculture,
 Other _____

Life stage at time of observation: Seedling Vegetative Flowering Fruit Seeds Sapling Mature >4" dbh Dead

Percent of area covered by invasive plant: Trace (less than 1%) Low (1 - 5%) 5-25% 26-50% 51-75% 75-100%

Habitat in which invasive is located:

Habitat description: _____ (such as community type, wetland, lakeshore, forest edge or interior, field, disturbed ground, roadside, etc.)

Disturbance factors (*logging, grazing, mowing, erosion/sedimentation, etc.*) _____

Control method(s) used / planned (circle all that apply)

- None
- Herbicide*: Pre-emergent / Foliar / Basal bark / Cut stump
- Mechanical: Clip Pull Mow
- Fire: Controlled burn / Torch
- Soil: Bulldoze / Soil removal / Disk / Till
- Other: Flooding Plastic / Shade cloth / Biological

Herbicide Formulation(s): _____

Herbicide application method: _____

Herbicide rates used: _____

Acres treated: _____ Is this a re-treatment, if so, how many previous visits? _____

**If area to be treated is within an aquatic resource a permit is likely needed, as well as a licensed applicator to do the work.

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, December 1, 2021 6:42 AM
To: Joseph Aberdale; William Sullivan; Chris Allgeier
Subject: TIME SENSITIVE: Please Review
Attachments: Wellfleet Shellfish Dept Chipman's Cove anchorage area dredging letter.pdf; Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf

Joe, Will and Chris:

I have been pushing to get Rep Keating to raise the Wellfleet issue directly with the Assistant Secretary of the Army (Civil Works) – the ASA serves as the civilian head of the agency and is based in the Pentagon. Keating is finally scheduled to speak with the ASA this week. I am preparing talking points and other background, which I need to get to Keating's office ASAP.

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Ray

Ray Bucheger

FBB Federal Relations

Affiliated with Lindsay Hart, LLP

cell: 202-236-5101

<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, December 1, 2021 10:58 AM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: TIME SENSITIVE: Please Review

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From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, December 1, 2021 at 8:39 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: TIME SENSITIVE: Please Review

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Affiliated with Lindsay Hart, LLP
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<http://FBBFederalRelations.com>

<Wellfleet Shellfish Dept Chipman's Cove anchorage area dredging letter.pdf><Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, December 1, 2021 11:25 AM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: TIME SENSITIVE: Please Review

It would be helpful if he is able to raise those concerns internally.

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, December 1, 2021 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: TIME SENSITIVE: Please Review

Ray,

Craig Martin is the Chief of Navigation in the New England Division. While he has expressed his concerns to us I don't know if he has expressed it within the Corps. The GEI engineer certainly has expressed it.

Joe

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Ray

Ray Bucheger
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<http://FBBFederalRelations.com>

<Wellfleet Shellfish Dept Chipman's Cove anchorage area
dredging letter.pdf><Wellfleet Dredging Area 2 Mitigation Letter_2021Sept17.pdf>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, December 1, 2021 1:27 PM
To: William Sullivan
Subject: Re: TIME SENSITIVE: Please Review

Yes, I think that is accurate. I have made the point to Bob DeSista and to HQ that the federal channel is vulnerable, but they are not hearing that from their own people.

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Wednesday, December 1, 2021 at 12:52 PM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Re: TIME SENSITIVE: Please Review

Ray I believe Craig was onboard with our interpretation about the harm not dredging would do to his Chanel project. It seemed that the separate divisions of the ACE were not sharing info, or even looking?

Thank you for your help,
Will

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Dec 1, 2021, at 11:24 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

It would be helpful if he is able to raise those concerns internally.

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Date: Wednesday, December 1, 2021 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
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Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: TIME SENSITIVE: Please Review

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Saturday, December 4, 2021 11:14 AM
To: Joseph Aberdale; Chris Allgeier; William Sullivan
Subject: Re: TIME SENSITIVE: Please Review

Guys, just got this from Markey's office:

We checked in with the Corps yesterday and were able to talk about Wellfleet again. The District Staff were going to speak with their regulators on the ground for a more granular update with the absolute latest information, and we're happy to share more once we get that. But overall, they had a positive perspective and indicated that – from their POV – the negotiations had improved and things were on track toward approval.

On Dec 1, 2021, at 11:24 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

It would be helpful if he is able to raise those concerns internally.

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To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: TIME SENSITIVE: Please Review

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To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier

[<cjallgeier@gmail.com>](mailto:cjallgeier@gmail.com)

Subject: Re: TIME SENSITIVE: Please Review

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, December 10, 2021 10:35 AM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: TIME SENSITIVE: Please Review

I just spoke with Rep Keating's office. The Congressman is talking with the Assistant Secretary of the Army (Civil Works) on the 20th. The ASA is the civilian head of the Corps.

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, December 1, 2021 at 11:54 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Will Sullivan <william.sullivan@wellfleet-ma.gov>, Chris Allgeier <cjallgeier@gmail.com>
Subject: Re: TIME SENSITIVE: Please Review

I called Craig and am waiting for his return call.

Joe

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William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, December 22, 2021 8:54 AM
To: Chris Allgeier; William Sullivan; Joseph Aberdale
Subject: Update on Outreach to USACE in DC
Attachments: LH Invoice 14156 .pdf

Guys:

Rep Keating spoke yesterday with the Assistant Secretary of the Army (Civil Works) – the ASA serves as the head of the Corps of Engineers. Keating explained the issue; the ASA seemed to understand and seemed to be on board with the Town's ask. Andrew Nelson is going to follow-up with the District, but it does appear the top leadership at the Corps is willing to be engaged here.

I understand Sen Markey may also have spoken with the ASA – I am working to confirm that meeting happened.

Let me know if you have any questions. In the meantime, I want to flag that the attached invoice is unpaid. Let me know if your records show something different.

Thanks!

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Monday, September 20, 2021 at 8:49 AM
To: Chris Allgeier <cjallgeier@gmail.com>, Will Sullivan <william.sullivan@wellfleet-ma.gov>, Joe Aberdale <josephaberdale@gmail.com>
Subject: Final FBB Invoice

Guys:

Per our agreement, here is the final FBB invoice.

Thanks again for the opportunity to work with Wellfleet. I look forward to seeing the Corps response to the Town's letters. I am sharing with the Congressional delegation and will be asking them to continue to press the Corps to get to yes.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Tuesday, January 11, 2022 4:17 PM
To: Robbins, Dan
Cc: Rebecca Roughley; Chris Allgeier; William Sullivan; Ray Bucheger
Subject: Re: [EXT] Town of Wellfleet, CALL ON WEDNESDAY JANUARY 12, 2022

Ray can do 4 but has to stop at 4:30.

On Jan 11, 2022, at 3:10 PM, Robbins, Dan <drobbins@geiconsultants.com> wrote:

I can make 4pm work tomorrow

GEI50

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



On Jan 11, 2022, at 2:59 PM, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov> wrote:

EXTERNAL EMAIL

I am not available until 4 tomorrow, but go ahead without me if you need to as long as Will is there.

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Tuesday, January 11, 2022 1:54 PM
To: Dan Robbins <drobbins@geiconsultants.com>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Joseph Aberdale <josephaberdale@gmail.com>; Ray Bucheger <Ray@federalrelations.com>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Subject: Re: [EXT] Town of Wellfleet, CALL ON WEDNESDAY JANUARY 12, 2022

Dan,

Let's do 3 pm tomorrow. Please issue a call in number to those copied on this email.

Chris

On Jan 11, 2022, at 11:56 AM, Robbins, Dan
<drobbins@geiconsultants.com> wrote:

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Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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To: Robbins, Dan <drobbins@geiconsultants.com>
Cc: William Sullivan <William.Sullivan@wellfleet-ma.gov>; Joseph Aberdale <josephaberdale@gmail.com>
Subject: [EXT] Fwd: Town of Wellfleet

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(o) 978-318-8879

(c) 978-831-3301

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From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Tuesday, January 11, 2022 5:16 PM
To: Joseph Aberdale
Cc: Robbins, Dan; Rebecca Roughley; William Sullivan; Ray Bucheger
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Sent: Tuesday, January 11, 2022 5:18 PM
To: Chris Allgeier
Cc: Joseph Aberdale; Robbins, Dan; Rebecca Roughley; Ray Bucheger
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Attachments: 20211027_MitigationInformationRequest.pdf

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You have mentioned that the Town has additional information that substantiates the Town's contention of severely diminished ecological function in the Area 2 mudflats. This information would be very useful to help us assist the town resolve the mitigation requirements. We would really appreciate any data the Town may have for us to consider, particularly any data regarding the aquatic resource functions of the area and any studies completed by the Town's engineers that you believe we are not aware of. Our public notice on the project will be closing soon, so whatever you may have would be very helpful.

Thank you for the continuing interest and input to the Corps review of this vital marine infrastructure project.

Bob

Robert J. DeSista
Deputy Chief, Regulatory Division
New England District
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

(o) 978-318-8879

(c) 978-831-3301

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, January 13, 2022 5:43 AM
To: Joseph Aberdale
Cc: William Sullivan; Chris Allgeier
Subject: Re: Update

Joe:

I would like to express once again how unusual this is. Your engineer was working on a major response to the Corps that he believes addresses most of the Town's concerns, but never mentioned it to the Town, even when you directly asked for an update.

I think we landed at an okay spot yesterday, but as we have discussed, it would have been much more effective to have had that conversation back in October.

I have worked on a lot of projects where there were a number of consultants – fed and state GR, comms, environmental and Corps consultants like GEI. When something happened in any of the silos, it was communicated to the broader team.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Joseph Aberdale <josephaberdale@gmail.com>
Date: Wednesday, January 5, 2022 at 4:20 PM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Update

Hi Ray,

I just finally heard back from our engineer. He has only had one recent contact from the N.E. Corps. They told him that they were interested in taking a look at the Wellfleet HYLDA land acquisition as one possible mitigation possibility. Nothing significant to report.

Joe

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, January 14, 2022 11:43 AM
To: Chris Allgeier; William Sullivan; Joseph Aberdale
Subject: FW: Wellfleet

Guys, here is what Keating's office received back from staff for the Assistant Secretary of the Army (Civil Works). The ASA (Michael Connor) is the top person in the USACE, based in the Pentagon.

I spoke yesterday with Keating and Markey's staff. They believe our theory of the case is correct, but are willing to try to get additional clarity. With that being said, they asked me to try to connect with DeSista first, which I did yesterday. If I don't hear back from him by Monday, I tell the Congressional offices to follow-up.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Friday, January 14, 2022 at 10:00 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: RE: Wellfleet

Whatever you need back to ACOE let me know.

morning Andrew and Natasha,

This is a follow up to Assistant Secretary Connor's call with Congressman Keating on December 21, 2021. We agreed to provide a status on the Wellfleet Harbor Dredging Permit.

The U.S. Army Corps of Engineers, New England District, is working with the town on their plan for the compensatory mitigation required for project impacts to critical habitat. The town provided a list of proposed mitigation options. In October, the District reviewed their proposed mitigation options, identified two that could address the matter and outlined the steps they needed to take to develop a full mitigation plan. The town agreed to work on their plan using the guidance. The District has followed up with the town. As of the last check, December 16, 2021, the District reported the town was still working on the plan. The town expects to finish their proposed plan when the Area 1 dredging ends which was slated for on or about December 31, 2021.

I hope this information is helpful. If you have any questions, please let me know. Thank you.

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, January 13, 2022 10:22 AM

To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Re: Wellfleet

Will try calling you around 11.

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Thursday, January 13, 2022 at 10:21 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: RE: Wellfleet

Anytime Ray!

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, January 12, 2022 5:37 PM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Wellfleet

Andrew:

There has been a potentially interesting development. Do you have a few mins to connect tomorrow AM?

Ray

Ray Bucheger
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Sent: Friday, January 14, 2022 1:44 PM
To: Rebecca Roughley; William Sullivan; Dan Robbins
Subject: FW: Wellfleet

Will, Rebecca and Dan:

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In the meantime, below is the email that Rep Keating's office received back from staff for the Assistant Secretary of the Army (Civil Works). The ASA (Michael Connor) is the top person in the USACE, based in the Pentagon. Keating spoke with the ASA about Wellfleet a few weeks ago.

I will keep you posted. Let me know if you have any questions in the meantime.

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<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, January 14, 2022 2:09 PM
To: Robbins, Dan
Cc: Rebecca Roughley; William Sullivan
Subject: Re: [EXT] FW: Wellfleet

That's a good reminder. Thanks, Dan.

On Jan 14, 2022, at 2:01 PM, Robbins, Dan <drobbs@geiconsultants.com> wrote:

Thanks for the follow up Ray. Glad to hear there were some continued discussion and look forward to hearing back next week.

Also, im sure you are aware but wanted to remind you that Monday is a holiday so not sure if Mr. DeSista will be in the office until Tuesday (if no reply today).

GEI50

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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EXTERNAL EMAIL

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I will keep you posted. Let me know if you have any questions in the meantime.

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Ray

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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

Rebecca Roughley

From: Charles Sumner
Sent: Wednesday, January 19, 2022 9:25 AM
To: Board of Selectmen
Cc: Rebecca Roughley; William Sullivan
Subject: FW: Town of Wellfleet Lobbyist Contract - Ray Bucheger
Attachments: Document_2022-01-18_121527.pdf

Good morning all,
FYI only now! I simply wanted you to collectively to be aware of this communication to Mr. Aberdale relative to communications with our Lobbyist related to the Harbor Dredging project.

Respectively,

Charlie

Charles L. Sumner

Interim Town Administrator

Town of Wellfleet

300 Main Street

Wellfleet, MA 02667

(W) 508-349-0300

(M) 774-353-7033

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Sent: Tuesday, January 18, 2022 3:47 PM

To: Joseph Aberdale <josephaberdale@gmail.com>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>

Subject: Town of Wellfleet Lobbyist Contract - Ray Bucheger

Hi Joe,

After speaking with our lobbyist, Ray Bucheger it has come to my attention that the chain of command has not been followed. Ray indicated that he has been having primary contact with you regarding the dredging project. As you must know, it was voted on at the May 18, 2021, Select Board meeting that Will Sullivan is to be the primary contact for any and all matters concerning the dredging project in Wellfleet Harbor, informing and communicating with the Marine Advisory Committee and Dredging Task Force. As a reminder, please see the attached vote.

During my conversation with Ray, he indicated that you told him Wellfleet made you the point of contact when communicating with him and you directed Ray to send the invoices to you. There have been months of correspondence between you and Ray without any town staff involved. Please forward any and all correspondence you have between Ray and you directly to Charlie Sumner copying Will and me.

Ray was unaware that there was a SB vote and a chain of command established in regards to the dredging project. He now knows to direct his correspondence to Will Sullivan, and Mr. Sullivan will filter the information to the administration and the respective boards as the Town Official for Wellfleet. I ask you to respect this chain of command moving forward.

Everyone that is involved with the dredging project wants the same outcome. We want to work with our outside agencies as a team to finalize permitting and move to the next phase of dredging. Working in silos only hurts the town and causes information to be misplaced or lost. Let's work together as a TEAM to finish this amazing project.

Thank you,

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

William Sullivan

From: Joseph Aberdale <josephaberdale@gmail.com>
Sent: Thursday, February 3, 2022 2:09 PM
To: Ray Bucheger; Charles Sumner
Cc: Rebecca Roughley; William Sullivan; Chris Allgeier
Subject: Fwd: 30-day Letter re draft mitigation plan 2-4-22.pdf
Attachments: 30-day Letter re draft mitigation plan 2-4-22.pdf; 20211027_MitigationInformationRequest for mitigation plan.pdf

Ray,

You were not copied on this critically important email with documents just received from the Army Corps and you should have been as the dredging lobbyist employed by the Town of Wellfleet. Therefore, I am sending it to you.

Joe

Begin forwarded message:

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Subject: Re: 30-day Letter re draft mitigation plan 2-4-22.pdf
Date: February 3, 2022 at 1:38:47 PM EST
To: "Farris, Charles N CIV USARMY CENAE (USA)" <Charles.N.Farris@usace.army.mil>
Cc: "Richard, Alyssa" <arichard@geiconsultants.com>, "Robbins, Dan" <d Robbins@geiconsultants.com>, "DeSista, Robert J CIV USARMY CENAE (USA)" <Robert.J.Desista@usace.army.mil>, "Turley, Tammy R CIV USARMY CENAE (USA)" <Tammy.R.Turley@usace.army.mil>, Chris Allgeier <cjallgeier@gmail.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Joseph Aberdale <josephaberdale@gmail.com>

Mr. Farris,
As of 02/03/2022 at 1336 hours I acknowledge receipt of this communication. Thank you for sending it direct,

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 3, 2022, at 11:52 AM, Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil> wrote:

Dear Mr. Sullivan

This refers to your application, file number NAE-2015-01414, for a Department of the Army authorization to maintenance dredging in the area identified as the South Anchorage also known as Area 2. The work will be performed using mechanical dredging. Approximately of 269,200 cy are proposed to be dredged and disposed of at the Cape Cod Bay Disposal Site. We are expecting the delivery of the mitigation plan as

soon as you can. Please acknowledge the receipt of this document, then review and respond to the attached letter.

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

William Sullivan

From: William Sullivan
Sent: Thursday, February 3, 2022 1:39 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Cc: Richard, Alyssa; Robbins, Dan; DeSista, Robert J CIV USARMY CENAE (USA); Turley, Tammy R CIV USARMY CENAE (USA); Chris Allgeier; Rebecca Roughley; Joseph Aberdale
Subject: Re: 30-day Letter re draft mitigation plan 2-4-22.pdf
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**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751**

4 February 2022

Regulatory Division
File No. CENAE-R-NAE-2015-01414

William Sullivan
Town of Wellfleet
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Mr. Sullivan:

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The Town was requested to provide us a draft mitigation plan on 27 October 2021. A copy of that request is enclosed. Your contractor has said that they are working on the requested mitigation plan, however we have not yet received the draft document.

We cannot process your application further until we have received this information. Therefore, please provide the requested information within 30 days from this letter's date or we will administratively withdraw your application. Once we have administratively withdrawn your application, we can re-open your application as soon as we receive the requested draft mitigation plan.

No work may be started until you have received all the required Federal, state and local approvals.

Please send acknowledgement of the receipt of this letter. If you have any questions, please contact me at (978)318-8336.

Sincerely,

Charles N Farris

Charles N. Farris
Project Manager
Policy and Technical Support Branch

Enclosure

cc:

Alyssa Richards, GEI Consultants, arichards@geiconsultants@com

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, February 2, 2022 1:55 PM
To: William Sullivan; Robbins, Dan; Rebecca Roughley
Subject: Re: [EXT] FW: Wellfleet

All:

Sorry to be out of touch for a few weeks. The District has been ignoring my outreach, so I have asked the Congressional delegation to follow-up. They have done that and are awaiting a response.

I will keep you posted. In the meantime, Dan – have you heard anything new from the District?

Ray

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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
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Cc: Robbins, Dan <d Robbins@geiconsultants.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Subject: Re: [EXT] FW: Wellfleet

Thank you Ray. Your work on this is much appreciated. Hopefully you can get the inside info from Mr. Desista.
Thank you,
Will

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On Jan 14, 2022, at 2:08 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

That's a good reminder. Thanks, Dan.

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Also, im sure you are aware but wanted to remind you that Monday is a holiday so not sure if Mr. DeSista will be in the office until Tuesday (if no reply today).

GEI50

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From: Chris Allgeier <cjallgeier@gmail.com>
Sent: Friday, February 4, 2022 3:17 PM
To: William Sullivan
Subject: Re: 30-day Letter re draft mitigation plan 2-4-22.pdf

Hi Will,
A few thoughts::

1. Dan/Alyssa should identify ASAP which items they need Town assistance on so we can begin the work.
2. Dan should provide a current draft of their work so far,
 1. Proof of life
 2. So we can see the format they have adopted and use it for our work responding to # 1 items.
3. Bring Russell Titmus into the issue, particularly since I suspect Alyssa will be doing most of the work..

Chris

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781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



On Jan 14, 2022, at 1:44 PM, Ray Bucheger <Ray@federalrelations.com> wrote:



Will, Rebecca and Dan:

Following up on our discussion from two days ago, and in an effort to confirm (or not) that the letter from the Corps is in fact their way of moving in our direction with respect to mitigation, I spoke yesterday with staffers for Rep Keating and Sen Markey to fill them in and present our theory of the case. The staffers have asked me to seek clarity from Bob DeSista at the District, and told me they will follow-up with DeSista after we connect (or if DeSista continues to be coy). I have a note into DeSista and will give him until Monday to respond until I ask the Congressionals to follow-up.

In the meantime, below is the email that Rep Keating's office received back from staff for the Assistant Secretary of the Army (Civil Works). The ASA (Michael Connor) is the top person in the USACE, based in the Pentagon. Keating spoke with the ASA about Wellfleet a few weeks ago.

I will keep you posted. Let me know if you have any questions in the meantime.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Friday, January 14, 2022 at 10:00 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: RE: Wellfleet

Whatever you need back to ACOE let me know.

morning Andrew and Natasha,

This is a follow up to Assistant Secretary Connor's call with Congressman Keating on December 21, 2021. We agreed to provide a status on the Wellfleet Harbor Dredging Permit.

The U.S. Army Corps of Engineers, New England District, is working with the town on their plan for the compensatory mitigation required for project impacts to critical habitat. The town provided a list of proposed mitigation options. In October, the District reviewed their proposed mitigation options, identified two that could address the matter and outlined the steps they needed to take to develop a full mitigation plan. The town agreed to work on their plan using the guidance. The District has followed up with the town. As of the last check, December 16, 2021, the District reported the town was still working on the plan. The town expects to finish their proposed plan when the Area 1 dredging ends which was slated for on or about December 31, 2021.

I hope this information is helpful. If you have any questions, please let me know. Thank you.

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, January 13, 2022 10:22 AM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Re: Wellfleet

Will try calling you around 11.

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Thursday, January 13, 2022 at 10:21 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: RE: Wellfleet

Anytime Ray!

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, January 12, 2022 5:37 PM
To: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Subject: Wellfleet

Andrew:

There has been a potentially interesting development. Do you have a few mins to connect tomorrow AM?

Ray

Ray Bucheger

FBB Federal Relations

Affiliated with Lindsay Hart, LLP

cell: 202-236-5101

<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, February 7, 2022 7:34 PM
To: Rebecca Roughley; William Sullivan
Subject: FW: Email from NE District on Wellfleet

Rebecca and Will:

See below email from Keating's office – it is a forward of an email from the District.

Question: In the response to the 10/27/21 letter, is Dan also propose that the District pull projects from our original list to satisfy the remaining credits the District says are needed?

Ray

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Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
Date: Monday, February 7, 2022 at 10:32 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Email from NE District on Wellfleet

Hey brother this is what I got back from them this morning. Happy to talk though.

Hi Andrew,

While I hear the dredging of area 1 was underway, the outstanding permit did not sound ideal. This is what I've been told.

On October 27, 2021 we sent the applicant (Town of Wellfleet) a letter which outlined the steps they needed to take and the materials they needed to develop a full mitigation plan. We reached out to the applicant again on December 16, 2021. They indicated they were working on the mitigation proposal but were busy with the Area 1 dredging project and would spend more time on the required mitigation proposal after December 31, 2021.

We reached out to the permitting consultant/contractor for the applicant on February 1, 2022. The consultant indicated they needed additional input from the town before they can complete a draft mitigation plan for the USACE review. The consultant indicated they would have it sometime in February.

We cannot finish our permit review until they provide the mitigation plan and by regulation we are unable to issue an individual permit without a finalized mitigation plan.

So our regulatory office explained that the ball has been in the Town's court since October 27, 2021—and three months have passed.

I hope that they are able to provide the necessary mitigation plan very soon. With the continued interest we have not withdrawn the application, but typically we get responses within 30 days from the request.

I hope this helps
Janet

Andrew A. Nelson J.D
District Policy Advisor,
Regional Director for the Cape and Islands
Congressman William R. Keating MA-09

William Sullivan

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Tuesday, February 8, 2022 2:03 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Cc: Bell, Taylor M CIV USARMY CENAE (USA); Robbins, Dan; William Sullivan
Subject: RE: Wellfleet mitigation plan

Norm,

Hello again.

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The second question is in regards to the other projects that were submitted to the USACE. The Town was hoping to be able to meet the mitigation requirements with out any additional fee-in-lieu of mitigation. We were hoping to discuss the reasons that those areas were not considered for mitigation credit for the project.

If you could please include Dan Robbins and Will Sullivan on the call tomorrow I would appreciate it.

Thanks,
Alyssa

GEI

ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Tuesday, February 8, 2022 10:26 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Subject: [EXT] RE: Wellfleet mitigation plan

EXTERNAL EMAIL

Alyssa

Have you had a chance to come up with a list of issues/questions yet?

Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

From: Farris, Charles N CIV USARMY CENAE (USA)
Sent: Friday, February 4, 2022 5:13 PM
To: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
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Subject: RE: Wellfleet mitigation plan

Great! Let's say Wednesday at 2. I'll set something up. Alyssa, if you wanted to give Taylor and I a list of your major concerns, then we could start the ball rolling on our end and be more intentional on Wednesday.

From: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Sent: Friday, February 4, 2022 5:10 PM
To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Subject: RE: Wellfleet mitigation plan

Sure Norm, Wednesday is better. Let me know. 2 would be a good time.

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(www.blackberry.com)

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Date: Friday, Feb 04, 2022, 5:01 PM
To: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Subject: Wellfleet mitigation plan

Taylor

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Regards,
Charles N. Farris
Regulatory Dredging Liaison
US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742

(978) 318-8336

William Sullivan

From: William Sullivan
Sent: Tuesday, February 8, 2022 4:46 PM
To: Farris, Charles N CIV USARMY CENAE (USA)
Subject: Accepted: Wellfleet, Town of contractor consultation

William Sullivan

Subject: Wellfleet mitigation plan
Location: <https://usace1.webex.com/usace1/j.php?MTID=meaf6d8ef4d105ac5d72c097dea38e429>
Start: Wed 2/9/2022 2:00 PM
End: Wed 2/9/2022 3:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Taylor Bell

When it's time, join the Webex meeting here.

Join meeting

More ways to join:

Join from the meeting link

<https://usace1.webex.com/usace1/j.php?MTID=meaf6d8ef4d105ac5d72c097dea38e429>

Join by meeting number

Meeting number (access code): 2762 757 2725

Meeting password: JdMXdep@443

Tap to join from a mobile device (attendees only)

+1-844-800-2712,,27627572725## US Toll Free

+1-669-234-1177,,27627572725## US Toll

Join by phone

+1-844-800-2712 US Toll Free

+1-669-234-1177 US Toll

Global call-in numbers | Toll-free calling restrictions

Join from a video system or application

Dial [27627572725@usace1.webex.com](tel:27627572725@usace1.webex.com)

You can also dial 207.182.190.20 and enter your meeting number.

Need help? Go to <https://help.webex.com>

William Sullivan

Subject: Wellfleet mitigation plan
Location: <https://usace1.webex.com/usace1/j.php?MTID=meaf6d8ef4d105ac5d72c097dea38e429>
Start: Wed 2/9/2022 2:00 PM
End: Wed 2/9/2022 3:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Taylor Bell

Taylor Bell is inviting you to a scheduled Webex meeting.

Wednesday, February 9, 2022

2:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 1 hr

[Join meeting](https://usace1.webex.com/usace1/j.php?MTID=meaf6d8ef4d105ac5d72c097dea38e429)

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William Sullivan

From: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Sent: Wednesday, February 9, 2022 1:58 PM
To: Richard, Alyssa; Farris, Charles N CIV USARMY CENAE (USA)
Cc: Robbins, Dan; William Sullivan
Subject: Wellfleet mitigation plan meeting

Good afternoon – Please use this link for the meeting: Meeting link:

<https://usace1.webex.com/usace1/j.php?MTID=m0e672a6109d892e79a603c0664df5572>

Meeting number:

2762 757 2725

Password:

JdMXdep@443

Host key:

887250

Join by video system

Dial [27627572725@usace1.webex.com](https://usace1.webex.com)

You can also dial 207.182.190.20 and enter your meeting number.

Join by phone

+1-844-800-2712 US Toll Free

+1-669-234-1177 US Toll

Access code: 2762 757 2725

Host PIN: 5516

[Global call-in numbers](#) | [Toll-free calling restrictions](#)

From: Richard, Alyssa <arichard@geiconsultants.com>

Sent: Tuesday, February 8, 2022 2:03 PM

To: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>

Cc: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>; Robbins, Dan <d Robbins@geiconsultants.com>; William Sullivan <william.sullivan@wellfleet-ma.gov>

Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Wellfleet mitigation plan

Norm,

Hello again.

I think there are two main questions that we would like to discuss. The first is primarily in regards to the HDYLTA property which is the largest of the two areas included in the mitigation letter. This property will continue to be used in part for active shellfishing while the rest will be maintained for preservation but will not be part of a traditional mitigation or restoration project. Being that there is no direct changes to the proposed areas we are unsure how to proceed with a monitoring plan. If we assume that the current conditions are acceptable to meet the mitigation requirements than we would propose no additional action on the site and minimal monitoring. I would be interested to hear the opinion of the USACE on how long and in what capacity they expect the monitoring to continue. Similarly the areas that will become conservation land will not have an active restoration project and will also be used as a preservation of habitat.

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If you could please include Dan Robbins and Will Sullivan on the call tomorrow I would appreciate it.

Thanks,
Alyssa



ALYSSA RICHARD
Environmental Specialist
508.533.6666
124 Grove Street, Suite 300, Franklin, MA 02038-3156



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Sent: Tuesday, February 8, 2022 10:26 AM
To: Richard, Alyssa <arichard@geiconsultants.com>
Cc: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Subject: [EXT] RE: Wellfleet mitigation plan

EXTERNAL EMAIL

Alyssa

Have you had a chance to come up with a list of issues/questions yet?

Regards,
Charles N. Farris
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US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

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Sent: Friday, February 4, 2022 5:13 PM
To: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Cc: Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Wellfleet mitigation plan

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Subject: RE: Wellfleet mitigation plan

Sure Norm, Wednesday is better. Let me know. 2 would be a good time.

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(www.blackberry.com)

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Date: Friday, Feb 04, 2022, 5:01 PM
To: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Subject: Wellfleet mitigation plan

Taylor

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(978) 318-8336

William Sullivan

From: Farris, Charles N CIV USARMY CENAE (USA) <Charles.N.Farris@usace.army.mil>
Sent: Wednesday, February 9, 2022 1:56 PM
To: Richard, Alyssa
Cc: William Sullivan; 'Robbins, Dan'; Bell, Taylor M CIV USARMY CENAE (USA)
Subject: RE: Wellfleet, Town of contractor consultation

Importance: High

The meeting is still on at 2, We have to use WebEx. Taylor is sending a new invite right now.

-----Original Appointment-----

From: Richard, Alyssa <arichard@geiconsultants.com>
Sent: Wednesday, February 9, 2022 9:24 AM
To: Farris, Charles N CIV USARMY CENAE (USA)
Subject: [Non-DoD Source] Accepted: Wellfleet, Town of contractor consultation
When: Wednesday, February 9, 2022 2:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

William Sullivan

From: Bell, Taylor M CIV USARMY CENAE (USA) <Taylor.M.Bell@usace.army.mil>
Sent: Wednesday, February 9, 2022 1:58 PM
To: Richard, Alyssa; Farris, Charles N CIV USARMY CENAE (USA)
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Subject: Wellfleet mitigation plan meeting

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887250
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ALYSSA RICHARD
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US Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8336

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, February 10, 2022 5:53 PM
To: William Sullivan
Cc: Rebecca Roughley; Dan Robbins; Alyssa Richard
Subject: Re: Email from NE District on Wellfleet

All:

Checking in – in the response, will 100% of the credits be accounted for using projects on the list the Town sent in September?

Ray

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Tuesday, February 8, 2022 at 8:17 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Dan Robbins <d Robbins@geiconsultants.com>, Alyssa Richard <arichard@geiconsultants.com>
Subject: Re: Email from NE District on Wellfleet

Ray,
That email from Andrew (from Janet) seems a bit confusing. I guess it's like it has been all along we are getting a lot of circles from USACE. I guess there is a heavy load of bureaucracy here. But it really doesn't make much sense at all, dare I say a spin put on it??? I guess only in the fact that when they are pressed by congressional offices they pass the buck on. I guess that's why your here, understanding that world better.

We have received the questions over the weekend for the Town to answer, they were about the HYDLTA trust project, and Wellfleet conservation trust projects. We The (Town) would like if we could have all or any of the projects proposed put out there to satisfy ACE in some manner (better than paying!!!) That idea has been met with some opposition but... I will check with GEI to see what exact projects have been proposed and which ones have been turned down by ACE. I will send this out the them now.

Thank you,
Will

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 7, 2022, at 7:33 PM, Ray Bucheger <Ray@federalrelations.com> wrote:

Rebecca and Will:

See below email from Keating's office – it is a forward of an email from the District.

Question: In the response to the 10/27/21 letter, is Dan also propose that the District pull projects from our original list to satisfy the remaining credits the District says are needed?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

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Date: Monday, February 7, 2022 at 10:32 AM
To: Ray Bucheger <Ray@federalrelations.com>
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I hope that they are able to provide the necessary mitigation plan very soon. With the continued interest we have not withdrawn the application, but typically we get responses within 30 days from the request.

I hope this helps
Janet

Andrew A. Nelson J.D
District Policy Advisor,
Regional Director for the Cape and Islands
Congressman William R. Keating MA-09

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, February 16, 2022 10:06 AM
To: William Sullivan; Robbins, Dan
Cc: Rebecca Roughley; Richard, Alyssa
Subject: Re: Email from NE District on Wellfleet

All:

Sorry for the delay on this – Keating’s staffer has been pulled in a number of directions this week and I have had to work a bit harder than expected to nail him down. Before I go back to him, I’d like to get updated availability from you all tomorrow and Friday. Can you send me a quick note with windows of opportunity?

Ray

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Wednesday, February 16, 2022 at 7:23 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>
Cc: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: Re: Email from NE District on Wellfleet

Good Morning Ray,
Any word on the meeting? Just trying to nail things down before School vaca week.
Thank you,
Will

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 14, 2022, at 1:38 PM, Robbins, Dan <d Robbins@geiconsultants.com> wrote:

Hi Ray following up to see if we have heard about times for the meeting this week with Rep Keatings office so I can hold the time on my calendar.

Regards
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, February 11, 2022 2:05 PM
To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Robbins, Dan <d Robbins@geiconsultants.com>; Richard, Alyssa <arichard@geiconsultants.com>
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Subject: RE: Email from NE District on Wellfleet

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(Work) 508-349-0349 X1112
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Subject: RE: Email from NE District on Wellfleet

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Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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255 Commercial Street
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cell: 202-236-5101
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From: Nelson, Andrew <Andrew.Nelson@mail.house.gov>
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Cc: Robbins, Dan; Richard, Alyssa
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Hi Ray I have a one in the am at 10 tomorrow and a 6 am on Friday. Other than that I'm available.
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Good Morning Ray,
Any word on the meeting? Just trying to nail things down before School vaca week.
Thank you,


Will

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On Feb 14, 2022, at 1:38 PM, Robbins, Dan <drobbs@geiconsultants.com> wrote:

Hi Ray following up to see if we have heard about times for the meeting this week with Rep Keatings office so I can hold the time on my calendar.

Regards
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Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, February 18, 2022 7:46 PM
To: Rebecca Roughley
Subject: Re: Wellfleet Follow-Up

Agree! I thought that was a positive call. Have a great weekend.

Ray

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Date: Friday, February 18, 2022 at 5:23 PM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: RE: Wellfleet Follow-Up

It's great we are all on the same page now! Thank you and have a great weekend. 😊

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Subject: Wellfleet Follow-Up

Andrew:

Thanks again for taking the time to meet with the Wellfleet team today – everyone that was on the Zoom is copied here.

We appreciate all of your efforts on behalf of the Town and know that Rep Keating's support has helped us make good progress. It sounds like we may have some options to get us the rest of the way.

Let us know when you hear back from the Corps on the questions we discussed – at that point we can hop back on a Zoom and talk about next steps, whether it is related to funding through Rep Peake, the Cape Cod Conservation District or Brian Carlstrom (or some combination thereof).

Have a great weekend.

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3) What do we do about the additional 1.27 credits.

- a. Ray have we heard back from Andrew on any discussions he has had about projects of further information that he was exploring?

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Cc: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: Re: Email from NE District on Wellfleet

Good Morning Ray,
Any word on the meeting? Just trying to nail things down before School vaca week.
Thank you,
Will

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 14, 2022, at 1:38 PM, Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)> wrote:

Hi Ray following up to see if we have heard about times for the meeting this week with Rep Keatings office so I can hold the time on my calendar.

Regards
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, February 11, 2022 2:05 PM
To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Robbins, Dan <drobbins@geiconsultants.com>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Email from NE District on Wellfleet

EXTERNAL EMAIL

Meeting request has been made

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Date: Friday, February 11, 2022 at 12:54 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Ray Bucheger <Ray@federalrelations.com>
Cc: Robbins, Dan <drobbins@geiconsultants.com>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Email from NE District on Wellfleet

Monday's are not good for me either.

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Sent: Friday, February 11, 2022 11:29 AM
To: Ray Bucheger <Ray@federalrelations.com>
Cc: Robbins, Dan <drobbins@geiconsultants.com>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: Re: Email from NE District on Wellfleet

I can be available most of next week, except Monday.
Thank you,

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 11, 2022, at 11:17 AM, Ray Bucheger
<Ray@federalrelations.com> wrote:

Could you send me some windows of opportunity for next week?

Anyone else that would like to participate – pls send me some windows of opportunity.

Ray

From: Robbins, Dan <drobbins@geiconsultants.com>
Date: Friday, February 11, 2022 at 11:16 AM
To: Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Email from NE District on Wellfleet

Happy to have a call with them if they have some ideas that would help support the project and response.

Regards
Dan

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, February 11, 2022 11:12 AM
To: Robbins, Dan <drobbins@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Email from NE District on Wellfleet

EXTERNAL EMAIL

Dan, et al:

When I last spoke with Rep Keating's staff, they thought they may have some ideas as well. What do you think about scheduling a call with Keating's office for early next week?

Ray

From: Robbins, Dan <drobbins@geiconsultants.com>
Date: Friday, February 11, 2022 at 9:51 AM
To: Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Email from NE District on Wellfleet

Ray I just sent an email summarizing a call we had with the Corps this week. We reviewed the other projects with them and they are not considered viable. We are however looking at ways to still close the 1.235 credit gap but it still does remain at this point. One option we are looking at is the conversion rate and potential change to the rate for the two considered projects. Let me know if you have any questions or want to discuss further.

Regards
Dan

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, February 10, 2022 5:53 PM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Robbins, Dan <drobbins@geiconsultants.com>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Email from NE District on Wellfleet

EXTERNAL EMAIL

All:

Checking in – in the response, will 100% of the credits be accounted for using projects on the list the Town sent in September?

Ray

From: William Sullivan <William.Sullivan@wellfleet-ma.gov>
Date: Tuesday, February 8, 2022 at 8:17 AM

To: Ray Bucheger <Ray@federalrelations.com>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Dan Robbins <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, Alyssa Richard <arichard@geiconsultants.com>
Subject: Re: Email from NE District on Wellfleet

Ray,
That email from Andrew (from Janet) seems a bit confusing. I guess it's like it has been all along we are getting a lot of circles from USACE. I guess there is a heavy load of bureaucracy here. But it really doesn't make much sense at all, dare I say a spin put on it??? I guess only in the fact that when they are pressed by congressional offices they pass the buck on. I guess that's why your here, understanding that world better.

We have received the questions over the weekend for the Town to answer, they were about the HYDLTA trust project, and Wellfleet conservation trust projects. We The (Town) would like if we could have all or any of the projects proposed put out there to satisfy ACE in some manner (better than paying!!!) That idea has been met with some opposition but... I will check with GEI to see what exact projects have been proposed and which ones have been turned down by ACE. I will send this out the them now.

Thank you,
Will

William Sullivan
Wellfleet Harbormaster
255 Commercial Street
508-349-0320

On Feb 7, 2022, at 7:33 PM, Ray Bucheger
<Ray@federalrelations.com> wrote:

Rebecca and Will:

See below email from Keating's office – it is a forward of an email from the District.

Question: In the response to the 10/27/21 letter, is Dan also propose that the District pull projects from our original list to satisfy the remaining credits the District says are needed?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101

From: Nelson, Andrew
<Andrew.Nelson@mail.house.gov>
Date: Monday, February 7, 2022 at 10:32 AM
To: Ray Bucheger <Ray@federalrelations.com>
Subject: Email from NE District on Wellfleet

Hey brother this is what I got back from them this morning. Happy to talk though.

Hi Andrew,

While I hear the dredging of area 1 was underway, the outstanding permit did not sound ideal. This is what I've been told.

On October 27, 2021 we sent the applicant (Town of Wellfleet) a letter which outlined the steps they needed to take and the materials they needed to develop a full mitigation plan. We reached out to the applicant again on December 16, 2021. They indicated they were working on the mitigation proposal but were busy with the Area 1 dredging project and would spend more time on the required mitigation proposal after December 31, 2021.

We reached out to the permitting consultant/contractor for the applicant on February 1, 2022. The consultant indicated they needed additional input from the town before they can complete a draft mitigation plan for the USACE review. The consultant indicated they would have it sometime in February.

We cannot finish our permit review until they provide the mitigation plan and by regulation we are unable to issue an individual permit without a finalized mitigation plan.

So our regulatory office explained that the ball has been in the Town's court since October 27, 2021—and three months have passed.

I hope that they are able to provide the necessary mitigation plan very soon. With the continued interest we have not withdrawn the application, but typically we get responses within 30 days from the request.

I hope this helps
Janet

Andrew A. Nelson J.D
District Policy Advisor,
Regional Director for the Cape and Islands
Congressman William R. Keating MA-09

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Friday, February 18, 2022 4:25 PM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa; Andrew Nelson
Subject: Wellfleet Follow-Up

Andrew:

Thanks again for taking the time to meet with the Wellfleet team today – everyone that was on the Zoom is copied here.

We appreciate all of your efforts on behalf of the Town and know that Rep Keating's support has helped us make good progress. It sounds like we may have some options to get us the rest of the way.

Let us know when you hear back from the Corps on the questions we discussed – at that point we can hop back on a Zoom and talk about next steps, whether it is related to funding through Rep Peake, the Cape Cod Conservation District or Brian Carlstrom (or some combination thereof).

Have a great weekend.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, February 24, 2022 6:07 AM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa; Andrew Nelson
Subject: Re: Wellfleet Follow-Up

Hi Andrew:

I hope your week is going well. Checking in – have you been able to connect with the District on the issues we discussed last week?

Thank you!

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Friday, February 18, 2022 at 4:25 PM
To: Robbins, Dan <d Robbins@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>
Subject: Wellfleet Follow-Up

Andrew:

Thanks again for taking the time to meet with the Wellfleet team today – everyone that was on the Zoom is copied here.

We appreciate all of your efforts on behalf of the Town and know that Rep Keating's support has helped us make good progress. It sounds like we may have some options to get us the rest of the way.

Let us know when you hear back from the Corps on the questions we discussed – at that point we can hop back on a Zoom and talk about next steps, whether it is related to funding through Rep Peake, the Cape Cod Conservation District or Brian Carlstrom (or some combination thereof).

Have a great weekend.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, March 2, 2022 1:13 PM
To: Robbins, Dan; William Sullivan; Rebecca Roughley
Cc: Richard, Alyssa
Subject: Re: Wellfleet Dredge Mitigation Letter Response

Dan:

I spoke with Andrew this morning. He spoke with the District yesterday. The District told him they want to have a conversation with him, but they want to wait until after they meet with you. They told Andrew you have a meeting with the District this week – is that accurate?

It would have been ideal for Andrew to have had this conversation first, but with respect to the 1.27 credits, it sounds like you may need to ask the questions that we discussed during our last call, which if I recall included the following:

- Can the Town locate project outside of Wellfleet?
- Can projects funded with federal money be used for mitigation? Is there anything in statute that specifically restricts this?
- Can projects be funded with state money that originates from federal funds. For example, could Rep Sarah Peake earmark a project using funds that originated from USDA's Natural Resources Conservation Service (NRCS) and have that project contribute to the mitigation.

Andrew wants to have a follow-up call with this group after your meeting but before he goes back to the District.

Ray

From: Robbins, Dan <d Robbins@geiconsultants.com>
Date: Wednesday, March 2, 2022 at 10:56 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Cc: Richard, Alyssa <arichard@geiconsultants.com>, Ray Bucheger <Ray@federalrelations.com>
Subject: Wellfleet Dredge Mitigation Letter Response

Will and Rebecca,
I wanted to touch base on the Dredge Mitigation Letter Response as the 30 day clock expires on the 3rd.

Norm is looking into extending that deadline until end of May so we can work with the town on warrant articles, setting up protective articles or arrangements etc. and we can figure out what to do about the extra 1.27 credits.

At this point we have not resolved the three key issues for the mitigation letter response.

- 1) Who will protect the HDYLTA property (Mass Audubon? Wellfleet Conservation Trust?) and does that need a transfer of ownership or just a written agreement?

- 2) Who will protect the two parcels that technically the town doesn't own yet. If they are actually transferring to the Wellfleet Conservation Trust in May that's helpful if not the same questions as above stand.
- 3) What do we do about the additional 1.27 credits.
 - a. Ray have we heard back from Andrew on any discussions he has had about projects of further information that he was exploring?

Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, March 3, 2022 9:23 AM
To: Robbins, Dan
Cc: William Sullivan; Rebecca Roughley; Richard, Alyssa
Subject: Re: Wellfleet Dredge Mitigation Letter Response

Dan, that sounds promising and tracks with our initial argument. It is a shame it has taken the agency so long to get there (and has required so much pushing by the Congressional delegation). Let me check on Andrew's availability. So that we have options, can you also send me availability for tomorrow? Ray

On Mar 3, 2022, at 9:20 AM, Robbins, Dan <d Robbins@geiconsultants.com> wrote:

Hi Ray,

Alyssa spoke with the Corps yesterday, not specifically a scheduled meeting, but a very helpful call. She ended up speaking with both Norm Faris and Taylor Bell.


In short, our approach should be to make an argument with photographs, data, etc. that the resource area is and has historically been less beneficial than they are currently evaluating it as and thereby the impact ratio currently used for the evaluation (30%) should be something less (around 25%). This will make the credit difference go away. Adding additional mitigation projects to the mix will complicate things, add to the time line, and could end up costing the Town more than the credit difference as it currently stands. This sounds like good news.

Next up, from that conversation the Corps cannot issue an extension on the 30 day notice that was provided. The project will be placed on an administrative hold until a response has been provided. The project will not be fully closed by the corps. This will need to occur until the Town has protective instruments in place and the additional properties acquired.

Alyssa if I have missed anything please add in.

GEI can be available today from 130 to 330.

Regards
Dan

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, March 2, 2022 1:13 PM
To: Robbins, Dan <d Robbins@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Cc: Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet Dredge Mitigation Letter Response

EXTERNAL EMAIL

Dan:

I spoke with Andrew this morning. He spoke with the District yesterday. The District told him they want to have a conversation with him, but they want to wait until after they meet with you. They told Andrew you have a meeting with the District this week – is that accurate?

It would have been ideal for Andrew to have had this conversation first, but with respect to the 1.27 credits, it sounds like you may need to ask the questions that we discussed during our last call, which if I recall included the following:

- Can the Town locate project outside of Wellfleet?
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Andrew wants to have a follow-up call with this group after your meeting but before he goes back to the District.

Ray

From: Robbins, Dan <drobbs@geiconsultants.com>
Date: Wednesday, March 2, 2022 at 10:56 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Cc: Richard, Alyssa <arichard@geiconsultants.com>, Ray Bucheger <Ray@federalrelations.com>
Subject: Wellfleet Dredge Mitigation Letter Response

Will and Rebecca,

I wanted to touch base on the Dredge Mitigation Letter Response as the 30 day clock expires on the 3rd.

Norm is looking into extending that deadline until end of May so we can work with the town on warrant articles, setting up protective articles or arrangements etc. and we can figure out what to do about the extra 1.27 credits.

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- a. Ray have we heard back from Andrew on any discussions he has had about projects of further information that he was exploring?

Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Thursday, March 3, 2022 11:12 AM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa
Subject: Re: Wellfleet Dredge Mitigation Letter Response

Andrew Nelson from Keating's office can chat at 4pm tomorrow (Friday). Can we schedule this?

Ray

From: Robbins, Dan <drobbsins@geiconsultants.com>
Date: Thursday, March 3, 2022 at 9:20 AM
To: Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Cc: Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Wellfleet Dredge Mitigation Letter Response

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In short, our approach should be to make an argument with photographs, data, etc. that the resource area is and has historically been less beneficial than they are currently evaluating it as and thereby the impact ratio currently used for the evaluation (30%) should be something less (around 25%). This will make the credit difference go away. Adding additional mitigation projects to the mix will complicate things, add to the time line, and could end up costing the Town more than the credit difference as it currently stands. This sounds like good news.

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Alyssa if I have missed anything please add in.

GEI can be available today from 130 to 330.

Regards
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, March 2, 2022 1:13 PM

To: Robbins, Dan <drobbins@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Cc: Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet Dredge Mitigation Letter Response

EXTERNAL EMAIL

Dan:

I spoke with Andrew this morning. He spoke with the District yesterday. The District told him they want to have a conversation with him, but they want to wait until after they meet with you. They told Andrew you have a meeting with the District this week – is that accurate?

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Andrew wants to have a follow-up call with this group after your meeting but before he goes back to the District.

Ray

From: Robbins, Dan <drobbins@geiconsultants.com>
Date: Wednesday, March 2, 2022 at 10:56 AM
To: William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Cc: Richard, Alyssa <arichard@geiconsultants.com>, Ray Bucheger <Ray@federalrelations.com>
Subject: Wellfleet Dredge Mitigation Letter Response

Will and Rebecca,

I wanted to touch base on the Dredge Mitigation Letter Response as the 30 day clock expires on the 3rd.

Norm is looking into extending that deadline until end of May so we can work with the town on warrant articles, setting up protective articles or arrangements etc. and we can figure out what to do about the extra 1.27 credits.

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- 3) What do we do about the additional 1.27 credits.

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, March 7, 2022 11:54 AM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa; Andrew Nelson
Subject: Wellfleet: Follow-Up + Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

All:

Thanks again for getting on the phone on Friday afternoon. So that we all remain on the same page, here is an accounting of what we discussed in terms of next steps:

1. Andrew will touch base with the District ASAP – tell them he was briefed by the Town, that he appreciates the District working with the Town on this and that he is eager to see us get to a positive result.
2. Dan and Alyssa will work over the next few months to finalize submission to the Corps, which will include info on mitigation covering the 5.925 credits and arguments for why the additional 1.235 credits are unnecessary.
3. We will schedule another call to brief Andrew on the submission before the Town conveys to the District.
4. Andrew will follow-up with the District after submission has been made – convey to the District that Rep Keating believes the Town's position is reasonable and that he is hopeful that we can finally get to the end of this process.

Please let me know if I have I missed anything.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

March 8, 2022

Regulatory Division
File No. CENAE-R-2015-1414

William Sullivan
Harbormaster
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Mr. Sullivan:

This refers to your application, file number NAE-2015-01414, for a Department of the Army authorization to maintenance dredging in the area identified as the South Anchorage also known as Area 2. The work will be performed using mechanical dredging. Approximately of 269,200 cy are proposed to be dredged and disposed of at the Cape Cod Bay Disposal Site.

On February 4, 2022 we requested that you provide us with additional information concerning your project. You were also advised that we would close your file if you did not respond within 30 days. To date we have not received the requested information or any correspondence indicating your intention concerning this matter. Therefore, we have administratively closed your file without prejudice.

We understand you are continuing your efforts to provide the necessary information. Once you submit the information and we will resume evaluating your application. If you have further questions or wish to discuss, please contact Charles Farris at (978) 318-8336.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. DeSista".

Robert J. DeSista
Chief, Policy and Technical Support Branch
Regulatory Division

cc:

Alyssa Richards, GEI Consultants, arichard@geiconsultants.com.

Rebecca Roughley

From: Rebecca Roughley
Sent: Monday, April 11, 2022 3:07 PM
To: Ryan Curley
Cc: William Sullivan; Chris Allgeier
Subject: RE: Mitigation?

Ryan,

May 10th? As of right now, only potential mitigation projects are being discussed, no decisions are being made, as it is very early still and there isn't enough information to provide a clear plan even to the Board. There are a lot of moving parts with the lobbyist, GEI, Army Corps, and Rep Keating's office.

May I suggest you ask Janet as the delegate to the SB to provide updates on the DTF meetings or whoever your next delegate is since that is the point of having a liaison. I do not attend all the meetings so I cannot provide you with any information regarding the mooring field dredging.

Another option would be for you to come to the Marina and have a meeting with Chris, Will, and myself and we can brief you on where the potential mitigation stands. There are political moving parts to this as well. It may be beneficial for you to have a sit down with us.

Thanks,

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Ryan Curley <ryan.d.curley@gmail.com>
Sent: Saturday, April 9, 2022 7:21 AM
To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Subject: Mitigation?

Hi so reading the dredging taskforce mins I am concerned. I think that anything that is being discussed relative to mitigation needs to be brought to the board asap. I am concerned that the cart is being put before the horse. Personal I do not see an impartive need to dredge the mooring field especially if doing so results in restrictions or loss of town owned land. I would like to put it on the first meeting in May.

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Tuesday, April 12, 2022 6:16 AM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – any updates?

Got this from Andrew: *“Just wanted to check in with you about the info the town is trying to provide to the corps regarding the diminution in the environmental value of the tidal lands in the harbor. Sarah Peake was checking in to see if there was still need of a earmark for something there. Just wanted to double check for her.”*

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Monday, March 7, 2022 at 11:53 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>
Subject: Wellfleet: Follow-Up + Next Steps

All:

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<http://FBBFederalRelations.com>

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Sunday, April 24, 2022 11:39 AM
To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

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To: Robbins, Dan <d Robbins@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
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From: Ray Bucheger <Ray@federalrelations.com>

Date: Monday, March 7, 2022 at 11:53 AM

To: Robbins, Dan <d Robbins@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>

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To: Robbins, Dan; William Sullivan; Rebecca Roughley; Richard, Alyssa
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Transfer of properties needed for the mitigation credits are on the June 11th Town Meeting agenda. A proposed reduction in the credit calculation is in the final stages of preparation and the Town is working on setting up protective covenants for the subject credit sites that will be monitored by third party organizations. We can have another update for you in June after the Town meeting.

Regards
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To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps

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Thoughts?

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All:

Checking in on this – any updates? I'd like to provide an update to Keating's office.

Thanks

Ray

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FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, April 12, 2022 at 6:16 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-

ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>

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From: Ray Bucheger <Ray@federalrelations.com>
Date: Monday, March 7, 2022 at 11:53 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>
Subject: Wellfleet: Follow-Up + Next Steps

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Thanks again for getting on the phone on Friday afternoon. So that we all remain on the same page, here is an accounting of what we discussed in terms of next steps:

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Please let me know if I have I missed anything.

Ray

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<http://FBBFederalRelations.com>

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, May 2, 2022 3:23 PM
To: Robbins, Dan; Rebecca Roughley; William Sullivan; Richard, Alyssa
Cc: Charles Sumner
Subject: Re: Wellfleet: Follow-Up + Next Steps

Thanks, Dan. What is your target for submitting to the Corps?

From: Robbins, Dan <drobbs@geiconsultants.com>
Date: Monday, May 2, 2022 at 7:43 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: RE: Wellfleet: Follow-Up + Next Steps

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Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Date: Thursday, April 28, 2022 at 3:01 PM

To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>

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Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
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(Cell) 774-392-1457

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Subject: RE: Wellfleet: Follow-Up + Next Steps

Hi Ray,

Exciting news on the Herring River!

For this dredging Alyssa has been progressing well the mitigation response. We still need to set up protective agreements for the site and are working on collecting historical documentation. The land transfers require that the Town meeting occur which from my understanding is occurring June.

GEI

DANIEL B. ROBBINS, PE (NH)

Senior Project Manager (Waterfront)

781.721.4017 cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801



William Sullivan

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Friday, June 10, 2022 8:18 PM
To: Chris Allgeier
Cc: William Sullivan; Rebecca Roughley
Subject: Fwd: Area 2 Dredging - 65% design
Attachments: WFLT-Area2_Specs-65Percent_2022Jun10.pdf; WFLT_Area2_DWG-65Percent_2022Jun10.pdf

Chris,

I spoke with Will and he suggested that I send you the 65% design documents for Area 2. Please find attached.

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



Begin forwarded message:

From: "Robbins, Dan" <drobbs@geiconsultants.com>
Date: June 10, 2022 at 2:50:00 PM EDT
To: William Sullivan <william.sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Subject: Area 2 Dredging - 65% design

Will and Rebecca,

Please find attached the 65% Design plans and specs. I have a number of edits on the plans that will need to be addressed but wanted to get them in front of you for any additional comments you may have to expedite reviews.

If we can have any comments back no later than 11am Tuesday we will return a set that afternoon for posting to the Towns website.

Would like me to send to anyone else for review?

Regards
Dan

GEI

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Senior Project Manager (Waterfront)
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[website]<<http://www.geiconsultants.com/>>[Facebook]<<https://www.facebook.com/GEIConsultants/>>[Twitter]<<https://twitter.com/geiconsultants?lang=en>>[LinkedIn]<<https://www.linkedin.com/in/daniel-robbins-p-e-58a37bb/>>[Glassdoor]<<https://www.glassdoor.com/Overview/Working-at-GEI-Consultants->

EI_IE263845.11,26.htm>[vCard]<<https://dynasend.com/signatures/vcard/drobbins-at-geiconsultants.com.vcf>>

65% DESIGN

**BID DOCUMENTS
AND
TECHNICAL SPECIFICATIONS**

FOR

**WELLFLEET HARBOR DREDGING –
AREA II
TOWN OF WELLFLEET,
MASSACHUSETTS**

**Prepared by
GEI Consultants, Inc.
124 Grove St., Suite 300
Franklin, MA 02038**

June 2022

65% DESIGN

TABLE OF CONTENTS

FRONT END SPECIFICATIONS

Division 00 Bidding and Contract Requirements

Section 00 01 00	Invitation for Bid
Section 00 04 00	Information for Bidders
Section 00 30 00	Bid Form
Section 00 50 00	Agreement
Section 00 55 00	Certificate of Bidder Regarding Equal Employment Opportunity
Section 00 56 00	Certificate of Compliance with Tax Laws
Section 00 57 00	Certificate of Non-Collusion
Section 00 58 00	Corporate Signatory Authorization
Section 00 61 00	Construction Performance Bond
Section 00 62 00	Construction Payment Bond
Section 00 65 00	Certificate of Insurance
Section 00 70 00	General Conditions
Section 00 80 00	Special Conditions

TECHNICAL SPECIFICATIONS

Division 01 General Requirements

<u>Section No.</u>	<u>Description</u>
Section 01 11 00	Summary of Work
Section 01 14 00	Work Restrictions
Section 01 18 00	Utility Protection
Section 01 20 00	Price and Payment Procedures
Section 01 30 00	Administrative Requirements
Section 01 33 00	Submittal Procedures
Section 01 35 00	Health and Safety Requirements
Section 01 41 00	Regulatory Requirements - Permits
Section 01 50 00	Temporary Facilities and Controls
Section 01 77 00	Closeout Procedures

Division 35 Waterway and Marine Construction

<u>Section No.</u>	<u>Description</u>
Section 35 12 13	Marine Signaling Equipment
Section 35 20 23	Dredging by Mechanical Method
Section 35 20 23.13	National Dredge Quality Management Program Scow – Monitoring Profile

65% DESIGN

ATTACHMENTS

Attachment
Attachment A
Attachment B
Attachment C

Description

Drawings

Prevailing Wage Rates

Regulatory Permits

- Expanded Environmental Notification Form Certificate
- Order of Conditions
- MESA Conservation Management Permit (CMP)
- MESA CMP Amendment
- MassDEP Combined Chapter 91/401 WQC
- CZM Federal Consistency Review
- MEPA Final Record of Decision
- Suitability Determination
- US Army Corps of Engineers (Pending)
 - Area 1 ACOE Permit attached for reference

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SECTION 00 01 00 INVITATION FOR BID

TOWN OF WELLFLEET WELLFLEET, MASSACHUSETTS WELLFLEET HARBOR DREDGING – AREA II

INVITATION FOR BIDS

Sealed Bids for the Dredging of Wellfleet Harbor – Area II will be received by the Town of Wellfleet at Wellfleet Town Hall, 300 Main Street, Wellfleet, MA 02667 until 2:00PM local time on Wednesday June 29, 2022 at which time the Bids received will be publicly opened and read. Such Bids shall be addressed to the Town Administrator and endorsed "BID FOR WELLFLEET HARBOR DREDGING – AREA II". The project consists of dredging sediment from the area known as Area II or South Mooring Field within Wellfleet Harbor adjacent to the Federal Channel. Dredged sediment will be disposed of at the Cape Cod Bay Disposal Site.

It is estimated that 100,000 cubic yards of sediment will be dredged in 2022, additional quantity may be added based on availability of funds. All dredging work must be completed within the time of year restrictions established for the project of October 1 to December 31 of a given calendar year.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis, with bid items as indicated in the Bid Form.

The project is subject to MA Prevailing Wage Rates.

The project is partially funded by the Commonwealth of Massachusetts and subject to MassDOT prequalification. Class of Work – Dredging.

The Issuing Office for the Bidding Documents is: the Town of Wellfleet, MA, 300 Main Street, Wellfleet, MA 02667. Prospective Bidders may obtain copies of the Bidding Documents from the Issuing Office as described below.

Bidding Documents will be available starting on Wednesday June 15th, 2022 and may be ordered electronically by registering with the Issuing Office at <https://www.wellfleet-ma.gov/bid-invitations>. Following registration, complete sets of Bidding Documents may be downloaded from the Issuing Office's website as "zipped" portable document format (PDF) files. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of the Bidding Documents will not be available from the Issuing Office.

A non-mandatory pre-bid conference will be held at 09:00AM local time on Friday June 17th, 2022 at the Wellfleet Harbormaster's Office, 255 Commercial Street, Wellfleet, MA. The project site is accessible and can be viewed at any time.

INVITATION FOR BID 00 01 00-1

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All questions by prospective bidders as to any information contained within this bid package must be submitted in writing or email to William Sullivan, Harbormaster, Town of Wellfleet, 255 Commercial Street, Wellfleet, MA 02667, or William.Sullivan@wellfleet-ma.gov, by 12:00PM local time on Wednesday June 22nd, 2022.

No oral interpretations will be made to any potential respondent as to the meaning of any requirements specified within this Invitation for Bids. In preparing its proposal, the Contractor shall rely only on what has been communicated in writing, and no oral communication shall become the basis for any subsequent protest of the selection process. No questions, written or emailed, will be answered after the deadline indicated.

If any changes are made to this invitation for bids, an addendum will be issued. Addenda will be emailed to all bidders on record as having picked up the invitation for bids package from the issuing office.

The Town reserves the right to waive any informalities and to reject any or all bids if it be in the public interest to do so in accordance with G.L. c. 30, §39M(b).

All bid prices submitted in response to this invitation for bids must remain firm for sixty-five (65) calendar days following the bid opening. The award is subject to availability of sufficient funding and receipt of permits. If an award of a contract is made, it will be made prior to September 1st, 2022 unless otherwise agreed with the successful general bidder.

All bids for this project shall be made in good faith, and without collusion or fraud, and are subject to the provisions of Massachusetts General Laws, Chapter 30B, as amended.

--- END OF SECTION ---

INVITATION FOR BID
00 01 00-2

65% DESIGN

SECTION 00 04 00 INFORMATION FOR BIDDERS

1.0 RECEIPT AND OPENING OF BIDS:

- 1.1 The Town of Wellfleet, MA, herein called the Awarding Authority or Owner, will receive sealed Bids for the dredging of Area II, disposal of dredged material, and all associated work.
- 1.2 Such Bids, addressed to the Town Administrator and endorsed "BID FOR WELLFLEET HARBOR DREDGING-AREA II" will be received at Wellfleet Town Hall, located at 300 Main Street, Wellfleet, Massachusetts 02667 until **2:00 PM on Wednesday, June 29th, 2022.**
- 1.3 No bids received after the time and date established herein for the opening of bids shall be accepted or considered, regardless of the cause for delay in the receipt of such bids. Said bids will be returned to the bidder, unopened at the time of receipt.

2.0 BID FORM:

- 2.1 Each Bid shall be submitted on the required BID FORM. The BID FORM shall be removed and submitted separately. All blank spaces for BID PRICES must be filled in with the lump sum or unit price for which the Bid is made.
- 2.2 Bid Forms must be completed in ink or by typewriter. The Bid Price for each item on the form shall be stated in words and figures. Discrepancies between the words and figures will be resolved in favor of the words. Discrepancies between the indicated sum of any column and the correct sum of any column will be resolved in favor of the correct sum.
- 2.3 Each Bidder must complete and submit the form, "Certification of Bidder Regarding Equal Employment Opportunity" with their bid.
- 2.4 A Bid which includes a Bid Price for any item which is either abnormally low or high may be rejected as unbalanced.

3.0 BID DEPOSIT:

- 3.1 A bid deposit of each Bid submitted by bidders filing bids in accordance with the required procedure shall be accompanied by a bid deposit in the form of a bid bond, or cash, or a certified check, or a treasurer's or cashier's check issued by a bank or trust company for the amount of 5 percent based on the Base Bid and.
- 3.2 All bid deposits except those of the three lowest responsible and eligible bidders shall be returned within five (5) days, Saturday, Sunday and Legal Holidays excluded, after the opening of Bids. The three deposits held shall be returned upon execution and delivery of the general contract; except that if the selected general bidder fails to

INFORMATION FOR BIDDERS

00 04 00-1

65% DESIGN

execute a contract and furnish the required bonds and insurance certificates, the bidders deposit shall become the property of the Awarding Authority as liquidated damages in an amount not to exceed the difference between the bidder's bid price of the next lowest responsible bidder.

- 3.3 In case of death, disability, or other unforeseen circumstances affecting the bidder, such bid deposit may be returned.
- 3.4 After execution of the Contract and acceptance of the bonds by the Owner, the bid deposit accompanying the proposal of the successful bidder will be returned.
- 3.5 All bid deposits will be returned on the execution of a Contract, or if no award is made within sixty-five (65) days after the date of opening thereof, unless forfeited under the conditions stipulated above.

4.0 COMPARISON OF BIDS:

- 4.1 Bids will be compared on the basis of the quantities and unit and lump sum prices stated in the Bid. Award will be made for the Base Bid, pending the funding of the work.
- 4.2 In the event of a discrepancy between the written and numerical figures in the lump sum prices, the written figures shall govern.
- 4.3 In the event of a tie for lowest bid, the Town reserves the right to go to a "Second Heat" procedure between the tied lowest bidders as suggested by the State Inspector General's Office.

5.0 WITHDRAWAL OF BIDS:

Any bid may be withdrawn prior to the opening of bids. However, bidders may not withdraw or modify their bids for a period of sixty-five (65) calendar days, following the opening of bids.

6.0 ADDENDA AND INTERPRETATIONS:

All questions by prospective bidders as to any information contained within this bid package must be submitted in writing or email to William Sullivan, Harbormaster, Town of Wellfleet, 255 Commercial Street, Wellfleet, MA 02667, or William.Sullivan@wellfleet-ma.gov, by 12:00pm local time on Wednesday June 22nd, 2022.

No oral interpretations will be made to any potential respondent as to the meaning of any requirements specified within this Request for Bids. In preparing its proposal, the Contractor shall rely only on what has been communicated in writing, and no oral communication shall become the basis for any subsequent protest of the selection process. No questions, written or emailed, will be answered after the deadline indicated.

INFORMATION FOR BIDDERS

00 04 00-2

65% DESIGN

7.0 DELETIONS FROM CONTRACT:

The Awarding Authority reserves the right, prior to award of contract, to delete any portion of the Contractor's work and to adjust the quantities of work at any time.

8.0 EXAMINATION:

By submitting a bid, the bidder warrants that they have thoroughly examined the specifications and are fully acquainted with all conditions and restrictions pertaining to the bid items. No claim for any extra work or extension of time will be allowed for failure to observe this requirement. Conditional bids will not be accepted.

9.0 CONTRACT TIME:

All work of the Contract, excluding final payment only, must be completed within the time frame indicated in the contract specifications. Failure to complete the work in that time period will result in the assessment of liquidated damages in the amount specified therein.

10.0 PAYMENT BOND, PERFORMANCE BOND, AND INSURANCE:

10.1 The payment bond shall be for the full contract price and shall be furnished by the company awarded the contract. The payment bond shall be issued by a surety qualified to do business under the laws of the Commonwealth of Massachusetts and satisfactory to the Awarding Authority.

10.2 The selected bidder shall provide a Performance Bond to be for the full contract price at the time of execution of the contract.

10.3 The selected bidder shall maintain such insurance as will protect it from claims under the workmen's compensation acts and claims for bodily injury, death, or property damage which may arise from the performance of its service under this project. The bidder shall maintain proper liability insurance coverage in the amounts specified within Article VI of Section 00 70 00, GENERAL REQUIREMENTS. The Town may request the bidder to furnish evidence of any or all insurance coverage at the award of contract or at any time through the contract period.

11.0 ABILITY AND EXPERIENCE:

11.1 The Awarding Authority will not award a contract to any bidder who cannot furnish satisfactory evidence of their ability and experience in this type of work and that they have sufficient manpower to enable them to execute and complete the work within the given time period.

11.2 The bidder shall submit an experience list of similar size and type of projects with the bid, including Owner's name and contact information.

11.3 The Awarding Authority may make such investigations as it deems necessary to determine the above and a bidder shall furnish any information requested in this regard

INFORMATION FOR BIDDERS

00 04 00-3

65% DESIGN

and shall furnish the same under oath if required.

12.0 RIGHTS OF THE AWARDING AUTHORITY

- 12.1 The Awarding Authority may reject, as informal, bids that are incomplete, conditional, or obscure or that contain additions or erasures that are not initialed or other irregularities.
- 12.2 The Awarding Authority reserves the right to reject any and all bids as may be in the best interest of the Town of Wellfleet, MA.

13.0 EXECUTION OF THE AGREEMENT:

- 13.1 Within fifteen (15) days of the receipt of agreement signed by the successful bidder and receipt of acceptable bonds, the Awarding Authority shall sign the Agreement and return a duplicate of the executed Agreement to the Contractor.
- 13.2 A Notice to Proceed shall be issued by September 10th, 2022. This time may be extended by mutual agreement by the Awarding Authority and the Contractor.

14.0 NON-DISCRIMINATION IN EMPLOYMENT:

- 14.1 A contract for work under this proposal shall obligate the Contractor or subcontractor not to discriminate in employment practices.
- 14.2 Bidders must, if requested, submit compliance reports concerning their employment practices and policies in order to maintain their ability to receive award of contract. Bidders must, if requested, submit a list of all subcontractors who will perform work on this contract together with a signed "Certification of Bidder Regarding Equal Employment Opportunity".

15.0 CONTRACTORS RECORDS

The Contractor shall retain their records for at least six (6) years after final payment. During this six (6) year period, the Owner, the Inspector General or any authorized representative of the grantor agency, if applicable, shall have the right to inspect these records.

16.0 CONFLICT BETWEEN SPECIFICATIONS:

Wherever a conflict exists between this specification and Commonwealth of Massachusetts laws, rules, or regulations, the laws or rules or regulations of the Commonwealth of Massachusetts prevail.

17.0 LAWS AND REGULATIONS:

The Bidders attention is directed to the fact that all applicable Federal, State, and municipal laws, regulations and ordinances shall apply to the contract as though they were written out in full.

INFORMATION FOR BIDDERS

00 04 00-4

65% DESIGN

18.0 METHOD OF AWARD:

- 18.1 The bid award will be made to the responsible and responsive bidder offering the most advantageous bid provided that such bid does not exceed the amount of funds available to finance such a contract.
- 18.2 If the lowest Bidder exceeds the amount of available funds, The Town reserves the right to negotiate with the lowest qualified bidder.

19.0 SEVERABILITY:

If any provision of this Agreement or portion of such provision or application thereof to any person, entity, or circumstances is held invalid, the remainder of the Agreement (or remainder of such provision) and the application of other persons, entities or circumstances shall not be affected thereby so long as such remaining or modified provisions reflect the intent of the parties.

20.0 MINORITY PROCUREMENT GOALS:

Under Massachusetts Executive Order 237, it is the policy of the Commonwealth to promote to the fullest participation of all citizens in resources provided by municipal government. Therefore, the Town invites the participation of Minority and Woman-owned business in any and all parts of this Contact.

21.0 REFERENCES

Bidders must submit at least 5 references for which the bidder has performed a comparable service over the past 10 years, and any municipal references for which the bidder has performed comparable work over the past 10 years. A bid may be rejected on the basis of one or more references reporting poor past performance.

22.0 REQUIRMENTS

- 22.1 Bidder shall submit a detailed description of how they will approach dredging for Area II.
- 22.2 Bidder shall submit a detailed equipment list with bid.
- 22.3 Project contains the use of State issued funds. Bidder shall provide proof they are pre-qualified in the appropriate class by Massachusetts DOT.

--- END OF SECTION ---

INFORMATION FOR BIDDERS

00 04 00-5

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SECTION 00 30 00 BID FORM

The undersigned hereby declares to have carefully examined the annexed form of Contract, Specifications, and Drawings therein referred to and also the site upon which the projected work is to be performed. Also, included in the Bid Form is a table requiring information on the Bidder's qualifications.

- A. The undersigned proposes to furnish all labor and materials required for the "Wellfleet Harbor Dredging – Area II" in accordance with the Drawings and Specifications prepared by GEI Consultants, Inc., 124 Grove Street, Franklin, Massachusetts 02038, for the Contract Price specified below, subject to additions and deductions according to the terms of the Specifications.

Accompanying this Proposal is a bid deposit in the amount of 5% of the value of the Base Bid, which shall become the property of the Town of Wellfleet, MA (Owner) if, in case this Proposal shall be accepted by the said Owner, the undersigned shall fail to comply with the statutes as herein before specified, if it is a foreign corporation, or in any event fails to execute the Contract with, and give a bond to, said Owner, according to the requirements of the Notice to Contractor in the form annexed to said form of Contract, within the time hereinafter specified.

The undersigned also hereby declares to be the only person interested in this Proposal; that it is made without any connection with any other person making any bid for the same work; that no person acting for, or employed by the Owner is directly or indirectly interested in this Proposal, or in any Contract which may be made under it, or in expected profits to arise therefrom; and it is made without directly or indirectly influencing or attempting to influence any other person or corporation to bid or to refrain from bidding or to influence the amount of the bid of any other person or corporation; and that this Proposal is made in good faith, without collusion or connection with any other person bidding for the same work; and that this Proposal is made with distinct reference and relation to the Bid Documents prepared for this case, and herein mentioned.

- B. This bid will include any Addenda issued during the bid period.
- C. The bid prices are presented in the following schedule. The Bidder shall provide Unit and Total Prices for the project as follows.

BID FORM
00 30 00-1

65% DESIGN

THE OWNER SOLICITS THE FOLLOWING BIDS:

A. BASE BID

The Bidder agrees to perform all the Work described in the Contract Documents for the following prices:

B. BASE BID SCHEDULE

Brief Description of Item	Est. Quant.	Unit	Unit Price in Words	Unit Price in Figures	Total Amount in Figures
1. Mobilization (Item 1)	1	LS	_____ dollars and _____ cents	----	\$ _____
2. Dredging and Disposal (Item 2)	100,000	CY	_____ dollars and _____ cents	\$ _____	\$ _____
3. Debris (Item 3)	100	Tons	_____ dollars and _____ cents	\$ _____	\$ _____
4. Turbidity Curtain (Item 4)	2,000	LF	_____ dollars and _____ cents	\$ _____	\$ _____
TOTAL BASE BID PRICE:					\$ _____

TOTAL BASE BID PRICE WRITTEN IN WORDS:

_____ DOLLARS
_____ CENTS

65% DESIGN

C. ADD ALTERNATIVE 1 - ADDITIONAL DREDGING UNIT PRICE

The Bidder agrees to perform all the Work described in the Contract Documents for Additional Dredging Over 100,000 CY at the presented unit price.

D. ADD ALTERNATIVE 1 SCHEDULE

Brief Description of Item	Est. Quant.	Unit	Unit Price in Words	Unit Price in Figures
1. Dredging and Disposal (Add Alt Item 1)	1	CY	_____ dollars and _____ cents	\$

UNIT PRICE WRITTEN IN WORDS:

_____ DOLLARS
_____ CENTS

BID PROPOSAL INCLUDES ADDENDA NUMBER(S) _____

DESCRIPTION OF PAY ITEMS

Refer to Technical Specifications Section 01 20 00 – Price and Payment Procedures for descriptions of the work involved for each pay item

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BASIS OF CONTRACT AWARD:

The Town of Wellfleet, MA, Basis of Award will be determined by the available funding for the project and regulatory approvals. All Bidders will be first evaluated for award on the Base Bid to confirm the project is within the available funding. All Bidders will then be evaluated for award on the Base Bid to confirm the project is within the available funding.

The Town of Wellfleet, MA reserves the right to add additional funding to the project should it be in its best interest for maximizing the construction for the available funding.

- A. The undersigned agrees that, if he/she is selected as Contractor, he/she will within five (5) calendar days, after presentation thereof by the Owner, execute the Contract in accordance with the terms of this bid and furnish a performance bond and a payment bond for the full amount of the Contract Price, each with a Surety company qualified to do business under the laws of the Commonwealth and satisfactory to the Owner, the premiums for which are to be paid by the Contractor and are included in the Contract Price.
- B. The bidder hereby certifies that in the event he/she is awarded the Contract he/she shall comply with the minority manpower ratio and all specific action steps contained in the State of Massachusetts Equal Employment Opportunity Anti-Discrimination and Affirmative Action Programs.
- C. The undersigned hereby certifies that he/she is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on this work.
- D. The undersigned further certifies under penalties of perjury that this bid is in all respects bona fide, fair, and made without collusion or fraud with any other person. As used in this subsection, the word "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.
- E. I hereby certify that I have been informed that this project is sales tax exempt. I further certify that the bid prices contained herein do not include any calculations for sales tax.

Date: _____
(Name of General Bidder)

By _____

(Print Name as Signed Above)

(Title)

(Business Address)

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Note: If the bidder is a corporation, indicate State of incorporation; if a partnership, give full names and addresses of all partners; and if an individual, give residential address if different from business address. Incorporated in what State: _____

President:

Treasurer:

Secretary

If a Partnership: (Name all Partners)

Name of Partner:

Residence:

Name of Partner:

Residence:

If an Individual:

Name:

Residence:

If an Individual doing business under a firm name:

Name of Firm:

Name of Individual:

Business Address:

Residence:

The bidder will give below the name and address of the Surety Company who will sign the bonds.

65% DESIGN

BIDDER'S QUALIFICATION

The Bidder is required to state below work he/she has done of a character similar to that of the work included in the proposed contract and to give references that will enable the Owner to judge his/her experience and skills to successfully undertake this project.

Project/Amount	Description	Contact	Completion Date
1.			
2.			
3.			

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Project/Amount	Description	Contact	Completion Date
4.			
5.			

--- END OF SECTION ---

BID FORM
00 30 00-7

65% DESIGN

SECTION 00 50 00 AGREEMENT

THIS AGREEMENT made as of the ___ day of _____ in the year 2022 by and between the Town of Wellfleet, Massachusetts hereinafter called OWNER, and _____ with legal address and principal place of business at _____, hereinafter called CONTRACTOR. OWNER and CONTRACTOR in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK

1.1 CONTRACTOR shall perform the Work as specified or indicated in the Contract Documents.

ARTICLE 2. ENGINEER

2.1 The Project has been designed by GEI Consultants, Inc., 124 Grove Street Suite 300, Franklin, MA 02038 who will act as ENGINEER in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

- 3.1 The Contract Time shall be until no later than December 31, 2022 for completion of all work. Work shall commence within TEN (10) CALENDAR DAYS following the effective date of this Agreement. In water work shall commence October 1, 2022
- 3.2 CONTRACTOR agrees that the Work shall be prosecuted regularly, diligently, and uninterruptedly and at such a rate of progress as will ensure full completion thereof within the Contract time stated above. It is expressly understood and agreed, by and between CONTRACTOR and OWNER, that the Contract Time is reasonable for the completion of the Work, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.

ARTICLE 4. CONTRACT PRICE

- 4.1 OWNER will pay CONTRACTOR for performance of the Work, in accordance with the Contract Documents in current funds at the Bid Price agreed upon in the CONTRACTOR's Bid Form attached to this Agreement.
- 4.2 The CONTRACTOR agrees to perform all extra work resulting in change orders at a Direct Labor Cost percentage as defined herein, or by mutually agreed lump sum basis.

ARTICLE 5. APPLICATIONS FOR PAYMENT

- 5.1 CONTRACTOR shall submit Applications for Payment in accordance with the Schedule indicated by the agreed Bid Form.

AGREEMENT
00 50 00-1

65% DESIGN

ARTICLE 6. PROGRESS AND FINAL PAYMENTS

- 6.1 OWNER will make progress and final payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER and approved by the OWNER, monthly during construction.

ARTICLE 7. LIQUIDATED DAMAGES

- 7.1 OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss and inconvenience if the Work is not completed within the Contract Time specified in Article 3 above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving, in a legal or arbitration proceeding, the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER \$0.00 per day for each calendar day of delay until the Work is completed.

ARTICLE 8. ASSURANCE

- 8.1 CONTRACTOR has familiarized themselves with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and Federal, State and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.
- 8.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon by ENGINEER in the preparation of the Drawings and Specifications.
- 8.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in the above paragraph as he deems necessary for the performance of the Work at the Contract Price within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by him for such purposes.
- 8.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
- 8.5 CONTRACTOR has given ENGINEER written notice of any conflict, error or discrepancy that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

AGREEMENT

00 50 00-2

65% DESIGN

- 8.6 CONTRACTOR agrees that the Contract Documents are sufficient in scope and detail to indicate and convey understanding of all terms and conditions for performance of the work.
- 8.7 Contractor agrees that all disputes occurring outside of the terms herein shall be determined in accordance with the "Standard General Conditions of the Construction Contract", prepared by Engineers Joint Contract Documents Committee and issued and published jointly by the National Society of Professional Engineers and the Construction Specifications Institute, and endorsed by The Associated General Contractors of America.

ARTICLE 9. CONTRACT DOCUMENTS

- 9.1 The Contract Documents which comprise the Contract between OWNER and CONTRACTOR are attached hereto and made a part hereof and consist of the following:

- 9.1.1 Notice to Bidders.
- 9.1.2 Information for Bidders
- 9.1.3 Bid Form.
- 9.1.4 This Agreement.
- 9.1.5 Certificate of Bidder Regarding Equal Employment Opportunity
- 9.1.6 Certification of Compliance with Tax Laws
- 9.1.7 Certificate of Non-Collusion
- 9.1.8 Corporate Signatory Authorization
- 9.1.9 Construction Performance Bond, and Construction Payment Bond, and any other required Bonds.
- 9.1.10 Certificate of Insurance.
- 9.1.11 Specifications (as listed in Table of Contents).
- 9.1.12 Drawing numbered SHEETS 1 of 5 through 5 of 5, inclusive.
- 9.1.13 Addenda numbers _____ to _____, inclusive.
- 9.1.14 Any modification, including Change Orders, duly delivered after execution of Agreement.

AGREEMENT
00 50 00-3

65% DESIGN

ARTICLE 10. MISCELLANEOUS

- 10.1 Neither OWNER nor CONTRACTOR shall, without the prior written consent of the other, assign or sublet in whole or in part his interest under any of the Contract Documents; and, specifically but without limitation, CONTRACTOR shall not assign any monies due or to become due without the prior written consent of OWNER. In case the Contractor assigns all or any part of any monies due or to become due under this Contract, the instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in and to any monies due or to become due to the Contractor shall be subject to prior claims of all persons, firms and corporations for services rendered or materials supplied for the performance of the Work called for in this Contract.
- 10.2 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 10.3 The Contract Documents constitute the entire agreement between OWNER and CONTRACTOR and may only be altered, amended or repealed by a Modification.
- 10.4 Any conflicts between the duties, authority and responsibilities of the Engineer as stated in this Agreement and the Engineering Agreement shall be governed by the Engineering Agreement.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement in sextuple. Four copies each have been delivered to OWNER, and one copy each to CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

AGREEMENT
00 50 00-4

65% DESIGN

This Agreement shall become effective on _____, 2022.

OWNER

CONTRACTOR

BY

BY

(CORPORATE SEAL)

(CORPORATE SEAL)

Attest

Attest

Address for giving notices

Address for giving notices

As required by Chapter 693 of the Acts of 1964 (M.G.L. Chapter 44 Section 31c), this is to certify that the Town of Wellfleet has an appropriation which is adequate to cover the cost of this contract and that the Officer executing the contract on behalf of the Town is authorized to do so.

Date

Signed

Date

Signed

Note: If CONTRACTOR is a corporation, a current and valid certificate of corporate vote must be supplied when the Contract is signed indicating that the person signing same has the authority to do so, holds the office identified and a further certification by the clerk that said vote has not been rescinded, changed or modified if the vote is not current as of the date of signing.

--- END OF SECTION ---

AGREEMENT

00 50 00-5

65% DESIGN

SECTION 00 55 00

CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

MUST BE SUBMITTED WITH BID FORM

Instructions

This certificate is required pursuant to Executive Order 11246 (30 F.R. 12319-25). The implementing rules and regulations provide that any bidder or prospective CONTRACTOR, or any of their proposed SUBCONTRACTORS, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause, and if so, whether it has filed all compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

Certification by Bidder

Name and Address of Bidder (include zip code)

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause. Yes___No___
2. Compliance reports were required to be filed in connection with such contract or subcontract. Yes___No___
3. Bidder has filed all compliance reports due under applicable instructions, including Monthly Employment Utilization Report (257). Yes___No___
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended? Yes___No___

Name and Title of Signer (please type)

Signature _____ Date _____

--- END OF SECTION ---

CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

00 55 00-1

65% DESIGN

**SECTION 00 56 00
CERTIFICATE OF COMPLIANCE WITH TAX LAWS**

MUST BE SUBMITTED WITH BID FORM

I, _____ of _____, certify under
(principal) (corporation)
pains and penalties of perjury that said corporation has complied with all the laws of the
Commonwealth of Massachusetts relating to taxes.

(date)

(signature)

(title)

Federal Tax Identification Number

--- END OF SECTION ---

**CERTIFICATE OF COMPLIANCE WITH TAX LAWS
00 56 00-1**

65% DESIGN

SECTION 00 57 00 CERTIFICATE OF NON-COLLUSION

MUST BE SUBMITTED WITH BID FORM

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

By: _____ Duly
Authorized Individual

Name of Business

Address

Date

--- END OF SECTION ---

CERTIFICATE OF NON-COLLUSION
00 57 00-1

65% DESIGN

SECTION 00 58 00 CORPORATE SIGNATORY AUTHORIZATION

IF APPLICABLE, SUBMIT WITH BID FORM

If the Bidder is a corporation, complete the following certification: At a duly authorized meeting of the Board of Directors of the

_____ held on _____
(Name of Corporation) (Date)

at which all the Directors were present or waived notice, it was

VOTED that, _____
(Name) (Officer)

of this company is authorized to execute contracts and bonds in the name and behalf of said company, and affix its corporate seal thereto, and such execution of any contract or obligation in this company's name on its behalf by such _____ of the
(Officer)
company, shall be valid and binding upon this company.

I hereby certify that I am the Clerk of the _____

that _____ is the duly elected _____
(Officer)

of said company, and that the above vote has not been amended or rescinded and remains in full force and effect as of the date of the Contract.

A true copy,

Attest _____
(Clerk)

Place of Business _____ (Corporate Seal)

--- END OF SECTION ---
CORPORATE SIGNATORY AUTHORIZATION
00 58 00-1

65% DESIGN

SECTION 00 61 00 CONSTRUCTION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we _____

_____ a _____
(Name of Contractor) (Corporation, Partnership, Joint Venture or Individual)

hereinafter called "Principal" and _____
(Surety)

of _____ hereinafter
(Address) (City, State, Zip Code)

called the "Surety" and licensed by the State Division of Insurance to do business under the laws of the Commonwealth of Massachusetts, are held and firmly bound to the Town of Wellfleet, Massachusetts, hereinafter called "Owner", in the penal sum of

_____ Dollars
(\$ _____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that Whereas, the Principal entered into a certain contract with the Owner, dated the _____ day of _____, 2022, a copy of which is hereto attached and made a part hereof for the construction described as follows:

Wellfleet Harbor Dredging – Area II

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

**PERFORMANCE BOND
SECTION 00 61 00-1**

65% DESIGN

IN WITNESS WHEREOF, this instrument is executed in six (6) counterparts, each one of which shall be deemed an original, this the _____ day of _____, 2022.

ATTEST:

(Principal Secretary)

Principal

By _____

(Address-Zip Code)

(SEAL)
Witness as to Principal

(Address-Zip Code)

ATTEST:

Surety

By _____
(Attorney-in-Fact)

(Address-Zip Code)

(SEAL)
Witness as to Surety

(Address-Zip Code)

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners should execute Bond.

--- END OF SECTION ---
PERFORMANCE BOND
SECTION 00 61 00-2

65% DESIGN

SECTION 00 62 00 CONSTRUCTION PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That we _____
(Name of Contractor)
a _____, hereinafter called "Principal" and
(Corporation, Partnership, Joint Venture or Individual)

_____ of _____,
(Surety) (City/Town) (State)

called the "Surety" and licensed by the State Division of Insurance to do business under the laws of the Commonwealth of Massachusetts, are held and firmly bound to the Town of Wellfleet, Massachusetts, hereinafter called "Owner", in the penal sum of

_____ (In Words)
Dollars (\$ _____) in lawful
money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that Whereas, the Principal entered into a certain contract with the Owner, dated the _____ day of _____, 2022, a copy of which is hereto attached and made a part hereof for the construction described as follows:

Wellfleet Harbor Dredging – Area II Wellfleet, Massachusetts

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, diesel fuel, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums on said work, and for all labor, performed in such work whether by subcontractor or otherwise, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in six (6) counterparts, each one

**PAYMENT BOND
SECTION 00 62 00-1**

65% DESIGN

of which shall be deemed an original, this the _____ day of _____, 2022.

ATTEST:

(Principal Secretary)

By _____
Principal

(Address-Zip Code)

(SEAL)
Witness as to Principal

(Address-Zip Code)

ATTEST:

By _____
Surety
(Attorney-in-Fact)

(Address-Zip Code)

(SEAL)
Witness as to Surety

(Address-Zip Code)

NOTE: If Contractor is a Partnership, all partners should execute Bond.

--- END OF SECTION ---

**PAYMENT BOND
SECTION 00 62 00-2**

65% DESIGN

SECTION 00 65 00

CERTIFICATE OF INSURANCE

This is to certify that the _____ (Company) has issued the policies listed below, that these policies are written in accordance with the Company's standard policies and endorsements, except as indicated below or as noted in the attachments hereto, which policies and endorsements will be made available to OWNER upon request, that they provide coverage and limits of liability shown with respect to the insurance indicated, that they are in force on this date, that all deductible amounts are indicated below, and that this Certificate is furnished in accordance with and for the purpose of satisfying the requirements of OWNER in connection with the award and performance of a contract or agreement between the Town of Wellfleet, MA (OWNER) and

1. Name of Insured _____
2. Address of Insured _____
3. Location and Description of Work _____

Project Contract No. _____

Coverage and Limits of Liability
(at least as shown below)

Policy No.	Effective Date	Expiration Date	Coverage and Limits of Liability	
			Bodily Injury Liability	Property Damage Liability

INSURANCE REQUIREMENTS

- A. The General Contractor shall purchase and maintain such insurance as will protect him from claims under worker's compensation acts and from claims for damages because of bodily injury, including death, and property damage which might arise from and during operations under this contract, whether such operations be by himself or by a Subcontractor or anyone directly or indirectly employed by either of them.
- B. Contractor shall not commence work under this Contract until he has obtained all insurance required herein nor until such insurance has been approved by the Owner. Contractor shall not allow any Subcontractor to commence work until the insurance required of the Subcontractor has been obtained and approved.

CERTIFICATE OF INSURANCE
SECTION 00 65 00-1

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- C. Subcontracts: Contractor shall either (1) require each Subcontractor to procure and to maintain during the life of his Subcontract, Subcontractor General Liability and Property Damage Insurance of same type and in such manner as specified herein, or (2) Insure activities of his Subcontractors on his own policy.
- D. All insurance required by this Document shall be provided by a Best "A+ VIII" rated company, or companies, authorized to do business in the Commonwealth of Massachusetts and satisfactory to the owner and shall be written for not less than any limits of liability specified herein, or required by law, whichever is greater.
- E. Certificates: Certificates of Insurance acceptable to the Owner shall be submitted in triplicate to the Owner simultaneously with the execution of the Contract. Certificates shall indicate that broad form Contractual Liability coverage is in force, as well as deletions of the XCU exclusions. Certificates shall contain a provision that the insurance company will notify the Owner by registered mail at least (60) calendar days in advance of any cancellation, non-renewal, change or expiration of the policies. Certificates shall include description of coverage, effective dates and expiration dates of policies and shall clearly indicate all exclusions (other than standard policy form exclusions contained in the basic policy) which will be added to the policies provided.
- F. Deductibles: In the event of paid claims, Contractor shall bear costs of any amounts deductible.
- G. The Owner shall be named as additional insured under all policies.
- H. Before any blasting is done, Contractor shall present evidence that blasting damage is included in his insurance coverage.

COVERAGE AND LIMITS

A. Workers' Compensation Insurance:

The Contractor shall maintain and cause all subcontractors and lower tier contractors to maintain Workers Compensation and Employers Liability Insurance in accordance with the law and regulations of the Commonwealth of Massachusetts. The limits of liability provided shall be as follows:

Coverage A:	Statutory
Coverage B:	\$500,000/\$500,000/\$500,000

CERTIFICATE OF INSURANCE SECTION 00 65 00-2

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B. Contractor's Liability Insurance

The Contractor shall purchase and maintain Commercial General Liability Insurance and cause all subcontractors and lower tier contractors to maintain the same throughout the term of the Work. Commercial General Liability Insurance must comply with all applicable broad form endorsements. Such insurance shall be on the 1986 standard insurance Service Office occurrence coverage form (or any later amendments or revisions thereto).

Limits of liability to be provided shall be as follows:

Bodily Injury and Property Damages	\$1,000,000
Personal Injury and Advertising Injury	\$1,000,000
General Aggregate	\$2,000,000
Products/Completed Operations Aggregate	\$2,000,000
Medical Payments	\$ 10,000

Coverage shall specifically include blanket contractual liability covering Contractor's indemnity obligations as contained in this Document. The Town of Wellfleet, MA must be added as an additional Insured as their interest may appear.

C. Business Automobile Liability:

The Contractor shall maintain and cause all subcontractors and lower tier contractors to maintain business automobile liability insurance covering all owned, non-owned, leased, rented and hired automobiles (symbol 1). The limits of liability shall be as follows:

Bodily Injury and Property Damage: \$1,000,000 per occurrence

Automobile physical damage coverage shall be at the option of the Contractor, all subcontractors and lower tier contractors. The Owner shall not be liable for physical loss or damage to any owned, non-owned, leased, rented or hired automobile.

The Town of Wellfleet, MA must be added as an additional insured as their interest may appear.

D. Umbrella or Excess Liability

Umbrella or Excess Liability shall be provided in excess of the primary limits of liability required above. Coverage shall be at least as broad as provided in the primary coverage required. The limits of liability to be provided shall be as follows:

CERTIFICATE OF INSURANCE
SECTION 00 65 00-3

65% DESIGN

\$2,000,000 per occurrence Bodily Injury and Property Damage
\$2,000,000 per occurrence Personal Injury and Advertising Injury
\$2,000,000 General Aggregate
\$2,000,000 Products and Completed Operations Aggregate

Coverage shall specifically include blanket contractual liability covering Contractor's indemnity obligations as contained in this Document. The Town of Wellfleet, MA must be added as an additional Insured as their interest may appear.

D. Builder's Risk Insurance

The Contractor shall provide Builder's Risk Insurance for "All Risks" and shall provide coverage for the buildings and structures that are not specified to be removed, and the additions to any structures. Such coverage will include all structure additions and materials used for the Work while at the construction site or on route to the construction site. The amount of Builder's Risk Coverage will equal the total cost of the construction project.

INDEMNIFICATION

The Contractor shall take responsibility for the work and take all precautions for preventing injuries to persons and property in or about the work and shall bear all losses resulting to it on account of amount or character of the work. The Contractor shall pay or cause payment to be made for all labor performed or furnished and for all materials used or employed in carrying out the Contract. The Contractor shall assume the defense of, and indemnify and save harmless, the Engineer, the Owner, and their officers and agents from all claims relating to labor performed or furnished and materials used or employed for the work: to inventions, patents and patent rights used in and in doing the work unless injuries to any person or corporation received or sustained by or from the Contractor and its employees, and subcontractors and employees, in doing the work, or in consequence of any improper materials, implements or labor used or employed therein; and to any act, omission or neglect of the Contractor and its employees therein.

PERFORMANCE AND PAYMENT BONDS

The Contractor shall provide the Owner with a performance bond and a labor and materials or payment bond executed by a surety company licensed by the Commonwealth of Massachusetts.

--- END OF SECTION ---

CERTIFICATE OF INSURANCE
SECTION 00 65 00-4

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SECTION 00 70 00 **GENERAL CONDITIONS**

Index

ARTICLE I	-	GENERAL
ARTICLE II	-	DEFINITIONS
ARTICLE III	-	INTERPRETATION OF CONTRACT
ARTICLE IV	-	DRAWINGS AND SPECIFICATIONS
ARTICLE V	-	NOT TO SUBLET OR ASSIGN
ARTICLE VI	-	INSURANCE REQUIREMENTS
ARTICLE VII	-	ALTERATIONS OF WORK
ARTICLE VIII	-	EXTRA WORK
ARTICLE IX	-	PAYMENTS
ARTICLE X	-	GUARANTEE
ARTICLE XI	-	RIGHT OF THE OWNER TO TERMINATE CONTRACT
ARTICLE XII	-	DISPUTED WORK, DETERMINATION OR ORDER
ARTICLE XIII	-	MINORITY PROCUREMENT GOALS
ARTICLE XIV	-	OSHA 10 TRAINING

65% DESIGN

SECTION 00 70 00 GENERAL CONDITIONS

ARTICLE I - GENERAL

- A. Every provision of this Contract shall have the same force and effect as if included and repeated in every division or subdivision of the Contract under which it may apply.
- B. Headings, letterings, and numbers of the various divisions and subdivisions of and in the Contract are intended for convenience of reference only and have no force or effect whatever on the intent of the Contract.

ARTICLE II - DEFINITIONS

Wherever the words defined in this Article or pronouns used in their stead occur in this Contract, they shall have the meanings here given.

- A. The words "Contract Documents" and "the Contract" shall mean this Contract and shall include Notice to Bidders, Information for Bidders, Proposal, Bid Bond, Agreement, Performance and Payment Bond, General Conditions, Special Conditions, Construction Specifications, Drawings, Addenda, Notice of Award, Notice to Proceed, the Change Orders. The Contract Documents represent the entire and integrated agreement between the Owner and the Contractor. The Contract shall not be construed to create any contractual relationship of any kind between the Engineer and the Contractor, but the Engineer shall be entitled to performance of obligations intended for his benefit and to enforcement thereof. Nothing in the Contract Documents shall create any contractual relationship between the Owner or the Engineer and any Subcontractor.
- B. The word "Owner" or "Project Sponsor" or "Awarding Authority," shall mean the Town of Wellfleet, MA.
- C. The word "State" shall mean the Commonwealth of Massachusetts.
- D. The word "Commonwealth" shall mean the Commonwealth of Massachusetts.
- E. The words "Approval of the Owner" or "Approved by the Owner," "Approval of the Engineer" or "Approved by the Engineer," shall mean approval in writing.
- F. The word "Contractor" shall mean the party termed as such by the Agreement, his/her heirs, executors, administrators, successors, or assigns as regards the obligations of the Contract.
- G. "Subcontractor." A person, firm, or corporation supplying labor and materials, or only labor, for work at the site of the project under separate Contract or agreement with the Contractor.

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- H. The word "Contract Drawings" or words of like effect shall mean the Drawings listed by that number and title herein.
- I. The words "as permitted," "as required," or words of like effect shall mean that the permission or requirement of the Engineer is intended; the words "approved," "acceptable," "satisfactory," or words of like import shall mean approved by, or acceptable to, or satisfactory to the Engineer - and the words "necessary," "suitable," "equal," or words of like import shall mean necessary, suitable, or equal in the opinion of the Engineer.
- J. The Owner is treated as if it were of singular number and neuter gender and the Contractor and the Engineer are treated as if each were of the singular number and masculine gender.
- K. The words "Notice to Proceed" shall mean a written notice to the Contractor of the date on which he is to begin the prosecution of the work for which he has contracted.
- L. Any communication to the Owner shall be addressed to the Town of Wellfleet, MA.
- M. The word "work" shall mean all performance, including the furnishing of materials, labor, tools, equipment and incidentals required of the Contractor under the terms of this Contract, including the transportation of the materials and supplies to or from the location of the project by employees of the Contractor and any subcontractor.

ARTICLE III - INTERPRETATION OF CONTRACT

The Contractor shall at his own proper cost and expense provide and do everything necessary to prepare for and perform everything required under the conditions and requirements of the Contract, and he hereby agrees that the Engineer shall in the first instance be the interpreter of the Contract Documents, and all the work contemplated and described therein shall be so done as to satisfy him that its intent is fulfilled. The Engineer shall promptly render impartial decision on all claims of either party against the other and on all other matters governed by this intent, including questions as to the execution and progress of the work, the quality and types of materials and workmanship, the suitability of methods, and costs and values. The determination and decision of the Engineer shall be final and binding on both parties and shall be a condition precedent to the right of the Contractor to receive any money hereunder, except as to those areas of disputed work covered under ARTICLE XII - DISPUTED WORK, DETERMINATION OR ORDER.

ARTICLE IV - DRAWINGS AND SPECIFICATIONS

The Owner will furnish to the Contractor, at no charge electronic copies of the Contract Drawings, and Contract Specifications. Hard copies of the Contract Drawings and Contract Specifications shall be provided at the Contractor's expense.

GENERAL CONDITIONS

00 70 00-2

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The Plans, Drawings, Specifications and other data and documents prepared for use in connection with this Contract are intended to be complementary to each other, but should any discrepancy appear or any misunderstanding arise as to the import of anything contained in them or any of them, except to those areas of disputed work covered by ARTICLE XII - DISPUTED WORK, DETERMINATION OR ORDER the explanation or decisions of the Engineer shall be final and binding on the parties hereto.

Any errors or omissions in Plans, Drawings or Specifications or in other data or documents may be corrected by the Engineer when such correction is necessary for the proper fulfillment of their intention as construed by him, such correction to govern only from the time that the Engineer gives notice in writing thereof to the Contractor.

The Contractor shall not take any advantage or make any claim for damages on account of any omission, discrepancy or error in any soundings, borings, estimates, schedules, specifications, drawings, plans, or other data or documents furnished him, but shall report same to the Engineer as soon as it comes to his knowledge.

ARTICLE V - NOT TO SUBLET OR ASSIGN

The Contractor shall keep the Contract under his control; and shall not assign, by power of attorney or otherwise, any portion of said work, or any moneys payable under the Contract or his claim thereto, unless by the previous approval of the Owner and the Surety. No part of this work shall be sublet except to parties skilled in and equipped properly for the same and satisfactory to the Engineer and approved by the Owner.

ARTICLE VI - INSURANCE REQUIREMENTS

- A. The General Contractor shall purchase and maintain such insurance as will protect him from claims under worker's compensation acts and from claims for damages because of bodily injury, including death, and property damage which might arise from and during operations under this contract, whether such operations be by himself or by a Subcontractor or anyone directly or indirectly employed by either of them.
- B. Contractor shall not commence work under this Contract until he has obtained all insurance required herein nor until such insurance has been approved by the Owner. Contractor shall not allow any Subcontractor to commence work until the insurance required of the Subcontractor has been obtained and approved.
- C. Subcontracts: Contractor shall either (1) require each Subcontractor to procure and to maintain during the life of his Subcontract, Subcontractor General Liability and Property Damage Insurance of same type and in such manner as specified herein, or (2) Insure activities of his Subcontractors on his own policy.

GENERAL CONDITIONS

00 70 00-3

65% DESIGN

- D. All insurance required by this Document shall be provided by a Best "A+ VIII" rated company, or companies, authorized to do business in the Commonwealth of Massachusetts and satisfactory to the owner and shall be written for not less than any limits of liability specified herein, or required by law, whichever is greater.
- E. Certificates: Certificates of Insurance acceptable to the Owner shall be submitted in triplicate to the Owner simultaneously with the execution of the Contract. Certificates shall indicate that broad form Contractual Liability coverage is in force, as well as deletions of the XCU exclusions. Certificates shall contain a provision that the insurance company will notify the Owner by registered mail at least (60) calendar days in advance of any cancellation, non-renewal, change or expiration of the policies. Certificates shall include description of coverage, effective dates and expiration dates of policies and shall clearly indicate all exclusions (other than standard policy form exclusions contained in the basic policy) which will be added to the policies provided.
- F. Deductibles: In the event of paid claims, Contractor shall bear costs of any amounts deductible.
- G. The Owner shall be named as additional insured under all policies.
- H. Before any blasting is done, Contractor shall present evidence that blasting damage is included in his insurance coverage.

COVERAGE AND LIMITS

A. Workers' Compensation Insurance:

The Contractor shall maintain and cause all subcontractors and lower tier contractors to maintain Workers Compensation and Employers Liability Insurance in accordance with the law and regulations of the Commonwealth of Massachusetts. The limits of liability provided shall be as follows:

Coverage A:	Statutory
Coverage B:	\$500,000/\$500,000/\$500,000

B. Contractor's Liability Insurance

The Contractor shall purchase and maintain Commercial General Liability Insurance and cause all subcontractors and lower tier contractors to maintain the same throughout the term of the Work. Commercial General Liability Insurance must comply with all applicable broad form endorsements. Such insurance shall be on the 1986 standard insurance Service Office occurrence coverage form (or any later amendments or revisions thereto).

GENERAL CONDITIONS

00 70 00-4

65% DESIGN

Limits of liability to be provided shall be as follows:

Bodily Injury and Property Damages	\$1,000,000
Personal Injury and Advertising Injury	\$1,000,000
General Aggregate	\$2,000,000
Products/Completed Operations Aggregate	\$2,000,000
Medical Payments	\$ 10,000

Coverage shall specifically include blanket contractual liability covering Contractor's indemnity obligations as contained in this Document. The Town of Wellfleet, MA must be added as an additional Insured as their interest may appear.

C. Business Automobile Liability:

The Contractor shall maintain and cause all subcontractors and lower tier contractors to maintain business automobile liability insurance covering all owned, non-owned, leased, rented and hired automobiles (symbol 1). The limits of liability shall be as follows:

Bodily Injury and Property Damage: \$1,000,000 per occurrence

Automobile physical damage coverage shall be at the option of the Contractor, all subcontractors and lower tier contractors. The Owner shall not be liable for physical loss or damage to any owned, non-owned, leased, rented or hired automobile.

The Town of Wellfleet, MA must be added as an additional insured as their interest may appear.

D. Umbrella or Excess Liability

Umbrella or Excess Liability shall be provided in excess of the primary limits of liability required above. Coverage shall be at least as broad as provided in the primary coverage required. The limits of liability to be provided shall be as follows:

\$2,000,000 per occurrence Bodily Injury and Property Damage
\$2,000,000 per occurrence Personal Injury and Advertising Injury
\$2,000,000 General Aggregate
\$2,000,000 Products and Completed Operations Aggregate

Coverage shall specifically include blanket contractual liability covering Contractor's indemnity obligations as contained in this Document. The Town of Wellfleet, MA must be added as an additional Insured as their interest may appear.

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INDEMNIFICATION

- A. To the fullest extent permitted by Laws and Regulations, and in addition to any other obligations of Contractor under the Contract or otherwise, Contractor shall indemnify and hold harmless Owner and Engineer, and the officers, directors, members, partners, employees, agents, consultants and subcontractors of each and any of them from and against all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals and all court or arbitration or other dispute resolution costs) arising out of or relating to the performance of the Work, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom but only to the extent caused by any negligent act or omission of Contractor, any Subcontractor, any Supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work or anyone for whose acts any of them may be liable.
- B. In any and all claims against Owner or Engineer or any of their officers, directors, members, partners, employees, agents, consultants, or subcontractors by any employee (or the survivor or personal representative of such employee) of Contractor, any Subcontractor, any Supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work, or anyone for whose acts any of them may be liable, the indemnification obligation under Paragraph A shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Contractor or any such Subcontractor, Supplier, or other individual or entity under workers' compensation acts, disability benefit acts, or other employee benefit acts.
- C. The indemnification obligations of Contractor under Paragraph A shall not extend to the liability of Engineer and Engineer's officers, directors, members, partners, employees, agents, consultants and subcontractors arising out of:
1. the preparation or approval of, or the failure to prepare or approve maps, Drawings, opinions, reports, surveys, Change Orders, designs, or Specifications; or
 2. giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage.

GENERAL CONDITIONS

00 70 00-6

65% DESIGN

PERFORMANCE AND PAYMENT BONDS

The Contractor shall provide the Owner with a performance bond and a labor and materials or payment bond executed by a surety company licensed by the Commonwealth of Massachusetts.

ARTICLE VII - ALTERATIONS OF WORK

- A. The Owner may make alterations in the form or character of any of the work done, or to be done, and in the requirements of the Contract Documents, and the Engineer may order in writing such alterations to be made. Such order shall be by means of a written Change Order, supplemented with drawings when in the opinion of the Engineer it is necessary, which shall include a description of the change with revised specifications, estimated quantities, and prices of the work involved in the alterations made. Each Change Order shall make provisions for revising the time of completion of all work to be done under this Contract or shall state that no revision of time is necessary. All such Change Orders shall be approved in writing by the Owner's Chief Procurement Officer (Town Administrator) and accepted in writing by the Contractor before they become effective. If the Owner and Contractor do not agree on the revised prices of the work involved in the alterations, the work shall be paid for on the cost-plus basis as provided for Extra Work in ARTICLE VIII - EXTRA WORK.
- B. All work involved in the alterations shall be made under the terms and as a part of this Contract, and the security for the performance of the Contract shall in no ways be invalidated but shall be held to secure in like manner the performance of the work involved in the alterations made under the Contract.

ARTICLE VIII - EXTRA WORK

- A. For the purpose of this Contract all Change Orders which include extra work shall be referred to as Extra Work Orders.
- B. The Contractor shall do any work in addition to the obligations required under the Contract in the original form of its Contract Documents and not herein otherwise provided for as ordered in writing by the Engineer. Such work shall be termed Extra Work. All orders for Extra Work shall contain particular reference to this Article. Before any work is commenced under any Extra Work Order, the order shall be approved by the Owner's Chief Procurement Officer (Town Administrator) in writing and accepted in writing by the Contractor. It is understood that the Owner may, at its option, have other parties do work in connection with the work to be done under this Contract, which is not within the limits or is not an integral part of the work herein specified, in lieu of having such work done as Extra Work under this Contract.
- C. All requirements of this Contract and its documents shall be applicable to Extra Work. The Contractor shall not receive any compensation for Extra Work, regardless of its nature, unless the work was ordered done in the manner prescribed above. The Contractor waives all rights to claim any compensation for any work done except (a) that provided for payment as stated in the Proposal, (b) alterations of the work as provided for in

GENERAL CONDITIONS

00 70 00-7

65% DESIGN

ARTICLE VII ALTERATIONS OF WORK, and (c) that provided for as Extra Work ordered done as described in this Article.

- D. All written orders for Extra Work issued by the Engineer shall be accompanied by drawings, if in the opinion of the Engineer drawings are necessary: all orders shall describe the work to be done, shall make provisions for revising the time of completion of all work to be done under this Contract or shall state no revision of time is necessary, and shall prescribe unit prices or the total cost of the Extra Work agreed to by the Owner and Contractor for the work to be done. If the Owner and the Contractor do not agree on unit prices or the total cost of the Extra Work to be done, the orders for Extra Work shall provide for the work to be done on a cost-plus basis, so that the Contractor will receive for full compensation for providing and doing everything required to prepare for and perform everything included in the Extra Work Order the actual cost to him of the following items applicable to the Extra Work Order:
1. All labor directly on the Contractor's payroll at specified rates;
 2. Salaries of Contractor's employees stationed at the field office, engaged at shops or on the road in expediting the production or transportation of material;
 3. Fees for licenses and permits required particularly for the extra work involved and not required for the work as planned in the original Contract;
 4. Minor expenses, such as telephone service, express, and similar petty cash items;
 5. Cost of hand tools not owned by the workmen consumed in the prosecution of the work, and depreciation of such tools used but not consumed and which shall remain the property of the Contractor;
 6. Cost of moving equipment from and to the Contractor's yard; and
 7. Cost of Bonds
- E. To the cost of items 1 to 7, inclusive, there shall be added a fixed fee to be agreed upon but not to exceed 15 percent of the total of items 1 to 7, inclusive. The fee shall be compensation to cover the cost of general supervision, overhead, profit, and other general expenses.
- F. If the work is done by a subcontractor, and the cost is determined on the actual cost basis, there shall be added an additional fixed fee to be agreed upon but not to exceed 5 percent of the total of item 1 to 7, inclusive. This additional fee shall be compensation to cover the General Contractor. In no case shall the combined overhead and profit allowed to the Subcontractor and General Contractor exceed 20 percent.
- G. The Contractor shall furnish to the Engineer an itemized statement of all costs incurred in Extra Work during any calendar month on or about the first of the next following month. All quantities (labor, equipment, etc.) shall be agreed upon on daily basis, in writing, by the Contractor and Engineer.

GENERAL CONDITIONS

00 70 00-8

65% DESIGN

- H. Unless otherwise specifically provided for in the Extra Work Orders, the compensation agreed to, whether unit prices, total cost or the cost-plus basis as described above, includes payment for any damages or expense caused the Contractor by any delays to other work to be done under the Contract resulting from or on account of Extra Work, and the Contractor waives all rights to any compensation for such damage or expense except as may be provided for in the Extra Work Orders.

ARTICLE IX - PAYMENTS

- A. The Owner shall pay and the Contractor shall receive as full compensation for providing and doing everything required to prepare for and perform everything called for by this Contract, and as full compensation also for all loss or damage arising out of the nature of the work under the Contract, or from the action of the elements, or from fire, or from any unforeseen obstructions or difficulties which may be encountered in the prosecution of the said work; also for all expenses incurred by, or in consequence of, the suspension or discontinuance of said work in accordance with the Contract, including all work incidental thereto, the prices stated in the bid Schedule of Prices, or the prices revised, if such are revised as provided for in ARTICLE VII ALTERATIONS OF WORK, and also the cost of Extra Work authorized under ARTICLE VIII EXTRA WORK.
- B. It is understood and agreed that the Contractor shall receive payment in accordance with the Schedule indicated under the lump sum item.
- C. A retainage of 5 percent of the total amount of work invoiced shall be retained by the Town until the construction work has been completed to the approval of the Engineer. The full Contract price shall be paid to the Contractor only after completion of all work to be done and final acceptance has been given by the Owner and Engineer in writing.

ARTICLE X - GUARANTEE

- A. The Contractor guarantees that the work and services to be performed under the Contract, and all workmanship, materials and equipment performed, furnished, used or installed in the construction of the same, shall be free from defects and flaws, and shall be performed and furnished in strict accordance with the Drawings, Specifications and other Contract Documents, that the strength of all parts of all manufactured equipment shall be adequate and as specified and that the performance test requirements of the Contract shall be fulfilled. This guarantee shall be for a period of one year from and after the date of completion which date of completion shall be determined under the provisions of ARTICLE IX PAYMENTS herein. If part of the work is accepted in accordance with the Special Conditions, the guarantee for that part of the work shall be for a period of one year from the date fixed for such acceptance. Said guarantees are in addition to any other guarantees provided by law or otherwise.
- B. If at any time within the said period of guarantee any part of the work requires repairing, correction or replacement, the Owner may notify the Contractor in writing to make the required repairs, corrections, or replacements. If the Contractor neglects to commence making such repairs, corrections, or replacements to the satisfaction of the Owner within seven (7) days from the date of receipt of such notice or having commenced failed to

GENERAL CONDITIONS

00 70 00-9

65% DESIGN

prosecute such work with diligence, the Owner may employ other persons to make the same, and all direct and indirect costs of making said repairs, corrections or replacements, including compensation for additional professional services, shall be paid by the Contractor.

ARTICLE XI - RIGHT OF THE OWNER TO TERMINATE CONTRACT

- A. If the Contractor shall be adjudged bankrupt or if he shall make a general assignment for the benefit of his creditors, or if a receiver shall be appointed of his property, or if the work to be done under this Contract shall be abandoned, or if this Contract or any part thereof shall be sublet without the previous written consent of the Owner, or if the Contract or any claim thereunder shall be assigned by the Contractor otherwise than as herein specified, or if at any time the Engineer shall certify in writing to the Owner that the rate of progress of the work or any part thereof is unsatisfactory or that the work or any part thereof is unnecessarily or unreasonably delayed, or that the Contractor has violated any of the provisions of this Contract, the Owner may notify the Contractor to discontinue all work or any part thereof; and thereupon, the Contractor shall discontinue such work or such part thereof as the Owner may designate and charge the entire expense of so completing the work or part thereof to the Contractor; and for such completion, the Owner for itself or its contractors may take possession of and use or cause to be used in the completion of the work or part thereof any of such materials, machinery, implements and tools of every description as may be found upon the site of the Contractor's operations. The Owner may at its option require the surety or sureties to complete the Contract.
- B. All expenses charged under this Article shall be deducted and paid by the Owner out of any money then due or to become due the Contractor under this Contract or any part thereof; and in such accounting, the Owner shall not be held to obtain the lowest figures for the work of completing the Contract or any part thereof, or for insuring its proper completion, but all sums actually paid therefore shall be charged to the Contractor. In case the expenses so charged are less than the sum which would have been payable under this Contract if the same had been completed by the Contractor, the Contractor shall be entitled to receive the difference, but only for work actually completed by the Contractor. If such expenses shall exceed the said sum, the Contractor shall pay the amount of the excess to the Owner upon completion of the work without further demand being made therefor.

ARTICLE XII - DISPUTED WORK, DETERMINATION OR ORDER

- A. If the Contractor is of the opinion that any work ordered to be done as Contract work by the Engineer is in fact Extra Work and not Contract work, or that any determination or order of the Engineer violates the provisions of this Contract, he must promptly, and before proceeding with such work or complying with the determination or order, notify the Owner and Engineer in writing of his contentions with respect thereto and request a final determination thereon.
- B. If the Owner determines that the work is Contract work and not Extra Work, or that the determination or order complained of is proper, it will direct the Engineer to order the Contractor to proceed and the Contractor must promptly comply. However, in order to

GENERAL CONDITIONS

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65% DESIGN

reserve the right to claim compensation for such work or damages resulting from such compliance, the Contractor must, within five days after receiving notice of the Owner's determination, notify the Owner and Engineer in writing that the work is being performed or that the determination is being complied with under protest.

- C. If the Contractor fails to so appeal to the Owner and Engineer, or having appealed, should the Contractor fail to notify the Owner and Engineer in writing of his doing the work under protest, the Contractor shall be deemed to have waived any claim for extra compensation or damages. No oral appeals or oral protests shall be deemed as compliance with the provisions of this Article.

ARTICLE XIII – MINORITY PROCUREMENT GOALS

- A. Under Massachusetts Executive Order 237, it is the policy of the Commonwealth to promote the fullest participation of all citizens in resources provided by municipal government. Therefore, the Town of Wellfleet, MA invites the participation of minority and women owned businesses in any and all parts of the contract.
- B. The Town of Wellfleet, MA invites all qualified women and minority owned business firms to respond to bid invitations.

ARTICLE XIV – OSHA 10 TRAINING

All employers must certify at the time of the bid that all employees to be employed at the jobsite have successfully taken an OSHA 10-hour course. Documentation of successful course completion for each employee must be submitted with the first certified payroll report (CPR) on which the employee's name appears. Employers shall attach copies of the OSHA 10-hour cards to the first certified payroll report.

--- END OF SECTION ---

65% DESIGN

SECTION 00 80 00 SPECIAL CONDITIONS

Index

<u>NUMBER</u>	<u>TITLE</u>
1.	COMMENCEMENT AND COMPLETION
2.	LIQUIDATED DAMAGES
3.	SHOP DRAWINGS AND CERTIFICATES
4.	PROTECTION OF WORK AND MATERIALS
5.	CHANGED CONDITIONS
6.	SUPERINTENDENCE, SKILLED LABOR, AND EMPLOYEES
7.	PROTECTION OF UTILITIES
8.	FIRE PROTECTION
9.	USE OF PORTIONS BEFORE ENTIRE COMPLETION OF WORK
10.	MASSACHUSETTS SALES TAX EXEMPTION
11.	ANTI-DISCRIMINATION CLAUSE
12.	MISPLACED MATERIALS
13.	WAGE RATES
14.	CONTRACT AND REFERENCE DRAWINGS

65% DESIGN

SECTION 00 80 00 SPECIAL CONDITIONS

1. COMMENCEMENT AND COMPLETION

- a. The Contractor shall commence work within ten (10) calendar days after the dates specified in the Notice to Proceed and shall fully complete the work as herein prescribed no later than **December 31, 2022**.
- b. It is specifically understood that "Completion" as used herein shall mean full and complete dredging and disposal of 100,000 cubic yards including, without limitation, all incidentals. Substantial performance is not completion within the meaning of the contract.

2. LIQUIDATED DAMAGES

- a. Contractor agrees to pay as liquidated damages, the sum of \$0.00 for each consecutive calendar day that the Contractor is in default of completing the work.
- b. It is hereby understood and mutually agreed by and between the Contractor and the Owner that the date of beginning and the time for completion are ESSENTIAL CONDITIONS of this Contract; and it is further mutually understood and agreed that the work embraced in this Contract shall be commenced as stated in the Contract Documents.

3. SHOP DRAWINGS AND CERTIFICATES

- a. The Contractor shall submit so as to avoid delay in its work, or that of any Subcontractor, five copies or electronic files of all shop, detail or working drawings and samples, and certificates required for the work and the Engineer shall review them noting comments. If required, the Contractor shall make corrections and resubmit electronic files or five corrected copies or samples for final review and furnish such other copies as may be needed.
- b. The Engineer's review of such Drawings and/or certificates shall not relieve the Contractor from responsibility for deviations from the Contract Drawings or Specifications, unless it had in writing called the Engineer's attention to such deviations at the time of submission, and unless the Engineer shall have issued a written waiver of the pertinent Specification, nor shall it relieve him from responsibility for errors of any sort in Shop Drawings.

4. PROTECTION OF WORK AND MATERIALS

The Contractor shall protect all work, equipment and materials from deterioration and damage. All work of whatever kind, which during its progress or before the final acceptance of the work as established by the Engineer's Certificate of Completion may have become damaged from any cause, shall be removed and replaced by good and

65% DESIGN

satisfactory work, and at no additional cost to the Owner, both for labor and materials.

5. CHANGED CONDITIONS

- a. If, during the progress of the work, the Contractor or the Owner discovers that the actual sub-surface or latent physical conditions encountered at the site differ substantially or materially from those shown on the plans or indicated in the Contract Documents either the Contractor or the Owner may request an equitable adjustment in the Contract Price of the Contract applying to work affected by the differing site conditions. A request for such an adjustment shall be in writing and shall be delivered by the party making such claim to each other party as soon as possible after such conditions are discovered. Upon receipt of such a claim from a Contractor, or upon its own initiative, the Owner will make an investigation of such physical conditions, and, if they differ substantially or materially from those shown on the plan or indicated in the Contract Documents and are of such a nature as to cause an increase or decrease in the cost of performance of the work or a change in the construction methods required for the performance of the work which results in an increase or decrease in the cost of the work, the Owner will make an equitable adjustment in the Contract Price and the Contract will be modified in writing accordingly.
- b. Any adjustment in compensation and/or any adjustment in Contract time because of any changes resulting from one or more of the conditions described in the foregoing paragraph will be made in accordance with the provisions of ARTICLE VII - ALTERATIONS OF WORK contained within the General Conditions.

6. SUPERINTENDENCE, SKILLED LABOR, AND EMPLOYEES

- a. The Contractor shall employ qualified personnel for scheduling all materials and equipment to be used in the Project and for preparation of suitable working drawings. The Contractor shall employ a suitable superintendent and foremen to represent him at all the several parts of the work and they shall be present at all times while the work entrusted to them is in progress and shall be informed thoroughly regarding it. The foremen, workers, and others employed by the Contractor shall be skilled and experienced in the particular work which is given them to do.

7. PROTECTION OF UTILITIES

Location and depth of existing utilities are estimated and should not be relied upon by the Contractor. The Contractor shall check and verify the location of all existing utilities, both underground (by test pits or other approved means) and overhead before proceeding to begin the work or to order materials. Excavation, if any, shall be in accordance with Chapter 502 of the Acts of 1980 entitled, "An Act Further Regulating Excavation in Public Ways," which became effective in the Commonwealth of Massachusetts on October 12, 1980, including any amendments thereto, and all other statutes, by-laws,

SPECIAL CONDITIONS
00 80 00-2

65% DESIGN

rules and regulations of any city, state or federal agency that may be applicable. Any damage to the existing utilities and any other costs arising out of said excavation or by reason thereof shall be the Contractor's sole responsibility.

8. FIRE PROTECTION

The Contractor shall take all necessary precautions to prevent fires adjacent to the work and its buildings and it shall prevent the spread of fires to areas outside the limits of the work. It shall provide adequate facilities for extinguishing fires.

9. USE OF PORTIONS BEFORE ENTIRE COMPLETION OF WORK

The Owner and its duly authorized representative may enter upon and use any portions of the work for the Owner's benefit before final completion of the whole work to be done under this Contract, without any claim by the Contractor for payment for said use, or for any damage for delay caused by such use.

10. MASSACHUSETTS SALES TAX EXEMPTION

Materials for use in the work under this Contract are exempt from the Massachusetts Sales Tax. The Tax Exemption number shall be provided.

11. ANTI-DISCRIMINATION CLAUSE

In connection with the performance of work under this Contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, color, religious creed, national origin, age or ancestry. The aforesaid provision shall include but not be limited to the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; conditions or privileges of employment; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places available for employees and applicants for employment, notices to be provided by the Massachusetts Commission Against Discrimination setting forth the provisions of the fair employment practice law of the Commonwealth. The aforesaid provision shall be binding upon all subcontractors, except subcontractors for standard commercial supplies or raw materials.

12. MISPLACED MATERIALS

Should the Contractor during the progress of the work, lose, dump, sink, or misplace any material, plant, machinery, or appliance, which in the opinion of the Engineer or Owner is unsatisfactory, the Contractor shall recover and remove the same with the utmost dispatch. If such material must be removed by the Owner, the cost of such removal may be deducted from any money due the Contractor or may be recovered under its bond.

SPECIAL CONDITIONS

00 80 00-3

65% DESIGN

13. WAGE RATES

All construction work will be governed by the prevailing Minimum Wage Rates established for this project as determined by the commissioner of the Massachusetts Department of Labor and Industries pursuant to M.G.L.C. 149, Sections 26 and 27, as attached to this Section.

14. CONTRACT AND REFERENCE DRAWINGS

The work shall conform to contract drawings.

--- END OF SECTION ---

SPECIAL CONDITIONS

00 80 00-4

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 11 00 SUMMARY OF WORK

PART 1 GENERAL

1.1. SCOPE OF WORK

- A. Perform all activities and furnish all labor, materials, equipment, Subcontractor services, and incidentals to implement the Work in accordance with the Contract between the Town of Wellfleet, MA (Town) and the Contractor. The Wellfleet Harbor Dredging Project consists of the dredging, removal, and off-site disposal of sediment from the areas known as Area II or South Mooring Field, adjacent to Federal Channel.
- B. The Town will remove and reinstall all moorings within the dredge footprint.
- C. The Town has retained GEI Consultants, Inc. (GEI) to serve as the engineer of record for the Project (Engineer). GEI will provide input on the review of submittals and Requests for Information (RFIs), and other ancillary services as may be requested by the Town.
- D. All tasks, requirements, deliverables, etc. contained in the Contract Documents are the sole responsibility of the Contractor unless specifically assigned to Others. Project Work to be performed by the Contractor includes, but is not limited to, the following:
 1. Prepare and implement a Contractor Health and Safety Plan.
 2. Install, operate, and maintain temporary facilities and controls, including:
 - a. Worker health and safety measures.
 - b. Vessel based sanitary facilities.
 - c. Sedimentation controls.
 3. Establishing additional survey control points, as necessary.
 4. Obtaining all construction-related permits and clearances as required for completion of the Work.
 5. Read, understand, and abide by the provisions of all permits and provide coordination and adequate notice as may be required by the regulatory agencies.
 6. Perform the Work:
 - a. Identify, temporarily relocate, or protect existing utilities and Site features to remain after the Project is complete.
 - b. Perform monitoring, surveys, and testing as required by the Contract Documents
 - c. Install, maintain, and remove turbidity controls around the work area.
 - d. Site mobilization and demobilization.
 - e. Dredge by mechanical method using an environmental bucket and remove sediment to the limits shown on the contract drawings.

Summary of Work

01 11 00-1

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- f. Removal, segregation, and disposal of debris found within the dredge limits shown. Rock is not considered debris.
 - g. Place sediments into scow and transport to the Cape Cod Bay Disposal Site. Certifications, monitoring, and reporting through Dredge Quality Management (DQM) system.
 - h. Reinstall all Site features and appurtenances that are damaged or relocated by the Contractor during the performance of the Work.
7. Demobilize and promptly remove all contractor supplies, equipment, and tools from the Site after completion of the Work. Restore, repair, or replace utilities, and other features that were removed, damaged, destroyed, or disrupted during construction.
 8. Provide and perform any other equipment, Work, or submittals required to facilitate items 1 through 7 above and the Work shown on the Contract Drawings.

1.2. PROJECT CONDITIONS

- A. Information regarding Site conditions is intended to assist the Contractor in preparing their Bid. The Town and GEI guarantee neither the accuracy of this information nor that this information is necessarily indicative of all conditions that may be encountered, therefore the Contractor agrees that it shall neither have nor assert against the Town or GEI any claim for damages by reasons of inaccuracy, inadequacy, incompleteness, or other deficiency of the information provided. The Contractor shall satisfy/verify for himself all existing conditions, including understanding the site data presented in the Bid Documents, affecting his Work by personal investigation. Failure by the Contractor to understand and verify all existing site conditions shall not result in additional charges to the Town. Also, neither the information provided by GEI, the Town, or their agents or employees, shall act to relieve Contractor of any responsibility hereunder from fulfilling all the terms and requirements of the Contract Documents.

1.3. CONTRACT DOCUMENTS

- A. The Contract Documents include all Specifications, Contract Drawings, figures, and conditions included or referenced in the Request for Proposal package, and any subsequently approved Change Orders.
- B. The organization and division of Work contained within the Contract does not make GEI or the Town representative an arbitrator to establish contract limits between the Contractor and any Subcontractor.

1.4. ORDER OF PRECEDENCE

- A. In the event of a conflict between any of the Contract Documents, the following order of precedence will be applied to determine which document will govern (first document listed being of highest precedence):
 1. Agreement.
 2. Contract Supplemental Conditions issued by the Town.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3. Contract Drawings.
4. Specifications.
5. MassDOT Standard Specifications.

B. Any conflicts discovered within the Contract Documents should be immediately brought to the attention of the Town.

1.5. CONTRACTOR REQUIREMENTS

- A. Perform the scope of Work contained in the Contract Documents.
- B. Comply with the requirements of the Contractor Health and Safety Plan. Take precautions as necessary to protect the public and work force personnel from potential hazards.
- C. For any Work performed in close proximity to residential or commercial properties, utilities, or any other third-party property, take appropriate precautions to protect the property, utility lines, fences, and other structures and/or related appurtenances from damage.
- D. Repair any damage caused directly or indirectly by the Contractor outside the Project limits, as directed by the Town, at no additional cost to the Town.
- E. Comply with all applicable OSHA safety regulations during the performance of the Work.

1.6. CONTRACT DRAWINGS AND SPECIFICATIONS

- A. Maintain at the Site, two (2) copies of all Contract Drawings, Specifications, Addenda, approved Shop Drawings, Change Orders, schedules, and instructions, in good order. Mark one set to record all changes made during construction and keep one set clean of all markings. Make both sets readily available for review by the Harbormaster or other designated agent.
- B. The Contract Drawings include notes. Refer to the Contract Drawings in conjunction with the Specifications.

1.7. WORK BY OTHERS

- A. The Town will perform a pre-dredge bathymetric survey prior to work commencing and will perform a post-dredge bathymetric survey at the conclusion of the Work. These surveys will be used for verification of the pre and post dredge surfaces and to determine the final volume, for the purposes of measurement and payment.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 11 00

Summary of Work

01 11 00-3

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 14 00 WORK RESTRICTIONS

PART 1 GENERAL

1.1. SUMMARY

- A. This section contains general restrictions to be followed during the performance of the Work. Other sections of the specification may contain additional requirements/restrictions for the performance of their specific subject matter.

1.2. WORK HOURS

- A. Work activities can be conducted 24 hours per day 7 days per a week.

1.3. SCHEDULE

- A. All dredging work must be completed within the time of year restrictions established by the project permits.
- B. Copies of the Project permits have been included as an appendix to the Bid Documents. Example Army Corps of Engineers permit is provided for bidding purposes. Actual permit approval is pending and will be provided as an amendment.
- C. The Work must be completed before the end of the time of year restrictions established in the Project permits.

1.4. MARINE MAMMEL/TURTLE OBSERVER

- A. A marine mammal/turtle observer must be provided when performing parts of the Work. Refer to the regulatory approval conditions that have been included in Attachment C for additional details.

1.5. SITE ACCESS

- A. All sediments/debris must be removed from the site via barge.
- B. Debris must be segregated and disposed of at an approved upland facility.
- C. All Work must be performed from the water.
- D. The Contractor may dock a launch at a Town owned facility. Town provided docking space is provided for the convenience of the Contractor only, the Town is not responsible for any delays or injuries incurred via the use of Town owned facilities.
- E. Public parking is available on-site, coordinate location with Harbormaster.

1.6. COMMUNICATION WITH THIRD PARTIES

- A. Representatives of regulatory agencies from the Town, USACE, and other local civic organizations may be on-Site to observe and inspect the Work.
 - 1. Maintain a supply of additional Level D Personal Protective Equipment (except for safety boots) on-Site to provide to regulatory agency personnel, if needed.
- B. Direct any communications received from regulatory agency personnel to the Town.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- C. Do not communicate with the media/press, Project stakeholders, public, etc. regarding the Work. Refer all external questions and comments to the designated Town representative.

1.7. LAY DOWN AND STORAGE AREA

- A. The Town will permit the contractor to have a laydown area and temporary facilities by the Contractor on the Town pier for use during construction. The location and size of this area shall be approved by the town. The contractor shall assume a laydown area of approximately 10,000 SF will be available.

1.8. SANITARY FACILITIES

- A. Provide sanitary facilities on-board the dredging barge for use by the Contractor personnel, Subcontractors, and visiting agency representatives during the performance of the Work.

1.9. NOISE CONTROL

- A. Comply with all noise ordinances for the Town of Wellfleet during the performance of the Work.
- B. Equip motorized equipment with appropriate noise control devices to maintain noise levels that conform to current OSHA standards and State and local regulations. Take immediate steps to correct any deficiencies noticed, or as directed by the Town.
- C. Properly maintain all mufflers and noise control devices and replace when necessary. Operate all construction equipment in the manner that it was intended. Excessive amount of noise and vibration due to the improper use of equipment, is prohibited.
- D. All equipment that is required to operate beyond standard work hours will, to the maximum extent possible be, electrically driven.

1.10. EQUIPMENT LEFT ON-SITE

- A. Secure all equipment left on-Site outside of standard work hours and remove ignition keys from all equipment.
- B. Ensure that all equipment, where feasible, is de-energized when left on-Site and not in use to prevent electrical/fire/explosive hazards. The Contractor is responsible for the security, operation, and maintenance of any systems that require such services outside standard work hours. If systems are operational outside the standard work hours, provide oversight at all times when equipment is in operation, or provide an electronic monitoring system with a remote communication feature to alert the appropriate personnel of a system failure. Repair system failures in a timely manner such that the Project schedule is not affected.
- C. Any generators running on-Site overnight must be enclosed and/or baffled such that their noise producing levels do not exceed applicable State and local regulations.

PART 2 PRODUCTS

(Not Applicable)

Work Restrictions

01 14 00-2

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

PART 3 EXECUTION

3.1. ENVIRONMENTAL PROTECTION

- A. For the purposes of this specification, environmental protection is defined as the retention of the environment in its natural state to the greatest extent possible during construction. Comply with all applicable or relevant and appropriate, Federal, State, local laws, and permit conditions to provide for the abatement and control of any potential environmental impacts arising from the performance of the Work.
- B. Comply with all project permits and provide notices and other submittals as required by the project permits.
- C. The Town will notify the Contractor of any instances of non-compliance with Federal, State, local laws, or permit conditions and identify corrective actions to be taken. State or local agencies may also provide notification of non-compliance with state or local requirements. After receipt of any notice of non-compliance, the Contractor shall immediately inform the Town of the proposed corrective action and take such actions once they are approved by the Town. Failure or refusal to promptly comply may result in the Town issuing an order suspending or halting all or parts of the Work until satisfactory corrective action has been taken. Claims for extensions of time or for excess costs or damages due to the stop Work order described above, will be denied.
- D. Do not pollute any stream, river, waterway, roadway, or soil with fuel, oil, grease, lubricant, hydraulic fluid, bitumen, calcium chloride, acid, base, or other harmful materials. Comply with the appropriate Federal, State, and local regulations and guidelines for the handling and disposal of any encountered contaminated materials.
- E. Properly dispose of any debris resulting from the performance of the Work. Disposing of any contaminated soil, water, effluent, byproduct, waste, trash, chemical, fuel, oil, grease, lubricant, bitumen, calcium chloride, acid, base, or other harmful material etc., in or adjacent to the Project area is not acceptable. Remove any unauthorized dumped materials and restore the area as directed by the Town. If necessary, areas contaminated because of unauthorized activity, failure of environmental controls, or dumping by the Contractor will be remediated at no additional cost to the Town.
- F. If encountered, dispose of all contaminated materials (debris, soil, water, effluent, by-product, waste, trash, chemical, fuel, oil, grease, lubricant, bitumen, calcium chloride, acid, base, used erosion controls, or other harmful material, etc.) resulting from the Work in accordance with all applicable, or relevant and appropriate, Federal and State laws at a Town approved disposal facility prior to completion of the Work.

END OF SECTION 01 14 00

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 18 00 UTILITY PROTECTION

PART 1 GENERAL

1.1. SUMMARY

- A. This specification contains the requirements for the location and protection of utilities that could potentially be affected by the performance of the Work.

1.2. UTILITY COORDINATION

- A. The Contractor is solely responsible for any and all required notifications to utility companies prior to commencing the Work, and for response to any emergencies that may arise during the Work. Certain active and inactive utilities may currently be present at the Site. The exact location and type of utility is to be determined by the Contractor without reliance on information provided by the Town or GEI.

1.3. PROTECTION OF EXISTING UTILITIES

- A. Comply with the requirements of all applicable utility protection laws or regulations.
- B. Contact and cooperate with utility companies to locate all utilities (including pipelines, cables, and other structures) on the Site prior to beginning the Work.
- C. Protect all utilities from damage during construction, unless otherwise indicated to be removed or abandoned. If damaged, repair the utilities as required by the utility's owner at the Contractor's expense.
- D. If a utility is encountered that is not shown on the Contract Drawings, or otherwise not made known to the Contractor prior to beginning the Work, promptly take the necessary steps to assure that the utility is not damaged and notify the Town of the presence of the utility. The Town will review the conditions and determine the extent, if any, to which a change is required in the Contract Documents to reflect and document the consequences of the existence of the utility.
- E. Immediately notify the Town of any incident involving a utility.

1.4. SUBMITTALS

- A. If a utility, either known or unknown, is damaged during the performance of the Work submit a written description of the incident to the Town within 48 hours of the incident.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 18 00

Utility Protection

01 18 00-1

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 20 00 PRICE AND PAYMENT PROCEDURES

PART 1 GENERAL

1.1. SUMMARY

- A. This specification contains the requirements for measurement for payment of the Work and descriptions of the pay items.

1.2. PAYMENT TERMS

- A. Payment will not be made unless the proper supporting documentation has been submitted and approved by the Town.
- B. Payment includes full compensation for all required labor, products, tools, equipment, transportation, services, permits, surveys, supervision, testing, incidentals, erection, application, supply, or installation for completion of an item of the Work, including overhead and profit.
- C. Payment will not be made for any of the following:
 - 1. Products wasted or disposed of in a manner that is not acceptable.
 - 2. Products determined unacceptable before or after work.
 - 3. Products not completely unloaded from the transporting vehicle.
 - 4. Products placed or removed beyond the lines and levels of the required Work.
 - 5. Any rejected work.
 - 6. Loading, hauling, and disposing of rejected materials.
 - 7. Products remaining on hand after completion of Work.
 - 8. Additional Work undertaken to expedite Contractor's operations.
 - 9. Repair or replacement of property located within or adjacent to the Work area.
- D. Payment will be made for all Work actually performed during a particular payment period. Payments for lump sum items will be made based on the percent completion of the pay item, upon approval by the Town.

1.3. SUBMITTALS

- A. Submit a Town supplied Project Price Schedule with the Bid that has been signed by a company officer who is authorized to contractually bind the company.
- B. Submit monthly invoices in a format that is acceptable to the Town.

1.4. QUANTITY ESTIMATES

- A. For all unit price Work, the Contract price will include an amount equal to the sum of the unit price for each pay item times the estimated quantity of each item as indicated in the Project Price Schedule. The estimated quantities shown on the Project Bid Proposal are

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

not guaranteed and are solely for the purpose of comparison of bids and determining an initial Contract price. Quantities and measurements supplied or placed in the Work in accordance with the Specifications and Contract Drawings, and verified by the Town, will determine payment.

- B. The Town will verify the quantities and classifications of unit price Work invoiced by the Contractor. The Town will review their preliminary determination with the Contractor before rendering a decision on an application for payment.
- C. If the actual Work requires more or fewer units than the estimated units indicated on the Bid Proposal, provide the required units at the contracted unit price. Under no circumstances may the Contractor exceed estimated quantities without prior written approval from the Town in the form of a Change Order.
- D. The Town reserves the right to increase (via a Change Order) or decrease any pay item quantity, or to eliminate any pay item, as a result of the actual conditions encountered during the performance of the Work.

1.5. MEASUREMENT OF QUANTITIES

A. Measurement by Weight:

- 1. Weigh Scales: Certified in accordance with applicable laws and regulations for the state in which the scales are located. Certification must be within a period of not more than one year prior to the date of use.
- 2. The term “ton” will mean the short ton consisting of 2,000 pounds.
- 3. For shipments to off-Site disposal facilities, trucks will be weighed at the receiving facility for the purpose of measuring the quantity of Work for payment.

B. Measurement by Volume:

- 1. All volume will be measured as in-place and determined by survey.
- 2. Material dredged and disposed by mechanical method and disposed of at the Cape Cod Bay Disposal Site shall be measured by computing the volume between the bottom surface shown by sounding of the last Owner survey made before dredging and the bottom surface shown by sounding of the final Owner survey made within one week, or as otherwise practicable, after the Work has been completed. No measurement will be made for material dredged from outside the payment limits indicated on the Contract Drawings.
- 3. For applications for progress payments (if made), retain the services of an independent surveyor that is licensed in the State of Massachusetts. To compute in-place volumes, use the surface comparison function in the surveying software program, or other methods acceptable to the Town.
- 4. Unless stipulated otherwise, all pay items that refer to being measured for payment by volume will be interpreted to mean in-place volume.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

C. Measurement by Time:

1. Measure by the actual time, rounded to the nearest time unit, and verified by the Harbormaster.
- D. The Town reserves the right to reject measurements for progress payments provided by the Contractors licensed surveyor and have the units re-measured for payment at their own expense by a licensed surveyor under separate Contract to the Town.

1.6. ASSESSMENT OF NON-CONFORMING WORK

- A. Replace Work, or portions of the Work, that do not conform to the requirements of the Specifications and Contract Drawings, as assessed by the Town.
- B. If, in the opinion of the Town, it is not practical to remove and replace the non-conforming Work, the Town will direct one of the following remedies:
 1. The non-conforming Work may remain, but the price will be adjusted to a new price at the discretion of the Town.
 2. Partially repair non-conforming Work to the instructions of the Town, and the price will be adjusted to a new price at the discretion of the Town.
- C. The individual Specification sections specific to the Work in question may modify these options or may identify a specific formula or percentage price reduction.
- D. The authority of the Town representative to assess non-conforming Work, and identify payment adjustment, is final.

1.7. ELIMINATED ITEMS

- A. If any items contained in the Contract Drawings or Specifications are found unnecessary for the proper completion of the Work, the Town may, upon written order to the Contractor, eliminate such items from the Work, and such action will in no way invalidate the Contract.
- B. The Contractor will be paid for all Work performed and all documented costs incurred, including the mobilization of materials, prior to the elimination of such items.

1.8. MEASUREMENT AND PAYMENT OF BID ITEMS

- A. The Project Bid Proposal lists the pay items for the Work.
- B. At the direction of the Town, the Contractor may be asked to perform additional Work. The unit rate schedule included in the Contractor's proposal will be the basis for measurement and payment of equipment and labor for any additional Work. Include overhead and profit on the Contractor unit rate schedule for all additional Work.
- C. For all pay items, payment to the Contractor for completed Work will constitute full compensation for all labor, supervision, submittal preparation, materials, equipment, incidentals and all other costs necessary to complete the pertinent pay item.
- D. The following paragraphs specify measurement and payment of the pay items listed on the Project Bid Proposal:

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

Item 1 Mobilization

- A. Mobilization shall be measured by the Contract Price LUMP SUM and shall be measured once only for the entire Contract. Lump sum shall not exceed the lesser of 15% of total Base Bid price or \$750,000.
- B. Payment to complete Mobilization shall include, but is not limited to:
1. Movement of personnel, equipment, and materials to the Site, if such movement is not included in any other bid item.
 2. Participating in preconstruction coordination meetings.
 3. Preparation, submittal, and revision (if required) of all pre-mobilization submittals described in Specification Section 01 33 00 - Submittal Procedures.
 4. Relocation of equipment and remobilization to suit vessel operations.
 5. Provide Project management oversight.
 6. All office and field engineering and survey support, surveys, supervision, notifications, coordination, reports, and compliance.
 7. Participation in preconstruction and periodic project coordination meetings.
 8. Preparation, submittals, and revisions (if required) of all submittals.
 9. Implement the health and safety requirements specified in the Contract health and safety plan.
 10. Install and maintain temporary facilities and controls unless specifically identified as being provided by Others.
 11. Site preparation, turbidity controls/curtains, and project clean up.
 12. Take any required correction action, as may be directed by the Town, to remediate conditions associated with a failure of the turbidity controls.
 13. Installation, operations, maintenance, and removal of the marine signaling equipment.
 14. Compliance with all applicable U.S. Coast Guard regulations for the use of temporary signaling equipment, including any required coordination, during the performance of the Work.
 15. Demobilization of all personnel, equipment, and materials used to complete the work that is not already included in any other bid item.
 16. Restoration of any features or structures that were removed or damaged during the performance of the Work.
 17. Removal and lawful disposal of all environmental controls used during the performance of the Work.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

18. All other costs for work or activities not included in another pay item, or specifically identified as being the responsibility of Others, not specifically identified but required to complete the work specified.
19. Mobilization will be paid Sixty Percent (60%) of the lump sum price upon completion of mobilization to the work site. An additional twenty-five percent (25%) will be paid to the Contractor upon the acceptance of his verification survey. The final fifteen percent (15%) will be paid only after the Contractor has received the written notice from the Town to proceed with final demobilization and has successfully demobilized to the satisfaction of the Town.

Item 2 Dredging & Disposal – Cape Cod Bay Disposal Site

- A. Materials dredged by mechanical methods shall be measured by the CUBIC YARD of the material dredged by computing the volume between the bottom surface shown by sounding of dredge survey. Progress payment, if desired, will require intermediate dredge surveys.
- B. No measurement or payment will be made for materials dredged beyond the payment limit indicated in the Contract Drawings.
- C. No separate measurement or payment will be made for costs in connection with transportation of dredge spoils to the designated offshore disposal site.
- D. Work required to complete Dredging & Disposal – Cape Cod Bay Disposal Site includes, but is not limited to:
 1. The removal of sediments and debris to the lines and grades shown on the Contract Drawings.
 2. The loading of sediments and debris onto barges.
 3. Segregating debris from sediments as needed to meet the requirements for use of the approved offshore disposal site.
 4. Changeout of dredge buckets, as needed, to remove any debris encountered during the performance of the Work.
 5. Transportation of sediment to the approved offshore disposal site.
 6. The lawful offloading and disposal of sediment at the Cape Cod Bay Disposal Site
 7. All required permits and submittals.
- E. Dredging and Disposal Work will be measured for payment on an in place cubic yard basis, as verified by surveys.

Item 3 – Transportation and Disposal – Debris

- A. Work required to complete the Transportation and Disposal – Debris pay item includes, but is not limited to:
 1. All labor, equipment, dumpsters, and work associated with the segregation, shipping/hauling of the debris from the project site to the disposal facility

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

2. Transportation and disposal of debris dredged from the Project Site to a Town-approved disposal facility.
- B. Transportation and Disposal – Debris will be measured for payment on a per ton basis, as documented by disposal facility scale weight tickets.

Item 4 – Turbidity Curtains

- A. Turbidity Curtains will be measured for payment on a LINEAR FOOT (LF) basis, based on quantity of material supplied and deployed to maintain turbidity controls. Reuse/relocation is excluded from payment.
- B. Work required for Turbidity Curtains pay item includes, but is not limited to:
 1. All labor, equipment, anchoring devices, disposal, and work associated with supplying, deploying, securing, maintaining, and disposing of turbidity curtains.

Add Alternative 1 – Additional Dredging Unit Price

- A. See Item 3

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 20 00

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 30 00 ADMINISTRATIVE REQUIREMENTS

PART 1 GENERAL

1.1. SUMMARY

- A. This Section describes Project administrative requirements; the minimum level of coordination and meetings required to execute the Work and required pre-mobilization submittals.

1.2. ON-SITE CONSTRUCTION PERSONNEL

- A. The Contractor is to maintain a full-time on-Site Superintendent, who will be responsible for quality assurance, Contractor health and safety, and competent person(s) for the duration of the Work. The Superintendent will be responsible for the supervision and/or coordination of all Contractor employees, Subcontractors, manufacturers, fabricators, suppliers, distributors, installers, and testing agencies whose services, materials or equipment are required to ensure the completion of the Work. The Superintendent will have sufficient qualifications, experience, and authority to act as a single point of contact for the on-Site staff, and to make adjustments to the means and methods as needed and as requested by the Town.
- B. The Engineer will make periodic visits to the Site to observe the Work. The Engineer will not direct the Contractor with regard to their means and methods of construction but may identify areas of non-conformance with the Specifications that require redress by the Contractor.

1.3. MEETINGS

- A. Attend all Project meetings as deemed necessary by the Town during the term of the Contract.
- B. A pre-construction meeting will be held at the Site prior to the start of the Work. At a minimum, the Contractor's project manager and Superintendent for the Project will attend the meeting. It is recommended that the Contractor assemble input from primary Subcontractors prior to this meeting.
 - 1. This meeting is intended to make certain that the Work is properly scheduled, responsibilities are coordinated among Subcontractors and suppliers, and that those responsibilities are reflected on the Contractor submittals. Questions concerning any other aspect of the Project may also be addressed.
- C. Beginning with the mobilization to the Site, at a location designated by the Town, the Contractor will facilitate weekly on-site construction meetings among contractor, GEI, Harbormaster and Town Representative for the duration of the Work. Present a progress update at weekly construction meetings that includes tasks completed from the prior week, currently active tasks, and tasks/activities planned for the next two weeks along with an updated Project schedule. The format of the two-week look ahead must be submitted and approved prior to use.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- D. The standard day and time for the weekly construction meeting will be established based on mutual agreement between all regular participants.
- E. Individuals authorized to discuss and make decisions on behalf of the Contractor, relative to the meeting agenda, must participate in all weekly construction meetings.
- F. All expenses associated with attending the meetings, except those that are incurred by the Town, their representatives, or consultants, are to be borne by the Contractor.

1.4. REQUESTS FOR INFORMATION, CLARIFICATIONS, AND CHANGES

- A. All requests for Project information, clarifications, or changes in the requirements of the Contract Documents must be made in writing to the Town.
- B. Written requests must be provided regardless of any preceding conversations and preliminary decisions regarding the subject matter(s).
- C. At the discretion of the Town, e-mail communications may qualify as “requests made in writing” for the purposes of this provision.
- D. The Town will provide written responses to each request.
- E. The Town may also issue clarifications and/or amendments based on their own assessment of Project needs.
- F. Any potential increases or decreases in Contractor compensation due to amendments will be in accordance with the provisions of the Supplemental Conditions.
- G. If latent or unforeseen conditions require modifications to the Contract, the Contractor must propose changes in the Work by submitting a detailed request to include labor rates, equipment rates, material costs, etc. for a change to the Town.

1.5. RECORDS

- A. Maintain copies on-site of all Project correspondence and Project documents generated during the Work.

1.6. PRE-MOBILIZATION SUBMITTALS

- A. All submittals are subject to review and approval by the Town and/or the Engineer. Provide all submittals to the Town who will then forward them onto the appropriate party for review. Submittals will not be approved until the reviewing party has determined that they meet the minimum requirements of these specifications. Claims for lost time or requests for extensions based on rejected pre-mobilization submittals will be denied.
- B. Contractor Health and Safety Plan:
 - 1. Prepare and submit a site-specific Contractor Health and Safety Plan.
 - 2. Refer to Specification Section 01 35 00 for details on what must be included in the Contractor Health and Safety Plan.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

C. Project Schedule:

1. Prepare a Critical Path Method (CPM) or bar chart project schedule and provide it to the Town at the first post-award meeting. Update and disseminate the schedule on a weekly basis.
2. Contractor must achieve a minimum of 30,000 Cubic Yards per calendar month. If the contractor fails to achieve the specified production rate in any month, the contractor shall implement remedial action immediately and shall submit a written recovery plan within 2 days. The Recovery Plan shall add sufficient resources, equipment, etc. such that the contractor achieves the prescribed cumulative production by end of that month.

D. Pre-Construction Condition Documentation:

1. Perform a pre-construction condition documentation of the site to 50 feet beyond the Project limits under the supervision of the Town.
 - a. Submit the findings of the pre-construction condition documentation to the Town prior to mobilization.
 - b. Include video/photographic documentation of the existing conditions of the Site and surrounding structures, including rip rap slopes, floating docks, piers, and building or other structures in-place at the harbor.
 - c. Claims determined to be resulting from pre-existing structural and/or cosmetic damage, not identified during the pre-construction survey, will be the sole responsibility of the Contractor to remedy to the satisfaction of the applicable owner(s).

E. Dredging Plan:

1. Refer to Specification Section 35 20 23 – Dredging by Mechanical Methods for details on the information required to be included in the Contractor supplied Dredging Plan.

F. Turbidity Control Plan:

1. Contractor shall prepare a Turbidity Control Plan indicating means and methods for minimizing turbidity and how permit requirements for turbidity control will be met. Turbidity curtains are required.

G. Schedule of Permits:

1. Submit copies of all supplemental and/or recurring data required by the permits to the Town, as needed. Include documentation that the supplemental data was provided to the entity that issued the permit, according to the schedule required by the permit.
2. Submit copies of any Contractor obtained permits to the Town.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

1.7. DAILY REPORT

- A. Prepare a daily report summarizing the staff and equipment used and Work performed. The Contractor's internal documentation used for this purpose may fulfill this requirement, subject to approval by the Town. At a minimum, the daily report will include the following additional items:
1. Summary of any safety related issues including a summary of the daily safety meeting and running total of safe hours worked.
 2. Approximate dredging rate for the reporting period and a brief description of where the Work was being performed.
 3. Approximate disposal rate for the reported period and a brief description of where the Work was being performed.
 4. Status of all marine signaling equipment. Note the date and time that any irregularity in the system (e.g., inoperable lights, markers off station, markers removed) is discovered, and the date and time that irregularities are corrected.
 5. Status of the turbidity controls. Note any maintenance performed on the systems, unsatisfactory performance observed, and corrective actions taken.
- B. Submit the daily report to the Town by 10 AM of the next calendar day.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 30 00

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 33 00 SUBMITTAL PROCEDURES

PART 1 GENERAL

1.1. SUMMARY

- A. This section summarizes the protocol and procedures for the preparation and delivery of submittals to the Town.

1.2. GENERAL REQUIREMENTS

- A. The Contractor shall review and approve all submittals prior to submittal to the Town.
- B. Provide all submittals in electronic format directly to the Town. The Town may require review and recommendation by Engineer prior to approval. The Town reserves the right to request that any submittal be provided via paper copy.
- A. For all submittals requested via paper copy, provide five (5) copies unless otherwise directed.
- B. Include calculations, shop drawings, plans, reports, records, photographs, diagrams, and details with submittals, as needed, to facilitate the review and/or approval process.
- C. Contractor shall submit all submittals to the Town and Engineer in sufficient time for checking and processing. Shop Drawings shall be of sufficient clarity so that copies thereof will be legible.
- D. All submittals by subcontractors for approval shall be sent directly to the Contractor for approval. The Contractor shall be responsible for their submission to the Town and Engineer at the proper time so as to prevent delays in delivery of materials.
- E. All Submittals shall be referenced properly to clearly indicate the location, service, and function of each particular item and the specification paragraph under which it is being furnished.
- F. Submittals that are related to or affect each other shall be forwarded simultaneously as a package to facilitate coordinated review. Uncoordinated submittals will be rejected.
- G. The Engineer reserves the right to require submittals in addition to those called for in individual sections.
- H. The term "Shop Drawings" include drawings, diagrams, schematics, descriptive literature, illustrations, schedules, performance and testing data, and similar materials furnished by the Contractor to explain in detail specific portions of the work required by the contract.
- I. Provide submittals electronically in the format requested (i.e. document file, drawing file, image file, etc.). For electronic drawings, submit AutoCAD 2016 (or later) file using the e-transmit feature (i.e. include external references, image files, color table file, font file, line file, etc.). Convert all AutoCAD add on data to AutoCAD format. Use descriptive layer titles (i.e. not numbers or internal use acronyms). Use extensive layer control and use line color by layer and line type by layer management. AutoCAD files of the Contract

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

Drawings will be made available to the Contractor selected to perform the Work, upon request.

- J. Certifications must be signed by an officer or other individual authorized to sign on behalf of the entity. Submittals requiring preparation by an engineer or surveyor must be signed and sealed by a Professional Engineer/Surveyor licensed to practice engineering in the Commonwealth of Massachusetts.
- K. Schedule submittals to expedite Work. Provide the Town a minimum of five (5) Business Days, excluding transmittal time, for review.

1.3. SUBMITTAL PROCEDURES

- A. Each Submittal shall be numbered with the project name (abbreviated), Specification section and submittal number in consecutive order (Ex NAME-013300-#). Where resubmission is required a letter shall be assigned to designate each resubmission (Ex. NAME- 013300-#A, NAME-013300-#B, etc.)
- B. Use a cover form for each submittal. Include the Project name, Project number used by the Town, date, submittal number, submittal description/title, submittal exclusions, and deviations from the Contract Documents (if any) on each cover form. The submittal cover form must be signed by an individual authorized to sign documents on behalf of the Contractor.
- C. Use the same units of weights and measures on submittals that are used in the Contract Documents.
- D. Identify variations from the Contract Documents and product or system limitations that may be detrimental to successful performance of the completed Work.
- E. Resubmit submittals if requested by the Town. When performing a submittal revision, identify all changes made since previous submission. For each re-submittal allow the same number of workdays required for review as the original submittal.
- F. Submittals not requested will not be recognized or processed.
- G. The Contractor shall distribute approved submittals to job site and record documents files and to suppliers and subcontractors as required.

1.4. SUBMITTAL REGISTER

- A. Maintain a technical submittal register at the Site. Including the submittal number, description, date submitted, status, and date of approval/rejection.

1.5. SUBMITTAL REVIEW

- A. Submittals will be reviewed solely for the purpose of determining whether the information contained in the submittal conforms to the design concept of the Contract Documents. Submittals will be returned with the following classifications:
 - 1. No Exceptions Taken: Work may proceed, no exceptions taken.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

2. Furnish as Corrected: Work may proceed subject to comments, resubmittal not required.
 3. Revise and Resubmit: Work may not proceed, resubmittal required for indicated items. Proceed with Work on other items subject to comments.
 4. Rejected: Work may not proceed, resubmittal required, submittal unresponsive and/or not in conformance with Contract Documents.
- B. Any review performed by the Town or Engineer is for the limited purpose of checking for conformance with the information given and the design concept expressed in the Contract Documents. Review is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions or quantities. Approval of a specific item does not constitute approval of an assembly of which the item is a component. The review and approval of the Contractor's submittals does not relieve the Contractor from complying with the requirements of the Contract Documents. The Contractor is responsible for: dimensions to be confirmed and correlated at the jobsite; fabrication processes and construction means, methods, techniques, sequences or procedures; coordination of the Work of all trades; and performing all Work in a safe and satisfactory manner.

1.6. CERTIFICATES OF COMPLIANCE

- A. Certificates must be signed by an official authorized to sign on behalf of the manufacturing or testing company.
- B. For each certification, include the name and address of the Subcontractor, name of the requestor, the Project name and location, relevant test data (if required), and the dates of shipment and delivery.
- C. Certifications do not relieve the Contractor from the requirement for furnishing materials that comply with the requirements of the Contract Documents.

1.7. INVOICES

- A. Submit monthly invoices in accordance with the provisions of the Supplemental Conditions.
 1. Submit invoices on a form approved by the Town with an updated schedule showing contract values, approved Change Orders, Work completed to date, current invoice and quantity amounts, and balance to complete for each bid item.
 2. No payment will be made unless all the proper supporting documentation has been submitted and accepted by the Town.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 33 00

Submittal Procedure

01 33 00-3

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 35 00 HEALTH AND SAFETY REQUIREMENTS

PART 1 GENERAL

1.1. SUMMARY

- A. The Work required under this section includes furnishing all labor, materials and equipment, and performing all operations required to conform to all Federal, State, and local health and safety requirements during the performance of the Work.

1.2. SUBMITTALS

- A. Prior to mobilization, submit the Contractor's Health and Safety Plan, and documentation of OSHA training as described in Section 3.1 – Work Qualifications of this Specification.

1.3. CONTRACTOR'S RESPONSIBILITY FOR HEALTH AND SAFETY

- A. Comply with any and all applicable state, federal, and local ordinances, laws and regulations.
- B. The Contractor is responsible for the Health and Safety their employees, its Subcontractors, suppliers, agents, inspectors, visitors, the general public, and any Others associated with, or interacting with Contractor who provides labor, goods, or other services on the Site.
- C. The Contractor is responsible for emergency response planning and notification and for actual response to all emergencies that may occur during the course of the Work, including emergencies that may occur when the Contractor is not present at the Site.
- D. Designate a Site Safety and Health Officer (SSHO).
- E. The SSHO shall enforce the health and safety requirements for all Contractor personnel on-Site at all times. The SSHO shall ensure that all Contractor personnel, Subcontractor personnel, and Contractor visitors follow the Contractor's site Health and Safety Plan (HASP), including wearing the designated level of Personal Protective Equipment (PPE). If the SSHO elects to require a higher level of protection, the extra costs associated with such higher level shall be borne by Contractor, unless such extra costs are approved in advance in writing by the Town.
- F. Prior to mobilization and continually through the duration of the Work, the SSHO shall inspect the Site and document area-specific and worker-specific protection requirements.
- G. After mobilization, the SSHO shall monitor Work activities and document the need for additional worker protection, as required, based on the Work being performed and action levels specified in the Contractor HASP.
- H. The SSHO shall verify that all activities are performed in accordance with the HASP and all federal, state, local, and Health and Safety standards, Laws and Regulations, and guidelines.
- I. In the event of a health or safety risk, as determined by the SSHO, other Contractor personnel, or by the Town, stop Work until a method for handling the risk has been

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

determined and implemented. Report any health or safety risk resulting in a Work stoppage to the Town.

- J. The Contractor is responsible for implementing a behavior-based safety process and providing site training, observation, and feedback for Contractor personnel employed at the Site.

1.4. CONTRACTOR'S HEALTH AND SAFETY PLAN

- A. Prepare and submit a Site-specific Health and Safety Plan (HASP) to the Town prior to the start of the Work. Follow all applicable local, state, and federal Health and Safety standards, Laws and Regulations, and guidelines implemented through, but not limited to, the OSHA, NIOSH, ACGIH, and USEPA. Where these references are in conflict, follow the more stringent requirement. At a minimum, address the following topics in the Contractor HASP:
 - 1. Names of key personnel and alternates responsible for Health and Safety, including a Contractor Health and Safety Representative and SSO.
 - 2. Documentation of employee and Subcontractor training and medical certifications required by 29 CFR 1910.120, as described in Part 3 of this Section.
 - 3. PPE to be used for each of the tasks and operations being conducted, as required by the PPE program in 29 CFR 1910.120, 29 CFR 1910 Subpart I, 29 CFR 1926.28, and 29 CFR 1926 Subpart EA list of Health and Safety and emergency equipment available on the Site.
 - 4. A description of engineering controls used to reduce the hazards of equipment operation.
 - 5. Heat stress program.
 - 6. Cold stress program.
 - 7. Lockout/Tagout procedures where the sudden start up or release of stored energy could cause injury to personnel.

1.5. NOTIFICATIONS

- A. Notify the Town as soon as practical, but no more than twenty-four hours, after any mishaps, including recordable accidents, incidents, and near misses, as well as, any report of injury, illness, or any property damage.
- B. Notify the Town of load handling equipment or rigging mishaps, as soon as practical but not more than 4 hours after mishap.
- C. The Contractor is responsible for obtaining appropriate medical and emergency assistance and for notifying fire, law enforcement, and regulatory agencies.
- D. Immediate reporting is required for electrical mishaps, to include Arc Flash; shock; uncontrolled release of hazardous energy (includes electrical and non-electrical); load handling equipment or rigging; fall from height (any level other than same surface); and

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

underwater diving. These mishaps must be investigated in depth to identify all causes and to recommend hazard control measures.

- E. Immediately notify the Town of any hazard the Contractor discovers or observes on the Site, and the corrective measures planned or taken to eliminate or minimize the hazard. Within notification include Contractor name; contract title; type of contract; name of location where accident occurred; date and time of accident; names of personnel injured; extent of property damage, if any; extent of injury, if known, and brief description of accident (for example, type of construction equipment used and PPE used). Preserve the conditions and evidence on the accident site until all possible Town investigations are conducted. Assist and cooperate fully with the Town investigation(s) of any mishap.

PART 2 PRODUCTS

2.1. EQUIPMENT AND FACILITIES

- A. Provide all equipment, temporary facilities, and controls required to perform the Work safely in accordance with all applicable laws and regulations and the Contractor's HASP.

2.2. PERSONAL PROTECTIVE EQUIPMENT

- A. The appropriate level of PPE is to be determined by the Contractor for the specific tasks as described in the Contractor's HASP. If hazards are identified that require a level of protection greater than Level D (defined in paragraph C below), Work shall be suspended, and the Town notified.
- B. Furnish and maintain materials and equipment for the health and safety of Contractor employees, Subcontractors, Suppliers, and visitor personnel. Provide all required first aid equipment, tools, monitoring equipment, PPE, and ancillary equipment required to comply with the Contractor's HASP.
- C. Level D protection will be required at all times for all personnel and visitors on the Site. Level D PPE consists of:
 1. Hard hat.
 2. Steel-toed boots.
 3. Safety glasses with permanent side shields.
 4. Work clothes (long pants, shirts with sleeves).
 5. Work gloves.
 6. Hearing protection (as needed to prevent exposure exceeding 85 dB level).
 7. High visibility reflective safety vests, or;
 8. U.S. Coast Guard approved Personal Flotation Devices for personnel working on or near the water.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

PART 3 EXECUTION

3.1. WORKER QUALIFICATIONS

- A. Provide the following training to workers.
 - 1. Current cardiopulmonary resuscitation (CPR) and first aid certification for at least two workers assigned to Work on the Site.
 - 2. OSHA 10 Hour training course.
 - 3. For any worker who is assigned the role of a “competent person,” provide documentation of sufficient and relevant training and experience to perform the assigned duties and responsibilities of that role. As defined in 29 CFR 1926.31, the competent person shall be “one who is capable of identifying existing and predictable hazards, and who has authority to take prompt corrective measures to eliminate them.” Relevant training and experience shall be in the same type of Project activities included in the Work under this Contract.

3.2. WORK PLANNING AND MEETINGS

- A. Conduct a daily health and safety meeting, prior to beginning Work for that day, to address health and safety issues, changing conditions, activities, and personnel. All Contractor and Subcontractor employees working on the Site on that day must attend the meeting. Document all meetings and have attendees sign a form acknowledging their presence at the meeting. Include as part of the daily meeting, an evaluation of the Work to be conducted and the hazards associated with the work.
- B. Contractor personnel who are not in attendance for the daily Health and Safety must be briefed on the meeting notes prior to commencing any Work-related activities.
- C. Hold and document additional safety meetings at the start of each major task, and whenever site conditions change such that it could potentially affect worker safety.

3.3. MONITORING

- A. Perform heat exposure and cold exposure monitoring activities as required by weather conditions.

END OF SECTION 01 35 00

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 41 00 REGULATORY REQUIREMENTS - PERMITS

PART 1 GENERAL

1.1. SUMMARY

- A. This Section establishes responsibility for obtaining Project permits between the Engineer, the Town, and the Contractor.

1.2. TOWN APPROVALS

- A. The Town has obtained the following Project permits. The Contractor will be required to comply with all approved permit requirements.
 - 1. 401 Water Quality Certification.
 - 2. MA DEP Waterways Chapter 91 permit.
 - 3. Wetlands Protection Act Order of Conditions.
- B. The Town is awaiting approval of the following permits. Example conditions are provided for bidding. The Contractor will be required to comply with all approved permit requirements.
 - 1. Section 401/404 USACE permits

1.3. CONTRACTOR PERMITS

- A. Obtain the following Project permits/acceptances:
 - 1. Coast Guard Notice to Mariners.
 - 2. Local construction permits/notifications, as needed.
 - 3. Permits required for transportation and disposal of dredge material.
 - 4. Permits required for any off-Site parking that is negotiated between the Contractor and the Town, and/or private parking facilities, as needed.
- B. This Section does not describe all permits required for performance of the Work. Any permits not identified in this Section, or elsewhere in the Contract Documents, are the responsibility of Contractor.
- C. Regardless of who is responsible for obtaining a permit, the Contractor is responsible for performing in accordance with the Supplemental Conditions of all permits.

1.4. COORDINATION/ASSISTANCE

- A. Provide all data, as may be requested, by the Town to support permit applications. When necessary, the Town may provide data summaries or other Project information in support of Contractor permit submittals.
- B. Any coordination and/or assistance between the Contractor and the Town or Engineer is provided in the interest of expediting the Project. The provision of coordination and/or

Regulatory Requirements

01 41 00-1

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

assistance does not relieve the Contractor of their obligations to obtain, or abide by, a permit.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

- A. Comply fully with all requirements and conditions of all Project Permits including performance of any miscellaneous work required to ensure full compliance and not otherwise covered by individual items in the contract.
- B. Comply fully with all requirements and conditions of US Army Corps of Engineers, US Coast Guard, Harbormaster, and other authorities including, but not limited to, coordination, notification, and performance of any other miscellaneous work required to ensure full compliance and not otherwise covered by individual items in the contract.
- C. Perform all other miscellaneous work obviously required to complete the project, but not covered by individual items in the contract.
- D. Obtain governing authorities written permission, when required to close or obstruct street, walks, or adjacent facilities. Provide alternate routes around closed or obstructed traffic ways, when required by governing authorities.
- E. Contractor shall perform all notifications as required within the regulatory permits and approvals.

END OF SECTION 01 41 00

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 50 00 TEMPORARY FACILITIES

PART 1 GENERAL

1.1. SUMMARY

- A. The Work required under this section includes furnishing all labor, equipment, supplies, materials, and performing all operations required for providing temporary facilities during the performance of the Work.

1.2. GENERAL

- A. All furnished materials must be suitable for their intended use and conform to all applicable codes and standards.

PART 2 PRODUCTS

2.1. WATER

- A. Provide a ready supply of potable water for the Contractor, Subcontractor, and visiting personnel during the performance of the Work.

2.2. RADIOS

- A. Provide a two-way radio with spare batteries for use by the Town during the performance of the Work. The radio provided to the Town must be able to receive and send on all frequencies that will be used by the Contractor during the performance of the Work.

2.3. SANITARY FACILITIES

- A. Provide on-board sanitary facilities for all Contractor employees, Subcontractor personnel, and visiting personnel.
- B. Maintain a supply of soap and water for hand cleaning during the performance of the Work.
- C. Provide on-shore sanitary facilities for all Contractor employees, subcontractor personnel and, and visiting personnel.

2.4. ON-SITE UTILITIES

- A. There are currently no on-site utilities available for use by the Contractor.
- B. It is the responsibility of the Contractor to provide any and all utility services needed to complete the Work.

2.5. LAYDOWN AREA

- A. Upon request, and pending availability, the Town will designate a laydown area for the use and storage of trailers, equipment, and materials. This area will be located at the Town Pier. Contractor shall be responsible for the designated laydown area(s). The area will be maintained in a clean and orderly fashion and secured, if needed to protect supplies and equipment. Construct a temporary 6 foot high chain link fence around laydown area. Restore areas used during the contract to original or better condition.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 50 00

Temporary Facilities and Controls

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 01 77 00 CLOSEOUT PROCEDURES

PART 1 GENERAL

1.1. SUMMARY

- A. Closeout procedures covers the administrative and technical requirements for final cleaning, inspection, Project as-built documents, warranties, bonds, final payment, and other procedures for Project closeout in accordance with the Contract Documents.

1.2. CLOSEOUT PROCEDURES AND REQUIRED SUBMITTALS

- A. For this Project, Substantial Completion will be defined as all dredging work complete, and all sediment and debris transferred to the offshore disposal site. The Town has sole and final discretion for determining whether the Work has progressed to the point of Substantial Completion or not.
1. Substantial Completion defined as:
 - a. Completion of 3 month minimum production rate of dredge material within Area II – South Mooring Basin. (90,000 CY)
 - b. Hydrographic survey of final dredge area
 2. Submit written certification that project, or designated portion of the project, is substantially complete, and request, in writing, a final inspection. The Town's representative will perform the final inspection.
 3. Should the Town's representative determine that the work is substantially complete, he will prepare a punch list of deficiencies that need to be corrected before final acceptance and issue a notice of substantial completion with the deficiencies noted.
 4. Should the Town's representative determine that the work is not substantially complete, he will immediately notify the Contractor, in writing, stating reasons. After the Contractor completes the work, he shall re-submit certification and request for final inspection.
 5. Failure to complete parameters for Substantial Completion:
 - a. Contractor shall be paid for the Cubic Yards dredged and disposed of within the dredge limits.
- B. Record Drawings:
1. If progress payment applications are submitted by the Contractor, the data collected to substantiate the progress payment is to be submitted to the Town at the conclusion of the Work to be incorporated into the Record Drawings for the Project.
 2. Submit record surveys in electronic format (.dwg AutoCAD file) and provide two (2) hard copies to the Town that have been signed and sealed by a surveyor licensed to practice in the State of Massachusetts. At a minimum, Record Drawings are to include:

Closeout Procedures

01 77 00-1

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- a. Approved pre-dredge survey.
 - b. Encountered structures left in place.
 - c. Bottom of dredging grade.
 - d. Benchmark coordinates and elevation.
3. Quantities that are designated to be determined by survey are to be included on the Record Drawings when/if making an application for a progress payment. The Record Drawing must clearly indicate the pay item and total quantity of measured units. Final payment will be based off difference between the Town pre and post dredge surveys.
 4. Provide the Town with an electronic version of the Record Drawing as an AutoCAD file with .xyz file and in a color-PDF format that bears the seal of the Project surveyor who oversaw the preparation of the Record Drawings.
- C. Provide copies of all Project records including, but not limited to, the following:
1. Health and Safety reports.
 2. Copies of closed permits.
 3. Marine Mammal Observer Reports (combined document of all reports)
 4. ACOE Disposal Reports (combined document of all reports)
- D. Permit Closeout:
1. Submit written confirmation that all permits have been closed with their governing authority and that any and all remaining fees (if applicable) have been paid in full.
- E. Other Close-out Submittals
1. Refer to EXECUTION portion of each specification section for closeout requirement, including operating and maintenance manuals; instruction of Town's personnel in maintenance and operation of systems; submission of certifications, test reports, etc.; provisions of spare parts and maintenance materials, all of which shall be neatly wrapped or packaged in standard sizes and clearly labeled.
 2. Submissions specified elsewhere in the Contract Documents, include consent of surety to final payment; affidavit that all bills and indebtedness from subcontractors and suppliers, or bond satisfactory to the Owner indemnifying the owner against liens or other claims.
- 1.3. ACCEPTANCE OF WORK
- A. After all deficiencies have been corrected, a Letter of Final Acceptance will be issued. If only designated portions of the project have been inspected, a Letter of Partial Acceptance will be issued for that portion of Work.
 - B. Acceptance may be given prior to correction of deficiencies that do not preclude operations and use of the facility; however, final payment will be withheld until all deficiencies are corrected.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- C. Until receipt of Letter of Final Acceptance, the Contractor shall be responsible for the work of this Contract.

PART 2 MATERIALS

(Not Applicable)

PART 3 EXECUTION

(Not Applicable)

END OF SECTION 01 77 00

SECTION 35 12 13 MARINE SIGNALING EQUIPMENT

PART 1 GENERAL

1.1. SUMMARY

- A. The Work required under this section includes furnishing all labor, materials, equipment, and performing all operations required for the installation, maintenance, and removal of all marine signaling equipment required for completing the Work.

1.2. SUBMITTALS

- A. Submit a Notice to Mariners to the U.S. Coast Guard for the deployment of any temporary marine signaling equipment.

PART 2 PRODUCTS

2.1. GENERAL

- A. Furnish marine signaling equipment that is commercially available and designed for marine use.
 - 1. Anchors, if applicable, must be of sufficient weight and strength to hold the equipment in position under typically expected range of operating conditions for the area.

2.2. LIGHTS

- A. Furnish navigation warning lights that conform to the United States Coast Guard requirements for location, visibility, and color.
- B. Provide navigational lighting on all vessels, including scows and dredge equipment, which complies with applicable U.S. Coast Guard regulations.
- C. Provide lighting for turbidity curtains and all other potential hazards to navigation put in place during the Work, in compliance with all applicable U.S. Coast Guard regulations and permit requirements.

2.3. BUOYS

- A. Provide buoys that are in compliance with all applicable U.S. Coast Guard regulations.

PART 3 EXECUTION

3.1. INSTALLATION AND OPERATION

- A. Coordinate with the U.S. Coast Guard and obtain all required permits and file all required notifications prior to mobilizing to the Site.
- B. Furnish and maintain all marine signaling equipment required by permit and/or U.S. Coast Guard regulations while the Work is being performed.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3.2. MAINTENANCE

- A. Inspect marine signaling equipment daily. Take immediate corrective action to repair/replace a malfunctioning marine signaling device.

3.3. REMOVAL

- A. Remove the marine signaling equipment within 72 hours when instructed by the Town.
- B. Coordinate demobilization and removal of the marine signaling equipment with the U.S. Coast Guard.

END OF SECTION 35 12 13

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

SECTION 35 20 23 DREDGING BY MECHANICAL METHOD

PART 1 GENERAL

1.1. SUMMARY

- A. The Work required under this section includes furnishing all labor, materials, equipment, and performing all operations required for completing the mechanical dredging portion of the Work.

1.2. GENERAL

- A. The work under this section shall include, but not be limited to, the following:
 - 1. Site mobilization & demobilization.
 - 2. Project scheduling and phasing.
 - 3. Dredging by mechanical method of sediment within the harbor to the depths and limits shown on the Contract Drawings. The dredging must be completed within the Time of Year (TOY) set by the Project permits and completed entirely from the water. The Contractor must comply with all permit conditions and shall schedule his work to meet this condition.
 - 4. Performing all dredging work in accordance with turbidity controls measures including turbidity curtains and turbidity monitoring.
 - 5. Placement of dredged material into scows or other approved transport container, in conformance with the Contract Documents and all regulatory approvals.
 - 6. Transportation and placement of dredged material in the Cape Cod Bay Disposal Site in conformance with these specifications, USACE requirements, and all regulatory approvals.
 - 7. Compliance with USACE National Dredge Quality Management Program (DQM) and Section 35 20 23.13
 - 8. Removal and proper disposal of debris and other obstructions as defined within these Specifications.
 - 9. Preparing, receiving, and acceptance by the Town of all submittals outlined in Section 1.5. of this Specification.
- B. Comply with all applicable regulations, rules, laws, and ordinances of the Commonwealth of Massachusetts, and all other authorities having jurisdiction including, but not limited to , the USACE, U.S. Coast Guard, and the Town of Wellfleet
- C. Compliance with all conditions with the Regulatory Approvals including, but not limited to, the following:
 - 1. US Army Corps of Engineers (USACE) permits (Pending)
 - 2. MA DEP Waterways Chapter 91 License

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3. Coastal Zone Management (CZM) Consistency
 4. MA DEP Water Pollution Control: 401 Water Quality Certificate
- D. Contractor shall assume permit requirements include:
1. Providing qualified marine mammal/turtle observer
 2. Providing qualified fisheries observer
 3. Monitoring during dredging and disposal events
 4. Preparation of a turbidity control plan(s)
 5. Preparation and submission of all required reports
- E. Comply with all conditions and perform monitoring and reporting as required by the Regulatory Approvals.
- F. In the event that any conflict between conditions in the Regulatory Approvals and the Contract Document occurs, the Contractor shall comply with the more stringent requirement at no additional cost to the Town.
- G. Comply with all applicable regulations, rules, laws, and ordinances of the Commonwealth of Massachusetts, and all other authorities having jurisdiction including, but not limited to, the USACE, US Coast Guard, and the Town of Wellfleet.
- H. Examine all Contract Drawings and sections of the Specifications for requirements and provisions of the Work that this Section affects.

1.3. QUALIFICATIONS

- A. The Contractor shall have completed at least 3 dredging projects of similar size and scope using mechanical methods.
- B. The dredging supervisor shall have a minimum of 5 years of experience with dredging projects in the role of dredging supervisor or superintendent.
- C. The Contractor's equipment operators, supervisory engineering staff, and technical staff shall have a minimum of 2 years of experience with dredging via mechanical methods.

1.4. QUALITY ASSURANCE

- A. Comply with all applicable local, state, and federal requirements, as well as industry standards and practices regarding materials, methods of work, proper disposal, safety of workers, and safety of the public.
- B. Copies of the Regulatory Approvals and Conditions for performing the work or examples thereof are included within Appendix A of the Contract Documents. The Contractor shall be responsible for understanding and implementation of the stipulated conditions as a condition of the contract. The Contractor shall note that not all regulatory approvals for the Project have been received and examples have been provided for bidding purposes. Contractor shall comply with final regulatory approvals once received.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- C. All the Contractor's dredging equipment and dredge scows shall be in good working condition and suitable for the intended task.
- D. Dredging and disposal will only be allowed during specified times established by the project permits. The Contractor shall be responsible for adhering to all local, state, and federal requirements for endangered and threatened water mammals and other marine life.
- E. Should it become necessary for work under this section to extend into the no dredging/disposal windows, the Contractor will be responsible, at his expense, to obtain approvals for any time extensions, re-permitting, or changes that may be necessary.
- F. Contractor's equipment shall comply with all requirements of the USACE Dredge Quality Management (DQM) System.

1.5. SUBMITTALS

A. Dredging Plan:

- 1. Within fifteen (15) calendar days from the date of the Notice to Proceed, or at the pre-construction meeting, whichever occurs first, submit the Dredging Plan to the Town for review and acceptance.
- 2. Include the name, address, and 24-hour emergency contact information of the person who will be in responsible charge of the dredging and disposal operation.
- 3. Include the name, address, and 24-hour emergency contact information of all Subcontractors who will be involved in the Project.
- 4. Identification and list of dredge equipment to be used. Certify that all the Contractor's dredging equipment and dredge scows are in good working condition and suitable for the Work. All equipment is subject to inspection and approval prior to use on the Project.
- 5. USACE Certifications for Contractors DQM System to be used.
- 6. Plan for dredge area and dredge disposal location monitoring.
- 7. The Contractor is responsible for adhering to the USACE Dredge Quality Management (DQM) System Requirement. It is the responsibility of the Contractor to notify the USACE prior to commencing dredging and to request the exact coordinates for the disposal of the dredged materials from USACE at least ten (10) days prior to the start of the project. Confirmation of notification and the disposal coordinates from USACE shall be submitted to the Town prior to proceeding with the dredging.
- 8. As part of the Dredging Plan, submit a Spill Management Plan which will be utilized to prevent and/or mitigate fuel and material spillage.

B. Progress Plans:

- 1. The Contractor is required to plot the locations of all obstructions encountered during the progress of the Work on the progress plan and on the Daily Reports.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

2. Maintain a dredging progress plan onsite and update it daily. This plan shall be colorized and show the locations dredged and the date of the work. The dredging progress plan will be submitted to the Town at the completion of the Work.
 3. Maintain a disposal progress plan onsite that is updated daily to show all disposal work in the Cape Cod Bay Disposal Site. This plan shall show locations of all disposal locations and dates/time of each disposal. The disposal progress plan will be submitted to the Town at the completion of the Work.
 4. The contractor's hydrographic surveys, when performed, shall be provided at the same size and scale as the Contract Drawings and shall show the final elevations of the dredged area with all pertinent data, landmarks, baseline, and shall be based on the datum established for the project on the contract documents. Data grid used shall be sufficient to provide adequate details of the side slope and the limit of dredging. The Town may request additional data sets as required to review the Contractor's data. Submittal shall include hard copies as well as supporting electronic files. All surveys shall be performed using the same horizontal coordinate system and vertical datum based on Mean Low Water datum, unless noted otherwise.
- C. Submit a Turbidity Control Plan for review and acceptance by the Town and Regulatory Agencies prior to mobilizing any materials to the Site.
- D. Certificate of Compliance
1. The Contractor shall provide name and contact information for the Registered Land Surveyor and/or Registered Professional Engineer, experienced in hydrographic surveys, to perform its verification survey and prepare the required plan.
 2. The Contractor's verification survey shall be the same size and scale as the Contract Drawings and shall show the final elevations of the dredged area with all pertinent data, landmarks, baseline and shall be based on the Datum established for the project.
 3. The Contractor's verification survey must be sufficient in detail and accuracy to satisfy the Town that the Town's final survey can be ordered.
- E. Surveys submitted for consideration shall have an original stamp by a licensed professional land surveyor or licensed professional engineer. Surveys shall be provided in AutoCAD with .xyz file and stamped plans on paper copies for the following purposes:
1. Pre-dredge conditions prior to commencing dredging activities.
 2. Disagreement with pre-dredge condition – must be submitted at least 3 days prior to performing any dredge activities.
 3. Requests for partial payment of dredge activities.
 4. Verification survey to confirm work is complete.
 5. Disagreement with post-dredge condition and payment volumes

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- F. The Contractor will be required to maintain daily records of dredging operations. A plan will be marked and colored coded showing daily progress, and a sketch of this progress plan indicating the work accomplished for that period will be drawn on the back of the record forms. The record forms shall be submitted to the Authority on a weekly basis. The progress plans will be turned over to the Authority at the completion of work.

1.6. NOTIFICATIONS

- A. Provide notifications required by Project permits in compliance with the notice period prior to the beginning of dredging including, but not limited to:
 - 1. Notify the USACE of intent to start Work at least 10 days prior to the beginning of dredging.
 - 2. The Department of Environmental Protection
 - 3. At least ten (10) working days in advance of the start date, the Contractor shall notify the First Coast Guard District, Aids to Navigation Office, of the location and estimated duration of the dredge and disposal operations.
 - 4. Notify and coordinate all work with the Town of Wellfleet.
- B. It is the Contractor's responsibility to notify the US Coast Guard prior to the start of this Project.
- C. Before beginning any dredge or disposal operations, the Contractor shall coordinate with the US Coast Guard to issue a "Notice to Mariners".
- D. If the Town is not present onsite, it is the Contractor's responsibility to immediately notify the Town of any changes in the Site so that the Town may inspect the conditions.
- E. Upon completion of dredging, submit a letter notifying the Town of completion and when the Contractor's final bathymetric survey will be completed. Town will complete its own independent bathymetric survey within one week for verification of project completeness and volume confirmation prior to approving final payment request.

1.7. SITE CONDITIONS

A. PROJECT STAGING

- 1. Upland area may be available for the dredge contractor staging and for material handling and disposal associated with material not suitable for disposal at the CCBDS site. Any use of the upland area for these activities shall be subject to the review and approval of the Town of Wellfleet. If not available Contractor shall provide their own site for these activities at no additional cost to the project.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

B. SITE ACCESS

1. Contractor shall note that the dredge site has limited access and size restrictions and will require selection of materials and equipment that are capable of safely navigating within the site restrictions shown on the contract plans.
2. Contractor shall note that the work includes dredging of shallow and intertidal areas. Limitations on the duration of dredging within each tide cycle should be anticipated.

1.8. CONTRACTOR SURVEYS

A. QUALIFICATIONS

1. If needed to support applications for progress payments, subcontract with a Professional Surveyor licensed in the State of Massachusetts to serve as the independent surveyor for the Project.
2. The selected surveyor shall have served in a similar role on at least two previous Projects with a dredging component of a similar or greater size.
3. The selected surveyor may not be replaced unless the Contractor submits a written request to the Town for approval that details the reason(s) for the requested change and includes any noted deficiencies.

B. REFERENCE POINTS

1. Establish horizontal control points and benchmarks, as needed. Protect the reference points from disturbance during performance of the Work.
2. When laying out and controlling the performance of the Work, use horizontal and vertical datums that are consistent with those used in the Contract Drawings.

C. BATHYMETRIC SURVEYS

1. Bathymetric surveys shall be conducted to meet USACE accuracy standards defined in EM 1110-2-1003, Hydrographic Surveying. Surveys will be performed by single vertical beam transducer, or multiple vertical beam transducer sweep, or multibeam sweep methods. When vertical single beam or multiple sweep beam transducers are employed, an acoustic frequency of 200 kHz ($\pm 20\%$) shall be used. When utilizing multibeam technology, the operating acoustic frequency will range from 180 kHz to 250 kHz. All depth measurement devices, positioning, and motion compensation systems will be calibrated following the quality control procedures outlined in EM 1110-2-1003.
2. At the start of each day's soundings, the system shall be calibrated in strict accordance with Corps of Engineer's Manual EM 1110-2-1003 (2004). The Contractor will be required to submit to the Town sufficient field data, including all digital fathometer data in a usable format, corrected for tide, and corresponding boat plots and track sheets, so that the Contractor's submitted survey plot may be reproduced by the Town by referring only to this field data.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3. After completion of the Contractor's survey, the results will be plotted and reviewed by the Contractor to ensure that all Work was completed in accordance with contract requirements, and then submitted to the Town on CD-ROM, DVD-ROM, or by electronic file transfer in digital ASCII format. If deficiencies are noted, a re-survey of the area after correction of deficiencies will be required to assure the Town that appropriate corrections have been made.
4. Submission of all Contractor quality control survey data, including plots, is required prior to the performance of the final examination and acceptance survey to be performed by the Town. The results of the quality control surveys should be used by the Contractor to ensure that Work was performed in accordance with the Contract Documents.
5. If requesting a progress payment, surveys shall be performed by the Contractor for all completed areas of dredging being submitted for payment. All data shall be submitted on CD-ROM, DVD-ROM, or by electronic transfer with X, Y, and Z ASCII files containing Easting, Northing, and true Elevations. Data shall be provided to the Town denoted by shallowest soundings in a 3-foot grid pattern. The files shall be referenced to state plane coordinates, NAD83 Massachusetts Mainland Zone 2001, and vertical datum referenced to MLW.

1.9. ENVIRONMENTAL PROTECTION

- A. The Contractor shall provide the services of a Marine Mammal/Turtle Observer. The Marine Mammal/Turtle Observer will be responsible for prohibiting harassment of marine mammals and sea turtles during transit and disposal work.
- B. The Contractor shall provide the services of a Fisheries Observer. The Fisheries Observer will be responsible for prohibiting harassment and adverse effects to fisheries during dredging, transit, and disposal work.

PART 2 PRODUCTS

(Not Applicable)

PART 3 EXECUTION

3.1. SCOPE OF WORK

A. General

1. The Contractor shall dredge to the depths shown on the Contract Drawings. The proposed depths include an over-dredge payment limit depth as shown on the Contract Drawings. No work outside the payment limit will be considered for compensation.
2. The Contractor shall perform a Pre-Dredge survey of the project area before any work is started. The Pre-Dredge survey must be submitted prior to work commencing.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3. The Contractor shall place and maintain range markers to show the limits of the dredge area. Markers shall not be located to cause an obstruction or other hazard for vessels.

B. Site Mobilization & Demobilization

1. The Contractor shall mobilize dredging plant, work boats, scows, barges, tugs, cranes, and all other equipment to the work site to commence dredging and disposal operations
2. The Contractor shall relocate and move cranes, dredge plant, and related equipment from one work location to another work location(s) within the project limits as work progresses and to accommodate vessel operations, as required.
3. The Contractor shall perform all survey for layout, placement, and maintenance of markers, as well as the verification survey. Survey control baseline(s), markers and tide boards shall be established and maintained at all times during the project for the dredging area.
4. The Contractor shall perform all notifications, as required under this specification and within the Project Regulatory Approvals.
5. The Contractor shall perform all surveys and reports, as required under this specification.
6. Demobilization of the Contractor's dredging plant, work boats, scows, barges, tugs, cranes, and all other equipment from the work site upon completion of the dredging operations shall only take place after receiving approval from the Town.
7. Under no circumstances shall the Contractor leave the site until the Contractor has completed and submitted a Post Dredge survey and the Town has notified the Contractor in writing that it may demobilize from the site, or unless otherwise authorized in writing by the Town. If any work has not been completed, including complete demobilization, or, if any shoals exist within the work area, the Contractor will be ordered to return to the site to complete said work without delay. If the Contractor does not return to the site, all monies owed the Contractor shall be retained by the Town to complete the work. Any funds not utilized to complete the work will be paid to Contractor.

3.2. GENERAL OPERATIONS

- A. Conduct operations in such a manner as to cause the least amount of interference with shipping and boating interests in and around the Site. Coordinate all Work with:
 1. Town of Wellfleet.
 2. USACE.
 3. U.S. Coast Guard.
- B. Notify Town 24 hours prior to any dredging activities.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- C. Ensure proper closure and water-tightness of the scow pocket doors to eliminate any seepage or leakage of material. The use of plastic material or other non-approved materials to cover cracks in scow pockets will not be allowed.
- D. Provide and maintain a walkie-talkie communication system, or other system approved by the Town, between the Town and the dredge plant, and between the towboat and the scow.
- E. Barges, dredge plants, tow boats or any vessel used during this Project shall not sit on the bottom within or adjacent to the Work area.

3.3. DREDGING BY MECHANICAL METHOD

- A. Examine the Site and available data and determine the character of the materials to be removed. The Contractor is required to remove all materials within the design footprint and shall provide all necessary labor and equipment to handle the materials.
- B. Furnish equipment of sufficient size and capacity to dredge sediments to the depths shown on the Contract Drawings. The Contractor shall dredge, by use of environmental bucket dredging equipment or clam shell bucket as required for harder materials, the areas shown on the plan. Project Permits require the use of BMP's and an environmental bucket shall be used to the maximum extent practical and the Contractor shall assume use of an environmental bucket prior to use of a heavy clamshell, as required to complete the work, including removal of all debris encountered. Contractor shall furnish additional dredging buckets as may be needed to complete the work including removal of large pieces of debris.
- C. Dredged material shall be placed in watertight scows with fast rate hopper door release and transported to the Cape Cod Bay Disposal Site.
 - 1. Scow overflow will not be permitted.
- D. The quantities shown on the plans are estimated based on the survey and soundings. The actual amount removed will be dependent on the amount of material the Contractor removes to the payment limits as shown on the Contract Drawings. Intermittent progress bathymetric surveys may be conducted by the Contractor for progress payments, if desired. Quantity removed will be obtained by computing the volume between the bottom surface of the last Town survey made before dredging, and the bottom surface of the final Town survey made within one week or otherwise as soon as practicable after the work specified has been completed. The Contractor must complete a post-dredge survey within 5 days of completing dredge activities and notify the Town of when post-dredge survey is scheduled to be completed. The Town will complete its own post dredge survey for verification and agreement of post dredge conditions and final payment.
- E. Unless approved in advance by the Town, payment will only be made on the computed volume of the dredge prism shown in the Contract Drawings plus 1 foot of allowable over-dredge, including side slopes.
- F. Minimize over-dredge.
- G. Do not exceed the maximum dredge cut line at the base of side slopes. Remove any upslope sediments that fall into the dredge prism.

65% DESIGN

Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- H. Dredging performed beyond the limits of the allowable over-dredge will not be measured for payment. Additionally, any other pay items impacted by the performance of dredging beyond the allowable dredge limits will not be measured for payment.
- I. Make the bottom of the excavation as smooth and level as possible at or within 1 foot below the plane of the required depths. All bumps, shoals, pinnacles or any other obstruction above the design dredge depth are to be removed. No payment will be made for any material dredged beyond the design over-dredge depths as shown on the Contract Drawings as determined from information obtained during the Town post-dredge survey.
- J. The method used to obtain a smooth and level bottom shall be selected by the Contractor, with the approval of the Town, before such method is implemented.
- K. If the Town post-dredge survey shows areas that have not been dredged to the proper depth, the Contractor shall complete the Work required as directed by the Town and shall pay for the additional survey(s) required to show that the Work has been completed per the Contract Documents.
- L. The Town will notify the Contractor in writing, upon the receipt and approval of the final survey, that the Contractor may demobilize from the Site. The Contractor shall not demobilize from the Site without the prior written approval from the Town.

3.4. DEBRIS AND OBSTRUCTIONS

- A. The Contractor shall assume debris is present and shall remove it in the course of his work. In the event, significant obstructions are encountered which may impact the progress of the work, the Contractor shall notify the Town prior to removal.
- B. Debris shall be separated and placed in a separate unsuitable material dumpster. Debris placed in the dumpster shall be free of excessive dredge material and water. All such material shall be disposed in accordance with the Contract Documents.
- C. Furnish any special or additional equipment that may be required for removing debris and submerged obstructions as needed to complete the Work. Care must be taken when removing any debris encountered adjacent to existing structures to minimize any possible impact.
- D. Separate any floating debris contained within the turbidity controls and stockpile for offsite disposal.
- E. Lawfully dispose of debris in accordance with all applicable laws and regulations.
- F. The changing of dredging bucket type or of dredging platform to remove debris is to be included in the Contractors Bid and will not be considered adequate grounds for a Change Order.
- G. Any material that is disposed of other than in places designated by the Town will not be paid for and the Contractor may be required to remove such misplaced material and deposit it where directed at no additional cost to the Town.

3.5. SEDIMENT TRANSPORT AND DISPOSAL

Dredging By Mechanical Method

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

- A. All tow boats used for towing to disposal areas shall be equipped with differential global positioning system (DGPS) and track recording navigational equipment or approved equivalent electronic navigation equipment, radar, corrected compass, marine radio, and depth sounding equipment which shall be maintained in operating condition during each tow. The tow boats utilized by the Contractor for this purpose shall be of a size adequate for towing in the open ocean and shall have necessary reserve power for maneuvering with scows and under emergency conditions as well as for control of scows at the disposal point.
- B. Use of a fully automated horizontal positioning system capable of locations within 1.0 meter of the true position is required to ensure proper positioning of the scows over the disposal site.
- C. Place material at the disposal site such that the mounding of material is minimized.
- D. All scows used for in-water disposal shall be bottom-dump that have been inspected and approved by the USACE.
- E. Any dump scows used to transport material shall be in good operating condition and shall contain the sediment and water placed in it so that no discharge of sediment or water occurs until the barge has been transported to the designated disposal location.
- F. Transport, monitoring, and disposal of dredge material shall be in accordance with all regulatory requirements and the Contractor shall be solely responsible for proper disposal of material.
- G. The Contractor shall bear full responsibility for resolution of issues arising from the transport, monitoring, and disposal of dredge material in violation of regulatory requirements, including but not limited to meetings, surveys, environmental studies, and mitigation. No additional compensation from the Town shall be made to address permit violations.

3.6. PROTECTION OF EXISTING STRUCTURES

- A. Proposed dredging limits as shown on the Contract Drawings are in close proximity to existing structures. Take the necessary precautions to protect these structures from damage. The Contractor shall bear full responsibility for any damage of any nature to these structures caused by his workers and/or equipment, and any such damage shall be satisfactorily remedied at the sole expense of the Contractor to the satisfaction of the Town.
- B. Conduct the dredging operations such that they do not undermine, weaken, or otherwise impair existing structures located in or near the areas to be dredged. The Contractor shall investigate the existing structures at the Site and plan the dredging operations accordingly.

3.7. INSPECTIONS

- A. Furnish, upon request of the Town, the use of such boats, boatmen, laborers, and material forming a part of the ordinary and usual equipment and crew of the equipment or marine plant as may be reasonably necessary in inspecting and monitoring the Work. The Contractor shall furnish, on request of the, suitable transportation from all points on shore to and from the various pieces of the marine plant and the Site.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

END OF SECTION 35 20 23

Dredging By Mechanical Method

35 20 23-12

SECTION 35 20 23.13

NATIONAL DREDGING QUALITY MANAGEMENT PROGRAM SCOW - MONITORING PROFILE 02-2022

PART 1 GENERAL

1.1 DESCRIPTION

The work under this contract requires use of the National Dredging Quality Management Program (DQM) to monitor the scow's status at all times during the contract and to manage data history. For the purpose of these specifications, a scow is defined as any non-self-propelled vessel used to transport dredged material. This includes, but is not limited to, split-hull scows, pocket scows, hopper barges, and deck barges.

This performance-based specification section identifies the minimum required output and the precision and instrumentation requirements. The requirements may be satisfied using equipment and technical procedures selected by the Contractor.

1.2 SUBMITTALS

The following shall be submitted in accordance with Section 01 33 00, "SUBMITTAL PROCEDURES":

- SD-07, Certificates
 - Letter of National Dredging Quality Management Program Certification

1.3 PAYMENT

No separate payment shall be made for installation, operation, and maintenance of the DQM-certified system as specified herein for the duration of the dredging operations; all costs in connection therewith will be considered a subsidiary obligation of the Contractor and covered under the contract unit price for dredging in the bidding schedule.

1.4 NATIONAL DREDGING QUALITY MANAGEMENT PROGRAM CERTIFICATION

The Contractor is required to have a current certification from DQM for the scow instrumentation system to be used under this contract. Criteria for certification shall be based on the most recent specification posted on the DQM website (<https://dqm.usace.army.mil/Specifications/Index.aspx>). Compliance with these criteria

National Dredging Quality Management Program Scow Monitoring Profile 35 20 23.13-1

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

shall be verified by onsite quality assurance (QA) checks conducted by the DQM Support Center Data Acquisition and Analysis Team and by periodic review of the transmitted data. If a system is installed specifically for this contract, in order to ensure that it is capable of transmitting quality data to the DQM database, the QA checks should take place either prior to the start of the contract or, with prior approval of the local USACE District, as soon as practical after dredging commences. DQM certification is valid for one year from the date of certification and is contingent upon the system's ability to meet the performance requirements as outlined in Paragraph 3.3, "Performance Requirements." If issues with data quality are not corrected within 48 hours, the system certification shall be revoked and additional QA checks by the Data Acquisition and Analysis Team may be necessary.

Annual DQM certification shall be based on the following:

- A series of QA checks as outlined on the DQM website (<https://dqm.usace.army.mil/Certifications/Index.aspx>)
- Verification of data acquisition and transfer as described in Paragraph 3.3, "Performance Requirements"
- Review of the Dredge Plant Instrumentation Plan (DPIP) as described in Paragraph 1.5, "Dredge Plant Instrumentation Plan (DPIP)"

The Contractor shall have personnel who are familiar with the system instrumentation and who have the ability to recalibrate the sensors on site during the QA process. The Contractor shall coordinate pickup times and locations and provide transportation to and from any platform with a DQM system to team personnel in a timely manner. The Contractor shall also have on site for the QA checks a tug capable of towing the scow. As a general rule, DQM Data Acquisition and Analysis Team personnel will come with personal protective equipment (PPE) consisting of hardhats, steel toe boots, and life jackets. If additional safety equipment is needed—such as eye protection, safety harnesses, work gloves, or personal location beacons—these items shall be provided to the team while on site. The Contractor shall submit a test data package to the DQM database from the system on each scow and have it accepted by the DQM Support Center prior to scow compliance checks. The Contractor shall also submit data collected during the QA checks from the scow monitoring system to the DQM database and the Data Acquisition and Analysis Team personnel while on site. It is the Contractor's obligation to inform the QA team if the location designated for the QA checks has any site-specific safety concerns prior to their arrival on site.

The owner or operator of the scow shall contact DQM at DQM-AnnualQA@rpsgroup.com on an annual basis, or at least three weeks prior to the proposed beginning of dredging, to schedule QA checks. This notification is meant to make the Data Acquisition and Analysis Team aware of a target date and the contract on

National Dredging Quality Management Program Scow Monitoring Profile 35 20 23.13-2

which the plant will be used. At least one week prior to the target date, the Contractor shall contact the Data Acquisition and Analysis Team and verbally coordinate a specific date and location. The Contractor shall then follow up this conversation with a written email confirmation. The owner/operator shall coordinate the QA checks with all local authorities including, but not limited to, the Town and USACE.

Recertification is required for any yard work which produces modification to displacement (for example, a change in scow lines, or repositioning or repainting hull marks), modification to bin volume (change in bin dimensions, or addition or subtraction of structure), or changes in sensor type or location; these changes shall be reported in the sensor log section of the DPIP. A system does not have to be transmitting data between jobs; however, in order to retain certification during this period, the system sensors or hardware should not be disconnected or removed from the scow. If the system is powered down, calibration coefficients shall be retained.

1.5 DREDGE PLANT INSTRUMENTATION PLAN (DPIP)

The Contractor shall have a digital copy of the DPIP on file with the DQM Support Center. While working on site, the Contractor shall also maintain on the dredge a copy of the DPIP which is easily accessible to Government personnel at all times. This document shall describe the sensors used, configuration of the system, how sensor data will be collected, how quality control on the data will be performed, and how sensors/data reporting equipment will be calibrated and repaired if they fail. A description of computed scow-specific data and how the sensor data will be transmitted to the DQM database shall also be included. A complete list of the required DPIP contents is provided on the DQM website (<https://dqm.usace.army.mil/Certifications/Index.aspx>).

The Contractor shall submit to the DQM Support Center any addendum or modifications made to the plan, subsequent to its original submission, prior to the start of work. Any changes to the computation methods shall be approved by the DQM Support Center prior to their implementation.

PART 2 PRODUCTS (Not Applicable)

PART 3 EXECUTION

3.1 REQUIREMENTS FOR REPORTED DATA

The Contractor shall provide, operate, and maintain all hardware and software to meet these specifications. The Contractor shall be responsible for the replacement, repair, and calibration of sensors and other necessary data acquisition equipment needed to supply the required data.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

Repairs shall be completed within 48 hours of any sensor failure. Upon completion of a repair, replacement, installation, modification, or calibration, the Contractor shall notify the USACE. The USACE may request recalibration of sensors or other hardware components at any time during the contract as deemed necessary.

The Contractor shall keep a log of sensor repair, replacement, installation, modification, and calibration in the onsite copy of the DPIP. The log shall contain a three-year history of sensor maintenance, including the time of sensor failures (and subsequent repairs), the time and results of sensor calibrations, the time of sensor replacements, and the time that backup sensor systems were initiated to provide the required data. It shall also contain the name of the person responsible for the sensor work.

Sensors installed shall be capable of collecting parameters within specified accuracies and resolutions indicated in the following subparagraphs.

With the exception of position and any value calculated, reported sensor values should represent a weighted average with the highest and lowest values not included in the calculated average for the given interval. The averaging routine used should be consistent across all event triggers. This information should be documented in the DPIP sections that say "Calculations done external to the instrumentation."

These data-reporting requirements cover the collection of electronic data on a scow through the entire dredging cycle. Disposal events can consist of both open-water disposal and offloading. Open-water disposal is the placement of material via bottom doors or split hull. Offloading is the placement of material via either hydraulic or mechanical means.

3.1.1 Scow Name

Each scow shall be assigned a unique name that will remain constant from one dredging operation to the next.

3.1.2 Contract Number

The USACE-assigned contract number for the project will be reported.

3.1.3 Load Number

A DQM load number shall document the end of a disposal event for a given scow.

3.1.4 Horizontal Positioning

Horizontal positioning shall be recorded as the geographic coordinates of the vessel as indicated by the location of the Global Positioning System (GPS) antenna. All locations

National Dredging Quality Management Program Scow Monitoring Profile 35 20 23.13-4

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

shall be obtained using a positioning system operating with a minimum accuracy level of 1 to 3 meters horizontal Circular Error Probable (CEP). Positions shall be reported as Latitude/Longitude WGS 84 in decimal degrees. West Longitude and South Latitude values are reported as negative.

3.1.5 Date and Time

The date and time shall be reported to the nearest second and referenced to Universal Time Coordinated (UTC) based on a 24-hour format: *yyyy-mm-dd hh:mm:ss*.

3.1.6 Hull Status

Hull status is meant to reflect a condition when material could be removed or released from the scow.

For this contract, hull status shall register closed prior to leaving the disposal area.

3.1.6.1 Open-Water Disposal

An open split hull or open bottom door of a scow shall be indicated by reporting an "OPEN" value. A closed split hull or closed bottom door of a scow shall be indicated by reporting a "CLOSED" value. An open status shall be indicated as the bin starts to open, and a closed status shall be indicated only once the bin is fully closed. For pocket scows, the open/closed status shall correspond to the compartment which is first to open and last to close.

3.1.6.2 Offloading

For non-dumping scows, an "OPEN" value shall indicate that the bin is in the process of being unloaded, either by pumping or mechanical means.

3.1.7 Course

Scow course-over-ground (COG) shall be provided using industry-standard equipment. The Contractor shall provide scow course-over-ground (to the nearest whole degree) with values from 000 (true north) to 359 degrees referenced to a clockwise positive direction convention.

3.1.8 Speed

Scow speed-over-ground shall be provided in knots using industry-standard equipment with a minimum accuracy of 1.0 knot and resolution to the nearest 0.1 knot.

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Technical Specifications
Wellfleet Harbor Dredging
Town of Wellfleet, MA
June 2022

3.1.9 Heading

Scow heading shall be provided using industry-standard equipment. The scow heading shall be accurate to within 5 degrees and reported to the nearest whole degree with values from 000 (true north) to 359 degrees referenced to a clockwise positive direction convention.

3.1.10 Draft

All reported draft measurements shall be in feet, tenths, and hundredths with an accuracy of ± 0.1 foot relative to observed physical draft readings. The measurements shall be reported at a resolution of two decimal places (hundredths of a foot). The reported forward draft value shall be equal to the sum of the visual forward port and starboard draft mark readings divided by two. The reported aft draft value shall be equal to the sum of the visual aft port and starboard draft mark readings divided by two. Forward draft, aft draft, and average draft will be reported. Sensors shall be placed at an optimum location on the scow to be reflective of observed physical draft mark readings at any trim or list. Minimum accuracies are conditional to relatively calm water. The sensor value reported shall be an average of at least ten samples per event, with at least one maximum value and one minimum value removed, and the minimum eight remaining values averaged. When the average draft is calculated for the purpose of determining displacement, significant digits for average draft shall be maintained such that if forward draft were 0.15 and aft draft were 0.1, then the average draft would be 0.125.

3.1.11 Displacement

Scow displacement shall be reported in long tons, based on the most accurate method available for the scow. The minimum standard of accuracy for displacement is interpolation from the displacement table, based on the average draft. For this contract the density of water used to calculate displacement shall be 64 pounds/cubic foot.

3.2 NATIONAL DREDGING QUALITY MANAGEMENT PROGRAM SYSTEM REQUIREMENTS

The Contractor's DQM system shall be capable of collecting, displaying, and transmitting information to the DQM database. The parameters which shall be reported to the DQM database include trip number, date and time, hull status, scow course, scow speed, scow heading, draft, and displacement. An easily accessible, permanent visual display on the scow shall show in real time the parameters collected by the system in the same units as are used for data submitted to the DQM database. In the event a reported parameter is calculated based on multiple sensors, the sensor values as used in the equation shall be able to be viewed in addition to the required parameter. If a hardware problem occurs, or if a part of the system is physically damaged, then the Contractor shall be responsible for repairing it within 48 hours of determination of the condition.

National Dredging Quality Management Program Scow Monitoring Profile 35 20 23.13-6

3.2.1 Telemetry

The Contractor may select any commercial satellite, cellular phone, or other data communications systems available as long as it is capable of transmitting real-time data as well as enough additional bandwidth to clear historically queued data when a connection is reobtained. If connectivity is lost, unsent data shall be queued and transmitted upon restoration of connectivity. Delays in pushing real-time data to the DQM database should not exceed four hours. Exceptions to these requirements may be granted by the DQM Support Center on a case-by-case basis with consideration for contract-specific requirements, site-specific conditions, and extreme weather events.

The data transition process from the scow to the DQM database must be automated. The data may be sent from the scow directly to the DQM database or to a shore-based system. Data transmitted to the DQM database should be raw data; any processing of the data conducted shoreside shall be done using repeatable automated software or programming routine. A description of this process shall be included in the DPIP.

3.2.2 Data Reporting Frequency

Disposal activities shall be logged with high temporal and spatial resolution. Data shall be logged as a series of events. Each set of measurements (time, position, etc.) will be considered an event. Any required information in Paragraph 3.1, "Requirements for Reported Data," that is not an averaged variable (that is, draft and ullage) shall be collected within 1 second of the reported time. Data shall be measured with sufficient frequency by the scow system to resolve the events to the accuracy specified in the following table. Any averaged variable must be collected and computed within this sampling interval. Event types "Sailing," "Loading/Stationary," "Offloading," and "Open Water Disposal" are triggered by a time criterion; the criterion should be consistent across the "Sailing" and "Open Water Disposal" event types and should not change for the data collected on a given scow. This criterion should be documented by the Contractor in the DPIP.

Event Type	Event Trigger Descriptions	Event Time Resolution	Event Position Resolution
Loading/ Stationary	<p>No change in position with hull status closed An elapsed time of 1 hour since the last event.</p> <p>No change in position with hull status open -----NONCLOSURE-----</p> <p>In the event a scow has completed an open-water disposal and transited back to a holding station without closing the hull, the sampling shall be changed to once per hour.</p>	1 minute	N/A

3.2.4 XML-Formatted Sensor Data String

Each scow event shall be passed as a string on one continuous line of data. The example below is broken up by variable for ease of reading:

```
<?xml version="1.0"?>
<SCOW_DREDGING_DATA version="2.5">
  <SCOW_NAME>AU1994</SCOW_NAME>
  <CONTRACT>W123BA-09-D-0087_RL01</CONTRACT>
  <TRIP_NUMBER>34</TRIP_NUMBER>
  <X_POSITION>-81.670632</X_POSITION>
  <Y_POSITION>41.528987</Y_POSITION>
  <DATE_TIME>2010-08-14 10:50:15</DATE_TIME>
  <SCOW_SPEED>0.0</SCOW_SPEED>
  <SCOW_COURSE>0.0</SCOW_COURSE>
  <HULL_STATUS>OPEN</HULL_STATUS>
  <SCOW_HEADING></SCOW_HEADING>
  <SCOW_FWD_DRAFT></SCOW_FWD_DRAFT>
  <SCOW_AFT_DRAFT></SCOW_AFT_DRAFT>
  <SCOW_AVG_DRAFT></SCOW_AVG_DRAFT>
  <ULLAGE_FWD></ULLAGE_FWD>
  <ULLAGE_AFT></ULLAGE_AFT>
  <ULLAGE_AVG></ULLAGE_AVG>
  <SCOW_BIN_VOLUME></SCOW_BIN_VOLUME>
  <SCOW_DISPLACEMENT></SCOW_DISPLACEMENT>
  <SCOW_LIGHTSHIP></SCOW_LIGHTSHIP>
  <SCOW_TDS></SCOW_TDS>
  <ADDITIONAL_DATA>Some more scow info, if needed</ADDITIONAL_DATA>
</SCOW_DREDGING_DATA>
```

DATE_TIME values shall be formatted as *YYYY-MM-DD HH:MM:SS*, as shown above. If, for any reason, a field has no value, the enclosing XML tags should be sent with nothing between them (for example, <DRAFT_AFT></DRAFT_AFT>). The web service cannot handle a “null” value or any other indicators of no value collected.

3.2.5 Contractor Data Backup

The Contractor shall maintain an archive of all data sent to the DQM database during the dredging contract. The Town may require, at no increase in the contract price, that the Contractor provide a copy of these data covering specified time periods. The data shall be provided in the HTML format which would have been transmitted to the DQM database. Data submission shall be via storage medium acceptable to the Town.

At the end of the dredging contract, the Contractor shall contact the DQM Support Center prior to discarding the data. The DQM Support Center will verify that all data has been received and appropriately archived before giving the Contractor discard permission. The

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Contractor shall then record in a separate section at the end of the scow's onsite copy of the DPIP the following information:

- Person who made the call
- Date of the call
- DQM representative who gave permission to discard

3.3 PERFORMANCE REQUIREMENTS

The Contractor's DQM system shall be fully operational at the start of dredging operations and fully certified prior to moving dredge material on the contract (see Paragraph 1.4, "National Dredging Quality Management Program Certification"). To meet contract requirements for operability, in addition to certification, the Contractor's system shall provide, at a minimum, a data string with values for all parameters while operating, as described within the specifications. Additionally, all hardware shall be compliant with DPIP requirements (Paragraph 1.5, "Dredge Plant Instrumentation Plan [DPIP]"). Quality data strings are considered to be those providing values for all parameters reported when operating according to the specification. Repairs necessary to restore data return compliance shall be made within 48 hours. Failure by the Contractor to report the required data within the specified time window for scow measurements (see Paragraph 3.2.2, "Data Reporting Frequency," and Paragraph 3.2.3, "Data Transmission to the Web Service") and failure to receive DQM certification prior to dredging will result in withholding of up to 10% of the contract progress payment per clause 52.232-5.

3.4 LIST OF ITEMS TO BE PROVIDED BY THE CONTRACTOR

DPIP <https://dqm.usace.army.mil/Certifications/Index.aspx>

DQM SYSTEM

Sensor instrumentation Paragraph 3.1, "Requirements for Reported Data"

SCOW DATA

Event documentation Paragraph 3.2.2, "Data Reporting Frequency"

Data reports Paragraph 3.2.3, "Data Transmission to the Web Service"

QA EQUIPMENT ON THE DREDGE

Clear and accurate draft marks

END OF SECTION 35 20 23.13

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ATTACHMENT A - DRAWINGS

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**ATTACHMENT B - PREVAILING WAGE RATE
SCHEDULE**

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ATTACHMENT C - REGULATORY PERMITS

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 13, 2022 6:28 AM
To: Robbins, Dan; Rebecca Roughley; William Sullivan; Richard, Alyssa
Cc: Charles Sumner
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – let me know if/when it makes sense to brief Andrew Nelson from Rep Keating’s office? Per our discussion with him a few months ago, I’d like him to be in a position to check in with the Corps after you submit the Town’s proposal.


Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Robbins, Dan <d Robbins@geiconsultants.com>
Date: Monday, May 2, 2022 at 7:43 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: RE: Wellfleet: Follow-Up + Next Steps

Transfer of properties needed for the mitigation credits are on the June 11th Town Meeting agenda. A proposed reduction in the credit calculation is in the final stages of preparation and the Town is working on setting up protective covenants for the subject credit sites that will be monitored by third party organizations. We can have another update for you in June after the Town meeting.

Regards
Dan

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, May 2, 2022 6:53 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William

Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



Thanks, Dan. Is there an update I can provide to Keating's office?

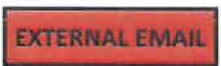
From: Robbins, Dan <drobbins@geiconsultants.com>
Date: Monday, May 2, 2022 at 6:49 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>.
Subject: RE: Wellfleet: Follow-Up + Next Steps

No Herring River is not part of the Towns counter proposal.

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, May 2, 2022 6:41 AM
To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Robbins, Dan <drobbins@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



So that I'm clear, is Herring River going to be part of the Town's counterproposal to the Corps? What can I tell Rep Keating's office about the plan / timing?

Thanks

Ray

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Date: Thursday, April 28, 2022 at 3:01 PM
To: Robbins, Dan <drobbins@geiconsultants.com>, Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: RE: Wellfleet: Follow-Up + Next Steps


Yes, they are on the June 11th meeting. We still need to do some sort of public outreach to the SB educating them on this (when we have enough information). Looping Charlie in on this.

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Thursday, April 28, 2022 2:58 PM
To: Ray Bucheger <Ray@federalrelations.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Wellfleet: Follow-Up + Next Steps

Hi Ray,
Exciting news on the Herring River!

For this dredging Alyssa has been progressing well the mitigation response. We still need to set up protective agreements for the site and are working on collecting historical documentation. The land transfers require that the Town meeting occur which from my understanding is occurring June.

 DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
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400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, April 27, 2022 11:40 AM
To: Robbins, Dan <drobbs@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



Just got this from Andrew Nelson: " Hey Ray got a second to talk today herring River just got 30 million from NRCS to move forward maybe that makes things easier for ACOE ?"

Thoughts?

On Apr 25, 2022, at 9:00 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

All:

Checking in on this – any updates? I'd like to provide an update to Keating's office.

Thanks

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, April 12, 2022 at 6:16 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – any updates?

Got this from Andrew: *“Just wanted to check in with you about the info the town is trying to provide to the corps regarding the diminution in the environmental value of the tidal lands in the harbor. Sarah Peake was checking in to see if there was still need of a earmark for something there. Just wanted to double check for her.”*

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Monday, March 7, 2022 at 11:53 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>
Subject: Wellfleet: Follow-Up + Next Steps

All:

Thanks again for getting on the phone on Friday afternoon. So that we all remain on the same page, here is an accounting of what we discussed in terms of next steps:

1. Andrew will touch base with the District ASAP – tell them he was briefed by the Town, that he appreciates the District working with the Town on this and that he is eager to see us get to a positive result.
2. Dan and Alyssa will work over the next few months to finalize submission to the Corps, which will include info on mitigation covering the 5.925 credits and arguments for why the additional 1.235 credits are unnecessary.
3. We will schedule another call to brief Andrew on the submission before the Town conveys to the District.
4. Andrew will follow-up with the District after submission has been made – convey to the District that Rep Keating believes the Town's position is reasonable and that he is hopeful that we can finally get to the end of this process.

Please let me know if I have I missed anything.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

William Sullivan

From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Thursday, July 14, 2022 7:13 AM
To: Robbins, Dan
Cc: William Sullivan; Perez, Isidoro D. (DOT); Ward, Theresa V. (DOT); r109, prequal (DOT)
Subject: Apparent 3 Lowest Bidders Verified - Wellfleet 7.8.22
Attachments: Wellfleet Apparent 3 Lowest Bidders Verified.pdf

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

The attached signed Apparent 3 Lowest Bidders Form serves as verification that all contractors were prequalified with MassDOT at the time of the bid opening.

Thank you.

PLEASE NOTE, AS OF OCTOBER 4, 2021:

There are four significant changes on our website, <https://www.mass.gov/prequalification-of-horizontal-construction-firms>, and on the revised Prequalification Process Flow Chart, as follows:

1. The Prequalification Form has been revised so that the project advertisement is no longer emailed to the Prequalification Program with the Form.
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Visit our website for complete information on these four significant changes, to review the Prequalification Process Flow Chart and to download the revised Prequalification Form and Apparent 3 Lowest Bidders Form.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us



From: Robbins, Dan <d Robbins@geiconsultants.com>
Sent: Wednesday, July 13, 2022 2:53 PM
To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>
Cc: William.Sullivan@wellfleet-ma.gov; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Apparent 3 Lowest Bidders Reminder- Wellfleet 7.8.22 - JR

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please find attached Apparent 3 lowest bidders for Wellfleet Dredge Bid Opening on 7/8/2022.

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Wednesday, July 13, 2022 7:25 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] Apparent 3 Lowest Bidders Reminder- Wellfleet 7.8.22

EXTERNAL EMAIL

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

According to our records, the Prequalification Department issued an updated MassDOT contractors bidders list to your office on 7.8.22 regarding project Wellfleet Harbor Dredging- Area 2, class of work Dredging, Project Value: \$5,000,000. We respectfully ask that you forward the Apparent 3 Lowest Bidders Form for our records and final processing per 720 CMR 5.00, Section 5.06.

Please email the completed Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us. This form is available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



From: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Sent: Friday, July 8, 2022 6:08 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: Bidders List- Wellfleet 7.8.22

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

Attached is the final updated list of prequalified contractors for your project opening today. Please note that this project does **not** include any approved waivers.

When the bidding is complete, please send the Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us, available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Sent: Wednesday, July 6, 2022 9:55 AM
To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Bidders List- Wellfleet 7.8.22

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Received thank you.

William Sullivan

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 27, 2022 5:12 AM
To: Rebecca Roughley; Robbins, Dan; William Sullivan; Richard, Alyssa
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking back in – are we ready to set up a meeting with Keating’s staff?

Ray

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>
Date: Monday, June 13, 2022 at 9:16 AM
To: Ray Bucheger <Ray@federalrelations.com>, Robbins, Dan <drobbs@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Wellfleet: Follow-Up + Next Steps

Hi Ray,

Great news, the properties were voted on for the transfer on Saturday! I am not sure where Dan is on setting up the protective covenants, I believe he is supposed to have something today or tomorrow? Dan, could you confirm?

Also, area 2 is going out to bid Wednesday!

Dan, can you give Ray an update and we can schedule something? I feel like we are getting real close!

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 13, 2022 6:28 AM
To: Robbins, Dan <drobbs@geiconsultants.com>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – let me know if/when it makes sense to brief Andrew Nelson from Rep Keating’s office? Per our discussion with him a few months ago, I’d like him to be in a position to check in with the Corps after you submit the Town’s proposal.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Date: Monday, May 2, 2022 at 7:43 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: RE: Wellfleet: Follow-Up + Next Steps

Transfer of properties needed for the mitigation credits are on the June 11th Town Meeting agenda. A proposed reduction in the credit calculation is in the final stages of preparation and the Town is working on setting up protective covenants for the subject credit sites that will be monitored by third party organizations. We can have another update for you in June after the Town meeting.

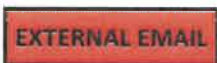
Regards
Dan



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, May 2, 2022 6:53 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



Thanks, Dan. Is there an update I can provide to Keating's office?

From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Date: Monday, May 2, 2022 at 6:49 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Subject: RE: Wellfleet: Follow-Up + Next Steps

No Herring River is not part of the Towns counter proposal.



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>

Sent: Monday, May 2, 2022 6:41 AM

To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



So that I'm clear, is Herring River going to be part of the Town's counterproposal to the Corps? What can I tell Rep Keating's office about the plan / timing?

Thanks

Ray

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Date: Thursday, April 28, 2022 at 3:01 PM

To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, Ray Bucheger <Ray@federalrelations.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Subject: RE: Wellfleet: Follow-Up + Next Steps

Yes, they are on the June 11th meeting. We still need to do some sort of public outreach to the SB educating them on this (when we have enough information). Looping Charlie in on this.

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>

Sent: Thursday, April 28, 2022 2:58 PM

To: Ray Bucheger <Ray@federalrelations.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>

Subject: RE: Wellfleet: Follow-Up + Next Steps

Hi Ray,

Exciting news on the Herring River!

For this dredging Alyssa has been progressing well the mitigation response. We still need to set up protective agreements for the site and are working on collecting historical documentation. The land transfers require that the Town meeting occur which from my understanding is occurring June.



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Wednesday, April 27, 2022 11:40 AM
To: Robbins, Dan <drobbs@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps



Just got this from Andrew Nelson: " Hey Ray got a second to talk today herring River just got 30 million from NRCS to move forward maybe that makes things easier for ACOE ?"

Thoughts?

On Apr 25, 2022, at 9:00 AM, Ray Bucheger <Ray@federalrelations.com> wrote:

All:

Checking in on this – any updates? I'd like to provide an update to Keating's office.

Thanks

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Tuesday, April 12, 2022 at 6:16 AM
To: Robbins, Dan <drobbs@geiconsultants.com>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – any updates?

Got this from Andrew: *“Just wanted to check in with you about the info the town is trying to provide to the corps regarding the diminution in the environmental value of the tidal lands in the harbor. Sarah Peake was checking in to see if there was still need of a earmark for something there. Just wanted to double check for her.”*

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Ray Bucheger <Ray@federalrelations.com>
Date: Monday, March 7, 2022 at 11:53 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>, Andrew Nelson <andrew.nelson@mail.house.gov>
Subject: Wellfleet: Follow-Up + Next Steps

All:

Thanks again for getting on the phone on Friday afternoon. So that we all remain on the same page, here is an accounting of what we discussed in terms of next steps:

1. Andrew will touch base with the District ASAP – tell them he was briefed by the Town, that he appreciates the District working with the Town on this and that he is eager to see us get to a positive result.
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Please let me know if I have I missed anything.

Ray

Ray Bucheger

FBB Federal Relations

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cell: 202-236-5101

<http://FBBFederalRelations.com>



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF
HOUSING & ECONOMIC DEVELOPMENT**
ONE ASHBURTON PLACE, ROOM 2101
BOSTON, MA 02108

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY

TELEPHONE
(617) 788-3610

FACSIMILE
(617) 788-3605

www.mass.gov/eohed

June 15, 2022

Charles Sumner, Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Dear Town Administrator Sumner:

Thank you for submitting an application for the 2022 Grant Round of the Massachusetts Dredging Program. This year, the Executive Office of Housing and Economic Development (EOHED) received over \$3.2 million in requests to support dredging in the Commonwealth. Applications were thoroughly reviewed by EOHED in collaboration with staff at the Massachusetts Office of Coastal Zone Management (CZM) and the Seaport Economic Council.

On behalf of the Baker-Polito Administration, I am pleased to inform you that a grant in the amount of \$2,500,000 has been approved for the Town of Wellfleet (Grantee). We are excited to support the Wellfleet Harbor Maintenance Dredging Project. You will be contacted by a program staff member to discuss any conditions and/or specific requirements related to this grant award as well as next steps for contracting.

Please be advised that this letter does not constitute an agreement or contract with EOHED or the Commonwealth of Massachusetts, nor does it confer any rights onto the Grantee. The specified grant commitment is contingent upon the successful execution of a contract between EOHED and the Grantee by December 31, 2022. Projects not under contract by this date may be required to reapply in the following grant round. Further, the Grantee is not authorized to proceed with any purchases or construction work, for which it expects reimbursement from this grant, until such contract has been fully executed.

Thank you again for your participation in the Massachusetts Dredging Program. We look forward to working with you to advance this important project.

Sincerely,

Mike Kennealy
Secretary



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
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400 Unicorn Park Drive, Woburn, MA 01801



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Sent: Wednesday, July 6, 2022 9:30 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] Bidders List- Wellfleet 7.8.22



PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning Robbins,

Attached is a list of contractors that are prequalified in Dredging with a single class of work limit up to \$5,000,000 to bid on the project submitted to our office. The class of work was chosen after a thorough review of your items list and scope of work.

Our office will email a weekly list up until the day of the bid opening. Please make sure to check these lists for verification. Also, if there are any changes made to the bid opening date, project value or any other changes, make sure you notify the Prequalification Program so that you can continue to receive an updated bidders list.

MassDOT makes every attempt to ensure the accuracy and reliability of the information contained in the prequalified bidders list. Changes in circumstances such as contractor additions, removals, or project waivers after the time of issuance may impact the quality and accuracy of this information. For confirmation regarding the current status of a contractor's prequalification please contact the Prequalification Office prequal.r109@dot.state.ma.us.

For more information regarding the City/Town or Other Awarding Authority Project Prequalification process, please visit our website at <https://www.mass.gov/how-to/citytown-and-other-awarding-authorities-prequalification-process>.

When the bidding is complete, please send the Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us, available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Sent: Tuesday, July 5, 2022 9:16 AM
To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

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Joan,
Please see attached revised form removing the work classification.

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



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Subject: [EXT] RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

EXTERNAL EMAIL

Good Morning Robbins,

I forgot to attach the Massachusetts Horizontal Construction Prequalification Process.

Thank you.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
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Please go to our website, [Submit a city/town & other awarding authority prequalification form | Mass.gov](#) to read about these and additional changes that went into effect October 4, 2021.

You will have to issue an addendum indicating the class of work and the total project value after you receive your Prequalification Form with the assigned class of work and signature.

Please email your revised Prequalification Form and I will continue to process your request.

Thank you.

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Hello,
Please find attached MassDOT prequalification form, summary of work, engineers bid estimate.

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Project was initially advertised for bids due June 29 however have been extended through addendum #1 to July 8.

If you require any additional information please do not hesitate to contact me.

Regards

Dan

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DANIEL B. ROBBINS, PE (NH)

Senior Project Manager (Waterfront)

781.721.4017 cell: 603.833.0609

400 Unicorn Park Drive, Woburn, MA 01801





City/Town or Other Awarding Authority Prequalification Confirmation

Apparent 3 Lowest Bidders Form

Approved Funding Program(s):

- Chapter 90 Program Complete Streets Funding Program Shared Streets and Spaces Program
 Local Bottle Neck Reduction Program Mass-Works Program Utility Grants Program
 Municipal Small Bridge Program Municipal Paving Program Municipality Funds
 Other Mass Dredging Grant

City / Town or Other Awarding Authority: Town of Wellfleet

Location: 255 Commercial Street, Wellfleet MA 02667

Description: Wellfleet Harbor Dredging of Area II

Class of Work (from the approved Prequalification Form): DREDGING

Bid Opening Date: 07/08/2022 Project Value (from the approved Prequalification Form): \$ 5,000,000.00

LIST THE LOWEST BIDDER FIRST

Contractor	Address	City	State/Zip	Total Bid	Rank
Burnham Associates, Inc.	14 Franklin Street	Salem	MA 01970	\$3,785,000.00	1
Jay Cashman, Inc.	549 South Street	Quincy	MA 02169	\$3,932,525.00	2
Robert B. Our Co. Inc.	24 Great Western Road	Harwich	MA 02645	\$4,972,808.17	3

Signature of person completing form: *Daniel Robbins* Date

Print name: Daniel Robbins July 12, 2022

Comments:

MASSDOT PREQUAL. OFFICE USE ONLY

All Bidders Prequalified: Yes / No Reviewed by: JR Tracking System Input:

Copied District SAE / Funding Program Manager(s) Theresa Ward Digitally signed by Theresa Ward
 Close File: _____ Date: 2022.07.14 06:23:23 -04'00'

Was Class of Work Limit Exceeded: Yes No

Comments: _____

*NOTE: Upon project completion, complete and submit the contractor evaluation form to prequal.r109@dot.state.ma.us
 Rev. 10/2021



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William Sullivan

From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Friday, July 8, 2022 6:08 AM
To: Robbins, Dan
Cc: William Sullivan; r109, prequal (DOT); Perez, Isidoro D. (DOT); Ward, Theresa V. (DOT)
Subject: Bidders List- Wellfleet 7.8.22
Attachments: Wellfleet Final Bidders List 7.8.22.pdf

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

Attached is the final updated list of prequalified contractors for your project opening today. Please note that this project does **not** include any approved waivers.

When the bidding is complete, please send the Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us, available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

PLEASE NOTE, AS OF OCTOBER 4, 2021:

There are **four** significant changes on our website, <https://www.mass.gov/prequalification-of-horizontal-construction-firms>, and on the revised Prequalification Process Flow Chart, as follows:

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The Chapter 90 Guidance, available at <https://www.mass.gov/doc/chapter-90-program-guidance/download>, discusses the above four changes, as well as information pertinent to the Chapter 90 Program.

Visit our website for complete information on these four significant changes, to review the Prequalification Process Flow Chart and to download the revised Prequalification Form and Apparent 3 Lowest Bidders Form.

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Subject: RE: Bidders List- Wellfleet 7.8.22

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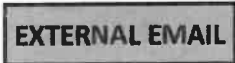
Received thank you.



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Our office will email a weekly list up until the day of the bid opening. Please make sure to check these lists for verification. Also, if there are any changes made to the bid opening date, project value or any other changes, make sure you notify the Prequalification Program so that you can continue to receive an updated bidders list.

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issuance may impact the quality and accuracy of this information. For confirmation regarding the current status of a contractor's prequalification please contact the Prequalification Office prequal.r109@dot.state.ma.us.

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Joan,

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GEI

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Senior Project Manager (Waterfront)
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Currently Prequalified Contractors in the following class(es) of work:

Dredging

With a minimum MassDOT Single Class of Work Limit of:

\$5,000,000.00

Company	Expiration Date
AGM MARINE CONTRACTORS INC	09/30/2022
BURNHAM ASSOCIATES INC	04/30/2023
CHARTER CONTRACTING COMPANY LLC	09/30/2022
COASTLINE CONSLT & DEV LLC	09/30/2022
D A COLLINS CONSTRUCTION CO IN	06/30/2023
J F BRENNAN COMPANY INC	01/31/2023
JAY CASHMAN INC	04/30/2023
MANSON CONSTRUCTION CO.	09/30/2022
ROBERT B OUR CO INC	01/31/2023
SPS NEW ENGLAND INC	01/31/2023
T FORD COMPANY INC	08/31/2022

William Sullivan

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E: joan.ryan@dot.state.ma.us

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From: Robbins, Dan <drobbsins@geiconsultants.com>
Sent: Tuesday, July 5, 2022 9:16 AM
To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Joan,
Please see attached revised form removing the work classification.

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Tuesday, July 5, 2022 8:37 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

EXTERNAL EMAIL

Good Morning Robbins,

I forgot to attach the Massachusetts Horizontal Construction Prequalification Process.

Thank you.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



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Sent: Tuesday, July 5, 2022 8:34 AM
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Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theressa.V.Ward@dot.state.ma.us>
Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

Good Morning Mr. Robbins,

We received your request for your project with bid opening date of 7.8.22.

I have started processing your request, however, the following is required:

- The Class of Work has been entered on the Prequalification Form. As stated on the form, the Class of Work is determined by the MassDOT Prequalification Program. Please revise the form so that no class of work appears on the form.

Please note the following:

The bid opening date on the form is indicated as 7.8.22. Addendum #1 also indicates the bid opening date as 7.8.22. This bid opening date does not allow sufficient time for contractors to submit a waiver for this project. As stated on the attached Massachusetts Horizontal Construction Prequalification Process, "When City/Town or OAA projects are advertised as requiring MassDOT Prequalification, please be aware that contractors seeking waivers to bid on such projects must be allowed to submit their waiver request to MassDOT's Prequalification Committee at least 2 weeks prior to the bid date to afford them the opportunity to appeal such decisions." You are advised to revise the bid opening date to avoid a potential bid protest.

You submitted both an advertisement and an addendum with the Prequalification Form. The following information regarding the project advertisement went into effect October 4, 2021:

1. The Prequalification Form has been revised so that the project advertisement is no longer emailed to the Prequalification Program with the Form.
2. Once the Prequalification Program receives the Prequalification Form with either the SAE or Program Director's signature, the city/town/OAA must email the Prequalification Program a copy of the project advertisement. **An official list of prequalified contractors will not be emailed to the city/town/OAA until the advertisement or addendum, which includes the approved Class Of Work and Prequal total project value is received. Suggested advertisement language: "MassDOT prequalification of contractors with the class of work as, (INSERT CLASS OF WORK), for the project with an estimated value of \$(INSERT TOTAL PROJECT VALUE) will be required."**

Please go to our website, [Submit a city/town & other awarding authority prequalification form | Mass.gov](https://www.mass.gov/prequalification-of-horizontal-construction-firms) to read about these and additional changes that went into effect October 4, 2021.

You will have to issue an addendum indicating the class of work and the total project value after you receive your Prequalification Form with the assigned class of work and signature.

Please email your revised Prequalification Form and I will continue to process your request.

Thank you.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Sent: Friday, July 1, 2022 11:54 AM

To: MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>

Subject: Wellfleet Dredging Area 2 Prequalification - JR

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Hello,

Please find attached MassDOT prequalification form, summary of work, engineers bid estimate.

The Town has submitted for a Mass Dredging Grant which is currently pending. The grant application is for 2.5 million on state grant funding.

Project was initially advertised for bids due June 29 however have been extended through addendum #1 to July 8.

If you require any additional information please do not hesitate to contact me.

Regards

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801

William Sullivan

From: Robbins, Dan <drobbs@geiconsultants.com>
Sent: Wednesday, July 6, 2022 8:51 AM
To: Ryan, Joan (DOT); r109, prequal (DOT)
Cc: William Sullivan
Subject: Wellfleet Dredging Area 2 - Addendum #3
Attachments: Wellfleet Harbor Dredging Area 2 - Addendum No 3_2022Jul05.pdf

Please find attached Addendum #3 providing clarification to bidders on the work class and project value for MassDOT Prequalification.

Regards
Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Tuesday, July 5, 2022 12:03 PM
To: Robbins, Dan <drobbs@geiconsultants.com>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] Prequalification Form Approval - Wellfleet 7.8.22

EXTERNAL EMAIL

PLEASE READ IMPORTANT INFORMATION BELOW

Good Afternoon Mr. Robbins

Attached is the approved prequalification form for your project opening on 7.8.22.

As we discussed during our telephone call this morning, please email a copy of your addendum that includes the approved Class of Work and Prequal total project value to prequal.r109@dot.state.ma.us. An official list of prequalified contractors will not be emailed until the addendum, which includes the approved Class Of Work and Prequal total project value, is received.

Suggested advertisement language: “MassDOT prequalification of contractors with the class of work as, (INSERT CLASS OF WORK), for the project with an estimated value of \$(INSERT TOTAL PROJECT VALUE) will be required.”

Please visit the Prequalification Program website to read about this and other changes that went into effective October 4, 2021: <https://www.mass.gov/how-to/submit-a-citytown-other-awarding-authority-prequalification-form>.

Thank you.

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4. The Prequalification Program is now emphasizing receiving a record of the contractor's performance; therefore, **after a project is completed and prior to close-out it is required per 720 CMR 5.05 to complete a Contractor Evaluation Form and Subcontractor Evaluation Form**, if applicable. The completed evaluation forms are to be emailed to the Prequalification Program.

The Chapter 90 Guidance, available at <https://www.mass.gov/doc/chapter-90-program-guidance/download>, discusses the above four changes, as well as information pertinent to the Chapter 90 Program.

Visit our website for complete information on these four significant changes, to review the Prequalification Process Flow Chart and to download the revised Prequalification Form and Apparent 3 Lowest Bidders Form.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
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Boston, MA 02116
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Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

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Please see attached revised form removing the work classification.

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DANIEL B. ROBBINS, PE (NH)
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400 Unicorn Park Drive, Woburn, MA 01801



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10 Park Plaza, Suite 7360
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Sent: Friday, July 1, 2022 11:54 AM

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Subject: Wellfleet Dredging Area 2 Prequalification - JR

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Hello,

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Project was initially advertised for bids due June 29 however have been extended through addendum #1 to July 8.

If you require any additional information please do not hesitate to contact me.

Regards

Dan

GEI

DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801

William Sullivan

From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Wednesday, July 13, 2022 7:25 AM
To: Robbins, Dan
Cc: William Sullivan; r109, prequal (DOT); Perez, Isidoro D. (DOT); Ward, Theresa V. (DOT)
Subject: Apparent 3 Lowest Bidders Reminder- Wellfleet 7.8.22

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

According to our records, the Prequalification Department issued an updated MassDOT contractors bidders list to your office on 7.8.22 regarding project Wellfleet Harbor Dredging- Area 2, class of work Dredging, Project Value: \$5,000,000. We respectfully ask that you forward the Apparent 3 Lowest Bidders Form for our records and final processing per 720 CMR 5.00, Section 5.06.

Please email the completed Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us. This form is available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us



From: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Sent: Friday, July 8, 2022 6:08 AM
To: Robbins, Dan <d Robbins@geiconsultants.com>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: Bidders List- Wellfleet 7.8.22

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning,

Attached is the final updated list of prequalified contractors for your project opening today. Please note that this project does **not** include any approved waivers.

When the bidding is complete, please send the Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us, available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360

Boston, MA 02116
E: joan.ryan@dot.state.ma.us

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From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Sent: Wednesday, July 6, 2022 9:55 AM
To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Bidders List- Wellfleet 7.8.22

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Received thank you.



DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801

From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Wednesday, July 6, 2022 9:30 AM
To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] Bidders List- Wellfleet 7.8.22

EXTERNAL EMAIL

PLEASE READ IMPORTANT INFORMATION BELOW

Good Morning Robbins,

Attached is a list of contractors that are prequalified in Dredging with a single class of work limit up to \$5,000,000 to bid on the project submitted to our office. The class of work was chosen after a thorough review of your items list and scope of work.

Our office will email a weekly list up until the day of the bid opening. Please make sure to check these lists for verification. Also, if there are any changes made to the bid opening date, project value or any other changes, make sure you notify the Prequalification Program so that you can continue to receive an updated bidders list.

MassDOT makes every attempt to ensure the accuracy and reliability of the information contained in the prequalified bidders list. Changes in circumstances such as contractor additions, removals, or project waivers after the time of issuance may impact the quality and accuracy of this information. For confirmation regarding the current status of a contractor's prequalification please contact the Prequalification Office prequal.r109@dot.state.ma.us.

For more information regarding the City/Town or Other Awarding Authority Project Prequalification process, please visit our website at <https://www.mass.gov/how-to/citytown-and-other-awarding-authorities-prequalification-process>.

When the bidding is complete, please send the Apparent 3 Lowest Bidders Form to prequal.r109@dot.state.ma.us, available on our website at <https://www.mass.gov/prequalification-of-horizontal-construction-firms>.

Thank you.

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To: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>

Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D. (DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>
Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Joan,
Please see attached revised form removing the work classification.

GEI
DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ryan, Joan (DOT) <joan.ryan@state.ma.us>
Sent: Tuesday, July 5, 2022 8:37 AM
To: Robbins, Dan <drobbs@geiconsultants.com>
Cc: William.Sullivan@wellfleet-ma.gov; r109, prequal (DOT) <prequal.r109@state.ma.us>; Perez, Isidoro D. (DOT) <isidoro.perez@state.ma.us>; Ward, Theresa V. (DOT) <theressa.v.ward@state.ma.us>
Subject: [EXT] RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

EXTERNAL EMAIL

Good Morning Robbins,

I forgot to attach the Massachusetts Horizontal Construction Prequalification Process.

Thank you.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

<https://www.mass.gov/prequalification-of-horizontal-construction-firms>



From: Ryan, Joan (DOT) <Joan.Ryan@dot.state.ma.us>
Sent: Tuesday, July 5, 2022 8:34 AM
To: Robbins, Dan <drobbs@geiconsultants.com>
Cc: William.Sullivan@wellfleet-ma.gov; MassDOT Prequal R109 <prequal.r109@dot.state.ma.us>; Perez, Isidoro D.

(DOT) <Isidoro.Perez@dot.state.ma.us>; Ward, Theresa V. (DOT) <Theresa.V.Ward@dot.state.ma.us>

Subject: RE: Wellfleet Dredging Area 2 Prequalification - Wellfleet 7.8.22

Good Morning Mr. Robbins,

We received your request for your project with bid opening date of 7.8.22.

I have started processing your request, however, the following is required:

- The Class of Work has been entered on the Prequalification Form. As stated on the form, the Class of Work is determined by the MassDOT Prequalification Program. Please revise the form so that no class of work appears on the form.

Please note the following:

The bid opening date on the form is indicated as 7.8.22. Addendum #1 also indicates the bid opening date as 7.8.22. This bid opening date does not allow sufficient time for contractors to submit a waiver for this project. As stated on the attached Massachusetts Horizontal Construction Prequalification Process, "When City/Town or OAA projects are advertised as requiring MassDOT Prequalification, please be aware that contractors seeking waivers to bid on such projects must be allowed to submit their waiver request to MassDOT's Prequalification Committee at least 2 weeks prior to the bid date to afford them the opportunity to appeal such decisions." You are advised to revise the bid opening date to avoid a potential bid protest.

You submitted both an advertisement and an addendum with the Prequalification Form. The following information regarding the project advertisement went into effect October 4, 2021:

1. The Prequalification Form has been revised so that the project advertisement is no longer emailed to the Prequalification Program with the Form.
2. Once the Prequalification Program receives the Prequalification Form with either the SAE or Program Director's signature, the city/town/OAA must email the Prequalification Program a copy of the project advertisement. **An official list of prequalified contractors will not be emailed to the city/town/OAA until the advertisement or addendum, which includes the approved Class Of Work and Prequal total project value is received. Suggested advertisement language: "MassDOT prequalification of contractors with the class of work as, (INSERT CLASS OF WORK), for the project with an estimated value of \$(INSERT TOTAL PROJECT VALUE) will be required."**

Please go to our website, [Submit a city/town & other awarding authority prequalification form | Mass.gov](#) to read about these and additional changes that went into effect October 4, 2021.

You will have to issue an addendum indicating the class of work and the total project value after you receive your Prequalification Form with the assigned class of work and signature.

Please email your revised Prequalification Form and I will continue to process your request.

Thank you.

Joan Ryan, Prequalification Coordinator II
MassDOT Construction Engineering
Office of Construction Prequalification, Records & Procedures
10 Park Plaza, Suite 7360
Boston, MA 02116
E: joan.ryan@dot.state.ma.us

Rebecca Roughley

From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, July 25, 2022 2:34 PM
To: Robbins, Dan; Rebecca Roughley; William Sullivan; Richard, Alyssa
Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – are ready to brief Rep Keating’s office and have him check in with the Corps?

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Robbins, Dan <drobbsins@geiconsultants.com>
Date: Monday, June 27, 2022 at 6:56 AM
To: Ray Bucheger <Ray@federalrelations.com>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>
Subject: RE: Wellfleet: Follow-Up + Next Steps

Ray Good Morning,
I would say we should be ready in to set up a meeting in early July. Bidding for Area 2 is ongoing and due back this week and are discussing protective agreements with Mass Fish and Wildlife.

GEI DANIEL B. ROBBINS, PE (NH)
Senior Project Manager (Waterfront)
781.721.4017 cell: 603.833.0609
400 Unicorn Park Drive, Woburn, MA 01801



From: Ray Bucheger <Ray@federalrelations.com>
Sent: Monday, June 27, 2022 5:12 AM
To: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Robbins, Dan <drobbsins@geiconsultants.com>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>
Subject: [EXT] Re: Wellfleet: Follow-Up + Next Steps

EXTERNAL EMAIL

All:

Checking back in – are we ready to set up a meeting with Keating’s staff?

Ray

From: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Date: Monday, June 13, 2022 at 9:16 AM

To: Ray Bucheger <Ray@federalrelations.com>, Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>, William Sullivan <William.Sullivan@wellfleet-ma.gov>, Richard, Alyssa <arichard@geiconsultants.com>

Subject: RE: Wellfleet: Follow-Up + Next Steps

Hi Ray,

Great news, the properties were voted on for the transfer on Saturday! I am not sure where Dan is on setting up the protective covenants, I believe he is supposed to have something today or tomorrow? Dan, could you confirm?

Also, area 2 is going out to bid Wednesday!

Dan, can you give Ray an update and we can schedule something? I feel like we are getting real close!

Rebecca Roughley, MCPPO
Assistant Town Administrator
300 Main Street, Wellfleet, MA 02667
(Work) 508-349-0349 X1112
(Cell) 774-392-1457

From: Ray Bucheger <Ray@federalrelations.com>

Sent: Monday, June 13, 2022 6:28 AM

To: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; William Sullivan <William.Sullivan@wellfleet-ma.gov>; Richard, Alyssa <arichard@geiconsultants.com>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Subject: Re: Wellfleet: Follow-Up + Next Steps

All:

Checking in on this – let me know if/when it makes sense to brief Andrew Nelson from Rep Keating’s office? Per our discussion with him a few months ago, I’d like him to be in a position to check in with the Corps after you submit the Town’s proposal.

Ray

Ray Bucheger
FBB Federal Relations
Affiliated with Lindsay Hart, LLP
cell: 202-236-5101
<http://FBBFederalRelations.com>

From: Robbins, Dan <[drobbins@geiconsultants.com](mailto:d Robbins@geiconsultants.com)>

Date: Monday, May 2, 2022 at 7:43 AM

Dredging Task Force

CHARGE

1. PURSUE and MANAGE dredging of the federal channel with the federal government and all other possible means.
2. PURSUE and MANAGE dredging of the harbor and inner harbor in cooperation with the Commonwealth of Massachusetts, Barnstable County and the Cape Cod Commission, along with obtaining funding.
3. Develop and implement an ongoing maintenance dredging plan for the Wellfleet Harbor.

The Task Force will have 7 members (changed from 5, on May 26, 2020). To establish an overlapping appointment period, the following appointments will be made initially.

- *Four for three years*
- *Two for two years*
- *One for one year*

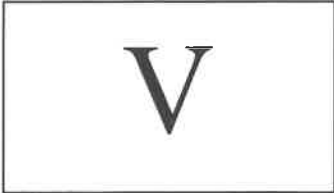
Members

Name	Title	Term
- Dennis Murphy	Member	06/30/2022
- Christopher Allgeier	Member	06/30/2022
Alfred Pickard, Jr.	Member	06/30/2021
Skip Annett	Member	06/30/2021
- Curt Felix	Member	
Joe Aberdale	Member	06/30/2023
Kevin Coakley	Member	06/30/2023



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022



BUSINESS

~ A ~

REQUESTED BY:	Jennifer Congel ~ Town Clerk
DESIRED ACTION:	To have the selectboard sign the warrant for the 2022 State Primary Election
PROPOSED MOTION:	I move to approve the warrant and have the selectboard sign it as soon as possible
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2022 STATE PRIMARY

SS.

To the Constables of the Town of Wellfleet:

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at:

Adult Community Center, 715 Old King's Highway, Wellfleet

on **TUESDAY, THE SIXTH DAY OF SEPTEMBER 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR	FORTHIS COMMONWEALTH
LIEUTENANT GOVERNOR	FORTHIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	NINTH DISTRICT
COUNCILLOR	FIRST DISTRICT
SENATOR IN GENERAL COURT	CAPE & ISLANDS DISTRICT
REPRESENTATIVE IN GENERAL COURT	FOURTH BARNSTABLE DISTRICT
DISTRICT ATTORNEY	CAPE & ISLANDS DISTRICT
SHERIFF	BARNSTABLE COUNTY
COUNTY COMMISSIONER	BARNSTABLE COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 19TH day of July 2022.

Selectmen of Wellfleet

Posted at the Wellfleet Post Office, the South Wellfleet Post Office and the Town Hall.

Constable

_____, 2022.
Dated



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

V

BUSINESS

~ B ~

REQUESTED BY:	Selectboard
DESIRED ACTION:	To review and vote to insert and recommend special town meeting warrant
PROPOSED MOTION:	Motions for this agenda item will be made at the time of the meeting.
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SPECIAL TOWN MEETING
Saturday, September 10, 2022
10:00 AM
at
Wellfleet Elementary School
100 Lawrence Road, Wellfleet, MA
&
SPECIAL TOWN ELECTION
September 20, 2022

Edit Date: July 25, 2022
Draft No. 3

TABLE OF CONTENTS

Special Town Meeting Warrant Booklet Index

FINANCIAL & PROPOSITION 2 ½ TERMS			
TOWN MEETING PROCEDURES			
FINANCE COMMITTEE STATEMENT			
SPECIAL TOWN MEETING WARRANT			
SECTION I: BUDGET ARTICLES			
Article No.	Article	Sponsor	Page No.
1	FY2022 Budgetary Transfers	Selectboard	
2	FY2022 Prior Year Invoices	Selectboard	
3	FY2023 Capital Budget	Selectboard	
4	Transfer to Stabilization Fund	Selectboard	
SECTION II: ADDITIONAL FINANCIAL ARTICLES			
5	Human Resource Director New Staff	Selectboard	
6	Wellfleet Harbor Flora & Fauna Study	Selectboard	
7	Adult Community Center Addition Feasibility Study	Selectboard	
SECTION III: LAND, FINANCIAL & COMMUNITY PRESERVATION ARTICLES			
8	Land Acquisition Campground Property	Selectboard	
9	Maurice's Campground – 3 Acre Housing Restriction	Selectboard	
10	Maurice's Enterprise Fund	Selectboard	
SECTION IV: UNCLASSIFIED ARTICLES			
11	Town Code Adoption of Renumbering of General Bylaws	Town Clerk	
12	Town Code Adoption of Renumbering of Zoning Bylaws	Town Clerk	
13	Lease of Town Property	Selectboard	
SECTION V: BYLAWS, INITIATIVE PETITIONS			

14	Adoption of Enabling Legislation for the Disposition of Unclaimed Property	Selectboard	
15	General Bylaw Amendment: Plastic Water Bottle Ban	Selectboard	
16	General Bylaw Amendment: for the Natural Resource	Natural Resource Advisory Committee	
17	General Bylaw Amendment: Wildlife Protection - Feeding	Selectboard	
18	Zoning Bylaw Amendment: Cottage Colony	Selectboard	
19	Zoning Bylaw Amendment: Affordable Dwelling Development	Selectboard	
20	Zoning Bylaw Amendment: Affordable Housing Lots	Selectboard	
21	Non-Binding Vote: LeCount Hollow/Maquires Landing Parking for Tax Payers	Selectboard	
SECTION VI: STANDARD CLOSING ARTICLES			
22	Other Business	Selectboard	

FINANCIAL & PROPOSITION 2½ TERMS

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

LEVY: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

LEVY CEILING: This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value. The levy limit is equivalent to a tax rate of \$25.00.

LEVY LIMIT: The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

LEVY LIMIT INCREASE: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

NEW GROWTH: New construction and new parcel subdivision may also increase the Town's levy limit.

OVERRIDE: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

DEBT EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

DEBT SERVICE: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest owed on any particular bond issue.

ENCUMBRANCE: A reservation of funds to cover obligations chargeable to but not yet paid from a specific appropriation account.

CAPITAL OUTLAY EXPENDITURES EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

CONTINGENT VOTES: Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Selectboard. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business (Charter: Sect. 2-1-3).

Voters are identified by voter cards issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Non-voters who may wish to speak must identify themselves and may address the meeting only by permission of the Moderator (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters and others recognized to address Town Meeting may only speak twice to any motion or amendment unless authorized by the Moderator (Charter: Sect. 2-7-8).

All motions or amendments must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator (General Bylaws: Sect. II-2).

The order of consideration of the Articles as printed in the Warrant may be changed only by a 2/3 majority vote (Charter: Sect. 2-7-4).

A motion for indefinite postponement, if passed, ends any proposal under the motion currently being debated. It may only be made after a voter has been recognized and may not come at the end of a speaker's remarks. It is fully debatable to the same extent as the main motion under consideration.

A motion to end debate (known as a "motion for the previous question") must be made by a voter who has been properly recognized. Anonymous cries from voters to "call the question" are out of order and will be ignored by the Moderator. As a motion to end debate requires an additional 2/3 majority vote, it may be more efficient to hear from one or two more speakers and then proceed to a vote on the main motion itself.

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business and must be made within one hour of the vote to be reconsidered (Charter: Sect. 2-7-9). It is debatable to the same extent as the motion it seeks to reconsider and requires a majority vote. A motion to reconsider will only be allowed if there is new information that was not available at the time of the original debate. A motion to reconsider will be ruled out of order if, in the judgment of the Moderator, it is simply an attempt at "another bite at the apple."

Some other common motions which require more than a simple majority to pass:

Zoning bylaws (except those subject to majority vote per Housing Choice Act)	
2/3 majority	
To authorize borrowing or incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve proposed Charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an annual town meeting 9/10 majority at a special town meeting

FINANCE COMMITTEE STATEMENT

{To be inserted}

SPECIAL TOWN MEETING WARRANT

Saturday, September 10, 2022

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the Wellfleet Elementary School, 100 Lawrence Road in Wellfleet on the 10th day of September 2022, at ten o'clock in the morning, then and there to vote upon the following Articles:

SECTION I: BUDGET ARTICLES

ARTICLE NO. 1 - FY 2023 BUDGETARY TRANSFERS:

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY2023 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From:	Line-Item No.	To:	Line-Item No.	Amount
	Grand-Total				\$0.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert: 5-0-0

Recommend: 0-0-0

Finance Committee -

SUMMARY: This article is seeking permission to transfer funding within the FY 2023 operating budget ending June 30, 2023. Potential shortfalls in various departmental budgets will be remedied by transferring monies from those areas within the budget that have surpluses. Additional requests may be added at Town Meeting.

ARTICLE NO. 2 – PRIOR YEAR INVOICES:

To see what sum the Town will vote to transfer from available funds for the purpose of paying prior year unpaid bills listed below:

	Vendor	Source	Line-item	Amount

	Grand-total			\$0.00

or to do or act on anything thereon.

(Requested by the Selectboard)

9/10th Vote Required

Recommendations:

Selectboard:

Insert: 5-0-0

Recommend: 0-0-0

Finance Committee -

SUMMARY: This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year’s appropriation. Therefore, Town Meeting authorization is required.

ARTICLE NO. 3 - FY 2023 CAPITAL BUDGET:

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Town Capital Budget, as follows:

	Department & Project	Amount	Funding Source
1.	Police Department:		
	a. Bulletproof Vest Replacement	\$15,000.00	Free Cash
2.	Fire Department:		
	a. New Pickup Truck	\$60,000.00	Free Cash or Ambulance Receipts
3.	Department of Public Works:		
	a.		
	b.		
	c. Water Refill Station Project	\$20,000.00	Free Cash
	d. Briar Lane Culvert Replacement	\$75,000.00	Free Cash
	e.		

	Grand-total		\$0.00
--	-------------	--	--------

and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow for those purposes itemized above as being funded through borrowing under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, to issue bonds notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G.L. c. 40 s. 20, thereby reducing by a like amount authorized to be borrowed to pay such costs, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert: 5-0-0

Recommend: 0-0-0

Finance Committee -

SUMMARY: This article represents the Town’s proposed capital spending plan for FY2023, these articles were postponed from the June 2022 Annual Town Meeting due to free cash not being certified.

ARTICLE NO. 4 - TRANSFER TO STABILIZATION FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$639,200.00, or any other sum for the purpose of contributing to the Stabilization Fund or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee -

SUMMARY: The purpose of this article is to transfer funds from Free Cash into the Stabilization Fund. We had to use the sum of \$639,200.00 from the Stabilization

Fund at the June 26, 2022, Annual Town Meeting to finance the current FY2022 operational budget. This was not a preferred approach but due to the severity of the Town’s fiscal condition we had few alternatives at that moment. This action will reestablish the Stabilization Fund to its prior financial status and is important to maintain the Town’s bond rating.

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE NO. 5 – HUMAN RESOURCES DIRECTOR NEW STAFF:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$115,000.00, or any other sum, for the purpose of funding a new Human Resources Director, and all associated costs, provided however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$115,000.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or to do or act on anything thereon.

(Request of the Selectboard)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: The Town of Wellfleet has approximately 115 fulltime employees and 40 seasonal. It is imperative that the Town has a central office for recruitment, training, and administration of benefit program. The Human Resource Directors’ duties would include administering employee insurance programs; planning and implementing the human resource requirements for the town; acting as central personnel file repository; providing the administration with appropriate recruitment, training, and other human resource development programs and activities conforming to federal, state, and local requirements such as ADA, EEO, HIPAA, workers’ compensation statutes, MCAD, and town personnel policies. Responsible for leave administration, which includes benefits under collective bargaining agreements, town policies, and applicable leave statutes such as MPLA and FMLA. Administers workers’ compensation program and injured on duty programs. Directs recruitment

and hiring activities, including posting of vacancies, preparation of advertisements, screening of applications, and providing a legally compliant hiring process. Maintains and implements personnel policies and procedures, ensuring consistent interpretation and application and training.

ARTICLE NO. 6 - WELLFLEET HARBOR FLORA AND FAUNA SURVEY:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$75,000.00, or any other sum, for the purpose of conducting a field survey of the fauna and flora in Wellfleet Harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)

Majority vote required

Recommendations:

Selectboard:

Insert 3-2-0

Recommend 0-0-0

Finance Committee -

SUMMARY: This article seeks funding for an overview survey life in Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a Division of Marine Fisheries study, which is now nearly 50 years old. We plan a broad survey of harbor life – finfish and wild shellfish at the top, phytoplankton, and harbor grasses at the base. Selected sites of specific interest will be included. Local knowledge will be consulted throughout. NRAB views this work as a critical step in identifying and preserving the health of the harbor in view of climate change and other environmental impacts.

ARTICLE NO. 7 – ADULT COMMUNITY CENTER ADDITION FEASIBILITY STUDY PROJECT:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$15,000.00, or any other sum, for the purpose of paying costs associated with conducting an Adult Community Center Building Addition Feasibility study, to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard:

Insert 0-0-0

Recommend 0-0-0

Finance Committee -

SUMMARY: In the past, several alterations and additions have been proposed for the Adult Community Center.

- Based on plans from 2013, creation of a paved walkway through the woods on the Cahoon Hollow side of the building of one-half mile that connects to the walkway and patio that were installed in 2014. That project was funded with a bequest and there were insufficient funds to complete the entire plan. This walkway will provide access for walkers both able bodied and those with some mobility challenges in a sheltered place by a building with good parking and amenities.
- When Sea Babies (Cape Cod Children’s Place) was using space in the building, they applied for and received a grant from the Community Preservation Committee to install an Infant/Toddler playground. They moved from the building in June of 2020 and the playground is still there but not maintained. I have had requests to purchase and install adult outdoor exercise equipment for the use of adults adjacent to the existing Infant/Toddler playground.
- The Council on Aging Board conducted a survey of Town residents in 2021 to determine what people would like to see added to the programs at the Adult Community Center. One of the top requests was space for exercise equipment and for free weights. Given the use of the Great Pond Room for COA programs as well as Boards and Committees and as the Wellfleet Polling place, there is no space for this healthy and entertaining activity in the current building. In addition to floor space, a locker room and outside access to the gym will be necessary.
- Because we live in a Pandemic, post-Pandemic world, there is a need for building capacity for hybrid meetings. Because the Adult Community Center is the designated location for that upgrade/expansion, that program will need

space to do the job correctly. Additionally, there has been a request for an additional small meeting room like the current Conference Room.

In order to do this in an organized way, I want to do the planning of this multi-level project in one study so that if the decision is made to implement it in stages, everything will fit onto the available land and the end product will be produced with the best fiscal and construction practices in order to create an attractive and functional building and grounds.

SECTION III: LAND, FINANCIAL & COMMUNITY PRESERVATION ARTICLES

ARTICLE NO. 8 – LAND ACQUISITION CAMPGROUND PROPERTY

To see if the Town will vote to authorize the Selectboard to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Selectboard deems in the best interest of the Town, a parcel of land located at 80 State Highway, containing 21.31 acres, more or less, identified as Assessors' Parcel 47-23-0, and being the property described in deeds recorded with the Barnstable Registry of Deeds in Book 2543, Page 214 and the Barnstable Registry District of the Land Court as Certificate of Title 71210, shown as Land Court Plan 23487A, for general municipal purposes, including, without limitation, for housing purposes and other uses, and/or to lease all or portions of the property, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the acquisition of said property and costs incidental or related thereto in the amount of \$6,500,000.00, and authorize the Treasurer, with the approval of the Selectboard, to borrow all or a portion of said sum under G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called, and, further, to authorize the Selectboard to execute any and all documents and take all

other action necessary or convenient to accomplish the foregoing, or to do act anything thereon.

(Requested by the Selectboard)

(Two-thirds vote required)

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY:

The Wellfleet Selectboard is excited to bring an opportunity before the town voters to provide some relief for those searching for affordable housing in our community. After months of meetings and conversations the Board has signed a purchase and sale agreement with the owners of Maurice’s Campground to purchase their 21.25 acres of land for the Town of Wellfleet.

The driving force behind wanting to make this purchase is to help with the lack of affordable and workforce housing affecting towns across the Cape and especially Wellfleet. The Town has signed a purchase and sale agreement for the property for \$6.5M, with a closing date on Oct. 31, 2022 pending Town Meeting approval. The Town will continue to run the campground and receive the revenue generated for at least 6 years while the planning and permitting processes take place.

Wellfleet’s lack of affordable year-round housing has been well documented in the Town’s 2017 Housing Needs Assessment and Action Plan. By State standards, Wellfleet’s Affordable Housing constitutes 2.5% of total housing, the lowest percentage on the Cape. The State goal is 10%. Year-round housing has been lost to seasonal ownership and short-term rentals while prices have skyrocketed. Local year-round rentals are virtually nonexistent. Wellfleet is losing young families at an alarming rate.

The initial estimate is that the annual cost of a \$6.5 million dollar bond will cost the owner of a median priced home an average of less than \$80 per year.

(Based on a 30-year level payment bond at a 4% interest rate.)

**ARTICLE NO. 9 - COMMUNITY PRESERVATION – MAURICE’S
CAMPGROUND HOUSING RESTRICTION**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation budget and to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee.

- A. \$1,050,000 for Community Housing
(Requested by the Community Preservation Committee)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: The Wellfleet Selectboard is requesting CPA funding to apply towards the purchase of 80 State Hwy/Maurice's Campground. If approved, a deed restriction would be placed on a 3-acre portion of the property, restricting it to affordable housing development of not more than 100% of AMI. This portion of the property has no environmental constraints and frontage on a town road. This portion is in the process of being further defined, a request for quotes for qualified property appraiser to determine the valuation of this portion of the property has been issued. Wellfleet Housing Authority would hold this restriction as the third-party guarantor. This does not preclude additional acreage from being utilized for affordable housing. We request CPA funding equal to the appraised value of the 3-acre section of the land approximately \$1,050,000. This valuation is estimate arrived at after discussions with local realtors. It needs to be noted that if available fund balances are utilized it will reduce the overall cost.

ARTICLE NO. 10 – MAURICE CAMPGROUND ENTERPRISE FUND

To see if the town will vote to accept the provisions of G.L. c.44, S.53F½ for the purpose of establishing a Maurice’s Campground Operation Enterprise Fund; and to see if the Town will transfer from available funds a sum of money for said enterprise fund, or to do or act on anything thereto.

(Requested by the Selectboard)

(Majority vote required)

Recommendations:

Selectboard:

Insert 0-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY:

The creation of the Enterprise (Revolving) fund would allow the Town to manage the operation of Maurice’s Campground out of a single fund. Revenues and expenses would take place within the fund. It is estimated that the first year expenses for the maintenance and operation of the campground is \$xxx,xxx for which we will transfer from free cash into the new enterprise (revolving) fund.

SECTION IV: UNCLASSIFIED ARTICLES

ARTICLE NO. 11 - TOWN CODE ADOPTION OF RENUMBERING OF GENERAL BYLAWS:

To see if the Town will vote to renumber, recaption and stylize the General Bylaws of the Town of Wellfleet by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently across all bylaws and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; all as set forth in the document on file in the Office of the Town Clerk entitled “Final Draft of the Town of Wellfleet, Massachusetts,” dated _____, prepared by General Code, LLC, or to do or act on anything thereon.

(Requested by the Town Clerk)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: This article will permit the codification of our general by-laws, creating a more organized and streamlined format that will be easier to navigate than our current in-house system and will benefit both Town officers and the public.

ARTICLE NO. 12 - TOWN CODE ADOPTION OF RENUMBERING OF ZONING BYLAWS:

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 235 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently throughout and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; all as set forth in the document on file in the office of the Town Clerk entitled “Final Draft of the Town of Wellfleet, Massachusetts,” dated _____, prepared by General Code, LLC., or to do or act on anything thereon.

(Requested by the Town Clerk)

Two-thirds vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: This article will permit the codification of our Zoning by-laws, creating a more organized and streamlined format that will be easier to navigate than our current in-house system and will benefit both Town officers and the public.

ARTICLE NO. 13 - LEASE OF TOWN PROPERTY:

To see if the Town will vote to transfer the care, custody, management, and control of a Town-owned parcel located at 1176 Gross Hill Road, as shown on Assessors Map 5, Parcel 8, from the Selectboard or other board or commission currently having custody thereof and for the purpose for which said parcel is currently held to the Selectboard for the purpose for which the parcel is currently held and for the

purpose of entering into a long-term lease with one or more cellular communication carriers, upon such terms and conditions as the Selectboard deems to be in the best interest of the Town, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: A cellular company has been working with the Town to locate some communications equipment on a pole in the Newcomb Hollow Beach parking lot. The purpose of this equipment is to improve cellular communications in this area, which will benefit public safety purposes. The proposed license agreement will be for a 10-year period and the Town will receive annual payments for the use of town property.

SECTION V: BYLAWS, INITIATIVE PETITIONS

ARTICLE NO. 14 - ADOPTION OF ENABLING LEGISLATION FOR THE DISPOSITION OF UNCLAIMED PROPERTY:

To see if the Town will vote to accept the provisions of Section 9A of Chapter 200A of the General Laws, which provides as follows:

DISPOSITION OF UNCLAIMED PROPERTY

(a) In any city, town or district that accepts this section in the manner provided in Section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement “void if not cashed within 1 year from date of issue.” After the expiration of one 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled “Notice of names of persons appearing to be owners of funds held by Town of Wellfleet, and deemed abandoned”. The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by

posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town, or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary, or person entitled thereto. Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall

segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within one 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section. If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

Or to do or act on anything thereon.

(Requested by the Selectboard)

Majority vote required

Recommendation:

Selectboard:

Insert 0-0-0

Recommend 0-0-0

Finance Committee -

SUMMARY: Under current law unclaimed or abandoned funds must turned over to the Commonwealth of Massachusetts after a period. The acceptance of this enabling legislation would allow the Town to retain these funds after proper notice and process.

ARTICLE NO. 15 – GENERAL BYLAW AMENDMENT - PLASTIC WATER BOTTLE BAN

To see if the town will vote to amend the General Bylaws, as follows:

Amendment

Effective on May 1, 2023, the Commercial Single Use Plastic Water Bottle Ban will be amended as printed below.

Section 49. Commercial ~~Single-Use Plastic~~ Non-Alcoholic Beverage Bottle Ban

Section 1. Sale of ~~Single-use Plastic~~ Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in ~~single-use~~ plastic bottles of less than one gallon in the Town of Wellfleet. Enforcement of this regulation will begin September 1, 2021.

Section 2. Sale of Other Plastic Non-Alcoholic Carbonated Beverage Bottles

Effective on May 1, 2023, it shall be unlawful to sell non-alcoholic carbonated beverages in plastic bottles of less than 21 oz. Enforcement of this regulation will begin May 1, 2023.

Section 3. Definitions

A ~~single-use~~ plastic bottle is a beverage container made from any type of plastic resin.

Section 4. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the ability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 5. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator ~~or his/her designee~~ and/or any police officer of the Town. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non- criminal disposition fine as specified in G.L. Chapter 40 21D. The following penalties apply:

- First violation: Written Warning
- Second violation: \$150.00 fine.

- Third and subsequent violations: \$300.00 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.

Section 6. Severability

If any provision of this Bylaw should be declared invalid, void, or unenforceable by a court of competent jurisdiction, all other provisions shall remain in force and effect.

To do or act on anything thereon.

(Requested by the Recycling Committee)

(Majority vote required)

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY:

- The Commercial Plastic Water Bottle Ban has been very successful on Cape Cod. This ban has now been passed in ten Cape Cod towns (Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, and Wellfleet). Alternatives to plastic water bottles are now widely available. Examples include water refill stations, and retail sales of still or sparkling water in aluminum bottles and cans, chilled coffee in aluminum cans, refillable beer growlers, and refillable glass milk bottles.
- The proposed amendment expands the water bottle ban to all non-alcoholic beverage bottles of less than 21 ounces. This targets plastic beverage bottles in single serve sizes and is based on the New York City municipal ban passed in 2020. Plastic litter has adverse health consequences for us, marine species, and our natural environment. The Section 49 Bylaw will be renamed *Commercial Plastic Non-Alcoholic Beverage Bottle Ban*, and the term “single-use” will be removed from the bylaw to avoid confusion with the new term “single-serve”.

**ARTICLE NO. 16 – CHARTER AMENDMENT - NATURAL RESOURCES
ADVISORY BOARD:**

**Pre-existing language adopted by Town Meeting Vote at ATM 1987, Art. 52.
~~Strikethrough~~ is where a deletion is being made in the current language
Bold is additions to the language**

To see if the town will vote to amend the following Charter Statement, as follows:

ARTICLE XX: NATURAL RESOURCE ADVISORY BOARD

To create a Natural Resources Advisory Board of three **to five members and an alternate** to be appointed by the Selectboard for three year overlapping terms, to be assisted by the ~~Harbormaster, the Shellfish Warden, the Health/Conservation Officer~~ **Selectboard, Town Administrator,** Town Officials **and Town Boards as needed** ~~as directed by the Town Administrator.~~ The Board to have such duties as the Selectboard may specify but including the following

1. The creation of a Harbor Management Plan **and a Ponds Management Plan, each on roughly a ten-year cycle.**
2. ~~Work with the Town and Town committees for follow-up to implement the Harbor & Ponds plans.~~ **Work with the Town and Town committees for follow-up to implement the Harbor & Ponds plans.**
3. The identification of the natural resources within the Town of significant importance --vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources

(Requested by the Natural Resources Advisory Board)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: To revise the mission statement of the board to reflect the proposed charter.

ARTICLE NO.17 – GENERAL BYLAW AMENDMENT - WILDLIFE PROTECTION - FEEDING:

To see if the town will vote to adopt the following and insert it into the Towns General Bylaws, as follows:

ARTICLE XX: WILDLIFE PROTECTION

Section 1. Feeding of songbirds and other backyard birds permitted on private property.

The feeding of songbirds and other backyard birds shall be permitted on private property subject to the condition that birds shall only be fed from bird feeders.

Section 2. Wildlife Protection Bylaw: OR FEEDING OF WILDLIFE

Feeding of wild animals and/or wildlife prohibited.

A. No person shall feed, bait, or in any manner provide access to food to any wild animal and/or wildlife within Town of Wellfleet on lands either publicly or privately owned., except as permitted by Article XVII § 1.

B. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor food sources or attractant after being advised by the Town to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants.

C. The prohibitions of this section shall not apply to naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, or trees.

Section 3. Enforcement

A. The Animal Control Officer and/or Park Rangers shall enforce the provisions of this article.

B. Violations of this article shall be enforceable under the noncriminal disposition procedures established by M.G.L. c. 40, § 21d. The noncriminal disposition penalties for any person violating this article shall be a written warning for the first violation; \$25 for the second violation; \$100 for the third violation; and \$300 for each subsequent violation. Each day of violation shall constitute a separate offense.

(Requested by the Selectboard)

(Two-thirds vote required)

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: Vote to adopt the proposed language as a general bylaw for wildlife protection.

ARTICLE NO. 18 – ZONING BYLAW AMENDMENT - COTTAGE COLONY

Black pre-existing language in Wellfleet's Zoning Bylaws

Black pre-existing language in Wellfleet's Zoning Bylaws

Strikethrough is where a deletion is being made in the current language

Underline is additions to the language

ARTICLE XX Amending Wellfleet Zoning By-Laws, Cottage Colony

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Sections 2.1, 5.3 as follows:

2.1 DEFINITIONS

[Is hereby amended with the following definitions:]

Cottage Colony - A group of two or more detached dwellings located on the same lot not within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities, ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft

5.3. USE REGULATIONS

Table 5.3.1 is amended as follows: Insert "Cottage Colony NSP" following "Cottage Colony"

["P" is a permitted use. "O" – An excluded or prohibited use "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Cottage Colony	O	A	A	O	A	A
<u>Cottage Colony NSP</u>	O	O	O	O	O	O

(Requested by the Selectboard)

(Two-thirds vote required)

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: The size of dwellings within cottage colonies are ideal for housing that might be affordable to local residents and not be income restricted. That Wellfleet has functionally restricted approximately 10% of its housing stock to seasonal use only while we struggle to retain and develop year-round housing is counterproductive. This class of housing also tends to be of modest proportions. It thus commands a lower seasonal rent on the market, making it utterly unreasonable to be restricted to seasonal occupancy only. Wellfleet's year-round housing crisis is well documented. Wellfleet badly needs a more balanced blend of housing options. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. The housing crisis is impacting both residents and visitors as it is already affecting the Town's quality of life and economic sustainability.

ARTICLE NO. 19 - ZONING BYAW AMENDMENT - AFFORDABLE DWELING DEVELOPMENT

To see if the Town will amend the Wellfleet Zoning By-Laws by Amending 6.28 Provisions to Encourage the Development of Affordable Dwellings in Wellfleet, and to amend the Table of Contents and Sections 2.1, 5.3 as follows:

TABLE OF CONTENTS

[“6.28 Provisions To Encourage the Development of Affordable Dwelling in Wellfleet” is hereby amended to read “6.268 Affordable Dwelling Development”]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Dwelling Development - A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.

Dwelling, Affordable - A dwelling unit which is subject to an affordable dwelling restriction.

[Is hereby amended with the following definition inserted between Sign, Area of and Solar Photovoltaic Array]

Special Permit Granting Authority (SPGA) – The Zoning Board of Appeals except for where the Planning Board is expressly designated as the SPGA.

5.3. Use Regulations

Permitted uses and uses authorized under special permits shall be in conformity with the provisions of Section 5.3 (Use Regulations) and shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, noise, vibration, danger of explosion or fire, traffic congestion. Any use not listed as a

permitted use in Section 5.3 shall be deemed a prohibited use, except that a use not listed in Section 5.3 may be allowed by special permit as provided for in Section 8.4.2 from the Special Permit Granting Authority provided said Board determines that the use closely resembles in its neighborhood impact(s) a use listed as permitted or authorized under special permit, in the same zoning district. Said determination shall be in addition to the required findings of the Board as provided for in Section 8.4.2. ATM 4/23/90.

Table 5.3.1 is amended as follows: Insert " Affordable Dwelling Development " and " Dwelling, Affordable" before "Bed and Breakfast"

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Affordable Dwelling Development</u>	A	A	A	A	A	A
<u>Dwelling, Affordable</u>	P	P	P	P	P	P

6.26 Affordable Dwelling Developments (Added 4/26/2011)

6.26.1 Purpose

The purpose of this by-law is to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.

6.26.2 Authority

The Planning Board is hereby designated the special permit granting authority for all Affordable Dwelling Development applications under this by-law, and shall have the power to hear and decide applications for special permits and to adopt regulations for carrying out its duties under this by-law.

For the purpose of promoting the development of affordable dwellings in Wellfleet, the Planning Board may by special permit allow the creation of Affordable Dwellings in residential and commercial zoning districts consistent with Section 5.3.1 of the Zoning By-laws. All Affordable Dwellings created shall

be for the primary and sole domicile of the eligible tenant or owner for year-round occupancy.

6.26.3 Special Permit Requirements for Affordable Dwellings

A. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1.3.2 where:

- (1) the number of units to be restricted under Section 6.26 equals or exceeds twenty-five percent (25%) of the total units, and;
- (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Dwelling and/or Affordable Dwelling Development.

B. The second unit created, and at a minimum, every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 6.26.7 below.

C. An Affordable Dwelling Unit must have the following minimum areas:

- studio two hundred fifty (250) square feet
- one bedroom units seven hundred (700) square feet
- two bedroom units nine hundred (900) square feet
- three bedroom units one thousand two hundred (1,200) square feet
- four bedroom units one thousand four hundred (1,400) square feet

D. The Affordable Dwelling Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 6.28 conflicts with another provision of the By-law, the provisions of Section 6.28 shall control.

6.26.4 Standards and Criteria

In reviewing applications under this by-law, the Planning Board shall apply the following standards and criteria:

- A. At least twenty-five percent (25%) of all dwelling units created under this by-law shall be restricted as provided for under 6.26.7;
- B. At least twenty-five percent (25%) of the total number of bedrooms within any Affordable Dwelling Development shall be within said restricted dwelling units;

C. The applicant has conformed to the standards and criteria of this by-law and will deliver the needed Affordable Dwelling Units;

D. The proposed development is suitable for the proposed location, with proportions, orientation, materials, landscaping and other features that provide a stable and desirable character complementary and integral with the site's natural features;

E. The development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards in Section 8.4.2 of the Wellfleet Zoning By-laws.

6.26.5 Area, Setback and Frontage Requirements for Affordable Dwelling Units and Developments

A. The Planning Board shall have discretion to reduce or suspend the minimum area and frontage requirements otherwise applicable under Section 5.4.1 of the Wellfleet Zoning By-laws for an Affordable Dwelling Development, provided however that there must be at least 10,000 square feet of lot area for each bedroom created in an Affordable Dwelling Development.

B. Where an applicant proposes to divide the tract of land that is the locus of a proposed Affordable Dwelling Development, the minimum lot size shall be twenty thousand (20,000) square feet for each affordable unit. All other units included in the development shall comply with lot area requirements in Section 5.4.1 of this Zoning By-law.

C. The Planning Board may, in its sole discretion, reduce the front, side or rear yard setback requirements of Section 5.4.2, provided however, that said setbacks shall be no less than ten (10) feet.

D. In the case of a subdivided lot, the Planning Board shall have discretion to reduce or suspend the minimum road width for access and frontage may be created through the establishment of a common driveway deemed to provide safe and adequate access.

E. The Planning Board shall have the discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate to the satisfaction of the Planning Board and the Board of Health that the sewage disposal

system servicing the development will result in nitrogen loading of less than ten (10) parts per million.

6.26.6 .7 Affordable Dwelling Restrictions in Affordable Developments [This whole section needs to be rewritten]

As a condition to any special permit issued under Section 6.28, the applicant shall be required to execute an affordable dwelling restriction (“Restriction”) in a form acceptable

to the Planning Board. All restrictions shall be for perpetuity or the longest period allowed by law. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds.

A. The Restriction shall provide that units made available for ownership shall be made available to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size.

The initial sales price of such units shall be calculated on the basis of what a household at seventy percent (70%) of the BCMI could afford to pay (assume a household size of one more than the number of bedrooms in the unit). In determining this amount:

- 1) no more than thirty percent (30%) of the household’s gross income may be allocated to housing costs (mortgage principal and interest, real estate taxes, house and private mortgage insurance, and any homeowners’ association or condominium fees);
- 2) current interest rates offered for thirty (30) year, no point fixed rate loans with down payments of 5% of total cost shall be applied; and
- 3) current real estate taxes for the Town of Wellfleet shall be used.

B. Any lot containing an Affordable Dwelling shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the Affordable Dwelling except leasehold estates for the term of the restriction or sale to an income qualified individual or family in accordance with Section 6.28.7 below.

C. It shall be a condition upon every special permit issued under this by-law that the applicant shall comply with any Massachusetts Department of Housing and Community Development (“DHCD”) regulations under Chapter 40B of the

Massachusetts General Laws and guidelines for qualification of the dwelling units created under this By-law towards the Town's subsidized housing inventory, including but not limited to the form of the affordable dwelling restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

D. In the event that a dwelling unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Wellfleet Housing Authority. It is the intent of this by-law that a local preference shall be used in filling vacancies to the extent permitted by DHCD regulations and guidelines and state or federal laws.

E. An Affordable Dwelling available for rental shall be rented to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size. Maximum rents for studio, one-bedroom, two-bedroom, etc., units respectively, shall be in accordance with current Housing and Urban Development (HUD) published Fair Market Rental Guidelines for Barnstable County.

All occupants of the affordable dwelling shall upon initial application and annually thereafter submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit.

Property owners are required to submit to the Town or its agent information on the rents to be charged along with a lease for a one year period. Each year thereafter they shall submit information to the Town or its agent on annual rents charged along with a one year lease.

F. This section shall not prevent a lot owner from building an affordable dwelling that meets the requirements of this by-law and from transferring such dwelling and lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the restriction required by Section 6.28.7 is properly recorded prior to issuance of a building permit.

G. Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws. Any profits or proceeds from leasing, rental or sale which has not received prior consent from the Wellfleet Housing Authority, shall be paid to the Wellfleet Affordable Housing Trust Fund.

(Requested by the Selectboard)

(Two-thirds vote required)

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY:

These amendments resolve an inconsistency in our zoning bylaws where the Planning Board has previously reserved their rights as a Special Permit Granting Authority. The definitions previously contained in PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE DWELLINGS IN WELLFLEET are moved to section 2.1 Definitions. The Use Table (Section 5.2) is updated to reflect the pre-existing bylaw. The minimum lot size is not required in the definition as it separately controlled by 6.26.7 B. The amendments renumber the current section 6.28 to 6.26 and updates to numbering within the bylaw reflect that the definitions have been moved to section 2.1. Wellfleet does not currently have a section 6.26 or 6.27 in our Zoning Bylaws.

ARTICLE 20 - ZONING BYLAW AMENDMENTS - AFFORDABLE HOUSING LOTS

["6.27 Affordable Lots and Affordable Undersized Lots" is hereby inserted between "6.28 Provisions To Encourage The Development of Affordable Dwellings In Wellfleet" and "6.29 Fast Food & Formula Restaurant Prohibition"]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by

the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by The Special Permit Granting Authority.

Contiguous Upland – any portion of property where upland is uninterrupted by other features

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Affordable Lot" and "Affordable Undersized Lot" before "Bed and Breakfast"

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Affordable Lot</u>	P	P	P	O	P	P
<u>Affordable Undersized Lot</u>	A	A	A	O	A	A

5.4.1 is amended as follows:

5.4.1 Minimum Lot Requirements	CD	R1	R2	NSP	C	C2
Area (Square Feet)	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (Feet)	125	135	135 ¹⁷	200	200	135

5.4.2 Minimum Yard Requirements	CD	R1	R2	NSP	C	C2	MSO
Front (Feet)	25	30	30 ¹⁸	50	100 ¹⁹	50 ^{20,21}	25 ²²
Side (Feet)	20	25	25	35	35	35 ^{23,24}	6

Rear (Feet)	25	30	30	35	35	35 25,26	15
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6.27 Affordable Lots and Affordable Undersized Lots

6.271 Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low- or moderate-income households by allowing affordable dwellings to be built on otherwise non-complying lots, provided the lots meet the criteria listed herein.

6.272 Applicability - This bylaw applies shall apply to lots of record as of January 1, 2022 which do not meet the zoning requirements for a lot as determined by The Town. Any increase in tax assessment for an applicable lot shall only occur upon an issuance of a building permit for an affordable One Family Dwelling on that applicable lot.

Any Dwellings created under this bylaw shall as low or moderate income units for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

6.273 The Building Inspector may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or Deed Rider, in an acceptable form, executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel is not within the National Seashore Park District.
2. Parcel has no existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area.
4. Parcel satisfies applicable Board of Health requirements.
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations.
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without suitable frontage may be Permitted under this section if there is an adequate recorded access easement of at least twenty (20) feet in

- width from the lot to a previously way approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
7. The setbacks shall not be less than fifteen (15) feet. If a dwelling is built within twenty-five (25) feet of any other dwelling or principal structure a stockage type fence at least 6' in height shall be required by the Permit Granting Authority.
 8. A applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
 9. A Parcel shall not be built upon if the Parcel; was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
 - 10.;
 11. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
 12. The Applicant submits a Regulatory Agreement and Affordable Housing Deed Rider, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit (or no certificate of occupancy?) shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Inspector.

13.

6.274 The Zoning Board of Appeals - As the Special Permit Granting Authority under this section The Zoning Board of Appeals, may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in section 6.28.B.3, except the minimum 10,000 square foot of upland requirement of 6.28.B.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet upland in size.
3. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town.

6.275 Transfer or Sale - The Permit Granting Authority under this section, shall allow the lot owner to transfer or to rent the constructed One Family Dwelling at an affordable price or rent per the applicable standards in Bylaw section 6.27.2, provided that the unit is restricted in such a way that future transference or leasing comply with the applicable affordability requirements in Bylaw section 6.27.2.

6.276 Affordability -

Affordability - No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable requirements of 6.27 have been met.

6.27 10 Conflicts with other bylaws _ The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw, and the provisions therein, shall apply.

(Requested by the Selectboard)

(Two-thirds vote required)

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY:

This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the purpose of deed-restricted affordable single-family homes in perpetuity or the maximum allowable period by law. The relief granted is a reduction in the minimum lot size, frontage, and setbacks. There are a total of 18 parcels that have a high probability and 26 additional parcels where it may be applicable. These parcels are largely within neighborhoods of similarly sized lots. There is no increase in tax burden borne by the owner of one of these parcels until a building permit has been issued. This bylaw will only apply to pre-existing lots and will not be applicable new lots. 10,000 sq ft is the minimum allowed lot size for Title V septic systems. It is important to note that other issues could cause a lot to be functionally unbuildable such as the location of abutter's wells and septic systems. This is an opportunity for private parties to build a limited number of affordable units that would remain affordable in perpetuity.

ARTICLE NO. 21 – NON-BINDING ADVISORY VOTE: LECOUNT HOLLOW / MAGUIRES LANDING PARKING FOR TAXPAYERS

To see if the Town will vote to adopt the following advisory regarding beach lot parking at LeCount Hollow / Maguires Landing,

We the citizens of Wellfleet hereby vote to support a permanent change to the Town’s Beach Rules & Regulations designating LeCount Hollow/Maguires Landing parking lot be reserved for those with resident (taxpayer) stickers only.

(Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee –

SUMMARY: This article would restrict the beach parking lots for permanent use by residents and taxpayers only.

SECTION VI: STANDARD CLOSING ARTICLES

ARTICLE NO. 22 - OTHER BUSINESS:

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Insert 5-0-0

Recommend 0-0-0

Finance Committee -

SPECIAL TOWN ELECTION WARRANT

Tuesday September 20 ,2022

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET SENIOR CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Tuesday the 20th day of September, 2022, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote on the following questions:

Question 1: Shall the Town of Wellfleet be allowed to assess an additional \$115,000.00 in real and personal property taxes for the purpose of funding a new Human Resources Director position for the fiscal year beginning July 1st, two thousand and twenty-two?

Question 2: Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bond issued in order to complete the acquisition of the property located at 80 State Highway, including all costs incidental and related thereto?

Question 3: Shall the Town of Wellfleet be allowed to assess an additional \$???,000.00 in real and personal property taxes for the purpose of funding the first year operational costs associated with Maurice's Campground for the fiscal year beginning July 1st, two thousand and twenty-two?

2022 SPECIAL TOWN MEETING WARRANT &
2022 SPECIAL TOWN ELECTION WARRANT

And you are hereby directed to serve these warrants by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meetings.

Hereof fail not and make do return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this ____ day of 2022.

Wellfleet Select Board

Ryan Derek Curley, Chair

Michael F. DeVasto, Vice Chair

Barbara Carboni, Member

Kathleen Bacon, Member

John A. Wolf, Clerk

Constable's Return of Service

I have served the foregoing warrants by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet and by delivering to the Town Administrator printed copies of the Warrant of a number not less than the number of registered voters in the Town on _____, which is at least seven (14) days before the date of said meeting, as within directed.

Date: _____

Constable: _____



Wellfleet Fire Department



10 Lawrence Road, Wellfleet, MA 02667

Richard J. Pauley, Jr.
Fire Chief

Phone: (508) 349-3754
Fax: (508) 349-0318

TO: Richard Waldo, Town Administrator
FROM: Chief Pauley
RE: *Replacement of Squad 80/2015 Ford Pickup Truck*
DATE: July 27, 2022

The Fire Department's Squad 80, a 2015 Ford F-250 pickup truck is utilized on a daily basis (several times a day). It is on the Town's Capital Improvement Plan to be replaced in FY-2024.

However, we are now experiencing issues with the exhaust and regeneration of diesel fuel/engine oil which if not able to be corrected soon will result in the engine being destroyed. We are looking for the replacement filter which would prevent this situation, but, due to supply chain issues the required filter is not available, and, very possibly not available in at least a year, if ever.

We have reached out to a couple of dealers to seek information to replace this vehicle and this could be anywhere from 18-24 months, again, because of supply chain issues. It is imperative that we have the ability to replace this vehicle as soon as possible (and be able to order its replacement in the very short future). We are researching various pickup trucks of the same capability, but, would go with a gasoline engine and a vehicle of lighter weight payload, better efficiencies, etc.

In the meantime, we are reducing the use of the current Squad 80 as much as possible in attempt to extend its life span. Currently, we have no choice but to seek approval at the September special town meeting to replace this vehicle. The estimated cost to replace this vehicle is \$65,000.00. I am respectfully requesting that we place the replacement of this vehicle on the September Town Warrant to be paid for by free cash or the Ambulance Receipts Fund.

I am attaching additional documentation regarding this request, and, as always, please don't hesitate to contact me with any questions or should you need more information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard J. Pauley, Jr.", written over a light blue horizontal line.

Richard J. Pauley, Jr.
Fire Chief

Wellfleet Fire Department



10 Lawrence Road, Wellfleet, MA 02667

Joseph Cappello
Captain

Phone: (508) 349-3754
Fax: (508) 349-0318

To: Chief Pauley

From: Captain Joseph Cappello

Date: 07-26-22

Re: Squad 80

Chief,

Recently Squad 80 has been going through some issues with the exhaust and regeneration. Per mechanic Josh Ford we have regenerated the vehicle 3 times since January 1, 2022, which is overly excessive. The newer diesel engines require an additive called DEF- Diesel Exhaust Fluid, as well as more stringent emissions regulations. The vehicles are designed to regenerate over the road, which cleans the exhaust filter, unfortunately our vehicle has reached the point where we can no longer regenerate. With this happening diesel fuel gets injected into the engine oil which in turn will ruin the engine.

Josh has reached out to numerous mechanics as well as Ford dealers and found that we can not have the vehicle regenerated on a specialized machine, we must replace the filter. All the dealers stated that they have 4-5 vehicles in there lots with the same problem, and the parts are not available and there are no time frames for parts.

INVOICE

INVOICE #176
DATE: Mar 6, 2022
DUE DATE: Apr 5, 2022

FROM

Ford's Fire Apparatus Maintenance and Repair

249 South Street, Harwich 02645 MA, United States of
America
Phone: 508-237-4665

CLIENT

Town of Wellfleet Fire Department

Tax ID: 046001345
300 Main Street, Wellfleet 02667 MA, United States of America

Item	Qty	Unit value	Unit discount	Net value
Labor Fire Squad 80	6	\$95.00	\$0.00	\$570.00
Fuel Filter Kit #FD4615	1	\$87.60	\$0.00	\$87.60
Oil Filter #FL-2051	1	\$40.16	\$0.00	\$40.16
Amscoil 15W-40 Heavy Duty	14	\$8.33	\$0.00	\$116.62
Chassis Grease	0.5	\$9.50	\$0.00	\$4.75
Waste Disposal	1	\$10.00	\$0.00	\$10.00
Shop Supplies	1	\$15.00	\$0.00	\$15.00

Net total: \$844.13

Total: \$844.13

Paid amount: \$0.00

Amount due: \$844.13

NOTES

Customer notified from previous invoice that unit was overdue for service based on hours and mileage. Customer stated that during use unit had been making an engine whine that was becoming louder. Unit had oil and filter changed with new noting oil smelled of fuel and appeared thin in lubricity removing approximately 1 ½ to 2 gallons surplus of oil obtaining and sending out an

oil sample to confirm fuel suspicion and cause for excess oil, adding 14 quarts new oil to reach correct level and fuel filters changed with new noting that the reported whistle / whine no longer present following the oil change. Front differential / rear differential at correct level good clarity, cool level okay good clarity at -40 'F freeze point, power steering and brake fluid okay and transmission at correct level with good clarity. Front end was found tight with negative play with all chassis components greased, noting brakes all at 75% service life remaining and tires in good condition deferring tire rotation due to recent install of studded winter tires soon to be removed setting pressure at 75 psi front and 80 psi rear. Customer reported front passenger side headlight was intermittent in operation removing assembly and confirming power to both high and low beam and ground at plug to light. Lamp was not blown and appeared to operate as expected however the plug when secured even with lock appeared loose and would cause loss of contact and intermittent operation. The locking tab was cracked, and pigtail would need to be replaced however the harness was secured to the lamp to allow operation until parts were received for repair. Unit had all other DOT and emergency warning lighting as operational lubricating all unit operational points with road test finding all systems operational. Customer was notified of growing rust to the left rear fender well, growing rot in the unit's bed rails and rust / rot to the rear shocks that would require future attention. Unit with no further repair was returned to the customer as in service.

TERMS & CONDITIONS

Wellfleet Fire Squad 80

2015 Ford F250 XL

Vin #1FT7W2BT8FEB96054

60,235.0 miles / 3,464 engine hours

INVOICE

INVOICE #178
DATE: Mar 6, 2022
DUE DATE: Apr 5, 2022

FROM

Ford's Fire Apparatus Maintenance and Repair

249 South Street, Harwich 02645 MA, United States of America
Phone: 508-237-4665

CLIENT

Town of Wellfleet Fire Department

Tax ID: 046001345
300 Main Street, Wellfleet 02667 MA, United States of America

Item	Qty	Unit value	Unit discount	Net value
Labor Squad 80 Regeneration	1.25	\$95.00	\$0.00	\$118.75
Diagnostic Tool	1	\$75.00	\$0.00	\$75.00

Net total: \$193.75

Total: \$193.75

Paid amount: \$0.00

Amount due: \$193.75

NOTES

Customer stated dash displayed exhaust system full drive to clean and after multiple attempts message continued in the dash display. Unit was driven briefly to reach needed engine temperature for a forced regeneration of 158 °F assuring all fluids were at capacity forcing regeneration which completed without issue after 45 minutes. Unit showed no active fault codes following and was taken for test drive following with all systems operational to allow exhaust to cool. Unit with services complete was returned to the customer as in service.

TERMS & CONDITIONS

Wellfleet Fire Squad 80

2015 Ford F-250 XL

Vin #1FT7W2BT8FEB96054

60,235.0 miles / 3,464 engine hours

INVOICE

INVOICE #161
DATE: Jan 13, 2022
DUE DATE: Feb 12, 2022

FROM

Ford's Fire Apparatus Maintenance and Repair

249 South Street, Harwich 02645 MA, United States of America
Phone: 508-237-4665

CLIENT

Town of Wellfleet Fire Department

Tax ID: 046001345
300 Main Street, Wellfleet 02667 MA, United States of America

Item	Qty	Unit value	Unit discount	Net value
Labor Squad 80	1.5	\$95.00	\$0.00	\$142.50
Diagnostic Tool Charge	1	\$75.00	\$0.00	\$75.00
			Net total:	\$217.50
			Total:	\$217.50
			Paid amount:	\$0.00
			Amount due:	\$217.50

NOTES

Unit was moved to allow access for repair of a different unit noting on the dash display that "Exhaust Filter Full" drive to perform cleaning. Unit was driven to reach engine temp of coolant of 158 °F to allow for stationary forced regeneration via diagnostic software. Unit fully completed regeneration cycle without fault with message no longer present on the dash display, having performed a forced regeneration for a complete uninterrupted cycle due to the short run high idle usage. Unit returned to the customer as in service with no further repair needed.

TERMS & CONDITIONS

59,482.8 miles / 3,400 engine hours

BOARD OF SELECTMEN

Policy on Vehicle Rollover

Original Date: October 28, 2008

2008-1

During the early years of the life of a vehicle (the length determined by the warrantee), the expense of ownership consists of monthly note payments, insurance premiums, tags and the cost of manufacturer's recommended servicing; i.e. oil, lube, fluids, tune ups and the price of labor to perform this preventive maintenance.

As a vehicle becomes more seasoned, the cost of operating and maintaining it (brakes, tires, clutch and other mechanical as well as electrical systems) increases. While this is happening, the trade-in value decreases.

At some point two decisions have to be made.

1. Do we continue pumping time and funds into keeping this vehicle running as intended or is it more cost-effective to replace it?
2. During the expected life of a replacement, is it more cost-effective to purchase or rent the replacement or subcontract the work?

To facilitate these decisions, effective October 28, 2008 requests for the replacement of Town vehicles must be supported with:

- ◆ Description of vehicle being replaced including Department ID# and VIN
- ◆ Purchase date of vehicle being replaced
- ◆ Base purchase price of vehicle being replaced
- ◆ Extras asses and cost (radio, lights, plow, etc.)
- ◆ Manufacturer's projected life-span of vehicle being replaced
- ◆ Primary use of the vehicle
- ◆ Secondary use; i.e. snow removal
- ◆ Base price quote of replacement
- ◆ Price quote for needed extras such as radios, plow, etc.
- ◆ Target date for replacement
- ◆ Manufacturer's expected normal lifespan of replacement
- ◆ Expected lifespan under Wellfleet conditions
- ◆ Projected trade in value of vehicle being replaced as of September 20, 2022.
- ◆ Projected auction value of vehicle being replaced as of September 20, 2022, if not traded in.
- ◆ Maintenance records including:
 1. Service performed, date of service performed, service provider if not DPW employee.
 2. Mileage and fuel consumption rate at date of service, engine hours at date of service
 3. Projected service requirements in next 12 months, and projected costs
- ◆ Cost of leasing replacement vehicle and terms
- ◆ Cost of renting replacement vehicle and terms
- ◆ Cost and terms of subcontracting the work

Attachment 1 is a suggested paper form for capturing and reporting the required data. It, or a modified format with the same content, is to be used until a software program can be implemented.

Rollover Decision

Attachment 1

Asset 2015 Ford F-350 Pick up truck ID# _____ VIN# 1FT7W2BT8FEB96054

Type Four wheel drive Plate MF- B485 Condition Poor/to Failure

Extent of Use Daily Purchase Date 12/04/2014 Purchase Cost Base \$65,000.00

Mfg's Projected Life Span 8 yrs. Primary Emergency response/duty truck/inspections when needed

Anticipated Life Span 7 yrs. Secondary Use _____
(based on NE weather & Salt)

Mfg's expected mpg 20 mpg Trade in or Auction Value as of 2/1/2022 \$ unknown

SERVICE RECORD

Date	Miles, Engine Hours, Fuel Used, Service Provided	Parts \$	Labor \$
	Please see attached.		

PROJECTED SERVICE Next 12 Months (include down time & labor costs) Starting to show electrical issues, transmission issues and climate control issues. It will have over 105,000 miles on it when replaced. Need a minimum of an eight month build time for a new ambulance

REPLACEMENT INFORMATION

Target Date for Replacement September, 2022

Base Cost of Replacement \$ \$60,000 Cost of Extras (detail) \$ \$5,0000.00 warning lights/siren

Quoted by State Bid Price Date 7/21/2022

OTHER

Rental Equivalent Cost Per Year

Cost of Insurance per Year

Cost of Registration per Year

Annual Note Payments

Ownership Cost per Year

To: Rich Waldo; Ryan Curley

From: Suzanne Grout Thomas

Date: July 27, 2022

Re: Long Pond – transfer from the Beach Fund

On January 4, 2022, I went before the Selectboard to request permission to remove the stairs at Gull Pond and at Long Pond. Gull Pond was approved but the SB wanted the stairs at Long Pond to be repaired. I also discussed the need for improved fencing and for the removal of the dead trees.

On March 2, the Conscom approved the plan to remove the stairs at Gull and revegetate and to repair the stairs at Long Pond and to erect permanent fencing.

I spoke to Charlie Sumner about getting a transfer from the Beach Fund and he recommended that I request the funding in the STM that would happen in the Fall.

I don't yet have a written estimate from the fence company but Peter Williams did a site visit with the fence company rep and estimates \$10,000 to \$12,000 for the fence, another \$10,000 to \$11,000 for the stairs and another \$2,000 for incidentals like the chips and signage.

I spoke to Jay Norton on July 26, 2022 and asked him about scheduling the project and the funding. He is of the opinion that it would be more effective to get the funding at the STM rather than wait until the ATM in April of 2023.

I would like to be on the agenda for the August 2 SB meeting in order to place the request for the transfer on the STM warrant.

From: The Beach Fund

To: Beaches #699

\$25,000

To: Conscom

From: Suzanne Grout Thomas, Director of Community Services

Date: January 28, 2022

Re: Replacement of Long Pond stairs and installation of new fencing

I brought the proposal to remove the existing stairs at both Gull Pond and Long Pond and to revegetate those areas to stabilize the banks to the Selectboard for approval. They voted to permit the removal at Gull but wanted the stairs at Long Pond rebuilt and improved. Peter Williams and I did a site visit and determined that the existing social trail from the end of the walkway that parallels Long Pond Road is sloped and potentially dangerous from exposed roots and pine needles which are slippery underfoot. The existing fencing is degraded and in many locations destroyed by those who have climbed over and through it rather than follow the path. I recommend that the existing fencing be replaced with a more durable fence similar to that surrounding the Wellfleet Community Garden. I also recommend extending the fencing parallel to Long Pond Road down to the handicapped parking area to keep people from using the hill as a shortcut. There are a number of exposed roots here that are not only a trip and fall hazard but can lead to degradation of the trees. Peter recommended putting crushed stone along this path to protect the roots and provide non-slip footing. To the east side of the existing stairs, there is a considerable amount of erosion with exposed roots. I would like to enclose this section and stabilize the roots with jute and landscaping staples, using Americorp labor if possible.

Attachments:

1. Assessor's map showing the Town owned property surrounding the actual Public Landing.
2. Google Earth shot of the area with the approximate area of the Town Landing



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

City/Town _____

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

505 Long Pond Road

Street Address

16

Assessors Map/Plat Number

Wellfleet

City/Town

655 and 650

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Long Pond public landing

- c. Plan and/or Map Reference(s):

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Remove set of existing stairs from the hill, stabilize the hill and revegetate with native plantings.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Town of Wellfleet

Name

300 Main Street

Mailing Address

Wellfleet

City/Town

MA

State

02667

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Suzanne Grout Thomas

September 29, 2021

Signature of Representative (if any)

Date

w_16_0.pdf

https://www.wellfleet-ma.gov/sites/g/files/vyhlif5166/f/file/w_16_0.pdf

1 / 1 400%

172.48'S

74.98'S

109'X

655

0.59 AC

30'X

147'X

103'X

LANDING

0.33 AC.

241'X

650

98'X

152'X

221W / 1530

SAPOKOC

133.00'S

110.57'S

0.37 AC.

105.65'S

192.02'S

65'X

189'X

63'

1.1

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You are currently running an experimental version of Earth.

Learn more Send feedback

Long Pond Road
41° 56' 42.00" N, 70° 00' 37.00" W

Long Pond Road Wellilee, MA 01924, USA

Long Pond
Swimming Beach

100% Imagery date: 10/6/18 - newer

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SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

V

BUSINESS

~ C ~

REQUESTED BY:	Selectboard
DESIRED ACTION:	To review the Selectboard's 2023 goals
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard 2023 Goals

Ryan Curley:

- Establish a migration plan to platform Town functions to a SaS cloud with a web-based portal for the public
- Identify or develop a plan to create additional Meeting rooms for boards and committees.
- Local comprehensive plan
 - Restart the Local Comprehensive Planning Process.
 - Establish clear deadlines and expectations for LCP process
 - Initiate a separate long term local Climate Change Local Comprehensive plan establishing clear decision trees and points for various adaptations.
- Marina
 - Replace the fuel tanks and stripe area vacated by the corral
 - Evaluate the L Pier for reconditioning
 - Explore opportunities for additional dockage
 - Restripe Marina the Town could gain 20+ parking if the Marina was restriped.
- Government
 - Finish Normalizing the Town's Financial Operations, (structure, governance, reporting, and policies)
 - Support administration instituting best fiscal practices. Ensure they are maintained after the departure of the interim staff with a much greater degree of oversight and integration than in the past.
 - Materially respond to DOR DLS review once issued.
 - Enhance the Auditing process and with a revised and expanded scope of work put out to bid.
 - Continue to normalize Town Operations.
 - Foster enhanced communications between public bodies, and public bodies and town staff.
 - Hold Town Administrator to performance goals and finish reformatting performance reviews
 - Ensure Effective Oversight of Town Operations
- Staffing
 - Pending STM Authorization, Hire an HR Director
 - Establish a Scope for IT Director and have an article for 2023 ATM
 - Have Administration implement a workforce development program
 - Evaluate the cost/benefit of a part time grant writer
 - Evaluate the possibility of hiring a full time Social Worker who would collaborate with Emergency Management Services on calls with mental health or substance issues and establish follow-up visits with the individuals in crisis and post crisis if agreed to.

- Energy
 - Continue Transitioning town department vehicle replacements to plug in hybrids where available and practicable as stipulated in the **Fuel-Efficient Vehicle Policy**.
 - Access all town-owned buildings in good repair for their suitability for rooftop solar and the cost-effectiveness of any modifications needed to support rooftop solar.
 - In addition to determining the present-day economic practicality of installing rooftop solar, implement a scale that weighs changes in price per kW installed and the wholesale price per kW for electricity providers enabling the town to judge when it is economically advantageous to fit rooftop solar on buildings where it may not make sense currently.
 - Establish a replacement policy for all current fuel-powered equipment classes to replace them with electric equipment where possible and economical.
- Beaches
 - Expand LeCount Hollow/Maguire's Landing to the full width away from the beach to create additional parking to make up for the ongoing erosion reducing parking (lost 20 spaces in the 2021-2022 winter)
 - Establish a plan to build a new beach house for Lecount Hollow/Maguire's Landing by 2024. Following the winter storms of 2021-2022, the bathhouse is approximately 15' from the dune's edge
 - Extend Parking Beach Season to pay for lifeguards on at least one beach throughout June and September.
- Wastewater
 - Secure watershed permit. Develop an implementation program.
 - Develop an implementation structure within Town Administration with clear lines of responsibilities and communications.
 - Move forward on wastewater initiatives already approved by town meeting, (Pilot IA system upgrades, Pilot PRB, 95 Lawrence Rd Decentralized Cluster System)
 - Develop a cross departmental reporting program to capture nutrient remediation
 - Develop BMP for stormwater system replacements that are done as part of routine maintenance by the DPW
 - Plan a replacement cycle for town owned septic systems within the Wellfleet Harbor Watershed and replacement or refurbishment of associated bath houses.
- Develop a Capital Asset Preservation Plan with ongoing tracking of fixed assets
- Herring River
 - Ensure that all monies received for the project are administered properly

- Insist that nutrient levels are being quantified to establish nutrient remediation benefits of the project.
- Ensure contractors are held to their performance terms.
- Reach resolution with NPS regarding land exchange related to the project.
- Housing
 - Continue to look for a diverse set of opportunities to address the housing crisis at multiple levels of income. (Funding, Zoning, opportunities for housing construction)
 - Continue to support the 95 Lawrence Rd Housing Project
 - Look for opportunities for affordable housing ownership
 - If voters approve the purchase of Maurice's Campground
 - Implement a robust planning process with clear expected deadlines
 - Advertise for and recruit a diverse planning committee
- Work to secure and maintain public access points
 - Install/refresh town landing signage
 - Install additional small craft racks at in demand locations
 - Develop plan for engineering at Bank Street Public Landing for bulkhead with stairs
 - Develop plans for roadside parking w Boat racks at the former Windsufer setup area at Burton Baker Beach/Landing
 - Continue to work with town committees (Rights of Public Access, Open Space Committee, Conservation Commission)
 - Re-evaluate standards for disposition of town owned property with a focus on preserving or enhancing public access to public lands and waters
- Parking
 - Established paid parking for high demand parking areas to generate revenue and promote enhanced circulation
 - Establish a Parking Department Reporting to the Police Chief for Parking Enforcement Officers
 - Clearly mark municipal parking areas
 - Evaluate the Rec Parking area and 338 Main Street for reconstruction.
 - Evaluate Town Hall Parking Lot of re-striping
- Public Safety
 - Continue to address the issues of Cahoon Hollow Beach
 - Ask for the Superintendent's Compendium be amended to address some of the issues at this location
 - Explore what our options are to address the demands placed on staff due the behavior at this beach.
- Transfer Station
 - Re-evaluate the financial model of the transfer station.

Michael DeVasto:

1. Work with DPW and Administration to assess the current condition of all town owned buildings and infrastructure and develop a maintenance and replacement plan. The purpose is to prevent neglect of public buildings and so that Wellfleet is well positioned to receive federal infrastructure dollars as well as any other applicable grants.
2. Spring town meeting Article to renovate town of Wellfleet public restrooms.
3. Develop a plan to allocate the majority of short term rental revenue to housing in order to increase affordable and workforce housing as well as attainable home ownership opportunities in the community.
4. Prepare for grant funding opportunities for Wastewater projects related to the watershed permit application.
5. Work with the DPW and administration to plan and get engineering for Main street sidewalk from the end of DOT limit of work to long pond rd.
6. Work with DPW and administration to renovate town hall lawn, and replace plastic bus stop benches with nice wooden benches.
7. Resolve outstanding issues with DCR and DOT in order to best serve motorists, pedestrians and cyclists.
8. Begin conversations with the NPS about the future of OVD, potential land swaps, and recreational opportunities.
9. Create a capital budget and a capital reserve fund.

John Wolf:

1. In addition to and as part of the process of continuing on our new, positive course of financial responsibility and financial accountability, I believe it is a critical component of those goals that the Select Board be proactive in its role as the top of the chain of command, with our finger on the pulse of all town departments through regular and thorough reports by the Town Administrator based on regularly scheduled, thorough reports from department heads, based on meetings of department heads with key department personnel, to the Town Administrator.

2. I would also-at least as crucial-like to see progress made regarding resolving ongoing issues of possibly hidden agendas and personal differences/squabbles interfering materially with the functionality and efficiency of certain town departments and high-profile projects- specifically issues surrounding the harbor dredging project and the operation of our marina. Left unresolved, these issues have the potential to be very costly to the town, both financially and in terms of the good will of our state government representation and our Congressional delegation.

3. I am greatly concerned as to the ongoing, brazen flouting of our zoning bylaws regarding activities at 1065 State Highway. While there may be aspects of this situation of which I may be unaware, it strikes me that the Town of Wellfleet, through Town Council or other means, must do what is required to give teeth to our zoning bylaws; many tax-paying residents, both year-round and seasonal, are being very negatively impacted by this ongoing situation. If our zoning bylaws are to have any meaning or relevancy, it is crucial that the Town stand its ground.

4. Lastly, another elephant in the dining room: we have been kicking the "can" of the out-of-control parking issue down the road long enough, it is time to act decisively. We now are seeing the "funk" bus using the Marina lot as a staging area for people heading to the beaches, in addition to the fact that the Marina has been providing free parking for any number of businesses for far too long. There is a high cost to "free" parking, and it is long past time to address it.

Barbara Carboni:

1.) Housing: *Support and incentivize the development of decent, safe year-round housing for low and middle-income households, and support the development of housing for seasonal and year-round worker housing. Pursue housing policies and programs that support job creation and the year-round economy.*

Objectives:

- a. Continue to look for a diverse set of opportunities to address the housing crisis at multiple levels of income. (Funding, Zoning, Construction, Ownership)
- b. Continue to support the 95 Lawrence Rd Housing Project
- c. If voters approve the purchase of Maurice's Campground
 - Implement a robust planning process with clear expected deadlines
 - Advertise for and recruit a diverse planning committee
- d. Develop a plan to allocate the majority of short-term rental revenue to housing in order to increase affordable and workforce housing as well as attainable home ownership opportunities in the community.

2.) Governance: *Achieve and maintain a stable financial system. Financial stability is a state in which the financial system is resistant to economic fluctuations and is fit to smoothly fulfil its basic functions: budgeting and oversight of funds and management of risks.*

Objectives:

- a. Establish a Capital Planning Committee. One example:
<https://www.arlingtonma.gov/town-governance/boards-and-committees/capital-planning-committee>
- b. Establish Selectboard liaisons to all (or at least most appropriate) boards and committees
- c. Finish Normalizing the Town's Financial Operations, (structure, governance, reporting, and policies)

- d. Support administration instituting best fiscal practices. Ensure they are maintained after the departure of the interim staff with a much greater degree of oversight and integration than in the past.
- e. Materially respond to DOR DLS review once issued.
- f. Enhance the Auditing process and with a revised and expanded scope of work put out to bid.
- g. Continue to normalize Town Operations.
- h. Foster enhanced communications between public bodies, and public bodies and town staff.
- i. Hold Town Administrator to performance goals and finish reformatting performance reviews
- j. Ensure Effective Oversight of Town Operations
- k. Like to see progress made regarding resolving ongoing issues of possibly hidden agendas and personal differences/squabbles interfering materially with the functionality and efficiency of certain town departments and high-profile projects-specifically issues surrounding the harbor dredging project and the operation of our marina. Left unresolved, these issues have the potential to be very costly to the town, both financially and in terms of the good will of our state government representation and our Congressional delegation.
- l. Select Board be proactive in its role as the top of the chain of command, with our finger on the pulse of all town departments through regular and thorough reports by the Town Administrator based on regularly scheduled, thorough reports from department heads, based on meetings of department heads with key department personnel, to the Town Administrator.
- m. Create a capital budget and a capital reserve fund.
- n. Support the new Town Administrator in all our mutual initiatives.
- o. Evaluate all Town fee's and suggest an across the board increase of 10 percent.

3.) Built & Natural Environment: *The surrounding or conditions in which a person, animal, or plant lives or operates. Infrastructure - The basic physical and organizational structures and facilities (e.g., buildings, roads, and power supplies) needed for the operation of a society or enterprise.*

Objectives:

- a. Replace the fuel tanks at Marina and stripe area vacated by the correl
- b. Evaluate the L Pier for reconditioning
- c. Explore opportunities for additional dockage
- d. Restripe Marina: The Town could gain 20+ parking if the Marina was restriped.
- e. Secure watershed permit. Develop an implementation program.
- f. Develop an implementation structure within Town Administration with clear lines of responsibilities and communications.

- g. Move forward on wastewater initiatives already approved by town meeting, (Pilot IA system upgrades, Pilot PRB, 95 Lawrence Rd Decentralized Cluster System)
- h. Develop a cross departmental reporting program to capture nutrient remediation
- i. Develop BMP for stormwater system replacements that are done as part of routine maintenance by the DPW
- j. Plan a replacement cycle for town owned septic systems within the Wellfleet Harbor Watershed and replacement or refurbishment of associated bath houses.
- k. Herring River
 - Ensure that all monies received for the project are administered properly
 - Insist that nutrient levels are being quantified to establish nutrient remediation benefits of the project.
 - Ensure contractors are held to their performance terms.
 - Reach resolution with NPS regarding land exchange related to the project.
- l. Develop a Capital Asset Preservation Plan with ongoing tracking of fixed assets
- m. Established paid parking for high demand parking areas to generate revenue and promote enhanced circulation – Mayo Beach Parking Pilot
- n. Establish a Parking Department Reporting to the Police Chief for Parking Enforcement Officers
- o. Clearly mark municipal parking areas
- p. Evaluate the Rec Parking area and 338 Main Street for reconstruction.
- q. Evaluate Town Hall Parking Lot of re-stripping
- r. Expand LeCount Hollow/Maguire’s Landing to the full width away from the beach to create additional parking to make up for the ongoing erosion reducing parking (lost 20 spaces in the 2021-2022 winter)
- s. Establish a plan to build a new beach house for Lecount Hollow/Maguire’s Landing by 2024. Following the winter storms of 2021-2022, the bathhouse is approximately 15’ from the dune’s edge
- t. Extend Parking Beach Season to pay for lifeguards on at least one beach throughout June and September.
- u. Access all town-owned buildings in good repair for their suitability for rooftop solar and the cost-effectiveness of any modifications needed to support rooftop solar.
- v. Work with DPW and Administration to assess the current condition of all town owned buildings and infrastructure and develop a maintenance and replacement plan. The purpose is to prevent neglect of public buildings and so that Wellfleet is well positioned to receive federal infrastructure dollars as well as any other applicable grants.
- w. Spring town meeting Article to renovate town of Wellfleet public restrooms.
- x. Prepare for grant funding opportunities for Wastewater projects related to the watershed permit application.
- y. Revisit 2017 White Crest parking expansion, complete plan if necessary and move forward with construction.

- z. Revisit shellfish shack and determine if basics of repair can be accomplished in-house for under \$50K. Ensure building is usable for the department operations.
- aa. Work at revetment for mitigating flood tides from Uncle Tim's Bridge to Mac's Shack.

4.) Public Access: *Work to secure and maintain public access points.*

Objectives:

- a. Install/refresh town landing signage
- b. Install additional small craft racks at in demand locations
- c. Develop plan for engineering at Bank Street Public Landing for bulkhead with stairs
- d. Develop plans for roadside parking w Boat racks at the former Windsufer setup area at Burton Baker Beach/Landing
- e. Continue to work with town committees (Rights of Public Access, Open Space Committee, Conservation Commission)
- f. Re-evaluate standards for disposition of town owned property with a focus on preserving or enhancing public access to public lands and waters
- g. Preserve public's right to access to coastal resources, ponds, and other natural areas
- h. Support work of Rights of Public Access Committee on these issues, including funding needed for surveys and title research

5.) Business and Economic Development: *Economic development is the process by which our community pursues policies and programs that support job creation and the year round economy. Economic development has a direct relationship with the environment and environmental issues.*

Objectives:

- a. Determine needs and concerns of business owners; where possible, simplify approval processes
- b. Explore means of supporting existing businesses and encouraging new businesses.
- c. Re-evaluate the financial model of the transfer station.
- d. In addition to determining the present-day economic practicality of installing rooftop solar, implement a scale that weighs changes in price per kW installed and the wholesale price per kW for electricity providers enabling the town to judge when it is economically advantageous to fit rooftop solar on buildings where it may not make sense currently.

6.) public Safety: *To ensure a safe and secure environment for all residents, staff, and visitors and to ensure the Town is prepared to effectively respond to all emergencies that might affect safety or security of the community*

Objectives:

- a. Cahoon Hollow Beach:
 - In manner supportive of Wellfleet Police Department, work with Park Service to address seasonal issues with unregulated and disruptive bus tour traffic
 - Ask for the NPS Superintendent's Compendium be amended to address some of the issues at this location

- Explore what our options are to address the demands placed on staff due the behavior at this beach.
 - we have been kicking the "can" of the out-of-control parking issue down the road long enough, it is time to act decisively. We now are seeing the "funk" bus using the Marina lot as a staging area for people heading to the beaches, in addition to the fact that the Marina has been providing free parking for any number of businesses for far too long. There is a high cost to "free" parking, and it is long past time to address it.
- b. Resolve outstanding issues with DCR and DOT in order to best serve motorists, pedestrians and cyclists.

7.) Staffing: *To ensure a safe and secure environment for all residents, staff, and visitors and to ensure the Town is prepared to effectively respond to all emergencies that might affect safety or security of the community*

Objectives:

- a. Pending STM Authorization, Hire an HR Director
- b. Establish a Scope for IT Director and have an article for 2023 ATM
- c. Have Administration implement a workforce development program
- d. Evaluate the cost/benefit of a part time grant writer
- e. Evaluate the possibility of hiring a full time Social Worker who would collaborate with Emergency Management Services on calls with mental health or substance issues and establish follow-up visits with the individuals in crisis and post crisis if agreed to.

8.) Planning: *Complete and make progress on a number of key plans and documents to guide our work and processes in the years to come.*

Objectives:

- a. Local comprehensive plan
 - Restart the Local Comprehensive Planning Process.
 - Establish clear deadlines and expectations for LCP process
 - Initiate a separate long term local Climate Change Local Comprehensive plan establishing clear decision trees and points for various adaptations.
- b. Establish a migration plan to platform Town functions to a SaS cloud with a web-based portal for the public
- c. Identify or develop a plan to create additional Meeting rooms for boards and committees.
- d. Work with the DPW and administration to plan and get engineering for Main Street sidewalk from the end of DOT limit of work to long pond rd.
- e. Work with DPW and administration to renovate town hall lawn and replace plastic bus stop benches with nice wooden benches.
- f. Continue Transitioning town department vehicle replacements to plug in hybrids where available and practicable as stipulated in the Fuel-Efficient Vehicle Policy.
- g. Establish a replacement policy for all current fuel-powered equipment classes to replace them with electric equipment where possible and economical.

- h. I am greatly concerned as to the ongoing, brazen flouting of our zoning bylaws regarding activities at 1065 State Highway. While there may be aspects of this situation of which I may be unaware, it strikes me that the Town of Wellfleet, through Town Council or other means, must do what is required to give teeth to our zoning bylaws; many tax-paying residents, both year-round and seasonal, are being very negatively impacted by this ongoing situation. If our zoning bylaws are to have any meaning or relevancy, it is crucial that the Town stand its ground.
- i. Begin conversations with the NPS about the future of OVD, potential land swaps, and recreational opportunities.
- j. Update Town Website

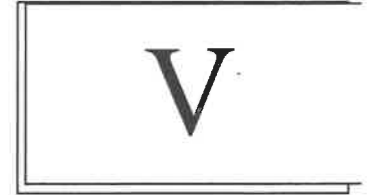
Kathleen Bacon:

1. Support the new Town Administrator in all our mutual initiatives
2. Go back to the 2017 Whitecrest parking expansion plan. Complete plan if necessary and move forward with creating more beach parking
3. Continuing to support and move along the permitting process for the 95 Lawrence Road housing project
4. Look and evaluate all town fees and suggest a 10 percent increase across the board.
5. Look at the shellfish shack for what maybe be tenth time and determine of just the basic repairs could be accomplished in house for under \$50 thousand dollars so that it could be made usable for the shellfish department's work and gear storage.
6. Look at revetment for mitigating flood tides from Uncle Tim's bridge to Mac's Shack
7. Create a paid parking pilot at Mayo Beach, residents would not be charged.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022



BUSINESS

~ D ~

REQUESTED BY:	Barbara Carboni ~ Board Member
DESIRED ACTION:	To review, amend if needed and approve the Proposed Liaison Policy
PROPOSED MOTION:	I move to approve the Liaison Policy as amended at tonight's meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Proposed Selectboard Liaison Policy

submitted by Barbara Carboni for meeting July 19, 2022

Purpose

The Selectboard adopts this Policy for the assignment of Liaisons to Town Boards, Committees and Commissions. The purpose of this Policy is to provide a standing contact for each Town Board, Committee and Commission, and otherwise assist these bodies in their work.

Assignment of Liaisons

Annually, or as otherwise needed, the Selectboard will assign a Board member to each Town Board, Committee and Commission. The Selectboard shall distribute a list of Liaison assignments.

Role and Responsibilities of Liaisons

A Selectboard Liaison serves as a resource to assigned Boards, Committees and Commissions. For example, a committee chair may contact the committee's Liaison with questions about placing an item on the Selectboard's agenda; or for help with collaborating with other boards or committees. The attendance and perspective of a Selectboard Liaison may also be helpful to a committee in its discussions of agenda topics.

Selectboard Liaisons are not expected to attend meetings of assigned committees regularly, but are encouraged to:

- attend at least one meeting to introduce themselves to the members of assigned committees
- establish a working relationship with the chairs of assigned committees
- be available to the chair for consultations
- attend a meeting if requested by the chair

Selectboard Liaisons are not members of assigned committees and do not vote on any committee matter.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

V

BUSINESS

~ E ~

REQUESTED BY:	Selectboard
DESIRED ACTION:	To designate board members as town board/committee liaisons
PROPOSED MOTION:	I move to appoint _____ as a liaison to _____ board/committee
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

V

BUSINESS

~ F ~

REQUESTED BY:	The Wellfleet Selectboard
DESIRED ACTION:	To review, discuss and vote on the Letter to Congressional Delegations regarding Discharge of Nuclear Waste
PROPOSED MOTION:	I move to approve the letter written to Congressional Delegates regarding the Discharge of Nuclear Waste into Plymouth Bay as written.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

_____, 2022

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable William R. Keating
United States House of Representatives
2351 Rayburn House Office Building
Washington, DC 20515

RE: Holtec International – Decommissioning Pilgrim Station (Plymouth, Massachusetts)

Dear Senator Markey and Congressman Keating:

We, as the undersigned elected officials of the Town(s) of [Duxbury] and [], Plymouth write to express our gratitude for your leadership and insightful questioning during the May 6, 2022 Field Hearing of the United States Senate Environment and Public Works Subcommittee on Clean Air, Climate and Nuclear Safety. We also write to acknowledge the actions of the United States Environmental Protection Agency (Region 1), which on June 17, 2022, explicitly stated: “Holtec Pilgrim is not authorized under the current NPDES Permit to discharge pollutants in spent fuel pool water.”¹

While we were pleased to hear of the EPA’s directive,² Holtec’s assurance that it will not discharge water without the consent of all stakeholders,³ and Holtec’s promise to release data to the Woods Hole Oceanographic Institution and other expert and scientific organizations for testing,⁴ we write to express our continued and grave concerns with the decommissioning process at Pilgrim Nuclear Power Station.

Specifically, we write to express our continued concerns with the failure of the Nuclear Regulatory Commission and the nuclear industry’s failure to meaningfully listen and respond to the concerns of our communities. To that end, and in light of the Subcommittee’s May 6, 2022

¹ United States Environmental Protection Agency (Region 1) letter to Kelly Trice, President, Holtec Decommissioning International, dated June 17, 2022. A copy of the letter is enclosed herein for your convenience.

² Id.

³ “Issues Facing Communities with Decommissioning Nuclear Plants.” United States Senate Committee on Environment and Public Works, Subcommittee on Clean Air, Climate, and Nuclear Safety. Field Hearing at Plymouth Town Hall, Plymouth, Massachusetts. May 6, 2022. At Page 93. Available at https://www.epw.senate.gov/public/_cache/files/7/d/7df3f36e-4441-4fbb-b4b7-17c486e1b8b0/E79494CD3D5B107B30617B24FFF09EF6.field-spw-05062022.pdf. (Hereinafter referred to as “Field Hearing Transcript”)

⁴ Id., at 96.

Field Hearing, we respectfully request your support to secure a safe decommissioning process for our Town(s), the Commonwealth of Massachusetts and the United States of America.

Transparency and Exchange of Information Between Federal Agencies

As you know, the Stellwagen Bank National Marine Sanctuary sits east of Boston, between Cape Ann and Cape Cod. The dumping of one million gallons of radioactive water into Cape Cod Bay may affect the Sanctuary. We were troubled by Director Lubinski's testimony that the Nuclear Regulatory Commission ("NRC") did not consult with the NOAA Office of National Marine Sanctuaries to determine whether the proposed discharge into Cape Cod Bay would destroy, cause the loss of, or injure the Sanctuary.⁵

We request that you confirm that the NRC will respond to the Office of National Marine Sanctuaries' March 14, 2022 inquiry, and any subsequent inquiries and concerns it may have. We also request your assistance in identifying any other federal agencies with subject matter expertise that the NRC should be consulting to ensure any decommissioning decision protects the health, safety, and welfare of our communities.

Inadequate Safety Inspections (Aging Management Plans)

According to Holtec, it will use sixty-one (61) casks to store Pilgrim's spent nuclear fuel.⁶ However, according to Director Lubinski, Holtec has proposed only to inspect one cask every five years to determine if there is damage.⁷ As Senator Markey acknowledged, such an inspection routine is wholly inadequate. Therefore, we request that you communicate to the NRC that the proposed Aging Management Plan should be made publically accessible so that key stakeholders can review and provide comments prior to NRC's final decision in August, 2022. In particular, the Town of Plymouth, whose public safety personnel will be asked to respond first to any incident at the facility deserve greater transparency as to the company's plans for securing the facility and its preparations for both accidents and malicious events.

Cost Analysis For Off-Site Removal

When questioned by Congressman Keating, Holtec CEO, Dr. Kris Singh, was unable to provide the estimated cost of transporting radioactive materials from Plymouth by truck.⁸ Dr. Singh promised to supply that cost estimate.⁹ We request that Holtec make the cost estimate publically available as soon as possible.

Payment-in-Lieu Agreements

In response to a question by Senator Markey, Dr. Singh was unable to confirm whether Holtec would negotiate PILOT Agreements with local communities, including Plymouth, the

⁵ *Id.*, at 30.

⁶ "Pilgrim Decommissioning FAQs." Available at <https://holtecinternational.com/communications-and-outreach/pilgrim-decommissioning-faqs/>. Accessed May 16, 2022.

⁷ *Field Hearing Transcript*, at 46.

⁸ *Id.*, at 101.

⁹ *Id.*, at 102.

plant's host community for the past five decades.¹⁰ As you know, our communities face significant financial concerns, not only pertaining to lost revenues, but also lot emergency planning training funds.¹¹ Therefore, we request your assistance in facilitating these conversations between Holtec and our communities.

Conclusion

As recently stated by Senator Markey: "Over the years, communities with decommissioning nuclear power plant have repeatedly called on the [NRC] to be a good partner and for nuclear companies to be good neighbors."¹² Our communities continue to be concerned with the proposed decommissioning of the Pilgrim Station, and respectfully request your continued assistance in ensuring that the NRC, and Holtec, are good partners and neighbors.

¹⁰ *Id.*, at 128.

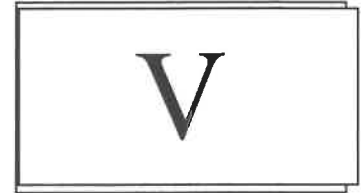
¹¹ *Id.*, at 49.

¹² "Icymi: Senator Markey Secures Environmental, Financial Protections For Pilgrim Nuclear Power Plant At Congressional Hearing On Nuclear Plant Decommissioning." Accessed May 26, 2022. Available at: <https://www.markey.senate.gov/news/press-releases/icymi-senator-markey-secures-environmental-financial-protections-for-pilgrim-nuclear-power-plant-at-congressional-hearing-on-nuclear-plant-decommissioning><https://www.markey.senate.gov/news/press-releases/icymi-senator-markey-secures-environmental-financial-protections-for-pilgrim-nuclear-power-plant-at-congressional-hearing-on-nuclear-plant-decommissioning>



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022



BUSINESS

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REQUESTED BY:	Ryan Curley, Chair
DESIRED ACTION:	To review, amend, and vote on the Comprehensive Financial Management Policy for the Town of Wellfleet
PROPOSED MOTION:	I move to approve the Comprehensive Financial Management Policy for the Town of Wellfleet as amended at tonight's meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Comprehensive Financial
Management Policies for
The Town of Wellfleet of**

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Adoption of these polices will supplant the following (See Appendix II)

Budget and Financial Management

Debt Policy

Grant Revenue

Investment Policy

Vehicle Rollover Policy

Meals Payment Policy

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PREFACE

The policies are intended to outline objectives, provide direction, and define authority to help ensure sound fiscal stewardship and management practices. Each should be periodically reviewed and updated as necessary. With these policies, the Town of Wellfleet, through its Selectboard, Town Administrator, Finance Committee, and employees, commits to the following objectives:

- Sustaining a consistent level of service and value for residents and businesses
- Safeguarding financial integrity and minimizing risk through a system of internal controls
- Ensuring the quality and maintenance of capital assets
- Conforming to general law, uniform professional standards, and municipal best practices
- Preserving the town's AAA credit rating
- Promoting transparency and public disclosure
- Assuring accurate and timely reporting
- Ensuring that Wellfleet has the expertise on staff to effectively manage its finances and departmental operations.

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Table of Contents [DRAFT]

- INTRODUCTION
- A. GENERAL BUDGET POLICIES.....
 - A-1 Balanced Budget
 - A-2 Submission of Budget and Budget Message
 - A-3 Revenue and Expenditure Forecast
 - A-4 Position Control/Vacancies
 - A-5 Personnel Policies and Labor Contracts
- B. ENTERPRISE FUND POLICIES
- C. RESERVE FUNDS/FUND BALANCE POLICIES
- C-1 Free Cash
- C-2 Stabilization Funds
- A. General Stabilization Policy
- B. Capital Stabilization Fund
- C. Finance Committee Reserve Fund
- D. Overlay Surplus
- C-3 Ambulance Fund
- D. CAPITAL IMPROVEMENT PLAN
- D-1 Capital Improvement Plan
- D-2 Vehicle Replacement
- E. CAPITAL IMPROVEMENT FINANCING AND DEBT MANAGEMENT
- E-1 Capital Improvement Financing
- E-2 Debt Management
- F. GRANTS MANAGEMENT POLICIES
- F-1 Grant Administration
- F-2 Impact on Operating Budget
- F-3 Impact on Capital Improvement Program
- G. POLICIES REGARDING ESTABLISHMENT OF FEES
- G-1 Fees and Charges
- H. USE OF ONE TIME REVENUE
- H-1 Use of One Time Revenue
- I. UNFUNDED LIABILITIES
- I-1 Pensions/Retirement
- I-2 Other Post- Employment Benefits (OPEB)
- OPEB Funding Strategies
- J. RISK MANAGEMENT POLICIES
- J-1 Risk Management Program
- K. ACCOUNTING/AUDITING/FINANCIAL REPORTING POLICIES

K-1 Annual Audit	
K-2 Comprehensive Annual Financial Report	
K-3 Monthly Reporting	
K-4 Cash Collections	
K-5 Reconciling Cash and Receivables	
K-6 Cash Flow Forecasting and Budgeting	
K-7 Reconciliations	
A. Cashbook Reconciliation	
B. Payroll Withholding Reconciliation	
C. Account Receivable Reconciliation	
D. Special Revenue Reconciliation	
E. General Ledger Reconciliation	
F. Time Frames and Documentation	
G. Audit	
L. PROCUREMENT AND PURCHASING POLICIES.....	
L-1 Procurement and Purchasing Policy	
M. TREASURER INVESTMENT POLICIES	
M-1 Investment Policies	
A. Authorized and Suitable Investments	
B. Selection Criteria for Bank, Brokers and Dealers	
M-2 Post-Issuance Tax Compliance Procedure	
N. Antifraud	
N-1 Disbursements	
N-2 Employee Reimbursements	
O. Financial Management Team	
APPENDIX 1: SELECTED GLOSSARY OF TERMS	
APPENDIX 2: Polices To Be Superseded	
APPENDIX 3: Chart of Allowable Uses of Specific Funds	

INTRODUCTION

To ensure the growing and continued financial health of the Town of Wellfleet, provide the public with confidence that Town officials seriously respect their responsibility for fiscal stewardship, and demonstrate to bond rating agencies that the Town has thoughtfully prepared for its future, the financial policies outlined below shall guide the Town. These policies are a living tool and shall be reviewed by the Town Administrator and designated staff on an annual basis and updated as necessary, changes may be required to adapt to the needs of the Town.

This document is intended to establish a set of financial management policies and not the procedures that identify the specific methods and actions necessary to carry out these policies. Policies are the terms and conditions which guide and direct the town in making financial management decisions. They are not hard and fast rules so that they may recognize extraordinary situations. Financial management policies are made to support strategies. In many instances, administrative procedures are or will be developed as tools to implement these policies.

Objectives:

The objectives of the Financial Management Policies are as follows:

- A. To guide the Selectboard, Finance Committee, and management staff in evaluating and implementing decisions that have significant impact on the Town.*
- B. To set forth planning and operating principles which require that the cost of government be clearly identified, and that financial risk be minimized.*
- C. To employ balanced and fair fee and user revenue policies that provide funding for required and needed programs.*
- D. To regularly evaluate the Town's financial capacity to meet present and future needs.*
- E. To promote credible and sound financial management by providing accurate and timely information on the Town's financial condition to elected officials, staff, the public and external interests.*
- F. To ensure that current and future capital needs are addressed in a comprehensive and financially sound manner.*
- G. To promote improvement in the Town's credit rating and provide financial resources sufficient to meet the Town's obligations on all municipal debt and other long-term obligations.*
- H. To establish an effective system of internal controls that ensures the legal use of financial resources.*
- I. To promote cooperation and coordination with other governments and the private sector in the financing and delivery of services.*

J. Human Resources?

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A. GENERAL BUDGET POLICIES

A-1 Balanced Budget

Background:

All Massachusetts municipalities are required by state law to prepare balanced annual budgets.

The Government Finance Officers Association (GFOA) notes a true structurally balanced budget is one that supports financial sustainability for multiple years into the future.

Policy:

The Town shall adopt balanced budgets in which current revenues (non-one-time) equal or exceed current expenditures. Expenditures shall be realistically budgeted and estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall present said estimates and assumptions behind revenue estimates along with the balanced budget.

The Town will not balance the budget by using one time or other nonrecurring revenues to fund ongoing expenditures. The Town shall not use budgetary procedures that balance the budget at the expense of future years, such as postponing or deferring payment of expenses already incurred, accruing future year revenues, or rolling over short-term debt to avoid making principal payments.

The Town budget shall also support a financially sound operating position by maintaining reserves for emergencies and providing sufficient liquidity to pay bills on time and avoid revenue anticipation borrowing.

References:

M.G.L. c.44, §31

Achieving a Structurally Balanced Budget, Government Finance Officers Association Best Practice, February 2012

A-2 Local Receipts

Background:

Local Receipts are comprised of, short term occupancy tax, meals tax, parking fees, motor vehicle excise taxes, licenses, permits, and other non-property tax or state aid revenues. Local receipts are more economically sensitive and volatile than the property tax levy. Some of these revenues may be dedicated to specific uses or special purpose funds such as the Beach Fund by previous town meeting votes.

Policy:

Estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall budget for no more than 85% of the previous fiscal year's local receipts. Any receipts in excess of the 85% will be in the following year's free cash or as otherwise allocated by previous town meeting votes.

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A-3 Submission of Budget and Budget Message

Background:

Two important principles of public budgeting are clarity and publicity. The GFOA considers the preparation of the annual budget document of great importance in providing detailed financial information and also explaining the key issues that face the community. It is also important to broadly distribute this information to the staff, elected and appointed officials and the general public in order to give them a greater understanding of the operations, financing and key issues confronting the community.

Policy:

The Selectboard's budget proposal to Town Meeting shall provide a complete financial plan of all general and enterprise funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents. The budget message from the Selectboard shall explain the proposed budget for all Town agencies in fiscal terms and in terms of work programs. It shall outline the proposed financial policies for the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major differences from the current fiscal year in financial policies, expenditures, and revenues, together with the reason(s) for such changes, summarize the Town's debt position, and include such other material as the Selectboard deems desirable, or the Finance Committee or Town Meeting may reasonably require. The Finance Committee is encouraged to also supply a message to the Selectboard and Town Meeting.

The Town Administrator shall also provide a budget message.

The Town shall work toward the implementation of a budget document that meets the high standards of the Government Finance Officers Association "Distinguished Budget Presentation Award Program."

A-4 Revenue and Expenditure Forecast

Background:

A critical step in maintaining a sound financial plan is the preparation of a multi-year revenue/expenditure forecast(s). Long term financial planning, including revenue and expenditure assumptions, is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality.

The Massachusetts Division of Local Services (DLS) states that a financial forecast, or multi-year revenue and expenditure forecast, allows a municipality to evaluate the impact of various government decisions over time.

A forecast will provide decision-makers with an indication of the long-term fiscal impact of current policies and budget decisions, and will allow the Town Administrator and staff, the Finance Committee, and the Selectboard to test various “what-if” scenarios and examine the fiscal impact on future budgets.

Policy:

Each year the Town Administrator, in consultation with the Finance Committee and Selectboard, shall prepare and maintain a five-year Financial Forecast for General Fund and Enterprise Fund operations based on current service levels and current funding sources and including the five-year Capital Improvement Program.

The forecast shall be used as a budget tool to enable Town officials to review operating needs, identify fiscal challenges and opportunities, and develop long-term budgeting policies as part of an overall strategic plan. The forecast shall be designed to provide an outlook on the implications of changes in revenues and expenditures and allow for analyzing multiple scenarios. The forecast will: 1) provide insight into whether the current mix and level of resources in the General Fund are likely to continue to be sufficient to cover current service levels and capital projects; and 2) identify the resources needed to maintain required enterprise fund operations and 3) estimate the impact on rate payers.

The Town Administrator, in cooperation with the Finance Committee, the Selectboard and Town departments, will review fiscal assumptions every year when the forecast is updated and will use information that is timely and accurate in preparation of the forecast. The forecast and the associated assumptions shall be made available to the Selectboard and the Finance Committee no later than upon submission of the Capital Improvement Plan.

References:

Revenue and Expenditure Forecasting, MA DOR Division of Local Services Best Practice

Financial Forecasting in the Budget Preparation Process, Government Finance Officers Association Best Practice, February 2014

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A-5 Position Control & Vacancies

Background:

A large segment of a town's budget is its personnel costs. Failure to accurately monitor the personnel budget can lead to errors in budgeting, over or under staffing, incorrect grading, and other personnel costs.

Policy:

The Town shall maintain a personnel system that accurately tracks authorized, filled, and unfilled positions as well as their funding source. Annual budgets shall be prepared that account for all the costs necessary to cover positions that the Town intends to have during that budget period. The existing staffing structure shall be regularly reviewed and justified by the Town Administrator, Department Heads, and the Personnel Board.

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A-6 Personnel Policies and Labor Contracts

Background:

The Town has approximately **XX** full and part time town and school employees and a total of **X** unions and associations. For the purposes of these policies, the following definitions shall apply:

- Personnel Policies are the documents that represent the conditions of employment, wages, benefits, hiring, promotions, classifications, and many other categories of employer/employee relations. Collective bargaining agreements, as well as state laws and regulations, take precedence over the terms included in the Personnel Policy.
- Pay and Classification Plans are the schedules that identify employees by job category, job title, and union/non-union status on a typical Grade structure. Pay Plans are the wage schedules that specify pay rates, typically on an annual step or merit system, for each union and non-union position.
- Memorandums of Agreement (MOAs) are the documents that represent agreement between a municipality and the various labor unions. They are created when a municipality and the respective union have reached agreement for a contract period about wages and working conditions.
- Collective Bargaining Agreements (CBAs) are the documents that incorporate the negotiated changes and represent the total agreement that exists between a municipality and a union.
- Side Letters are documents that represent a short term agreement between a municipality and a union.

Policy:

Pay plans and pay rates shall be constantly monitored to ensure compliance with labor contracts, personnel policies, and accuracy. Contract proposals and agreements will be fully costed out to understand the short and long term impact on Town finances. In order to foster transparency in the provision of employment agreements and benefits, the Town will prepare and maintain documents that are publicly available including personnel policies, pay plans, classification plans, memorandums of agreement, collective bargaining agreements, and side letters.

References:

Town of Wellfleet Employee Personnel Manual

Town of Wellfleet Personnel Bylaw

A-7 New Revenue Sources [STUB]

Background: THIS IS A STUB

Policy: New Revenue sources less the expense of collecting and or administering them shall not be applied to the general budget until a policy governing their use is adopted and shall be based on actual receipts. Said policy shall utilize a community engagement process to determine the use of the funds. Until such a policy has been adopted these funds shall follow H-1 Use of One Time Revenue. (Enacting legislation)

A-8 Human Resources [STUB]

B. ENTERPRISE FUND POLICIES

B-1 Self Sufficiency and Rates

Background:

Enterprise Funds provide a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods and services. Under enterprise accounting, the revenues and expenditures of the service are segregated into a separate fund with its own financial statements, rather than commingled with revenues and expenditures of all other government activities. Enterprise accounting allows a community to demonstrate to the public the total cost of providing a service.

Policy:

Enterprise Funds (e.g., Water Funds) shall be fully supported by the revenue from their rates, fees, and other revenue generating operations. The methodology for calculating indirect costs shall be explicitly documented and agreed upon by Town Accountant, Treasurer and Enterprise Department heads.

Rates and fees for enterprise services shall be set at a level to provide for self- supporting enterprise operations, including direct and indirect costs. Capital projects shall be financed from enterprise revenues and grants.

Enterprise Funds shall be reviewed annually by the responsible board, commission, or department head to project revenues and expenditures for the next fiscal year and generate estimates of the current fiscal year and the projections for future years in order to prevent the need for subsidy by the General Fund operating budget. Estimates of capital project costs, debt service, and other liabilities shall be included in this analysis in order to project future enterprise fund budgets and revenues necessary to maintain self-sufficiency.

Specific to the Water Enterprise, changes in the rates and/or rate structure shall be carefully analyzed prior to recommendation and implementation in order to ascertain the short- and long-term impact on rate payers.

References:

MGL, Chap 44, Sec 53F1/2

Enterprise Funds, MA DOR Division of Local Services Best Practice

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C. RESERVE FUNDS/FUND BALANCE POLICIES

Background:

Formal written policies that establish guidelines for funding and maintaining reserves can help a community sustain operations during difficult economic periods. Reserves can be used to finance unforeseen or emergency needs, to hold money for specific future purposes, or in limited instances, to serve as a revenue source for the annual budget. Reserve balances and policies can also positively impact a community's credit rating and as a consequence, the long-term cost to fund major projects. The discussion of reserves, and the attention of credit rating agencies, is generally focused on free cash, stabilization funds, and, sometimes, overlay surplus.

C.1 Free Cash

Background:

The Division of Local Service's *Municipal Finance Glossary (May 2008)* defines Free Cash as follows:

Free Cash (Also Budgetary Fund Balance) – Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the prior year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts.

Free Cash provides a financial cushion against events such as a sudden loss of a revenue source, an economic downturn, an emergency, or other unanticipated expenditure, non-recurring capital expenditures and uneven cash flow. Free cash can serve as a source for funding capital funds or replenish other reserves.

GFOA notes it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures).

DLS recommends that a municipality strive to generate free cash in an amount equal to 3-to-5% of its annual budget.

Policy:

The Town of Wellfleet will eliminate its dependence on free cash to fund the operating budget.

In accordance with the Selectboard policy, the Town will endeavor to maintain a target minimum free cash balance equivalent to 4.5% of the operating budget after town meeting appropriations. Amounts in excess of this 4.5% target will be available for capital or other one-time expenses, while the target amount will be left unspent from year to year.

Free cash will not be depleted in any year, so that the following year's calculation will begin with a positive balance. Conservative revenue projections and departmental appropriations shall be managed to produce excess income and departmental budget turn backs.

Free Cash may be used for certain one-time expenditures, such as major capital projects, emergencies, other unanticipated expenditures, or to replenish reserve funds.

References:

Free Cash, MA DOR Division of Local Services Best Practice.

Appropriate Level of Unrestricted Fund Balance in the General Fund, Government Finance Officers Association Best Practice, September 2015.

Reserve Policies, MA DOR Division of Local Services Best Practice.

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C-2 Stabilization Funds

Background:

A stabilization fund allows a Town to maintain a reserve to enhance the Town's fiscal stability. By state law, it allows a town to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose.

Under State law, a municipality may establish one or more stabilization funds for different purposes and may appropriate into and from them in any year. Generally, a majority vote of town meeting is required to establish, amend the purpose of, or appropriate money into a stabilization fund, and a two-thirds majority is required to appropriate money from a stabilization fund. Any interest generated by a fund must be added to and become a part of the fund. The total of all stabilization fund balances shall not exceed 10% of a municipality's equalized values.

C-2 A General Stabilization Policy:

The Town shall maintain a General Stabilization Fund of not less than 5% of the prior year's tax levy for the purpose of extraordinary or unforeseen expenditures. Until this target has been reached, a minimum of \$50,000 will be appropriated each year to this fund. The Town will endeavor to leave the stabilization fund balance unspent, except in the event of an emergency or extraordinary or unforeseen events. If it is necessary to draw down from the General Stabilization Fund, the Town will ensure that it is restored through the appropriation of revenues such as free cash and/or one-time revenues.

C-2 B Capital Stabilization Policy:

The Town shall maintain a special purpose Capital Stabilization Fund that shall serve as a funding source for the Town's capital improvement plan, including any associated debt service. The Town shall have a goal to maintain a Capital Stabilization Fund equal to 2% of the prior year's tax levy. Until this target has been reached, a minimum of \$25,000 will be appropriated each year to this fund. Each year, as pay as you go capital is expended from the Fund, the Town shall replenish the fund to the targeted policy goal.

C-2 C Finance Committee Reserve Fund:

Background:

The Town has established an annual budget reserve in accordance with the provisions of Massachusetts General Law, Ch.40 §6. The Wellfleet Finance Committee maintains a reserve fund to that may be used in the event of unforeseen funding needs that may occur in during a fiscal year that cannot be deferred until the next scheduled town meeting. This fund must be re-authorized each fiscal year by town meeting vote.

Policy:

The Finance Committee shall be funded at 0.5% of the Operating Budget. Any unexpended balance at the end of the fiscal year will be closed to expenditure. A request for a Finance Committee Reserve Fund transfer will not be considered if it is contrary to the vote of town meeting, or as a means to increase the operating budget.

C-3- Grant Matching Fund Reserve Funds

The Town shall establish a Climate Action Reserve fund to be funded initially at \$50K to be used as the town's matching portion for any Climate Action Grant to the extent required by the grant after in-kind contributions are accounted for. Expenditure of these funds shall be controlled by the Selectboard. A request for a Grant Matching Fund Reserve Funds transfer will not be considered if it is contrary to the vote of town meeting, or as a means to increase the operating budget. This fund must be re-authorized each fiscal year by town meeting vote.

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C-2 D Overlay Surplus:

The purpose of the overlay reserve is to offset unrealized revenue resulting from uncollected property taxes, abatements, exemptions, and forgiveness. It can be used for other purposes only after it is determined to have a surplus. Therefore, unlike the other two types of general fund reserves, this policy does not set a consistent, specific funding target for the overlay. Rather, each year as part of the budget process, the Board of Assessors will vote to raise an overlay amount on the annual tax recapitulation sheet based on the following:

- Current balance in the overlay account
- Three-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next DLS certification review (scheduled every five years)

At the conclusion of each fiscal year, the Board of Assessors will submit to the Town Administrator and Chief Financial Officer an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Select Board may request that the Board of Assessors vote to declare those balances surplus and available for use in the Town's capital improvement plan or for any other one-time expense.

REFERENCES

[M.G.L. c. 40 §5B](#)

[M.G.L. c. 59 §25](#)

[M.G.L. c. 44 §53F½](#)

Wellfleet Senior Citizen Tax Work-Off Program

Wellfleet Veterans Tax Work-Off Program

DLS Best Practices: [Free Cash](#) and [Special Purpose Stabilization Funds](#)

DLS Form: [Dedication of Revenue to Stabilization Fund](#)

DLS Informational Guideline Releases 08-101: [Enterprise Funds](#), 17-20: [Stabilization Funds](#) and 1723: [Overlay and Overlay Surplus](#)

Government Finance Officers Association Best Practices: [Fund Balance Guidelines for the General Fund](#) and [Working Capital Targets for Enterprise Funds](#)

C-3 Ambulance Fund:

Background:

Wellfleet's Ambulance fund is special purpose fund funded with reimbursements from usage fees. The fund was established by town meeting as a way of moderating the impact of ambulance replacements on the town's budget and to ensure they are replaced in timely fashion. Wellfleet's median age is 57.2(ACS 2019). The initial data releases of 2020 Decennial Census show that Wellfleet's permanent population has grown by 29.7% in the last decade. Wellfleet has a growing high-risk population. The Cape as a whole sees an immense increase in population in the summer months. Wellfleet provides and receives mutual aid to the surrounding towns; the closest emergency room facilities are in Hyannis each leg of the trip takes approximately forty minutes. All these factors underscore the critical need to maintain the availability of Wellfleet's ambulances. It is imperative that Wellfleet is able to replace the ambulance fleet in a timely basis to minimize the down time or be able to quickly replace one or both ambulances in an emergency. Utilizing non-reoccurring sources of revenue to fund operating budgets creates budgetary shocks when those non-reoccurring sources of revenue are not available.

Policy:

The Town shall maintain the Ambulance Fund's balance of not less than the full cost replacement value of two fully outfitted ambulances. The Fire Chief is expected to update this reserve balance each fiscal year to reflect the change in the replacement costs. Until this reserve balance has been reached no funds shall be transferred out of the fund unless they are specifically related to the purpose of the fund. Funds from the ambulance fund shall never be utilized at any level to fund the general operating budget or reoccurring costs. Funds in excess of the reserve balance may be transferred from the ambulance fund at the end of the fiscal year. These funds shall be treated one-time revenues and the use of those funds shall follow H-1 Use of One Time Revenue with a preference to fund items related to public safety or OPEB.

References:

M.G.L. c. 40 §5B

Special Purpose Stabilization Funds, MA DOR Division of Local Services Best Practice.

American Community Survey 2019, US Census Bureau

2020 US Decennial Census Data Release, US Census Bureau

D. CAPITAL PLANNING

Background:

Planning, budgeting and financing for the replacement, repair and acquisition of capital assets is a critical component of any municipality's budget and operation. Prudent planning and funding of capital assets ensures that a municipality can provide quality public services in a financially sound manner. It is recognized that a balance must be maintained between operating and capital budgets so as to meet the needs of both to the maximum extent possible. Adherence to this policy will help the Town meet its capital needs despite limited resources.

Long term capital planning is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality. Climate change has recently started to factor in bonding and needs to be taken into consideration for Town Capital Projects.

Policy:

The Town will maintain its physical assets by providing funding in the operating budget to protect its capital investments and minimize future maintenance and replacement costs. The Town will emphasize preventive maintenance as a cost-effective approach to capital reinvestment and replace exhausted goods as necessary. All town buildings will be inspected annually by the Town Administrator, the DPW, the Building, Plumbing, and Electrical inspectors. Individual building components will be assessed and maintained. If it is determined that there needs to a significant project in excess of \$10,000 it shall be incorporated into the Capital Improvement Plan.

To support a systematic acquisition and replacement schedule, the Town Administrator, with the assistance of the DPW Director will annually update and maintain a detailed inventory of all capital assets, which shall include dates built, acquired or last improved, original costs, current conditions, expected and remaining usefullifespans, depreciated values, extent of use, and any scheduled replacement or expansion dates.

D-1 Capital Improvement Plan

Background:

The development of a Capital Improvement Program (CIP) is the mechanism that a municipality uses to identify projects, prioritize funding, and create a long-term financial plan that can be achieved within the limitations of the budget environment. A delay in necessary infrastructure upgrades will frequently require a catch-up period to properly address problems caused by deferred maintenance and replacements.

Climate Change and Resiliency:

Impacts and adaptation to climate change will impact Wellfleet's CIP. Capital projects have a long lifespan as such it is imperative that they be assessed for long term resilience in response to climate change. Wellfleet has identified several municipal capital assets that are vulnerable to climate change. Coastal erosion, shoreline change, and coastal flooding will present unprecedented challenges in the years to come. Low lying roads are in danger of becoming impassable, municipal structures are vulnerable to flooding, coastal parking lots regularly loose parking spaces and Ocean View Drive will be severed at some point in the future in the face of the advancing Atlantic Ocean. As the sea level rises the freshwater lens of the aquifer will rise in response posing the danger of nuisance flooding to low lying areas that are not directly impacted by the seawater itself. The groundwater response also poses a danger to low lying septic systems.

Massachusetts has set a goal of achieving net-zero in greenhouse gas emissions by 2050. Article VII Section 39 of Wellfleet's general bylaws commits the town to these goals and calls for achieving them at the earliest feasible time and that all officers, departments, committees, and representatives of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

Policy:

Each year, the Town Administrator shall submit a ten-year capital improvement plan to the Selectmen and Finance Committee by the end of October.

To qualify as a capital expenditure, a proposed capital item or project must have a useful life of five years or more and must exceed \$10,000 in cost. All Officers, Boards, Commissions, and Committees shall, by the end of September of each year, submit to the Town Administrator information concerning all anticipated Capital Projects and Purchases requiring Town Meeting action.

At a minimum the following principals will guide the development of the CIP.

- The Finance Committee shall set their standards for the CIP no later than June 30th of each year.
- The Town Administrator will prepare forms and instructions distribute them no latter than July 30th of each year and shall coordinate development of the capital improvement budget.

- Future operating costs associated with new capital improvement will be projected and included in operating budget forecasts, as appropriate.
- Federal, state, or private grants or loans shall be used to finance those capital improvements that are consistent with the Town's capital improvement plan and priorities, and for which operating and maintenance costs have been included in operating budget forecasts to the maximum, extent possible and prudent. Any conditional requirements of a grant/s shall be evaluated before assumption.
- All assets shall be maintained at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.
- Equipment replacement and building repair needs shall be projected for the next ten years and will be updated each year. From this projection, a maintenance and replacement schedule will be developed and followed.
- Capital items shall be evaluated for vulnerability to climate change.
- Non-vehicle capital items shall be evaluated for increased energy efficiency with a preference for net zero greenhouse gas emissions wherever possible.
- Capital projects shall be prioritized based upon criteria establish by the Town and shall incorporate climate change adaptation and resiliency.
- Building Projects shall conform to Wellfleet's Policy on Town Building Projects.
- The estimated costs and potential funding sources for each proposed capital project shall be determined before it is submitted to Selectboard and Town Meeting for appropriation.

References:

Wellfleet Selectboard Fuel Efficient Vehicle Policy, 2021

Wellfleet Town Charter, 2018

Wellfleet Capital Improvement Plan

Wellfleet General Bylaws, Section 39, 2021

Wellfleet Policy on Town Building Projects, 2013

Massachusetts 2050 Decarbonization Roadmap, MA Executive Office of Energy and Environmental Affairs

Massachusetts Acts of 2021 Ch 8 An Act Creating a Next-Generation Roadmap For Massachusetts Climate Policy

Acts of 2008 Chapter 169 An Act Relative to Green Communities

Wellfleet Hazard Mitigation Plan, 2016

Massachusetts DOR/Division of Local Services, Developing a Capital Improvement Program Financial Management Assessment, Standard and Poor's, June 2006.

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D-2 Vehicle Replacement

Background:

As a vehicle depreciates it is subject to more frequent and expensive maintenance. Significant down time for servicing may negatively impact the availability and quality of service. At some point the cost curve for ongoing maintenance and the replacement of a vehicle intersect and replacing said vehicle becomes more cost effective than continuing to maintain it. Municipal vehicles have a variety of uses and different priorities in availability.

Policy:

All vehicles in the town of Wellfleet's fleet shall be regularly assessed for their capability to meet the needs placed on them and their cost effectiveness in doing so. The DPW shall make annual evaluations of each vehicle unless a department has their own internal capabilities of doing so. Vehicles that are used on an infrequent basis shall be evaluated for continued need and if there are more cost-effective arrangements that can be made before a replacement purchased. Borrowing should not be used to fund purchases of vehicles that are routinely replaced. Replacement of vehicles will be reviewed in accordance with Wellfleet's Fuel-efficient Vehicle Policy.

To facilitate these decisions requests for the replacement of Town vehicles must be supported with:

For the Pre-existing Vehicle:

- Description of vehicle being replaced the VIN number, Purchase date of the vehicle.
- Base purchase price of vehicle being replaced.
- Extra assets and cost (radio, lights, plow, etc.).
- Manufacturer's projected lifespan of vehicle being replaced.
- Primary use of the vehicle & Secondary use for example snow removal.
- Projected trade in or auction value of vehicle being replaced as of projected replacement date.
- Maintenance records including:
 - Service performed, date of service performed, service provider if not DPW employee.
 - Mileage, engine hours at date of service.
 - Combined Fuel Economy and type of Fuel
- Projected service requirements over the expected useful life of the vehicle.

For the replacement vehicle:

- Base price quote of replacement.
- Price quote for needed extras such as radios, plow, etc.
- Target date for replacement.
- Combined Fuel Economy and type of Fuel
- Manufacturer's expected normal lifespan of replacement.
- Expected lifespan under Wellfleet conditions.

Comparative costs for:

- Cost of leasing replacement vehicle and terms

- Cost of renting replacement vehicle and terms
- Cost and terms of subcontracting the work

Attachment 1 is a suggested paper form for capturing and reporting the required data. It, or a modified format with the same content, is to be used until a software program can be implemented:

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Asset _____ ID# _____ VIN# _____

Type _____ Condition _____ Extent of Use _____

Model Year _____ Purchase Date _____ Purchase Cost Base _____

Primary Use _____ Secondary Use _____

Mfg's Projected Life Span in local condns _____ yrs. Anticipated Life Span _____ yrs.

Mfg's expected mpg _____ Trade in or Auction Value as of _____ \$ _____

SERVICE RECORD

Date	Miles, Engine Hours, Fuel Used, Service Provided	Parts \$	Labor \$

PROJECTED SERVICE Next 12 Months (include down time & labor costs)

REPLACEMENT INFORMATION Target Date for Replacement _____

Base Cost of Replacement \$ _____ Cost of Extras (detail) \$ _____

Quoted by _____ Date _____ Expected life span of replacement _____

What is the expected lease cost over a comparable time period _____

Does the Replacement Vehicle Meet the Town's Fuel-Efficient Vehicle Policy? Y/N

If no why?

Expected Ownership Cost per Year: _____

Additional Notes & Information:

E. CAPITAL IMPROVEMENT FINANCING AND DEBT MANAGEMENT

Background:

Debt management is essential to the overall financial planning of any municipality. Borrowing funds and repaying over a number of years allows the Town to finance essential projects that the town could not afford to pay from current operating dollars and also spread the cost to citizens who will be benefitting from the capital investment.

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E-1 Capital Improvement Financing

It is critical to develop policies and guidelines for the issuance, timing and tax impact of current and future debt. For those projects supported by user fees, it is important to identify the impact on user rates as a result of debt service costs.

For the purpose of these policies, the following definitions shall apply:

- General Fund Debt Service – All town debt service (non-exempt and Proposition 2 ½ exempt) excluding enterprise debt service.
- General Fund Budget – The total amount raised by the town as reported on the tax recapitulation form less the amount reported as enterprise revenue.
- General Fund Debt Service as a % of General Fund Budget - The percentage of the town's general fund budget that is allocated to debt service for capital investment.
- Water Fund Debt Service – All town debt service for the water system capital projects.
- Water Fund Budget- The total amount of revenues reported on the tax recapitulation form for the water enterprise which is the amount required to provide for a self-supporting water system.
- Water Fund Debt Service as a % of Water Fund Budget- The percentage of the town's water budget that is allocated to water debt service for capital investment.
- Marina Fund Debt Service – All town debt service for the Marina capital projects.
- Marina Fund Budget- The total amount of revenues reported on the tax recapitulation form for the marina enterprise which is the amount required to provide for a self-supporting marina.
- Pay As You Go Capital Projects – Capital projects that are funded with current revenues (typically tax revenue, grants or user fees) and/or reserves (typically free cash or stabilization funds)

Policy:

Annually, the Town will strive to maintain 3-7% of the operating budget, net of debt, on capital investment allocations. Funding shall be derived from a combination of property taxes and the general and capital improvement stabilization funds. Long-term debt is an appropriate funding source for certain types of projects, while short-term debt and current revenues should be used for assets with short useful lifespans. The Wellfleet capital improvement program (CIP) shall be prepared and financed in accordance with the following policies:

- Outside Funding – State, federal, or private grant funding shall be pursued and used to finance the capital budget wherever possible.
- Debt Exclusion – Large projects, typically in excess of \$1 million, shall be funded by a Proposition 2 ½ debt exclusion vote in order to collect annual revenues sufficient to pay the new debt costs and not impact funds necessary to maintain the annual town and school operating budgets.
- General Fund Debt – Smaller projects may be funded by non- exempt debt with a careful review of the timing and impact on the operating budget while also maintain the town's investment in its capital infrastructure and equipment.

- **Water Fund Debt** – The Water system operates as an enterprise and all costs (direct, indirect and debt service) shall be covered by water revenues. Projects funded by debt shall have a careful review of the timing and impact on water rates
- **General Fund Debt Service as % of General Fund Budget**– The annual Debt Service requirement should not exceed 15% of the town’s general fund annual revenues (excluding enterprise funds), with a long term target of 10%.
- **Water Fund Debt Service as % of Water Fund Budget** – The annual Water Fund Debt Service requirement should not exceed 20% of the town’s water fund annual revenues

Pay As You Go Local Funding – The first source of capital investment shall be free cash unless the project exceeds \$1 million. Even when a significant balance exists in this account, the Town will be cautious about the amount of funds to be used. After establishing a base of approximately \$300,000, the Town shall increase its capital investment by the same rate a regular budget growth. The Town will use modest amounts from the capital stabilization or other reserves above target levels to fund pay-as-you go capital needs in order to meet urgent needs above the 5 percent Net Capital Investment target. In the event that annual deposits into the capital stabilization fund change significantly, the Town will revisit this capital funding policy.

Debt-Financing/Borrowing

- The term of borrowing for a capital project shall not exceed its estimated useful life.
- The Town will attempt to maintain a long-term debt schedule such that at least 50% of its outstanding principal will be paid within 10 years to 15 years.
- The Town will strive to issue level principal debt such that debt service will decline over the term of the issue as another means to mitigate risk regarding this funding source.
- For any capital item funded by debt, cost of borrowing, including estimated principal and interest by fiscal year shall be projected in report.
- The strategy of utilizing “level debt service” versus “level principal and declining interest cost” shall be analyzed before borrowing is authorized.
- Refunding opportunities will be evaluated annually to consider the possibility of future interest cost savings. The Town will consider a refunding of existing bonds should present value savings equal or exceed 2-6% of the amount of the bonds being refunded.

Capital Project Closeouts

The Town will endeavor to close out all capital projects within six months of completion or discontinuation. When closing out any project with a residual balance, the Chief Financial Officer will work with the Treasurer/Collector to do one of the following:

- If the project was funded by available revenue (tax levy or reserves), reallocate the balance to another capital project(s) or close it to the appropriate fund surplus.
- If the project was bond-funded and has a balance under \$50,000, propose that the Select Board apply the balance to debt service.
- If the project was bond-funded and has a balance over \$50,000, propose that the Select Board apply the balance to another capital project(s) for which the Town may borrow for an equal or greater term than the originally issued loan.

References:

Wellfleet Capital Improvement Plan

Benchmarking and Measuring Debt Capacity, Government Finance Officers Association

[M.G.L. c. 44, § 20](#)

[M.G.L. c. 44, § 33B](#)

Division of Local Services (DLS) Best Practices: [Presenting and Funding Major Capital Projects](#) and [Special Purpose Stabilization Funds](#)

DLS Financial Management Guidance: [Capital Improvement Planning Manual](#) and [Capital Improvement Planning Guide – Developing a Comprehensive Community Program](#)

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E-2 Debt Management

PURPOSE

To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management. Policy adherence will help the Town to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, sustain capital investment capacity, and maintain or enhance the Town's bond rating so as to achieve long-term interest savings.

APPLICABILITY

This policy applies to the budget decision-making duties of the Select Board, Town Administrator, Finance Committee, and Water Commission. Further, it applies to the Treasurer/Collector's debt management responsibilities and Chief Financial Officer's budget analysis and reporting duties.

POLICY

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure and other assets or to refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. Debt obligations, which include general obligation bonds, revenue bonds, bond anticipation notes, lease/purchase agreements, and any other debt obligations permitted to be issued under Massachusetts law, will only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues.

A. Debt Financing

In financing with debt, the Town will:

1. Issue long-term debt only for purposes that are authorized by state law and qualify for tax exempt bonds and only when the financing sources have been clearly identified.
2. Use available funds to the greatest extent possible to reduce the amount of borrowing on all debt-financed projects.
3. Confine long-term borrowing to capital improvements and projects that cost at least [\$100,000] and that have at least [10] years of useful life or whose useful lifespans will be prolonged by at least 10 years.
4. Refrain from using debt to fund any recurring purpose, such as cyclical vehicle replacements, current operating and maintenance expenditures.
5. Consider using revenue bonds, special assessment bonds, or other types of self-supporting bonds instead of general obligation bonds whenever possible.
6. Set user fees to cover capital costs for the water and golf operations to the extent practicable.

B. Debt Limits

The Town will adhere to these debt parameters:

1. Total debt service, including debt exclusions and any self-supporting debt, shall be limited to [10] percent of general fund revenues, with a target balance of [five to seven] percent.
2. As dictated by state statute, the Town's debt limit shall be five percent of its most recent equalized valuation.

C. Structure and Terms of Debt

The following shall be the Town's guidelines on the structure and terms of all debt:

1. The Town will attempt to maintain a long-term debt schedule such that at least [50] percent of outstanding principal will be paid within 10 years.
2. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
3. The Town will limit bond maturities to no more than [10] years, except for major buildings, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).

D. Debt Issued through the Bond Market

In addition to all the provisions detailed in the policy thus far, the Town will also adhere to the following provisions if it obtains debt funding through the issuance of bonds.

1. Any vote to authorize a borrowing by bond issuance will include an authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
2. The Town will work closely with its financial advisor to follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's tax exempt status.
3. To achieve potential debt service savings on long-term, tax-exempt debt through bond refunding the Town will:
 - a) Issue debt with optional call dates no later than 10 years from issue.
 - b) Analyze potential refunding opportunities on outstanding debt as interest rates change.
 - c) Use any net premium and accrued interest to reduce the amount of the refunding.
 - d) Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.
4. To obtain and maintain a favorable bond rating, the Town will:
 - a) Maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.
 - b) Follow a policy of full disclosure on every financial report and bond prospectus, including data on total outstanding debt per capita, as a percentage of per capita personal income, and as a percentage of total assessed property value.
 - c) Strive to implement and maintain strong management practices and debt ratios favored by rating agencies.

E. Reporting

1. The Treasurer/Collector will report to the Select Board and Town Administrator on the Town's debt status by [September 30] each year.
2. The Chief Financial Officer will include an indebtedness summary as part of a report on receipts and expenditures in Wellfleet's Annual Town Report.
3. The Chief Financial Officer, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year (March 31).

REFERENCES

[M.G.L. c. 41, § 59](#)

[M.G.L. c. 41, § 61](#)

[M.G.L. c. 44, § 4](#)

[M.G.L. c. 44, § 6](#)

[M.G.L. c. 44, § 6A](#)

[M.G.L. c. 44, § 7](#)

[M.G.L. c. 44, § 8](#)

[M.G.L. c. 44, § 17](#)

[M.G.L. c. 44, § 19](#)

[M.G.L. c. 44, § 20](#)

[M.G.L. c. 44, § 21A](#)

[26 USC § 148](#)

DLS Best Practice: [Understanding Municipal Debt](#)

DLS Borrowing Guidelines: [Asset Useful Life - Borrowing Limits](#)

DLS Informational Guideline Releases 17-21: [Borrowing](#) and 17-22: [Premiums and Surplus Proceeds for Proposition 2½ Excluded Debt](#)

Government Finance Officers Association Best Practice: [Refunding Municipal Bonds](#)

Internal Revenue Service Guidance: [Arbitrage Guidance for Tax-Exempt Bonds](#)

F. GRANTS MANAGEMENT POLICIES

Background:

DLS recommends analyzing current and future impact of grants on operating budget, capital improvement program, and debt management.

The Government Finance Officers Association recommends that governments establish processes to promote awareness throughout the government that grants normally come with significant requirements.

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F-1 Grant Administration

Policy:

The Town shall ensure that grants are efficiently and appropriately managed by the respective Boards/Commissions/Committee/Departments who receive the grant. Prior to acceptance of a grant award, the Town shall consider any specialized requirement(s) that apply to the general operations of the grant, specific compliance rules, monitoring of other parties (e.g., sub-grantees) that may receive resources from the grant, specialized reporting requirements, and any long term commitments required by the grant, such as the requirement - either as a condition of the grant itself or politically - to financially maintain a program or asset after the expiration of the grant, among other considerations. Effective grant management helps promote the pursuit of grants that are in the Town's best interest and assure the timely reimbursements to optimize cash flow, and to guard against year-end account deficits. As a legal contract, every grant agreement must be fulfilled in accordance with its prescribed terms and conditions, as well as applicable federal, state, and local regulations. Failure in this regard exposes the Town to legal and financial liabilities and compromises future grant funding.

No department shall expend grant funds, until after a fully executed agreement has been accepted and approved for expenditure by the Selectboard (or the School Committee, when applicable). Further, no grant funds shall be used to supplant an existing expense for the purpose of diverting current funds to another use.

The Town Accountant is responsible for consulting with departments on grant budgetary matters, accounting for grants in the general ledger, monitoring grant expenditures in excess of revenues and distributing monthly reports of grant expenditures to departments. The Town Accountant will also maintain a database of all grants and grant activity from inception to closure. The Boards/Commissions/Committee/Departments is responsible to ensure consistency with award requirements and tracking the timeliness of reimbursement requests.

F-2 Grant Impacts on Operating Budget

Policy:

When positions are funded by grants, the current and future impact on the operating budget shall be analyzed. When allowable, the cost for providing benefits, such as health insurance, should be included in the grant budget to cover the Town's cost for providing that benefit.

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F-3 Grant Impacts on Capital Improvement Program

Policy:

When grants are accepted for capital purposes, the Town shall include in its capital improvement program any share of costs associated with the grant and project the Town's share of debt service in its debt management plan. Any future increase or decrease in operating costs associated with the grant should be identified in the Town's revenue /expenditure forecast.

References:

Administering Grants Effectively, Government Finance Officers Association Best Practice, May 2013.

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G. POLICIES REGARDING ESTABLISHMENT OF FEES

G-1 Fees and Charges

Background:

The Government Finance Officers Association recommends that when certain services provided especially benefit a particular group, governments should consider charges and fees on the service recipients. Well-designed charges and fees not only reduce the need for additional revenue sources, but promote service efficiency. Regular and consistent review of all fees is necessary to ensure the costs associated with the delivery of specific services have been appropriately identified and that a municipality is collecting reasonable charges.

The Division of Local Services recommends communities adopt written policies for setting charges and fees. A policy should identify what factors are to be taken into account when pricing services. It should also state whether the community intends to recover the full cost of providing the service or benefit and under what circumstances a charge or fee is set at less than full recovery (e.g., debt exclusion or other subsidy). Such a policy and the fee structure should be reviewed periodically to ensure they remain current, and both should be communicated with the public clearly and openly.

Policy:

Town fees and charges shall be reviewed periodically in relation to the cost of providing the service. The Town will compare rates with nearby communities to determine if the fees established are competitive. The Town may decide against full cost recovery where greater public benefit is demonstrated. Exceptions to full recovery costs include cases where the fee maximums are established by the General Laws of Massachusetts (MGL) or where a policy decision has been made otherwise.

References:

M.G.L. c.140

Emerson College v. Boston, 391 Mass. 415 (1984).

Costing Municipal Services: Workbook and Case Study, MA DOR Division of Local Services' workbook.

Establishing Government Charges and Fees, Government Finance Officers Association Best Practice, February 2014

Division of Local Services, A Guide to Financial Management for Town Officials, p. 20-21.

Wellfleet Use of Town Property Fee Schedule, 2021

H. USE OF ONE TIME REVENUE OR NEW REVENUES

H-1 Use of One Time Revenue & First Year Receipts of Unencumbered Revenue Source

Background:

The Government Finance Officers Association recommends that communities develop guidance on the use of one-time revenues to minimize services disruptions due to the non-recurrence of these sources.

The first year of a new source of revenue cannot be accounted for in that years' fiscal budget. New sources of revenue are rare. Depending on the enacting legislation there may be encumbrances.

The Division of Local Services states that funding operations with one-time revenues, without identifying future available offsets, effectively postpones difficult decisions necessary to achieve a structurally sound, sustainable spending plan. One-time revenue is usually defined as nonrecurring revenue.

Policy:

The Town shall reduce its use of free cash for the operating budget by at least \$50,000 each year until it ceases using one-time revenue sources for recurring costs in the annual Town operating budget. One-time revenues or the first year of an unencumbered revenue source shall be appropriated to reserve funds, used to fund one-time budget or capital costs, housing support, OPEB, and/or address unfunded liabilities. Encumbered revenues shall be accounted for and used solely on allowable uses.

I. UNFUNDED LIABILITIES

Background:

Defined as “the actuarial calculation of the value of future benefits payable less the net assets of the fund at a given balance date”, unfunded liabilities represent a significant financial obligation for all levels of government across the country. In Wellfleet and other Massachusetts municipalities, the two primary unfunded liabilities are for Pensions and Other Post-Employment Benefits (OPEB).

I-1 Pensions/Retirement

Background:

The Contributory Retirement System is a defined benefit program that is governed by Massachusetts General Laws, Ch.32 and is regulated by the Public Employee Retirement Administration Commission (PERAC), a state entity responsible for the oversight, guidance, monitoring, and regulation of Massachusetts' 105 public pension systems. Funding for this system covers the costs of employees who are part of the Town's retirement system, this does not include teachers, as their pensions are funded by the State. The Town of Wellfleet is a member of the Barnstable County Retirement System and pays an annual pension assessment to the County.

Policy:

In accordance with state law, PERAC regulations and government accounting standards, the Town shall continue to fund this liability in the most fiscally prudent manner, recognizing the fact that the adoption of a funding schedule is, by law, the responsibility of the County retirement board.

References:

M.G.L. c.32

I-2 Other Post- Employment Benefits (OPEB)

Background:

OPEB consists primarily of the costs associated with providing health insurance for retirees and their spouses. The Government Accounting Standards Board (GASB) issued Statements No. 43 and No. 45 in 2004 to address the OPEB issue. GASB 43 required the accrual of liabilities of OPEB generally over the working career of plan members rather than the recognition of pay-as-you-go contributions, while GASB 45 required the accrual of the OPEB expense over the same period of time. The reporting requirements of GASB 43 and 45 include disclosures and schedules providing actuarially determined values related to the funded status of OPEB. This requires that the accrued liabilities be determined by a qualified actuary using acceptable actuarial methods.

Policy:

While there is currently no legal requirement to fund OPEB, the Town recognizes the importance and financial advantage of initiating early and regular funding for these long-term obligations. The Town will endeavor to appropriate \$150,000 or more per year into the irrevocable trust established under MGL c. 32B, §20 until such a time that OPEB obligations are fully funded.

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment. It applies to the Selectboard and the Finance Committee in their budget decision making duties, and it also applies to the OPEB-related job duties of the Treasurer and Town Accountant. Careful consideration shall be given to identifying the investment vehicle that offers the best rate of return in the safest possible environment.

OPEB Funding Strategies

To address the OPEB liability, decision makers will annually analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town will derive funding for the OPEB trust fund from taxation, free cash, and any other legal form. Achieving full funding of the liability requires the Town to commit to funding its annual required contribution (ARC) each year, which is calculated based on actuarial projections. Among strategies to consider for funding the ARC:

- Transfer unexpended funds from insurance line items to the OPEB trust fund.
- Appropriate amounts equal to the Town's Medicare Part D reimbursements.
- Determine and commit to appropriating an annual portion of free cash.
- Appropriate an annually increasing percentage of yearly revenues.
- One time sources of revenue may be used to contribute to OPEB
- Once the pension system is fully funded, on a subsequent annual basis, appropriate to the OPEB trust fund the amount equivalent to the former pension-funding payment or the ARC, whichever is less.

References:

Ryan Curley 01.13.22 beta Comprehensive Financial Management Policies for the Town of Wellfleet

MGLc. 32B, §20

Statement No. 43, Reporting for Postemployment Benefit Plans Other Than Pension Plans, Governmental Accounting Standards Board, April 2004.

Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, Governmental Accounting Standards Board, June 2004.

GASB Statements 43 and 45 on Other Postemployment Benefits, Governmental Accounting Standards Board.

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J. RISK MANAGEMENT POLICIES

J-1 Risk Management Program

Background:

In recognition that during daily operations, a municipality is constantly exposed to potential impact of property loss, personal injury, and liability, the Government Financial Officers Association recommends that governments develop a comprehensive risk management program that identifies, reduces or minimizes risk to its property, interests, and employees. Costs and consequences of harmful or damaging incidents arising from those risks should be contained. As a coastal town Wellfleet will be bearing significant risks relative to climate change. Critical infrastructure is at risk, coastal erosion is accelerating along with sea level rise, the Gulf of Maine is one of the fastest warming water bodies globally and ocean acidification presents a real long-term risk to Wellfleet's shellfish industry.

Policy:

The Town's insurance programs shall be aimed at covering the potential impact of the types of property loss, personal injury, and liability the Town is exposed to on a regular basis.

The Town shall develop and maintain a risk management program to protect the Town against the financial consequences of accidental loss of property, liability, fraud and personal injury to the extent possible through effective prevention and loss control policies and practices.

The risks posed by climate change shall be incorporated into Wellfleet's risk management programs.

References:

Creating a Comprehensive Risk Management Program, Government Finance Officers Association Best Practice, March 2009.

K. ACCOUNTING/AUDITING/FINANCIAL REPORTING POLICIES

K-1 Annual Audit

Background:

The objective of an audit is to obtain independent assurance that a community's year-end financial statements are reliable, accurate, and complete. An audit also helps to ensure that financial checks and balances are in place to protect public assets. Consequently, it can be a powerful tool by which a community can build taxpayer confidence in government operations.

The Government Finance Officers Association (GFOA) recommends that communities engage the same auditor by entering into multiyear agreements, or a series of one-year contracts, for a term of at least five years. A multiyear agreement allows for greater continuity and enables a new auditor to spread initial start-up costs over multiple years, potentially reducing costs in the initial years.

However, after this term, the GFOA recommends a full, competitive selection process and a rotation of auditors after each multiyear agreement, provided there is adequate competition among qualified auditors. Contracting with a new audit firm not only brings a fresh perspective, but it also reflects good practice.

Where competition is limited, participation of the current auditors is acceptable, assuming their past performance has been satisfactory and conformed to industry standards. In the event the Town chooses to remain with an audit firm, it is advisable to rotate the audit manager on a regular basis.

Policy:

The Town will utilize accounting practices that best conform to generally accepted accounting principles (GAAP) as set forth by the Governmental Accounting Standards Board (GASB).

The Town shall have an independent outside audit performed by a certified public accountant each year. The Selectboard shall provide for such an audit by an accountant or a firm of accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the Town government or of any of its officers or employees. The Town will require and the public at large.

References:

Wellfleet Town Charter: Ch 7 s7: Annual Audit

Annual Audits, MA DOR Division of Local Services Best Practice.

K-3 Monthly Reporting

Background:

Monthly reporting helps a community to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or shortfall exists requiring temporary borrowing. It enables the Town to take prompt management action if fiscal problems are indicated or adjust spending behavior to meet financial challenges.

Policy:

The Accounting Department shall produce and distribute to Department heads monthly budget-to-actual reports. If financial problems are indicated, the Accountant will review with the Town Administrator a monthly report of revenues and expenditures at the line item level. The monthly budget to actual reports shall also be provided to the Selectboard and the Finance Committee.

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K-4 Cash Collections

Background:

One of a government's functions is to collect taxes and other revenues. The process involves many actors including the Treasurer/Collector's office, accounting office, legal counsel, tax assessor, other departments or agencies, other governments at the state and/or local level, commercial banks, and private collection agencies.

Policy:

The Town shall collect all revenue using fair and consistent methods, exercising all powers provided to it under law.

On or before September 1st, the Town shall commence tax title proceedings against all properties that owe property taxes to the Town.

The Treasurer/Collector shall establish and maintain reliable record keeping systems and enforce a timely collections process. All amounts committed must be supported with a warrant and a detailed listing of all amounts due. All monies received should be turned over to the Treasurer/Collector's office at least weekly so they may be deposited in the bank in a timely manner.

The Treasurer/Collector shall aggressively pursue the collection of delinquent accounts and with assistance from the Deputy Collector and other Town officials to pursue collection of outstanding real estate taxes, personal property taxes, excise taxes and fines. The execution of a systematic and deliberate program to collect taxes owed is intended not only to capture revenue, but also to establish a clear policy that tax delinquents will be aggressively pursued. The Treasurer/Collector shall execute in a timely manner collection remedies such as issuance of demands immediately after bills become past due and initiate tax taking shortly afterwards to increase the rate of collection of municipal monies, thereby assisting in the financial stability of the Town.

References:

Wellfleet General Bylaws, Article III Town Affairs, s11 & s13

Wellfleet General By-Laws, Tax Title Payment Plans

Revenue Collection, Government Finance Officers Association Best Practice.

K-5 Reconciling Cash and Receivables

Background:

Two of the largest assets for a community are cash and receivables. Information pertaining to these is kept by the Treasurer/Collector, and the Accountant. A Treasurer is the custodian of the community's revenues, tax titles, and tax possessions, while a Collector keeps listings of outstanding receivables due to the community, and an Accountant is responsible for maintaining the accounting records. Prompt and frequent reconciliations between these offices are essential in order to maintain control and ensure checks and balances are in place.

Policy:

Within thirty days after the end of each month, the Treasurer/Collector shall internally reconcile the cashbook to all bank statements, and the Treasurer/Collector shall internally reconcile all receivable balances with the receivable control. The results of these activities shall be forwarded to the Accountant's office and compared to the general ledger records. If differences are determined, the Treasurer/Collector and Accountant shall reconcile the variances (e.g., missing information, errors, and timing differences).

The Town shall reconcile revenues and expenditures for each fiscal year within one to two months of the end of the fiscal year.

References:

Treasurer's Manual 2009 and Collector's Manual 2008: *Massachusetts Collectors & Treasurers Association*

Reconciling Cash and Receivables, MA DOR Division of Local Services Best Practice February 2016

K-6 Cash Flow Forecasting and Budgeting

Background:

The purpose of cash flow forecasting is to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or if any cash shortfall exists which may require temporary borrowing.

The Division of Local Services recommends maintaining a cash flow budget to forecast investment opportunities or borrowing needs. Major revenue sources like property taxes and state aid are generally received in large, lump sums at specific points in the fiscal year and do not necessarily coincide with expense patterns, which often results in cash surpluses or shortfalls during certain periods of the year.

The Government Finance Officers Association also recommends cash flow forecasting as a best practice. When used as a cash management guide, it can lead to the optimized use of funds as well as insure sufficient liquidity.

Policy:

The Treasurer/Collector will develop a cash flow forecast for the upcoming fiscal year after approval of the annual budget and before July 1 each year. This shall be provided by the Town Administrator to the Selectboard and Finance Committee.

References:

Cash Flow Forecast in Treasury Operations, Government Finance Officers Association Best Practice, February 2011.

K-2 Comprehensive Annual Financial Report

Background:

A Comprehensive Annual Financial Report (CAFR) is a set of Government financial statements comprising the financial report of the municipal entity that complies with the accounting requirements promulgated by the General Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annual updated publication *Codification of Government Accounting and Financial Reporting Standards*. A CAFR is compiled by the municipal accounting staff and audited by an external Certified Public Accounting firm utilizing GASB requirements. It is comprised of three sections: Introductory, Financial, and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting.

Policy:

The Town shall work towards the preparation of a Comprehensive Annual Financial Report (CAFR) that meets the criteria established by the GFOA's Certificate of Achievement in Financial Reporting Program. This program encourages the preparation of a comprehensive report that goes beyond the annual audit report and presents information that enhances government transparency and disclosure.

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K-7 Reconciliations

Background:

Reconciliations are an essential tool to identify errors or issues in a timely fashion. In order them to be effective they must be done on a regular and timely basis. To ensure transactions are in balance, mitigate fraud, safeguard general ledger accuracy, and maximize certifications of free cash, financial officers must conduct regular reconciliations of their accounting records, and these must be reconciled to the general ledger. Although each financial officer is responsible for maintaining independent records of his or her office's transactions, they are also collectively accountable for the overall accuracy of Wellfleet's financial records.

Policy:

Town Treasurer in concert with the Collector, and other financial staff preform monthly reconciliations of all funds under their purview. Corrections shall be documented and made in a timely fashion. Significant discrepancies that are unresolved shall be brought to the attention of the Town Administrator, the Finance Committee and the Selectboard immediately along with a plan to resolve them. Causes shall be identified, documented, and remedial actions shall be undertaken to prevent such discrepancies in the future.

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K-7A Cashbook Reconciliation

Policy:

To ensure an accurate accounting of all revenue activity, the Treasurer/Collector will maintain a cashbook that reflects up-to-date and accurate information for all cash and assets. To do so, the Treasurer/Collector will make certain that all cash receipts, disbursements, transfers, and interest are recorded in the cashbook within [two business days] of each transaction and will reconcile cashbook accounts to their corresponding bank accounts within [five days] of receiving bank statements. These will include zero-balance vendor and payroll bank accounts, whose balances must equal the outstanding checks at the end of any month.

The Treasurer/Collector will identify all reconciling items, including deposits in transit, bounced and voided checks, and discrepancies between the cashbook and financial institutions, and will correct them when appropriate. The Treasurer/Collector will then forward the reconciled cashbook balances in an Excel report to the Chief financial Officer and, when needed, an additional Schedule of Receipts for any adjustments made.

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K-7B Payroll Withholdings Reconciliation

Policy:

Payroll withholdings include federal and state taxes, child support and other wage assignments for legal obligations, deferred compensation, optional insurances, association dues, and other employer-sponsored options, which are all itemized in separate general ledger accounts. At the conclusion of each pay cycle, the Treasurer/Collector forwards a summary report of employee and employer withholdings to the Chief financial Officer to be recorded in the general ledger.

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K-7C Accounts Receivable Reconciliation

Policy:

Accounts receivable are outstanding monies owed to the Town, whether from committed bills (i.e., taxes, excises, water charges) or from uncommitted department invoices (e.g., police details). To ensure these assets are accounted for and balanced, the Treasurer/Collector and any department head with accounts receivable duties (each referred to here as “record-keeper”) will make certain that all cash receipts are recorded timely, maintain a control record for each receivable type and levy year, and verify the detail balance agrees with the receivable control. The receivable control is a record of original entry in which the record-keeper reduces a commitment according to collections, abatements, and exemptions and increases it by refunds issued. To maintain accuracy, the record-keeper must review the detailed list of receivables, identify credit balances as prepaid amounts or investigate them for possible correction, and reconcile the control balance to the detail. Whenever these records do not agree, the record-keeper must determine the discrepancy by:

- Verifying the various transactions (commitments, abatements, refunds, chargebacks) against their supporting documents.
- Comparing the total amount of posted payments to the turnovers accepted by the Treasurer/Collector
- Determining whether any revenues were incorrectly recorded as payments to the commitment, such as interest and fees.

The record-keeper will forward a copy of the internally reconciled accounts receivable balances to the Chief financial Officer. For the Treasurer/Collector, this is the Schedule of Outstanding Receivables.

K-7D Special Revenue Reconciliation

Policy:

Governed by various state statutes, special revenue funds are specific revenues segregated from the general fund and earmarked for specific purposes. They include gifts and grants from governmental entities, individuals, and organizations; revolving funds; and receipts reserved for appropriation. To ensure these funds are balanced, department heads with responsibility for special revenue funds will verify that all revenues turned over to the Treasurer/Collector, expenditures authorized for payment by the Chief financial Officer, and properly authorized transfers are recorded for the period. These department heads will subsequently provide the Chief financial Officer with quarterly reconciliation reports on the funds.

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K-7E General Ledger Reconciliation

Policy:

To achieve the core objective of maintaining the general ledger's integrity, the Chief financial Officer must regularly reconcile it with the separately maintained accounting records outlined in Sections A – D above. In addition, it is the Chief financial Officer's responsibility to review all accounts analytically from time to time for reasonableness and to identify unusual activity.

The general ledger's cash accounts should reflect only those transactions reported to the Chief financial Officer by the Treasurer/Collector, so that in theory, the general ledger should be in balance with the cashbook. However, errors may occur due to omitting transfers or transactions or applying them in the wrong amounts or to the wrong accounts. Whenever the Chief financial Officer identifies a discrepancy between the general ledger and the cashbook, the following steps must be taken in conjunction with the Treasurer/Collector to determine the cause:

- If the total amount of revenue reported in the cashbook does not agree with the amount recorded in the ledger for that month, the Treasurer/Collector must verify that the monthly
- Treasurer/Collector's Schedule of Receipts agrees by detailed amount and classification with the cashbook and correct any errors.
- Compare the total amount of warrants paid during the month as recorded in the cashbook with the total recorded in the ledger for the same period. The last warrant paid must be the last one recorded; otherwise, a timing problem will create a discrepancy.
- If the records still do not agree, the Treasurer/Collector and Chief financial Officer must trace each entry to the ledger until the variance is determined.

All receivable records must also be reconciled to the Chief financial Officer's general ledger. If a given receivable control has been internally reconciled, any discrepancy must be in the general ledger, so the Chief financial Officer must:

- Review the commitments, charges, payments, abatements, refunds, reclassifications, and adjustments in the general ledger, as appropriate for the particular control.
- Verify whether receipts are recorded to the correct type and levy year.
- Verify the dates that activities were recorded.

The Chief financial Officer's receivable accounts in the general ledger should reflect the transactions provided by each particular record-keeper. Therefore, the above steps must resolve any discrepancies between the receivable control and the ledger. If they do not, the record-keeper and Chief financial Officer must trace each ledger entry until they determine the reason for variance.

The Chief financial Officer will verify that all special revenue fund reconciliations match the general ledger. The responsible department head and Chief financial Officer must research any discrepancy and correct the record(s) as appropriate.

K-7F Time frames and Documentation

Policy:

Employees subject to this policy will complete reconciliations of their internal accounting records early each month so that subsequent reconciliations to the general ledger take place no later than [the 15th] of the month following the one being reconciled. At each quarter-ending month, the Chief financial Officer will extend the cash reconciliation process to individually reconcile every general ledger account that directly corresponds to a specific bank account (e.g., stabilization funds, trust funds, guarantee bond deposits).

Each general ledger reconciliation will be documented by a worksheet cosigned by the two parties. If, at that time, any variance has not yet been fully resolved, this must be noted, along with a work plan and timetable for resolution. The Chief financial Officer will submit the collective set of reconciliation worksheets to the Town Administrator at each month's end.

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K-7G Audit

Policy:

All reconciliation activities are subject to audit by Wellfleet's independent auditor.

References:

Treasurer's Manual, Massachusetts Collectors and Treasures Association, 2017

DLS Best Practice: Reconciling Cash and Receivables

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L. PROCUREMENT AND PURCHASING POLICIES

L-1 Procurement and Purchasing Policy

Background:

The Commonwealth of Massachusetts establishes municipal purchasing regulations under M.G.L. Chapter 30B, and other related regulations. The State Inspector General's office has oversight of public purchasing laws and has published a comprehensive guide to Chapter 30B requirements.

Policy:

The Town shall follow the guidance contained in the Inspector General's "The Chapter 30B Manual: Procuring Supplies, Services and Real Property" in order to comply with the requirements of M.G.L. Ch. 30B. To supplement this guidance, the Town's Chief Procurement Officer will maintain a concise manual on purchasing procedures for department heads or others involved in Town purchasing or procurement.

References:

Wellfleet Town Charter Chapter V Town Administrator

Conducting Best Value Procurements, Operational Services Division, Sept 2021

MGL Ch. 30B Uniform Procurement Act

M. TREASURER INVESTMENT POLICIES

M-1 Investment Policies – General Fund, Stabilization Fund, OPEB Trust Fund, Other Town Funds

Background:

A local government's investment policy establishes guidelines and responsibilities in accordance with state law for managing and investing municipal funds.

The Governmental Accounting Standards Board recommends the disclosure of key policies affecting cash deposits and other long-term investments to ensure they are managed prudently or are not subject to extraordinary risks.

When assessing municipalities for credit quality, rating agencies look for investment management policies that address selection of financial institutions for services and transactions, risk assessment, investment objectives, investment maturities and volatility, portfolio diversification, safekeeping and custody, and investment performance reporting, benchmarking, and disclosure.

Policy:

The Treasurer-Collector is responsible for developing and maintain the policies for investing Town funds and will make all decisions regarding their management. The Treasurer/Collector shall invest Town funds in a manner that meets daily operating cash flow requirements and conforms to state statutes governing public funds, while adhering to generally accepted diversification, collateralization, and the prudent investment principles of safety, liquidity and yield. The Treasurer/Collector will also regularly monitor statutory changes governing investments and offer any policy amendments. The Treasurer Collector will submit a report of investments on a regular basis to the Town Administrator.

AUTHORIZED AND SUITABLE INVESTMENTS

SELECTION CRITERIA FOR BANKS AND BROKERS/DEALERS

A bank on the list of qualified banks for investment and banking services must meet minimum criteria, which are defined below. Banks failing to meet the minimum criteria or which, in the judgment of the Treasurer fail to offer adequate safety to the Town, will be removed from the qualified list. Although a bank is on the qualified list, it will still be required to pledge collateral on all deposits and investments, pursuant to Town and State Law.

- (1) Capital adequacy;
- (2) Asset quality;
- (3) Management; (4) Earnings, and;
- (5) Liquidity.

OTHER POST EMPLOYMENT BENEFITS TRUST FUNDS

Massachusetts General Laws, Chapter 32B, Section 20 allows a city, town, district, county or municipal light plant to setup a special trust fund known as the Other Post Employments Benefits (OPEB) Liability Trust fund. Wellfleet accepted this section by vote of the Town under Article 15 of the 2009 Annual Town Meeting and has established and funded an OPEB Liability Trust fund. The Town Treasurer is the custodian of the fund. Investment of fund monies by the custodian shall be consistent with the prudent person standard set forth in Massachusetts General Laws, Chapter 203C for private trust funds. Income earned by the fund shall be added to the fund principal.

References:

M.G.L. Ch. 40, §5; M.G.L. Ch. 44, §54, §55A, §55B; and M.G.L. c. 44B, §7

Wellfleet Investment Policy Statement for General Funds, Special Revenue Funds, Enterprise Funds, and Capital Projects Funds 2017

Wellfleet OPEB Trust Investment Policy Statement 2017

Deposit and Investment Risk Disclosures, Governmental Accounting Standards Board Statement No. 40, as amended by Statement No. 3, March 2003.

Creating an Investment Policy, Government Finance Officers Association Best Practice, October 2010.

Financial Management Assessment, Standard and Poor's, June 2006.

M-1A Authorized and Suitable Investments

Policy:

The following are authorized and suitable investments, amendments to these investment types may be made at the request of the Chief Financial Officer or the Treasurer:

1. The Town is empowered by statute to invest in the following types of securities:
2. United State Treasury Bills. Short-term obligations of the United State government issued and sold at a discount, with maturities of 13, 26, and 52 weeks.
3. United State Treasury Notes and Bonds. Obligations of the United State government issued with a fixed coupon rate and original maturities of one year.
4. Repurchase Agreements. Contractual agreements between the Town and brokerage firms, banks or government bond dealers. The repurchase agreement (Repo) issuer receives cash and, in turn, provides securities to the Town as collateral for the cash. There exists a contractual agreement for the repo issuer to repurchase the securities at pre-determined dates and prices. The right of substitution of collateral may be granted to the issuer upon approval by the Treasurer.
5. Collateralized Public Deposits. Instruments issued by financial institutions (banks) that state specified sums have been deposited for specified periods of time and at specified rates of interest. The certificates of deposit are to be backed by acceptable collateral securities as dictated by State and local law. The right of substitution of collateral may be granted to the financial institution upon approval by the Treasurer. Interest will be calculated on a 365 day year/actual-day month basis, or another method approved by the Treasurer in writing.
6. Federal Farm Credit Bank Discount Notes. Consolidated obligations of the Farm Credit Banks, issued on a discount basis, with maturities of one year or less.
7. Federal Farm Credit Bank Debentures. Unsecured consolidated obligations of the Farm Credit Banks, issued with a fixed coupon rate, with maturities ranging from six months to one year.
8. Federal Home Loan Bank Discount Notes. Consolidated obligations of the twelve district banks, issued on a discount basis, with maturities of one year or less.
9. Federal Home Loan Bank Debentures. Unsecured consolidated obligations of the twelve district banks, issued with a fixed coupon rate, with maturities running one year or less.
10. Federal National Mortgage Association Discount Notes. Obligations of the Association, issued on a discount basis, with maturities under one year.
11. Federal National Mortgage Association Debentures. Unsecured obligations of the Association, issued with a fixed coupon rate, with various maturities.
12. Federal Home Loan Mortgage Corporation Discount Notes. Obligations of the Corporation, issued on a discount basis, with maturities under one year.
13. Federal Home Loan Mortgage Corporation Debentures. Unsecured obligations of the Corporation, issued with a fixed coupon rate, with various maturities.
14. Bank Money Market Account. Interest bearing bank deposits.
15. Federal Home Loan Mortgage Corporation Participation Certificates. Issues of the Corporation, representing undivided interests in conventional mortgages underwritten and previously purchased by the Corporation. The Corporation guarantees the timely payment of interest at the certificate rate and full return of principal. Original maturity payment dates are thirty days.
16. Participation Units in a combined Investment Fund. The fund must only invest in Treasury of Agency of the Federal Government instruments. Municipal bonds or corporate bonds rate "A" or higher. (e.g. MMDT- Chapter 44, Section 55)

M-1B Selection Criteria for Bank, Brokers and Dealers

Background:

A local government's investment policy establishes guidelines and responsibilities in accordance with state law for managing and investing municipal funds.

The Governmental Accounting Standards Board recommends the disclosure of key policies affecting cash deposits and other long-term investments to ensure they are managed prudently or are not subject to extraordinary risks.

When assessing municipalities for credit quality, rating agencies look for investment management policies that address selection of financial institutions for services and transactions, risk assessment, investment objectives, investment maturities and volatility, portfolio diversification, safekeeping and custody, and investment performance reporting, benchmarking, and disclosure.

Policy:

The Treasurer-Collector is responsible for developing and maintain the policies for investing Town funds and will make all decisions regarding their management. The Treasurer/Collector shall invest Town funds in a manner that meets daily operating cash flow requirements and conforms to state statutes governing public funds, while adhering to generally accepted diversification, collateralization, and the prudent investment principles of safety, liquidity and yield. The Treasurer/Collector will also regularly monitor statutory changes governing investments and offer any policy amendments. The Treasurer Collector will submit a report of investments on a regular basis to the Town Administrator.

References:

M.G.L. Ch. 40, §5; M.G.L. Ch. 44, §54, §55A, §55B; and M.G.L. c. 44B, §7

Deposit and Investment Risk Disclosures, Governmental Accounting Standards Board Statement No. 40, as amended by Statement No. 3, March 2003.

Creating an Investment Policy, Government Finance Officers Association Best Practice, October 2010.

Financial Management Assessment, Standard and Poor's, June 2006.

M-2 Post-Issuance Tax Compliance Procedure for Tax-Exempt Debt Obligations and Other Tax-Benefited Obligations

Background:

Post-issuance compliance procedures are designed to provide for the effective management of a municipality's post bond or note issuance compliance program for tax-exempt and other tax-benefited bonds in a manner consistent with state and federal laws applicable to such obligations.

Policy:

The Treasurer/Collector shall review post-issuance compliance procedures at least annually and implement revisions or updates as deemed appropriate, in consultation with bond counsel or Financial Advisor.

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N- Antifraud

Background:

To protect the Town's assets and reputation from misappropriation and abuse, this policy provides guidelines to safeguard against fraudulent activities and any appearance thereof. Policy objectives include:

- To create an environment in which employees and citizens can report any suspicion of fraud
- To communicate the Town's intent to prevent, report, investigate, and disclose to proper authorities suspected fraud, abuse, and similar irregularities
- To provide management with guidelines and responsibilities regarding appropriate actions in conducting investigations of alleged fraud and similar improprieties

Policy:

This policy pertains to any suspected fraud, abuse, or similar irregularity against the Town. It applies to all elected and appointed Town officials and employees and to any other persons acting on behalf of the Town, such as vendors, contractors, volunteers, casual employees, and grant subrecipients.

The Town is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, consultants, vendors, agents, or its own employees, to gain by deceit, financial or other benefits at the expense of taxpayers. Town officials, employees and other persons acting on behalf of the Town must, at all times, comply with all applicable policies, laws, and regulations. The Town will not condone any violation of law or ethical business practices and will not permit any activity that fails to withstand the closest possible public scrutiny. The Town intends to fully, objectively, and impartially investigate any suspected acts of fraud or other similar irregularities regardless of the position, title, length of service, or relationship with the government of any party who may be the subject of such investigation.

A. Definitions

Any person acting on behalf of the Town will mean any person responsible for or to Wellfleet's government placed in that position by some official relationship with the Town.

Abuse can occur in financial or nonfinancial settings and refers to, but is not limited to:

- Improper use or misuse of authority
- Improper use or misuse of Town property, equipment, materials, records, or other resources
- Waste of public funds

Fraud or other irregularity refers but is not limited to:

- Any dishonest or fraudulent act

- Forgery or alteration of any document or account
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of Town activities
- Disclosing confidential or proprietary information to outside parties
- Accepting or seeking anything of material value from consultants, contractors, vendors, or persons providing services or materials to the Town
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Any claim for reimbursement of expenses not made for the exclusive benefit of the Town
- Any computer-related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes
- Any omissions and misrepresentations made in bond offering documents, presentations to rating agencies, and annual financial reports

B. Antifraud Responsibilities

Every employee has the responsibility to assist the Town in complying with policies and laws and in reporting violations. The Town encourages the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

Town officials and department heads are responsible for instituting and maintaining a system of internal controls to reasonably ensure the prevention and detection of fraud, misappropriations, and similar irregularities. Management should be familiar with the types of improprieties that could occur within their areas of responsibility and be alert for any indications of such conduct.

The Town Administrator has primary responsibility for investigating all activity defined in this policy and will, to the extent practical, notify the Select Board of reported allegations of fraudulent or irregular conduct upon commencing the investigation. In all circumstances where there are reasonable grounds to indicate fraud may have occurred, the Town Administrator, subject to the advice of Town Counsel, will contact the Wellfleet Police Department and/or the District Attorney's office. Upon concluding the investigation, the Town Administrator will report results to the Select Board and others as determined necessary.

C. Disclosure

If the Town's investigation concludes that there was a violation of any federal criminal law involving fraud, bribery or gratuity potentially affecting a federal award, the Town Administrator will disclose such in writing to the federal awarding agency in compliance with the Office of Management and Budget's Omni Circular. Similarly, if there are findings of bond offering information falsification, the Town Administrator will disclose this in writing to the bondholders.

PROCEDURES

The Town Administrator will create a set of procedures to be appended to this policy or incorporated by reference. The procedures should cover all of the following at minimum:

1. Procedure and methods for reporting suspicions of fraud, abuse and other irregularities
2. Assignment of responsibilities in response to reported suspicions
3. Employee protections from retaliation
4. Security of investigation documents
5. Treatment of anonymous allegations and false allegations (intentional and unintentional)
6. Personnel disciplinary actions
7. Responsibilities around media contact
8. Training, education and awareness
9. Disclosure requirements and protocols

REFERENCES

[M.G.L. c. 149 § 185](#)

U.S. Office of Management and Budget, December 2013: [Omni Circular](#)

N-1 DISBURSEMENTS

Background:

To mitigate the risk of fraud and ensure the Town disburses cash only for legally valid liabilities, this policy establishes guidelines for the expenditure of Town funds.

Policy:

This policy applies to the Chief Financial Officer, Treasurer/Collector's, and their designees' job duties and to the Selectboard's warrant approval responsibilities. It further applies to all department heads and elected or appointed officials who submit requests for expense and payroll disbursements (all referred to here as "department heads").

No disbursement for any payroll or accounts payable (AP) expense shall occur without the prior review and approval of the Chief Financial Officer and Selectboard. Accordingly, the Chief Financial Officer is responsible for finalizing every AP and payroll warrant and the Selectboard Clerk's signature

All payroll expenditures must be based on approved time and attendance records and consistent with collective bargaining agreements, personal service contracts, or Wellfleet's personnel bylaw. All vendor payments must be based on original invoices and issued only to entities with valid form W-9s on file. All invoices must be charged to the proper fiscal year. Payment for any bills payable for a prior fiscal year must be approved by vote of town meeting in accordance with [M.G.L. c. 44, § 64](#).

Printed on the face of every disbursed check will be: "Void if not cashed within one year of issuance." The Treasurer/Collector will secure all checks in a safe until distributed. As a tax-exempt organization, the Town will not pay sales tax on any expense, including those associated with any employee personal reimbursements.

A. Ongoing Maintenance of Payroll and Leave Time Data

The Treasurer/Collector is responsible for maintaining a database all town employees including their salaries, pay rates, stipends, weekly work hours, earned leave time, benefit options, and withholdings. Any change to an employee's employment status, work hours, or pay rate can only be made by the Treasurer/Collector based on a personnel action form signed by the appropriate department head, and Town Administrator or their designee.

The Chief Financial Officer or their designee is responsible for maintaining and updating weekly a database of employee leave time accumulations and usage. Any change the Chief Financial Officer or their designee makes to any employee's rate of accumulation must be supported by one of the following documents: collective bargaining agreement, classification and compensation schedule, or personal services contract. Deductions to leave time will be based on data reported on weekly time sheets.

B. Weekly Responsibilities Related to Disbursement Processing

Ryan Curley 10.20.21 v alpha Comprehensive Financial Management Policies for the Town of Wellfleet

Each **department head** is responsible for:

- Assuring that all purchases of goods and services conform to the state's procurement laws
- Verifying that adequate funds exist in the department's budget for every AP and payroll submission, attesting to the accuracy of each submission via signature, and timely submitting the disbursement requests to the Chief Financial Officer
- Distributing paychecks to employees upon receipt from the Treasurer/Collector

The **Chief Financial Officer** (and/or any delegated staff) is responsible for:

- Including each requested expense on the AP/payroll warrant only after validating:
 - Procurement laws were adhered to
 - The submission is legal
 - No fraud is evident
 - Adequate funds exist
- Preparing the AP and payroll warrants and submitting them to the Select Board for approval
- Ensuring the payroll warrant balances with the Treasurer/Collector's payroll preliminary report before providing it to the Select Board and subsequently notifying the Treasurer/Collector to finalize the payroll
- Updating the general ledger with all AP and payroll warrant expenditures
- Receiving blank checks from the Treasurer/Collector, imprinting them with the disbursement data using the office printer, and returning them to the Treasurer/Collector

The **Treasurer/Collector** (and/or any delegated staff) is responsible for:

- Entering payroll data in the Abra database based on time sheets received from the Chief Financial Officer and transmitting the finalized electronic file when notified to do so by the Chief Financial Officer
- Reviewing the AP warrant and withholding from disbursement any amounts owed to the town by listed payees
- Upon receipt of payroll and AP warrants signed by the Select Board, funding the associated bank accounts in the gross amount of each warrant
- Providing the Chief Financial Officer with the appropriate number of sequential blank checks for printing
- Mailing out all AP checks to the vendors. The Treasurer/Collector will not give any vendor checks to department heads or other employees to mail.
- Notifying department heads to pick up paychecks on pay day.
- Updating the cashbook to document the disbursement activity

The **Selectboard** members are responsible for:

- Reviewing each warrant for appropriateness by examining the invoices, back-up documents, and payroll detail, and directing any inquiries to the Chief Financial Officer
- Approving the warrants by signing them

C. Emergency Disbursements

If there is an emergency or extenuating circumstance where payment must be made to a vendor outside of the normal warrant process, the Treasurer/Collector may issue a manual check with written authorizations by the Town Administrator. In any such case, the department head will submit the expense to be processed as a no-check on the next accounts payable warrant.

D. Petty Cash

To mitigate the risks of illegal expenditures, procurement law violations, or instances of expenses exceeding appropriations, no petty cash accounts are authorized.

E. Audit

All disbursement activity is subject to audit by Wellfleet's independent auditor.

REFERENCES

[M.G.L. c. 41, §§ 41, 41A, 41B, 41C, 42, 43, 52, 56](#)

[M.G.L. c. 44, §§ 56, 58, 64](#)

[M.G.L. c. 30B](#)

Wellfleet's collective bargaining agreements, classification and compensation plan, and personal service contracts

N-2 Employee Reimbursement

Background:

To mitigate opportunities for fraud, waste and abuse, the Town must properly monitor and control reimbursements to employees and officials. This policy establishes rules governing reimbursements for legitimate business-related expenses, including necessary travel expenses incurred in performing official duties. It also provides guidelines for determining reasonable travel-related and other expenses and details the procedures, forms and documentation necessary to receive reimbursement.

Policy:

The Town will reimburse employees for reasonable expenses incurred on the Town's behalf as authorized by their department heads, boards, or committees.

Travel shall be restricted to necessary activities that provide a public benefit, such as training, professional conferences, and other municipal-related activities. All travel on Town business shall be planned for using the most economical mode and class of transportation reasonably available and the most direct and time-efficient route. Employees will travel using government and group rates when available. The Town will not reimburse or pay sales tax but will, however, pay meals and room excise taxes.

Business-related expenses, such as office supplies, should be procured through the Town's vendors and billed directly to the Town as much as feasible. Whenever this is not possible, the purchase must be made with the department head's approval.

When this policy is not followed, there is no guarantee that all expenditures will be reimbursed. Employees should determine estimates for their travel costs, discuss any extraordinary circumstances and expenses with their department heads, and obtain their authorizations in advance.

A. Unauthorized Expenses

The following expenditures will not be reimbursed:

- Alcoholic beverages and tobacco
- Massachusetts sales tax
- Costs associated with any political or charitable event
- Flowers or other gifts for employees or others
- Expenses incurred by or on behalf of any person who is not a Town employee who accompanies the employee on official business
- Expenses incurred for the sole benefit of the traveler, such as valet service, entertainment, laundry services, etc.
- Theft, loss, or damage to personal property while on Town business
- Non-mileage-related personal automobile expenses, including repairs, insurance, gasoline, and traffic citations

The Chief Financial Officer may refuse to approve for payment any claim deemed to be ineligible, fraudulent, unlawful, or excessive. In that instance, the Chief Financial Officer will file a written statement of the reason for refusal with the Treasurer/Collector and forward copies to the Town Administrator and the originating department head. Resolution of all disputes shall reside with the Town Administrator.

B. Reimbursable Expense Categories

Transportation

- Employees authorized to travel using their personal vehicle will be reimbursed at the mileage reimbursement rate established yearly by the Internal Revenue Service (IRS) or, for union employees, the rate established in their contractual agreement.
- Mileage will be calculated starting from the employee's office location or residence to the destination point, whichever distance is shorter.
- Employees must present receipts to be reimbursed for parking, tolls, airfares, taxi fares, and, when using a Town-owned vehicle, fuel charges.

Lodging

- If travel requires an employee to be away from home for more than 24 hours, he or she will be reimbursed for reasonable charges for lodging expenses.
- Lodging expenses must not exceed the group rate published by the conference or activity sponsor. If the sponsor's group rate is not available when booking, the Town will reimburse for lodging costs comparable in location and quality and reserved at the lodging's government or group rate, whenever that is available.
- The Town will reimburse for only one night preceding any conference.

Meals

- If travel requires an employee to be away from home for more than 24 hours, he or she will be reimbursed for reasonable charges for meal expenses.
- Meal costs, including tips and taxes, incurred during approved travel will be reimbursed only upon presentation of itemized receipts. If the receipt is for multiple employees, they should be listed on the back of the receipt.
- Meals included in registration costs cannot be claimed for reimbursement or advance.
- Under no circumstance will the total meals reimbursement exceed the Town's per diem rate of \$65.

Registrations

- Whenever possible, registration fees for any conference, training, or workshop should be paid in advance through the Town's accounts payable warrant process. To pay advance registrations timely, the registration bill must be received in the Chief Financial Officer no later than two weeks prior to the registration deadline.
- If registration is not paid in advance, the employee must pay out-of-pocket and then submit for reimbursement.

Business and Office Supplies

- Employees must obtain department head approval prior to incurring expenses for any business or office supplies, and all purchases made on behalf of the Town must be necessary, reasonable, and appropriate.
- Business-related special postal services or delivery services that are not available through the Town will be reimbursed.

C. Reimbursement Submission

Every claim for reimbursement must be documented using an [Expense Reimbursement Form] signed by the employee and the authorizing department head. Required information on the form includes: the travel or purchase date(s), purpose, amount(s), and total business-related mileage (as applicable). Except for mileage, the employee must attach to the form a receipt or other valid proof of payment for each reimbursement claim.

Employees should submit for reimbursement as soon as the travel has concluded or the expense has been paid, but at maximum, no later than 30 days after the expenses being incurred. If an employee does not submit the [Expense Reimbursement Form] and accompanying receipts or other necessary documentation within that time, he or she may be personally responsible for the expenses.

D. Violations

Employees who violate this policy will be held directly responsible for their actions. Consequences may include revocation of travel privileges, reparatory payments, suspension, or termination. Improper documentation of otherwise valid travel expenditures creates the appearance of fraud, waste, or abuse and may result in similar consequences. Moreover, misrepresenting expenses and intentionally submitting false claims are fraudulent and could result in criminal penalties.

E. Audit

All expenses are subject to verification that they comply with this policy and to audit by the Town's independent auditor.

REFERENCES

[M.G.L. c. 41, §52](#)

[M.G.L. c. 44, §58](#)

[M.G.L. c. 268A, § 3](#)

IRS webpage, [Standard Mileage Rates](#)

O: FINANCIAL MANAGEMENT TEAM

Background:

Team meetings help the Town's finance officers to maintain open lines of communication and reinforce awareness of their interdependence. In this forum, team members can identify critical junctures, consider strategies to deal with anticipated areas of concern, and establish agreement about goals, deadlines, and each individual's role in meeting common objectives. A formal financial management team approach also fosters institutional continuity during times of turnover in financial offices.

To maximize the effectiveness of financial practices by optimizing the coordination of interdepartmental activities and long-range plans, this policy establishes a financial management team that will meet regularly to discuss common goals and objectives.

POLICY

The Town establishes a financial management team consisting of the Town Administrator, Chief Financial Officer, Treasurer/Collector, Assessor, & Town Accountant. Meetings of the team will be scheduled at a consistent time each month and more frequently when necessary.

Agenda topics will include:

- Updating the status of assigned responsibilities and due dates related to cyclical procedures, such as tax takings, tax recaps, year-end closings, and others
- Monitoring monthly revenue and expenditure reports and analyzing cash flow
- Reviewing the effectiveness of internal controls, including the status of reconciliations
- Coordinating submissions to the Division of Local Services
- Assessing special projects assigned by the Select board or Town Administrator
- Pursuing professional development and training opportunities
- Assessing progress on any initiatives being implemented.

REFERENCES

Division of Local Services Best Practice: [Financial Management Team](#)

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APPENDIX 1: SELECTED GLOSSARY OF TERMS

Available Funds – Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and enterprise net assets unrestricted (formerly retained earnings).

Betterments (Special Assessments) – Whenever part of a community benefits from a public improvement, or betterment (e.g., water, sewer, sidewalks, etc.), special property taxes may be assessed to the property owners of that area to reimburse the governmental entity for all, or part, of the costs it incurred in completing the project. Each property parcel receiving the benefit is assessed a proportionate share of the cost which may be paid in full, or apportioned over a period of up to 20 years. In this case, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.

Block Grant – A Block Grant is a Federal grant of money awarded by formula under very general guidelines that allow grantees broad latitude in spending activities. Recipients are normally state or local governments.

Bond – A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.

Bond and Interest Schedule Record (Bond Register) – The permanent and complete record maintained by a treasurer for each bond issue. It shows the amount of interest and principal

coming due each date and all other pertinent information concerning the bond issue.

Bond Anticipation Note (BAN) – Short-term debt instrument used to generate cash for initial project costs and with the expectation that the debt will be replaced later by permanent bonding. Typically issued for a term of less than one year, BANs may be reissued for up to five years, provided principal repayment begins after two years (MGL Ch. 44§17).

Principal payments on school related BANs may be deferred up to seven years (increased in 2002 from five years) if the community has an approved project on the Massachusetts School Building Authority (MSBA) priority list. BANs are full faith and credit obligations.

Bond Authorization – The action of town meeting or a city council authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the mayor, or selectmen. (See Bond Issue)

Bond Buyer – A daily trade paper containing current and historical information of interest to the municipal bond business.

Bond Counsel – An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.

Bond Issue – The actual sale of the entire, or a portion of, the bond amount authorized by a town meeting or city council.

Bond Rating (Municipal) – A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poor's, use rating systems, which designate a

letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

Bonds Authorized and Unissued – Balance of a bond authorization not yet sold. Upon completion or abandonment of a project, any remaining balance of authorized and unissued bonds may not be used for other purposes, but must be rescinded by town meeting or the city council to be removed from community's books.

Capital Assets – All tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost.
(See Fixed Asset)

Capital Budget – An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates, and identify those items that were not recommended. (See Capital Asset, Fixed Asset)

Capital Improvements Program – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital program. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures.

Capital Outlay – The exchange of one asset (cash) for another (capital asset), with no ultimate effect on net assets. Also known as "pay as you go," it is the appropriation and use of available cash to fund

a capital improvement, as opposed to incurring debt to cover the cost.

Capital Outlay Expenditure Exclusion – A temporary increase in the tax levy to fund a capital project or make a capital acquisition. Exclusions require two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a community-wide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling

Chapter 90 Highway Funds – State funds derived from periodic transportation bond authorizations and apportioned to communities for highway projects based on a formula under the provisions of MGL Ch. 90 §34. The Chapter 90 formula comprises three variables: local road mileage (58.33 percent) as certified by the Massachusetts Highway Department (MHD), local employment level (20.83 percent) derived from the Department of Employment and Training (DET), and population estimates (20.83 percent) from the US Census Bureau. Local highway projects are approved in advance. Later, on the submission of certified expenditure reports to MHD, communities receive cost reimbursements to the limit of the grant.

Contingent Appropriation – An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL Ch. 59 §21C (m), towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2½ override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if not approved by the applicable deadline, the appropriation is null and void. If contingent appropriations are funded through property taxes, DOR cannot approve the tax rate until the related override or exclusion

question is resolved or the deadline passes, whichever occurs first.

Debt Authorization – Formal approval by a two-thirds vote of town meeting or city council to incur debt, in accordance with procedures stated in MGL Ch. 44 §§1, 2, 3, 4a, 6-15.

Debt Burden – The amount of debt carried by an issuer usually expressed as a measure of value (i.e., debt as a percentage of assessed value, debt per capita, etc.). Sometimes debt burden refers to debt service costs as a percentage of the total annual budget.

Debt Exclusion – An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy, but outside the limits under Proposition 2½. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2½, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

Debt Limit – The maximum amount of debt that a municipality may authorize for qualified purposes under state law. Under MGL Ch. 44 §10, debt limits are set at 5 percent of EQV. By petition to the Municipal Finance Oversight Board, cities and towns can receive approval to increase their debt limit to 10 percent of EQV.

Debt Policy – Part of an overall capital financing policy that provides evidence of a commitment to meet infrastructure needs through a planned program of future financing. Debt policies should be submitted to elected officials for consideration and approval.

Debt Service – The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

Enterprise Fund – An enterprise fund, authorized by MGL Ch. 44 §53F½, is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs--are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services. See DOR [IGR 08-101](#)

Free Cash (Also Budgetary Fund Balance) – Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts.

General Obligation Bonds – Bonds issued by a municipality for purposes allowed by statute that are backed by the full faith and credit of its taxing authority.

Levy Limit – A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed

the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

Massachusetts School Building Authority (MSBA) – Administers the state program that reimburses cities, towns, and regional school districts varying percentages of their school construction costs depending on the wealth of the community or district and the category of reimbursement. Projects that received their first reimbursement payment prior to July 26, 2004 will continue to get annual state payments to offset the related annual debt service. Thereafter, cities, towns, and regional school districts will receive a lump sum amount representing the state's share of the eligible project costs... (See DOR [IGR 06-101](#))

New Growth – The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy

limit. For example, new growth for FY07 is based on new construction, etc. that occurred between January and December 2005 (or July 2005 and June 2006 for accelerated new growth communities). In the fall of 2006, when new growth is being determined to set the FY07 levy limit, the FY06 tax rate is used in the calculation.

Non-Recurring Revenue Source – A one-time source of money available to a city or town. By its nature, a nonrecurring revenue source cannot be relied upon in future years. Therefore, such funds should not be used for operating or other expenses that continue from year-to-year. (See Recurring Revenue Source)

Principal – The face amount of a bond, exclusive of accrued interest.

Receipts Reserved for Appropriation – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities

Principal – The face amount of a bond, exclusive of accrued interest.

Receipts Reserved for Appropriation – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities.

Sale of Cemetery Lots Fund – A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 114 §15.

Sale of Real Estate Fund – A fund established to account for the proceeds of the sale of municipal real estate other than proceeds acquired through tax title foreclosure. MGL Ch. 44 §63 states that such proceeds shall be applied first to the retirement of debt on the property sold. In the absence of such debt, funds may generally be used for purposes for which the city or town is authorized to borrow for a period of five years or more

Short-Term Debt – Outstanding balance, at any given time, on amounts borrowed with a maturity date of 12 months or less.

Special Exclusion – For a few limited capital purposes, a community may exceed its levy limit or levy ceiling without voter approval. Presently, there are two special expenditure exclusions: 1) water and sewer project debt service costs which reduce the water and sewer rates by the same amount; and 2) a program to assist homeowners to repair or

replace faulty septic systems, remove underground fuel storage tanks, or remove dangerous levels of lead paint to meet public health and safety code requirements. In the second special exclusion, homeowners repay the municipality for the cost plus interest apportioned over a period of time, not to exceed 20 years

Special Revenue Fund – Funds, established by statute only, containing revenues that are earmarked for and restricted to expenditures for specific purposes. Special revenue funds include receipts reserved for appropriation, revolving funds, grants from governmental entities, and gifts from private individuals or organizations.

Stabilization Fund – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Communities may establish one or more stabilization funds for different purposes and may appropriate into them in any year an amount not to exceed ten percent of the prior year's tax levy. The total of all stabilization fund balances shall not exceed ten percent of the community's equalized value, and any interest shall be added to and become a part of the funds. A two-thirds vote of town meeting or city council is required to establish, amend the purpose of, or appropriate money into or from the stabilization fund

APPENDIX 2: Policies To Be Superseded

APPENDIX 3: Chart of Allowable Uses of Funds

TBD

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SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

VI

NEW BUSINESS

REQUESTED BY:	Chair Ryan Curley
DESIRED ACTION:	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
PROPOSED MOTION:	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

VII

SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: August 2, 2022

VIII

TOWN ADMINISTRATOR REPORTS

- **The Town Administrator will give an update on the happenings of the town and with each department.**
- **Please see the Selectboard packet for the full update**



MEMORANDUM

TOWN OF WELFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleet-ma.gov

To: Selectboard
From: Richard J. Waldo, Town Administrator
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator
Subject: Department Update Report for the August 2, 2022 Select Board Meeting
Date: July 27, 2022

Administration

- Working with the financial team to close out the books for FY20, FY21, & FY22 with continued hope that we will have free cash certified by the end of August or beginning of September.
- I will be attending the OneCape 2022 Summit on August 1st & August 2nd. I have been asked to participate in a housing focus group on the second day of the event and I happily obliged. I look forward to networking and meeting colleagues as we collectively work to address housing, climate change, water quality, and economic challenges on Cape Cod.
- Working to finalize September Special Town Meeting Warrant. The warrant is scheduled to close on August 9th and will be distributed to residents soon thereafter.
- Working with Herring River Restoration Team to finalize construction documents to be in position to execute contracts once funding is secured from Federal and State agencies.
- Our first senior staff meeting will occur next week. The intent of the meeting is to discuss the previous night's selectboard meeting, hear challenges and opportunities facing each department, and keep the core department up-to-date on key objectives and initiatives the town is working on.
- The financial team will be discussing the Maurice Campground purchase and operation with our financial advisors and the Department of Revenue on August 3rd. The objective is to ensure that we are in a position to make a purchase and begin operations should the town body approve the acquisition.

Building

- Review Building Permit Applications, Issue Permits, Issue Certificates of Occupancy, Issue Certificates of Completion, Annual Inspections, Issue Certificate of Inspections, building site inspections, Respond to Complaints, Office Hours 8:00 – 10:30 a.m., (or by appointment) to address Building Code and Zoning questions with applicants and the public.
- 1065 State Highway Route 6 – Document activity and complaints.
- 1065 State Highway Route 6 – Compiling documents in accordance with Request for Production of Documents, to comply with the limited discovery request served upon the Town of Wellfleet by the attorney for Great White Realty.

Collector

- Linking the ability to purchase a beach sticker to overdue personal property tax is working out well. Getting a lot of personal property tax bills off the books, including prior years' tax. The staff of the sticker office has been very cooperative, we have a good communication line going.
- The Marina has a list of those who still owe boat tax and are letting the boat owners know they need to contact the Collector's office to clear up accounts.
- Mary McIsaac and I are meeting with a representative of Leader bank on Wednesday, to see about possible implementation procedures to streamline the collecting aspect of this office.
- Motor Vehicle and Boat bills for 2022 have been sent to Kelley & Ryan, our Deputy Collector, for warrant processing and demand billing. These bills were issued 7/26/22.

Community Services

Beach Program

- United Site Services - we are having challenges with this vendor and are communicating with them in an effort to correct the deficiencies
- The two real time receivers provided by Mass Fisheries under the supervision of Dr. Greg Skomal are in place at Newcomb Hollow and LeCount Hollow

Stickers	2021	\$\$\$	2022	\$\$\$
Combo 1	2584	\$ 141,535.00	2673	\$ 146,845.00
Combo 2	1096	\$ 43,680.00	1152	\$ 46,045.00
Combo 3	136	\$ 8,840.00	142	\$ 9,230.00
Resident Beach	1661	\$ 49,740.00	1565	\$ 46,440.00
One Week	1589	\$ 158,100.00	1475	\$ 145,700.00
Seasonal	175	\$ 56,875.00	157	\$ 51,025.00
Three Day	460	\$ 29,510.00	431	\$ 27,885.00
Two Week	367	\$ 68,590.00	290	\$ 55,100.00
White Crest	1073	\$ 32,190.00	1826	\$ 54,780.00
TOTAL		\$ 589,060.00		\$ 583,050.00

Council on Aging

- I am pleased to announce that Sally Largey, who has been with the Town for 18 years, is our new Outreach Coordinator. She was selected from the four candidates interviewed by a team that consisted of Rebecca Roughley Assistant Town Administrator, Wilson Sullivan the Chair of the COA Advisory Board, Terri Frazier, the Assistant COA Director.
- We will be advertising for Sally's replacement at the Front Desk where Sally supervised the Transportation program and the care and custody of our COA vehicles.

Harbormaster

- Grant award. We received a 2.5 million dollar grant award from the Commonwealth of Massachusetts Housing and Economic Development for the purpose of dredging Area II. This is the second year in a row our application has received Max award.
- Fuel Tank Replacement. Thursday July 28th we will be opening bids for the replacement of the Marina fuel system. We are hoping to see some healthy competition based on the amount of interest that was shown in the bid package.
- Dredging bid. We have been analyzing the dredging bids for Area II with GEI Engineering as well as KP Law. We hope to have results back to the Town and Bidders by the end of the week.

Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. This week we have 5 positives tests identified on our online reporting tool and 4 identified in the state reporting database (PCR Only)
- The Targeted Watershed Management Plan has been formally submitted to MA DEP and the CCC for concurrent review. Scott Horsley with MA DEP's support has begun to draft the Targeted Watershed Management Permit for their review. A discussion on SRF funding is scheduled for next week with MA DEP.
- Duck, Great, and Gull Pond have shown elevated cyanobacteria growth rates and we are continuing to monitor them weekly. We have no recreational beach advisories for these sites at this time.
- We created and printed bathing beach stickers for the beach signs to allow visitors and residents easy access to beach water quality results. The QR coded stickers should be arriving shortly.
- Updated Wellfleet Board of Health Emergency Operations Plan and will be reaching out to staff to follow up on NIMS/ICS trainings.
- Repaired stairs at Drummer Cove to improve accessibility to the marsh side of the trail system and to mitigate erosion issues. This project was a collaboration with Americorps, Health and Conservation, and DPW.
- Mosquitoes collected on Joint Base Cape Cod on 7/15/22 tested positive for West Nile Virus. Crews have been out treating catch basins across the Cape this week. This is the first mosquito sample collected in Barnstable County to test positive for arbovirus this year. The risk level for transmission of arbovirus remains low throughout Massachusetts.

Fire

- We have started the recruitment process for the two (2) new Firefighter-Paramedic/EMT positions and will begin application review in the next two weeks.
- We are completing the design and specifications for the new Engine 95 as approved at the Annual Town Meeting.
- Captain Joe Cappello is working with the Building Inspector in coordinating fire/life safety inspections on the numerous restaurants/eating establishments in the community.

Library

- The Board of Trustees have adopted an Anti-Hate Statement which is an initiative that is strongly encouraged by the American Library Association. I commend them for being leaders in this type of initiative, as no other libraries in the CLAMS network have yet to draft such a statement. Here is the text: The members of the Board of Trustees of the Wellfleet Public Library support the Director and Staff in all efforts to adhere to the principles of freedom of speech, intellectual freedom, and free library access while at the same time opposing hateful conduct, in accordance with Federal and state anti-hate laws and with policies of the American Library Association. These policies address a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity...and can also encompass a person's color or national origin, (and) overt acts that can include violence against a persons or property, violation of civil rights, conspiracy, certain 'true threats, and acts of intimidation." For further information please see <https://www.ala.org/advocacy/hatefulconduct> and <https://www.ala.org/advocacy/libraries-respond-hate-crimes-and-libraries>
- I have a forthcoming meeting with the Directors of the Truro and Provincetown libraries to brainstorm review cooperative grant opportunities. I hope this brings about the seeds of some exciting ideas for future collaborative ideas for funding and partnerships.
- On Thursday, August 4th, we are having a teen improv workshop with Jennifer Subrin of the Comedy School of Cape Cod. We held this program in July and it was wildly successful. Teens met each other prior to high school and will be entering drama club together! We hope even more teens will attend this time around!
- The Friends of the Library will be having their annual Distinguished Speaker fundraiser on August 8th by welcoming Congressman Jamie Raskin to the Congregational Church. Aside from the work he has done in Congress this year, he also published a book about his experience and the tragic death of his son. We will be selling the book for signing.
- On August 10th, local author Emily Bingham will be presenting her new book, My Old Kentucky Home. Emily is a Kentucky native and this is a history of the song and a look at its racist origins and how it is used as a state anthem today. Emily is an amazing writer and speaker and we are looking forward to having her back at the library.

Police

- The full-time members of the police department (police & dispatch) will be participating in an Active Shooter Training next month at Nauset Regional High School. There are six scheduled dates so the Nauset School District Police Departments can train all sworn and civilian staff. This fall members of our department will participate in lock drills at Wellfleet Elementary School to become familiar with the footprint of the building and assist school staff.
- The Chief was invited and attended the annual summer BBQ held at Harbor Side Village. It was a great event interacting with the village residents with tons of food and music!!

- The Chief received several thank you letters from community members on the department's two Community Service Officers Sam Bradshaw and Jack Richards. The first thank you was for Sam who helped someone not feeling well working inside townhall. "He offered to get her water, to stay with her until she felt OK, to call someone to come get her, and gave her his cell phone number to call if she needed help. This is EXACTLY what a CSO should be. He was so professional and caring. Congratulations on a great hire!". The second thank you was from a resident in Harbor Side Village who wanted the Chief to know that Sam and Jack were patrolling on their bikes when they stopped to help her husband carry in a heavy air conditioner. The resident stated that Sam and Jack were kind, helpful and a real asset to the Police Department.

Public Works

- Working with Town Administration to secure a tent for a possible outdoor Town Meeting event.
- DPW is busy working with the Herring River and Maurice Campground planning teams.
- DPW staff continues to assist other departments with their summer operations as well as maintaining roadside brushing and ground maintenance of our facilities.

Recreation

- The 48th Annual Wellfleet Road Race was a huge success. 175 runners in total participated in the 5-mile race and 1.2-mile children's fun run which was an increase from last year as participants return to road racing after the covid restrictions. Many thanks to the DPW, WPD and WFD for their support with this Wellfleet tradition.
- The Summer Rec program at Baker's Field and Gull Pond Swim Lessons are both very popular and currently at capacity. Summer Rec has 178 participants in morning rec and 68 that attend the extended rec program until 3:00 PM. There are 200 children enrolled in the Gull Pond Swim lessons. Sixty-nine of the rec campers also attend pre-rec swim lessons from 8:00-9:00 AM. The summer counselors and swim instructors are doing an exemplary job in to meeting the huge demand for these popular programs.
- The Bands performing at the Music at Mayo concert series have been very appreciative of the event quality stage recently funded by CPC grant and fully utilized by the eclectic mix of performers for the first time during the summer of 2022.

Shellfish Department

- Deputy Shellfish Constable Chris Manulla assisted the state and the FDA on an inspection, and two grant holders participated and made a great impression.
- Assistant Shellfish Constable Johnny Clam Mankevetch has been making use of his new bull rake and harvesting bushels and bushels of littlenecks that he is putting in the Indian Neck Recreational area to the delight of our recreational shellfishermen. There have been over 100 shellfishermen out there every tide of late! We have had quite a few confiscations of product from people harvesting in the closed area.
- The DPW came down to our offices and removed all of the wet and molding ceiling tiles and insulation! Step one in fixing our building. We owe them a big THANKS!

- We took the state out for water quality testing of the Herring River and collected sets of wild oyster samples for a vibrio study they are conducting.
- We submitted a letter to the Conservation Commission in favor of Michael DeVasto's grant extension, as they had already approved those for Pat Winslow and Shea Murphy.
- Deputy Shellfish Constable Jordan Halloran worked with the Mass. Oyster Project, Wellfleet SPAT and the Nauset Regional Middle School STEAM camp to host 60 campers at Jake Puffer's shellfish farm. They had fun activities for the kids to do while they earned about shellfish, aquaculture and the marine environment. Kudos to SPAT for its amazing curriculum – they really got the kids into it! It would not have been as good without them.
- Johnny Clam hosted 40 campers from the Chequessett Yacht and Country Club on our propagation bed and taught them to dig clams for us to bring to the recreational area on Indian Neck.
- Johnny Clam was featured on WCVB'-TV's "Chronicle" and did a great job of promoting our wild oysters and our partnership with the Mass. Oyster Project on its restaurant shell recycling program. It is a four and a half minute piece that you can watch [here](#).
- And on another fun note, Nancy cooked a dinner for the Shellfish Dept. and Audrey Healey, the AmeriCorps member who served with us since last October, as a goodbye in her honor. She took on anything we threw her way and did it with precision and passion. She now takes all she learned with us to a job with Mook Sea Farms in Maine – a hatchery and oyster farm. We wish her the best!



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

IX

TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

X

VACANCY REPORTS

*****Please see the packet for full report*****

Date: August 2, 2022
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year (complete term)

Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 alt Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

Commission on Disabilities (up to 5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Positions	Board of Selectmen	
2 alt Positions		3 years

Requesting Appointment: No applications on file

Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
6 Positions	Board of Selectmen	3 years

Requesting Appointment: No application on file

Dredging Task Force (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years

Requesting Appointment: No applications on file

Historical Commission (7 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Board of Selectmen	3 years

Requesting Appointment: no application on file

Local Housing Partnership (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Board of Selectmen	1 year

Requesting Appointment: No application on file

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	2 years

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Position	Board of Selectmen	3 years

Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Board of Selectmen	1 year

Requesting Appointment: No application on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Position	Board of Selectmen	5 years

Requesting Appointment: No applications on file

Recreation Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Rights of Public Access (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1-2 years

Requesting Appointment: No application on file

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions	Appointing Authority	Length of Term
0 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes <ul style="list-style-type: none">• June 23, 2022• July 12, 2022• July 19, 2022
PROPOSED MOTION:	I move to approve the Minutes of June 23 rd , July 12 th , & July 19, 2022, as drafted.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Joint Meeting with Board of Health & Clean Water Advisory Committee
Thursday June 23, 2022; 7:00pm
Meeting Minutes

Members Present:

Selectboard: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Barbara Carboni, Kathleen Bacon, John Wolf

Board of Health: Ken Granlund, Chair; Janet Drohan, Nick Picariello, Debera Freeman (zoom)

Clean Water Advisory Committee: Curt Felix, Chair

Others Present: Rich Waldo, Town Administrator, Rebekah Eldridge, Executive Assistant; Hillary Lemos, Health/Conservation Agent; Scott Horsley, Consultant; Tim Sayer, resident.

Chair Curley Called the meeting to order at 7:02pm

I. *Announcements, Open Session, Public Comments*

NOTE: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

There were no public comments or announcements

II. *Joint meeting with Board of Health, Clean Water Advisory Committee, & Selectboard*

- ***DEP MassDEP's Regulatory Strategy for Cape Cod Estuaries Impaired by Nitrogen***

The team from the DEP presented to the boards a slide show showing how the town could obtain a water shed permit, they discussed funding and the ability to accomplish it.

They finished the slide show, and the board had some questions for the DEP representatives. They discussed funding and loan options.

Chair Curley had some comments on the proposed regulations. He questioned the ability of the board of health and if they would be able to regulate the number of systems. He feels that the timeline of five years is too aggressive for the town stating that he feels the DEP is setting the town of Wellfleet up for failure. He continued stating his concerns with the plan for Wellfleet. The board discussed the water shed permit at great length, discussing issues, concerns, and possibilities for the town.

- ***Presentation of Targeted Wastewater Plan***

Horsley presented to the board the watershed plan. He began the power point presentation. He discussed with the group IA enhanced septic systems.

- ***Sewer Sheds GHD***

The next power point presentation was the sewer shed slide. He explained how the sewer portion would work for Wellfleet. He discussed the transfer station and the opportunity for treatment at the transfer station. He spoke

about the traditional compliance approach. How the watersheds play into this plan. There were questions regarding this presentation. A long discussion took place about the water sheds, sewerage, and septic systems. Bacon spoke to the DEP representatives about septic and the 95 Lawrence Road project stating that Wellfleet would benefit hugely with a wastewater system. Civetta had questions regarding the shellfish department and how the shellfish propagation plays a role in this. Felix spoke to this watershed plan stating that we need to begin the process to move forward to move towards clean water. He gave kudos to the town for passing many wastewater articles at town meetings. He asked the Selectboard to pass this plan onto the DEP so the town can begin the work towards a watershed permit. DEP stated they are committed to work with the town and walk through the plan with the town. She spoke to funding plans and options. She stated she feels the town is ready to submit the permit to the DEP and begin.

- ***Next Steps***

Chair Curley spoke to the group about the next steps. He stated the Cape Cod Commission needs to review this plan regarding the 208 plan. Chair Curley stated he has spoken with the Cape Cod Commission, and they have asked for a public forum. Lemos stated that the commission is on the meeting and willing o speak to the board regarding this submission. Chair Curley spoke to having an IMA with the surrounding towns.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to the request the town administrator begin negotiations with the surrounding towns (Eastham and Truro) for an IMA for the Wellfleet Harbor Watershed.

Roll Call Vote: 4-0-1 (Carboni abstained)

Chair Curley Moved; Board Member Wolf seconded; and it was voted to ask the Cape Cod Commission to engage with the town of Wellfleet to

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to submit the draft targeted watershed plan as presented to the Department of Environmental protection and the Cape Cod Commission on behalf of the town of Wellfleet

Roll Call Vote: 5-0

- ***DEP proposed changes to SRF Priority Ranking System***

- ***Board of Health Draft Regulations***

Chair Curley asked the board members and Lemos if they would be okay not discussing the regulations at this meeting as it was getting late into the meeting. The board members agreed that this could wait but needed to be addressed soon.

DRAFT **** a full recording of this meeting can be found on the town's website ****

III. Adjourn

Board Member Bacon moved; Chair Curley Seconded; and it was voted to adjourn

Roll Call Vote: 5-0

Meeting adjourned 10:05pm

****** Public Documents ******

Power point presentation from Department of Environmental Protection

Board of Health Draft Regulations

Clean Water Advisory Committee power point presentation

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday July 12, 2022; 7PM
Meeting Minutes**

Board Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Kathleen Bacon, Barbara Carboni, John Wolf

Others Present: Rich Waldo, Town Administrator; Jay Norton, DPW Director; Michael Hurley, Police Chief; David Whitman, Harbor of the Bay Bike Ride; Mia Ward, Wellfleet SPAT; Kate Moreau, Wellfleet SPAT; Matt Frazier, Frazier Company; Jay Norton, DPW Director; Jill McLaughlin, Stantec; Gary Sorkin, CPC chair; Tim Sayer, resident

Chair Curley Called the meeting to order at 7:06pm

I. *Announcements, Open Session and Public Comments*

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Chair Curley spoke to the board and public explaining why this meeting was not hybrid. He apologized for the inconvenience. He also stated that he wanted to express his apologies to the shellfish constable Nancy Civetta for being harsh on her at the shellfish public hearings. He announced that the fourth of July parade was a big hit. He expressed his condolences to other towns in the country that didn't have such a peaceful day and is concerned about the senseless violence. He stated that at each meeting in the beginning he would like to highlight a board or committee that has a vacancy.
- This week he introduced the Wellfleet Conservation Commission with one vacancy and two alternate positions, he gave a detailed explanation of what the members of this committee do.
- Bacon spoke to Jacob Puffer who has applied to be on the NRAB, she expressed her gratitude to him and spoke very highly of him and his commitment to the town.

II. *Consent Agenda*

- A. Jacob Puffer ~ Natural Resources Advisory Board
- B. Taxation Aid Fund Fall Tax Insert ~ Dawn Rickman
- C. Douglas Stout ~ Marina Advisory Committee
- D. Mac's Shack ~ One day Weekday entertainment License ~ September 23, 2022
 - **Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the consent agenda as presented with no objections.
Roll Call Vote: 5-0**

III. *Public Hearings*

A. Wellfleet Traffic Rules and Regulations to be amended

Chair Curley stated there were two sets of amendments and the board will address them separately. He also stated there were letters written to the board from residents and he read the letters to the board.

Chair Curley asked for opinions or statements from Chief Hurley and Jay Norton; Norton expressed his support of these amendments. Chief Hurley stated the same, he stated his thoughts on enforcements with these regulations. He spoke about solar speed limit signs as he has seen in surrounding towns. Lt. Island Road he spoke about being a problematic area. Chair Curley asked for any questions or comments from board members. He asked the board if they wanted to vote on this tonight or wait until the next meeting in person. The board stated they were ready to move on this at tonight's meeting.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to adopt the 25 MPH zones as drafted in the traffic rules and regulations with the addition that Lt. Island Road be added with the entirety of its length.

Roll Call Vote: 5-0

A few residents spoke in favor of these amendments with a few suggestions. There were a few documents that were not in the packet pertaining to stop signs.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to continue the public hearing to the July 19, 2022, 7pm meeting in relation to all way stop signs.

Roll Call Vote: 5-0

IV. *Use of Town Property*

A. Harbor to the Bay ~ David Whitman ~ September 17, 2022, from 12pm-5pm
Whitman spoke to the board regarding his road race. He gave some details of the ride and who is benefiting from the proceeds of the race. He stated they are hoping to have between 100-120 riders. He asked the board about the \$500 fee for the ride and asked to discuss it. Chair Curley stated he prefers the PAN MASS CHALLENGE route as it is less distance on the highway, stating that it is a safer ride for riders. Whitman explained why the ride will go the route that it is. Chair Curley stated why the board applies fees to activities such as this and he polled the board. DeVasto spoke to the board about the fact that there isn't much use of town property here.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the application for the use of town property to Harbor of the Bay Road Race; David Whitman; for September 17, 2022, form 12pm to 5pm for a fee of \$500.

Roll Call Vote: 5-0

DeVasto stated to the board for the record he didn't agree with the fee.

B. Amend Original Use of town Property ~ Wellfleet SPAT

Board Member DeVasto recused himself from this discussion.

Ward gave an update and explanation on the amendment of the original application.

Moreau, spoke on behalf of SPAT and gave some information behind the jump from 5,000 people to 7,000 people. She explained to the board how they came to this number. She explained there will be safety measures taken and the field will be able to safely hold the 7,000 people proposed.

Bacon spoke to the group and stated some concerns that she had explaining that she did some research. She read a statement regarding her explanation of being against the 7,000 people. Her concerns mainly focused on treatment of the environment.

Frazier spoke to the board and stated he would answer any questions regarding the structural standpoint. Moreau spoke to Bacon's concerns. She explained the precautionary measures they plan to put into place. Frazier stated that there will be a gated access and it is a hardened gravel surface. Bacon questioned how the ambulance will be able to enter into the field in case of an emergency. Moreau explained the details of where the emergency vehicles will be posted.

The board continued to discuss the amount of people who will attend the festival. Waldo stated he spoke to the Fire Chief who had no issues with the increase in people.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the amended use of town property submitted by Wellfleet SPAT; and to approve the increase from 5,000 people to 7,000 people per day, and that the Baker's Field Grounds be returned back to their original state to the satisfaction of the Wellfleet Health and Conservation agent, Wellfleet DPW director, and the Wellfleet Recreation Director.

Roll Call Vote: 3-1-1 (Bacon voted No, DeVasto recused)

C. Jack's Boat Rental ~ Mike Schiller ~ 9am-5pm, summer season until September 18, 2022. ~ drop off areas Long Pond, Powers Landing, Mayo Beach, Pleasant Point Indian Neck, and Gull Pond.

Schiller was not on the meeting. Bacon asked this use of town property be continued to the next meeting and gave reasoning as to why she feels they need to speak with Schiller. The board agreed.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to continue the use of town property for Jack's Boat Rental to July 19, 2022, Selectboard meeting.

Roll Call Vote: 5-0

V. **Business**

A. Route 6 Main Street 100% project design ~ Jay Norton

Norton and McLaughlin spoke to the board about this agenda item. There was a slide show presented to the board and public. Norton explained that this is an update on this project and the 100% design has been submitted to the state. McLaughlin explained that this slide show is just explaining to the board and public the changes they made since their last meeting with the board. There was a change in the pedestrian walkways and bike paths. There were some questions for McLaughlin. The board discussed this updated design with McLaughlin. No motion from the board was needed, Norton explained that this was just an informational update for the town and board.

No Action was taken.

B. Right of Entry ~ Route 6 Main Street ~ Mass DOT ~ Erik Kristensen

The board discussed the right of entry for the Route 6 Main Street project. Discussing easements. The board had some questions, Waldo explained that this was a simple part of the project, it is part of the appraisal process and a procedural measure that the state is requiring this process.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to approve Mass DOT right of Entry request relative to the route 6 main street project subject to approval from the Wellfleet Cemetery Commissioners for any parcels under their care.

Roll Call Vote: 5-0

C. (Natural Resources Conservation Service) NRCS Grant ~ Jay Norton

Norton gave an update on this grant. He explained that the town of Wellfleet will be receiving more grant funding. He explained the details of this grant and who worked on it. It is to help protect shellfishing areas from being damaged by storm run off water. He explained that what the board has in front of them tonight is 3 easement requests from NRCS. Norton explained what each amount of the grant would be and where the money was going to.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to authorize the DPW director Jay Norton to request the use of \$537,500 from Chapter 90 funding to use as the towns match to the USDA NRCS grant award.

Roll Call: 5-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to accept the grant awards from USDA NRCS.

Roll Call Vote: 5-0

D. Policy on use of Public Buildings ~ John Wolf

Wolf spoke to the board and public, explaining that this item came up at the previous election where the community center was used for a candidate meet and greet. He stated that it was an issue and there were some concerns about using the room for political events. He explained that Wellfleet doesn't have

banquet space or a space for people to meet. Wolf gave the board details of his policy and his reasoning behind the policy. The board discussed this policy at great length. Bacon brought up not having political signs, buttons and other items within 50 feet of a town public meeting.

The board discussed this rule as well, and when polling or meeting under political terms is allowed. Board Member DeVasto gave his comments and concerns regarding this policy. They discussed this.

Thomas gave her opinions on this policy stating that it's her building and she's not comfortable with someone other than her making a policy. Chair Curley stated he would like to have town counsel look at the policies.

Chair Curley moved; Board Member DeVasto Seconded; and it was voted to refer both policies be sent to KP Law for their review and approval.

Roll Call Vote: 5-0

E. Code of Conduct ~ Ryan Curley, Chair

Chair Curley presented his code of conduct to the board and public. He stated it had gone out to town staff and committees for their comments and suggestions. He continued stating that the WEA (Wellfleet Employees Association) He stated that he feels this policy should also be sent to town counsel for their review. Carboni spoke to sending it to counsel stating there are models of conduct. Bacon asked what the recall for this would be? Would a board member be removed from the board he or she is on? They discussed this policy and the ability to enforce it. They discussed the similarities with this conduct policy and the town of Provincetown.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to refer the code of conduct to KP Law for their review.

Roll Call Vote: 5-0

F. Remote Participation Policy ~ TA Rich Waldo

Waldo spoke to the board about the governor's executive orders are set to expire on July 15, 2022. He explained that there is an extension on the governor's desk. He stated he had asked town counsel to look at the remote participation policy in case anything needed to be changed or modified. He stated there is a critical aspect the board needs to consider. Will the town allow remote participation from the general public? Chair Curley stated that there was a ruling from Open Government which had town counsel change their opinions. It is determined by the selectboard if the public should be able to participate remotely. Chair Curley read a statement from the Open Government. The board discussed remote meetings, participation on those meetings, and what is considered a quorum. The board asked Waldo to offer some suggestions. Chair Curley felt that the regulatory boards need to be part of the hybrid meeting. Waldo agreed with DeVasto stating that there needs to be a little more flexibility with these meetings. They discussed changing the language in the policy. It was recommended that the regulatory boards be held within the hybrid capabilities.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted that the Wellfleet Selectboard adopts the goal that all open session meetings

may have the ability for the public to participate remotely and instructions to attend a hybrid meeting shall be posted on the town's website; recognizing the limited nature of the infostructure in place the Selectboard requires the Regulatory Boards or public hearings require the ability the public have the ability to attend and or participate remotely in those meetings.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded and it was voted to adopt the remote participation policy as amended at tonight's meeting.

Roll Call Vote: 5-0

G. Selectboard Goals ~ Review 2022 and create 2023

Chair Curley gave some background on the goals and what the thinking is on these goals. The board discussed the goals that were submitted and having the board sit down with the ATA and TA to determine which goals should be included in the performance evaluation. The board continued to discuss the goals and how they will implement them.

No Action was taken

H. Application for funding to be submitted to the Community Preservation Committee relative to Maurice's Campground ~ Ryan Curley, Chair

Chair Curley stated that this item needed to be completed tonight because the deadline for submission is July 15, 2022. He questioned the board if there were any questions. DeVasto spoke to the chair requesting he just give a brief summary of the application. Chair Curley spoke to this application and explained that there are a lot of different funding sources that are being investigated. One of the aspects of the funding will be to submit an application to the Community Preservation Committee. He explained that this application covers 3 acres of unused land.

The total request is for a little over one million dollars. There needs to be an appraisal to go with this application. Sorokin stated he would be available to answer any questions. The board discussed the application. Waldo gave some clarification stating that this still will be deed restricted and need to be recorded with the registry of deeds in Barnstable.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to submit the application for Maurice's Campground to the Community Preservation Committee on behalf of the town no later than July 15, 2022, at 4pm.

Roll Call Vote: 5-0

I. Statement from the Selectboard to the ZBA regarding 95 Lawrence Rd ~ Ryan Curley, Chair

Chair Curley explained this item to the board. It was asked to try and get the statement on one page. The board discussed this letter and the wording. There were some words amended.

Board Member DeVasto Moved; Board Member Carboni Seconded; and it was voted to approve the statement from the selectboard to the ZBA as amended.

Roll Call Vote: 5-0

The board agreed that Chair Curley could represent the board on their behalf. **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to designate the Chair of the Selectboard Ryan Curley to attend the ZBA meeting on July 14, 2022, on behalf of the Selectboard.**

J. Review Draft Special Town Meeting Warrant

Waldo stated he has been working on this document and there are some items that need to be solidified. He stated that goal tonight is to make sure that any article that should be in the warrant is indeed there. He announced there were already two articles that were not on there and have since been added. He informed the board that he hopes to have a full draft of the warrant at their July 19, 2022, meeting.

No action was taken.

K. Selectboard liaisons ~ The board to decide liaisons for town committees ~ Barbara Carboni

Carboni presented this idea to the board explaining that she would like the board have liaisons to assist the committees in their work, providing established contact for each committee member to the selectboard. Carboni gave some details on how these liaison positions will work and explained that there are a lot of advantages to having liaisons.

The board discussed this further. Chair Curley stated the board will review a draft policy and make decisions based on the policy.

No Action was taken.

VI. *Selectboard Reports*

There were no reports given

VII. *Town Administrator's Report*

Chair Curley stated he liked reading the bullets from each department head. Waldo echoed the appreciation to staff for taking time out of their days to give him items they are working on. He gave a brief update on his past week.

Certification of free cash was discussed and when that might happen. The fourth of July parade was discussed.

Chief Hurley and Lt. LaRocco both gave updates from the holiday weekend. They both extended their huge thanks for their help. There were over 100 bus drop offs over the weekend.

VIII. *Topics for Future Discussion*

Board Member Wolf stated that he was approached by a beach office employee that approached him about the difficulty applying for a beach sticker on the town's website, asking if the website could be updated.

IX. *New Business*

No new business

X. *Vacancy Reports*

There was no vacancy report for this meeting.

XI. *Minutes*

A. November 2, 2021, ~ **Board Member DeVasto Moved; Chair Curley Seconded, and it was voted to approve the minutes as written
Roll Call Vote: 3-0-2 (Carboni and Bacon abstained)**

B. May 24, 2022, ~ The board waited to move

C. June 28, 2022, ~ **Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as printed
Roll Call Vote: 5-0**

XII. *Adjournment*

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to adjourn.

Meeting adjourned 10:35pm

Public Documents:

- *Application from Jacob Puffer to be on the Natural Resource Advisory Board*
- *Application from Douglas Stout to be on Marina Advisory Committee*
- *Tax Insert for the Fall taxes*
- *Application from Mac's Shack for one day entertainment license*
- *Amended Traffic Rules and Regulations for the public hearing*
- *Application from David Whitman; Harbor of the Bay Road Race*
- *Amended application from Wellfleet SPAT*
- *Application from Jack's Board Rental; Mike Schiller*
- *Documents and maps for the route 6 Main Street project*
- *Policy on Public Buildings use; copy drafted by Suzanne Grout Thomas*
- *Policy on Public Buildings use; copy drafted by John Wolf*
- *NRCS grant application*
- *Code of Conduct*
- *Remote Participation policy*
- *Selectboard Goals*
- *Town Administrator's report*
- *Meeting Minutes; 11/2/2021; 5/24/2022; 6/28/2022*

**Wellfleet Selectboard
Tuesday July 19, 2022; 7PM
715 Old King's Highway/Zoom
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Barbara Carboni, Kathleen Bacon, John Wolf

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Susan Reverby, Seasonal resident; Dennis O'Connell, Wellfleet Conservation Trust; Mike Schiller, Owner Jack's Boat Rentals; Andrew Gottlieb, (Housing Assistance) HAC; Alisa Magnotta, (association to preserve Cape Cod) APCC; Lisa; Jennifer; Carole Ridley, Herring River Restoration Project; Steven Spiehr, Herring River; Hunt Dory, Darin Davis both of Department of Environmental Protection; Jay Norton, DPW director

Chair Curley Called the meeting to order at 7:02pm

I Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Susan Reverby announced that there will be a state of the town meeting for tax paying nonresidents. She invited all who wished to attend please do so. July 25, 2022, and August 11, 2022, is the state of the town. There were no other announcements.

II Consent Agenda

- A. State of Wellfleet Harbor Conference~ Use of the Main Meeting Room Adult Community Center~ November 4, 2022 (to set up) November 5, 2022, from 7:30am- 1pm.
- B. Wellfleet Conservation Trust ~ Review and Approval of a Conservation Restriction on Map 12, Parcel 144
- C. Dennis O'Connell~ Wellfleet Conservation Trust~ To Use Long Pond Parking Lot~ Guided Walking Tour~ September 17, 2022, 8:30am – noon

Chair Curley moved; Board Member Wolf Seconded; and it was voted to approve the consent agenda as printed with no objections.

Roll Call Vote: 5-0

D. Public Hearings

- A. Traffic Rules & Regulations (continued from 07.12.22)

Chair Curley reopened the hearing and spoke about new signs being hung around the town. He invited the public to speak if they felt the need to do so. The board discussed the speed limit changes and DeVasto had questions about accidents at a certain road. They discussed that there are sight line issues.

Chair Curley moved; Board Member Wolf Seconded; and it was voted to approve the traffic rules and regulations as drafted and amended

Roll Call Vote: 5-0

IV. Use of Town Property

- A. Jack's Boat Rentals ~ Mike Schiller ~ 9am-5pm, summer season until September 18, 2022. ~ drop off areas Long Pond, Powers Landing, Mayo Beach, Pleasant Point Indian Neck, and Gull Pond.

Schiller came before the board and asked the rationale behind not being able to drop off at Gull Pond, Member Bacon explained it was a conservation commission issues. Chair Curley asked if he was aware that a drop off at each landing was \$385 per landing. He expressed his concern for the high cost and asked the board to work with him regarding the costs, stating that it wouldn't be cost effective for his business to have that much of a fee charged. Chair Curley suggested that he minimize his landings. Carboni questioned flexibility of a fee schedule and she expressed her wanting to support local businesses. The board discussed this use of property. Bacon asked that he not use Powers Landing for a drop off area, stating that it is an area that is used by fishermen and elderly people because it is flat. The discussion went on about the landings he could use and the fees he needed to pay.

Board Member DeVasto Moved, Board Member Wolf Seconded, and it was voted to approve the use of town property for a fee of \$500 for the use of Long Pond and Powers Landing.

Roll Call Vote: 5-0

V. Presentations

- A. **Grow Smart Cape Cod ~ HAC/APCC**

Gottlieb began a screen show presentation. The presentation discussed housing on the cape and the project they are working on, which will help identify areas that are important to the community, the environment. He went through the slides and discussed how they will be working on housing and objective criteria for housing. He explained how they applied these objectives. He continued his presentation talking about the recommendations he has made to the towns, how the funding will take place the approval processes. Etc. He spoke about the town investing in wastewater and explained the benefits of doing so.

Magnotta spoke to the board and gave more detail about the resources and the website they are working on with an interactive map. Chair Curley spoke on behalf of Wellfleet and stated that there was no outsourcing with the town. She explained that was due to the leadership change that was in progress but stated they would be more than willing to do so now. The board thanked them for their presentation.

- B. **Seals & Sharks ~ Salem State University, Center for Coastal Studies, Atlantic White Shark Conservancy**

Chair Curley asked the presenters for the shark presentation to come to the table and begin their presentation. Chair Curley shared his screen, and the presentation began. The group gave some background information on how they became a group. She

explained that a while back there was a bounty on seals which caused there to be a large population drop of the gray seals. This stopped in the late 1970's. She continued talking about the goals of these groups. Discussion public safety and working with towns giving them the knowledge of the ever-changing wildlife and their ecosystem. They explained there are looking to gather knowledge from different groups, voters, fishermen, and tourists. She gave details on their methodology. The discussion went on for a while discussion coexistence with the sharks and the safety. There were a few comments from the audience members regarding safety and coexistence with marine life.

VI Business

A. Herring River Restoration~ Draft Grant Agreement between Town of Wellfleet and Massachusetts Department of Fish and Game, Division of Ecological Restoration; and Draft Grant Agreement between Town of Wellfleet and US Department of Agriculture, Natural Resource Conservation Service

Ridley spoke to the board talking about construction costs and grant sources for the project. She stated that they are asking that the board allow the town administrator to work with the group regarding grants and signing of documents. She stated there are two grant agreements in their packets that total approximately \$50 million dollars. She explained where both grants were coming from and what they entailed.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to accept in concept the US Department of Agriculture farm production and conservation general terms and conditions for grants with cooperative agreements and the draft watershed flood prevention statement of work for the Herring River Saltmarsh Restoration Project for a grant to the town of up to \$24 million dollars and financial assistance and up to \$3.2 million dollars in technical assistance for implementation of the Herring River Restoration Project and to authorize the Town Administrator to negotiate the final versions of these documents for approval by the Selectboard and further to authorize the Town Administrator to sign and submit the application and disclosure forms required by the US Department of Agriculture and Natural Resource Conservation Services.

Roll Call Vote: 4-0-1 (Carboni recused)

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to accept and concept the terms and conditions of the Commonwealth of Massachusetts standard contract form and the draft scope of work for the Herring River Restoration Project proposed by the Massachusetts Department of Fish and Game Division of Equiological restoration for a grant to the town for up to \$22 million \$670 thousands for financial assistance for the implementation of the Herring River Restoration Project and to authorize the Town Administrator to negotiate the final versions of these documents for approval by the Selectboard.

Roll Call Vote 4-0-1 (Carboni Recused)

Ridley asked the board to come back before the board on August 16, 2022.

B. Special Town Meeting Venue

Silverman spoke to the board about the special town meeting and election. Chair Curley asked the board to take that out of order. Before they discuss the warrant. Silverman began stating that he wanted to have the town meeting indoors and was willing to go ahead with that but given the rising numbers of Covid Virus he stated he has mixed feelings about. He stated he wasn't sure how to advise the board. He continued that at this point the warrant stated the meeting will be at the elementary school it doesn't have to state where at the school the meeting will be held giving them enough time to decide indoors or out. Silverman stated he would like to get some input from the health agent and the DPW director.

There were some questions about time frames. The board discussed with Silverman the details of town meeting. The board decided to wait a month or so to decide if the meeting will be inside or outside. Silverman will touch base with the DPW to go over details of renting a tent and get in touch with Hillary Lemos to get a better idea of Covid numbers.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to set the special town meeting to be at 100 Lawrence Road, The Wellfleet Elementary School.

Roll Call Vote: 5-0

C. STM Warrant

- Non-Binding Vote on LeCount Hollow/Maguire's Landing Parking

Chair Curley spoke to the board that he has a meeting posted for Thursday July 28th and stated he was concerned the board wouldn't be able to finish the warrant at tonight's meeting. He questioned the board about their preference. The board will keep the 28th on the schedule and cancel if they need to.

Waldo spoke to the board stating that the warrant will close in three weeks. Stating it is a small warrant with about 25 articles. He continued that this is still a working document and there will be changes. He pointed out some updates that will be made after tonight's meeting.

- Article 1: FY 2023 Budgetary Transfers: **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert Article 1, FY2023 Budgetary Transfers into the special town meeting warrant.**

Roll Call Vote: 5-0

- Article 2: Prior Year Invoices: **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert Article 2, prior year invoices into the special town meeting warrant.**

Roll Call Vote: 5-0

- Article 3: FY2023 Capital Budget: Waldo gave some details on this discussing the certification of free cash. He stated the auditors are expected to come to Wellfleet in the first two weeks of August. They discussed the items under Article 3.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert Article 3, FY2023 Capital Budget into the special town meeting warrant.

Roll Call Vote: 5-0

- Article 4: Transfer to the Stabilization Fund: Waldo explained that this number in the warrant will not change.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend Article 4, transfer to the stabilization fund.
Roll Call Vote: 5-0
- Article 5: Human Resources Director: Waldo explained that this is a position that has been previously discussed within the board. He stated in his brief time here at the town he feels there is a great need for a human resource director. He gave some details to support the decision to put this on the warrant. The board discussed this position and the details of why the town needed it.
Chair Curley Moved; Board Member Wolf Seconded, and it was voted to insert Article 5, human resources director into the special town meeting warrant.
Roll Call Vote: 5-0
- Article 6: Wellfleet Harbor Flora and Fauna Survey: Chair Curley stated this has been on the warrant three previous times. Board member Bacon stated she didn't want to spend money on this study.
Board Member DeVasto Moved; Board Member Carboni Seconded; and it was voted to insert Article 6, Wellfleet Harbor and Fauna Survey.
Roll Call Vote: 3-2 (Bacon and Wolf voted no)
- Article 7: Harbor Marina Facility Needs Assessment: The board discussed this article. Waldo stated they could rework this article and bring it to the spring town meeting.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to NOT insert Article 7, harbor marina facility assessment into the Special Town Meeting Warrant.
Roll Call Vote: 5-0
- Article 8: Transfer station Facility needs assessment program; Norton spoke to the board stating that they are trying to maximize their facilities stating they have been piecing things together at this point. He stated they wanted to get more of an assessment to look at ways to redevelop the transfer station to maximize efficiency. The board discussed moving this to the spring town meeting. Norton had no issues with that. He stated he would work with the transfer station foreman to work together to come up with some ideas.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to NOT insert Article 8, the transfer station facility needs assessment study into the special town meeting warrant.
Roll Call Vote: 5-0
- Article 9: Adult Community Center Addition Feasibility Study: Waldo stated he hasn't met with staff to get details of this project. He stated he believed this wasn't a critical article and could be moved to the spring town meeting. The board would like to hear from Suzanne regarding this study
No Action Was Taken

- Article 10: Town Code Adoption of renumbering General Bylaws: Chair Curley stated this would be a lot of work for the Town Clerk. It was discussed by the board and decided to keep this on the warrant.
Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to insert The Town Code Adoption of renumbering of General Bylaws into the 2022 special town meeting warrant.
Roll Call Vote: 5-0
- **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend The Town Code Adoption of renumbering the Zoning Bylaws**
Roll Call Vote: 5-0
- Lease of Town Property: Waldo explained that this article was carried over from the June town meeting. He explained that this allows cell service at Newcomb Hollow Beach. He gave some details about having other providers interested in leasing the telephone pole. He stated it would go out to bid.
Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to insert and recommend the Lease of Town Property into the Special Town Meeting Warrant.
Roll Call Vote: 5-0
- Authorization Acquisition of Access Easement to Indian Neck Tidal Flats: Chair Curley explained the town will not be ready for this as they haven't had a chance for an executive session to discuss.
Chair Curley Moved; Board Member Carboni Seconded; and it was voted NOT to insert the authorization acquisition of access easement to Indian Neck tidal flats into the special town meeting warrant.
Roll Call Vote: 4-0-1 (DeVasto abstained)
- Plastic Water Bottle Ban Bylaw Amendment: Waldo explained he didn't know the history of this article. Chair Curley stated this came from the Recycling Committee that was originally on the other town meeting.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert the plastic water bottle ban into the special town meeting warrant.
Roll Call Vote: 5-0
- Land Acquisition Campground property: Chair Curley stated he felt it should be renamed Maurice's Campground Property. Board Member Bacon asked for the address to be added to the warrant.
Chair Curley Moved; Board Member DeVasto Seconded and it was voted to insert and recommend the land acquisition of Maurice's Campground 80 State Highway property.
Bacon spoke to this article that she wasn't in favor of how this purchase was structured. She expressed her concern of not involving surrounding towns. The board addressed her concerns.
Roll Call Vote: 5-0

- Adoption of enabling legislation for the disposition of unclaimed property: Chair Curley stated that this is a standard article, Waldo agreed.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend the article for the adoption of enabling legislation for the disposition of unclaimed property into the Special Town Meeting Warrant
Roll Call Vote: 5-0
- Town Bylaw Amendment for the Natural Resources Advisory Board: Chair Curley explained this article to the board and stated this is at the request of that board to amend their charge.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend the town bylaw amendment for the Natural Resources Advisory Board as amended at tonight's meeting.
Roll Call Vote: 5-0
- Zoning Bylaw Amendment for Feeding Wildlife: The board discussed this article.
Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to insert the zoning bylaw amendment for the feeding of wildlife into the special town meeting warrant.
Roll Call Vote: 5-0
- Zoning Bylaw amendment Cottage Colonies: Chair Curley stated the Planning board will hold a public hearing on this.
Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to insert the zoning bylaw amendment; cottage colonies into the special town meeting warrant.
Roll Call Vote: 5-0
- Zoning Bylaw Amendment Affordable Dwelling Development: Chair Curley stated this article has been reviewed and explained.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to insert the zoning bylaw amendment for affordable dwelling development into the special town meeting warrant.
Roll Call Vote: 5-0
- Zoning Bylaw Amendment Affordable Housing Lots: Chair Curley asked if there was any discussion needed for this article. There was none.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend the zoning bylaw amendment for affordable lots into the special town meeting warrant.
Roll Call Vote: 5-0
- The board discussed the next article and stated they would wait on this article. For stabilization fund for Maurice's campground
- **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert the Other Business Warrant article into the special town meeting warrant.**
Roll Call Vote: 5-0
- Non-Binding Advisory Vote in regard to LeCount Hollow/McGuire's Landing parking for residents:
Chair Curley Moved; Board Member Carboni Seconded; and it was

voted to insert and recommend the non-binding advisory vote in regard to LeCount Hollow/McGuire's Landing parking for residents and taxpayers.

Roll Call Vote: 5-0

D. Special Election ~ This item was taken out of order

Chair Curley spoke to the board about setting this election. He stated the rain dates for town meeting are September 17, 18, 2022. He stated it would make sense to set the Election on Monday September 19, 2022, which is the day after the final rain date for town meeting. Silverman spoke to the board about having the election on the Tuesday not the Monday. He stated he doesn't understand why the elections aren't on Tuesdays like every other election. The board discussed this option.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to hold the Wellfleet Special Election on Tuesday September 20, 2022, from noon to 7pm at the Adult Community Center.

Roll Call Vote: 5-0

E. Committee Liaisons ~ Member Carboni

Carboni spoke to the board and stated she was late to get the hard copy to the board, so this item was moved to another meeting.

No Action was taken

F. Thank you Letter to Interim Town Administrator Charles Sumner

There was no discussion on the letter.

Board Member DeVasto Moved; Board Member Carboni Seconded; and it was voted to approve and send the letter as drafted to Charles Sumner.

Roll Call Vote: 5-0

VII. Town Administrator's Report

Waldo explained to the board that because this is a back-to-back meeting, he doesn't have department head reports. He gave an update on what he was currently working on.

Board Member Bacon questioned the principal clerk's position being advertised. Waldo explained that he wants to change the job description and is working with the union to do that.

VIII. Selectboard Reports

Chair Curley announced there was a septic work group meeting for Maurice's Campground and they hope to bring it before the board in August. He explained the Board of Health will be meeting on August 24th to decide and discuss variances.

Board Member DeVasto had to leave the meeting 10:45pm

IX. Topics for Future Discussion

Chair Curley talked about a few things that he would like to discuss, and it will be brought up later.

X. New Business

XI Minutes

A. May 24, 2022: Board Member Carboni Moved; Chair Curley Seconded and it was voted to accept the minutes as amended.

Roll Call Vote: 5-0

XII Vacancy Reports

XIII Adjournment

Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to adjourn

Meeting adjourned at 10:50pm

Public Documents:

Application from State of Wellfleet Harbor Committee

Application from Wellfleet Conservation Trust

Application from Dennis O'Connell for use of town property to do a conservation walk

Amended traffic Rules & Regulations

Use of Town Property application ~ Jack's Board Rentals

Documents from Herring River Restoration Project pertaining to grant awards

Draft Special town Meeting Warrant

Slide show presentations from

Grow Cape Cod

Sharks & Seals

Thank you letter to Charles Sumner

Meeting Minutes May 24, 2022 in draft



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: August 2, 2022



ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____