

**Approved Meeting Minutes  
Herring River Restoration Committee (HRRC)  
Cape Cod National Seashore Headquarters  
Wellfleet, MA  
April 9, 2014  
9:30 am-4:00 pm**

**Members Present:** Tim Smith, Steve Spear, Hillary Greenberg, Hunt Durey, Steve Block, Eric Derleth

**Others Present:** Margo Fenn, Don Palladino, Martha Rheinhardt, John Portnoy

**Administration/Coordination:**

**Communications/Coordination with Friends of Herring River (FHR):** Don Palladino updated the Committee on FHR activities as follows:

-The annual Herring Count began on April 1, 2014. FHR has 40 volunteers participating. Ted Castro-Santos has installed monitoring equipment in several locations in the river.

-The FHR annual meeting has been scheduled for August 19, 2014. Don Palladino suggested that Nils Wiberg be invited to give a presentation at that meeting on the 25% design plans for the Chequessett Neck Road bridge. The Committee discussed this idea and agreed that this idea should be discussed with Wellfleet Town officials. It would be good to have town officials participate in the meeting. It also would make sense to include a short overview presentation from the Adaptive Management team.

-NOAA Grant: \$256,000 of the Year 1 funds has been obligated. The cultural resources funds have not yet been obligated because the National Park Service (NPS) needs to approve a scope of work for these investigations. Bill Burke will set up a conference call with NPS Regional officials to discuss this. Year 2 funding for the NOAA grant will be announced in the next few months. A progress report on Year 1 activities is due at the end of April.

-Corporate Wetlands Restoration Partnership (CWRP) Grant: FHR has received a proposal from the Woods Hole Group (WHG) to do the hydrodynamic modeling for installing tide controls at Pole Dike Creek. The Committee discussed the proposed scope of work for this proposed contract. Steve Spear suggested that Task 1 in the scope of work should be expanded to look at a range of different water surface elevations in Pole Dike Creek, rather than just selecting a single target tide height. Hunt Durey stressed that the tide control structure should be designed to allow for full restoration in this basin in the future if conditions allow. Steve Spear and Martha Rheinhardt offered to consult with Kirk Bosma of WHG to clarify the scope of work and finalize the contract for the Pole Dike Creek modeling.

-MA Bays Program (MBP) Grant: FHR has not yet received the grant contract from

MBP. Stantec has provided a proposal to prepare conceptual design plans to replace culverts at Old Kings Highway and Patience Brook under this grant. Don Palladino noted that the proposal is less than the \$20,000 allocated in the grant. MBP has agreed that the excess funds can be used to cover project management costs. Stantec wants to conduct a site visit later this month. Tim Smith noted that NPS officials will need to be consulted as most of this work would be on Park Service land. MBP funds need to be expended by June 30, 2014.

**Approval of Minutes:** The Committee voted unanimously to approve the minutes of the March 12, 2014 meeting.

**Schedule of Meetings:** The Committee approved the following schedule for upcoming meetings:

May 14 & 15, 2014: HRRC meeting/Adaptive Management workshop

June 18 & 19, 2014: HRRC meeting/Adaptive Management session (if needed)

The Committee agreed to invite Wellfleet town officials to participate in the May 14<sup>th</sup> meeting in the morning, in order for them to review design options for the Chequessett Neck Road bridge and tide gates. The Adaptive Management workshop will begin in the afternoon of May 14<sup>th</sup> and continue on the morning of the 15<sup>th</sup>. Dave Smith and Jill Gannon of USGS will participate.

The Committee discussed setting up a modeling committee meeting to review questions related to storm tide modeling with Kirk Bosma of WHG. Steve Spear offered to set up a meeting or webinar with Kirk Bosma and the modeling subcommittee.

**Low-Lying Properties (LLPs):** The Committee discussed survey and engineering work for two low-lying properties. Martha Rheinhardt reported that both property owners had given verbal permission to begin wetland delineations and ground surveys. That work is due to begin on April 14, 2014. Meetings with the property owners will be scheduled for late April or early May.

The Committee discussed how to develop agreements with affected property owners and agreed that it would be helpful to get some legal advice about what should be included in such agreements.

**Public Outreach:** Don Palladino reported that FHR is developing a brochure about the Restoration Project. He reviewed an outline of the subject matter with the Committee and described some of the graphic design options. The group agreed that it would be good to include a map of the Herring River estuary that shows the proposed areas of construction and vegetation change. The plan is to mail out the brochure to town property owners in early summer. The Committee discussed potential funding sources for doing this work. Hillary Greenberg offered to contact a graphic design consultant who has worked with the town to see if she can work on this project.

**Fuss & O'Neill: Chequessett Neck Road (CNR) Bridge Design:** Nils Wiberg and

Dean Audet of the engineering firm of Fuss & O'Neill joined the meeting in the afternoon to present the latest design plans for the CNR bridge and tide gates. Nils Wiberg noted that the 25% design plans need to be completed by June 30, 2014. Fuss & O'Neill plans to send out a package of design options to Wellfleet town officials in preparation for the May 14, 2014 meeting with them. Fuss & O'Neill was seeking recommendations from the HRRC regarding those design features. Wiberg noted that he had consulted Ted Castro-Santos about fish passage considerations and was expecting feedback from him on those issues. He reviewed the basic bridge layout and design elements with the Committee.

The Committee discussed options for storm water management and had a lengthy discussion about boating access and safety. This issue will be discussed further with town officials in May.

The Committee also discussed the height of the proposed fishing platforms on either side of the bridge. As presently designed, based on current sea level rise projections, it appears that these platforms would be submerged during high tide at some point in the future.

The Committee discussed a number of other design elements including:

- Pedestrian safety barriers
- Gate operator alternatives
- Gate frames and stem heights
- Removable gate panel considerations
- Guardrails
- Walkway surface materials
- Handrail alternatives
- Overhead utility alternatives
- Temporary bypass bridge design
- Construction staging areas

Some of these design elements do not have to be decided in order to complete the 25% design for MA DOT review but they will need to be determined prior to the next phase of design. The Committee noted that the type of gate operators would affect the ease of operation. Manual (i.e. non-powered) operators might be too time-consuming and labor-intensive to adjust, given the number of tide gates. The Committee asked Fuss & O'Neill to estimate the comparative costs of installing three-phase power and automated operators to the site versus providing hydraulic operators or portable tripods. In addition, Fuss & O'Neill should consider the feasibility and cost of providing a portable generator to provide power at the site.

The Committee agreed that, given their size and weight, it would not be practical to replace the concrete "dead panels" after they are removed to provide an extra measure of protection against storm driven tides. For this reason, after they are fully opened, at least some of the tide gates might need to remain in place indefinitely.

Martha Rheinhardt noted that the MA Division of Marine Fisheries is interested in reviewing the 25% design plans. Fuss & O'Neill expects to complete the plans by the June 30, 2014 deadline unless there are major changes needed.

Don Palladino noted that there is a need to amend the contract with Fuss & O'Neill for the CNR design work, because an additional meeting (May 14, 2014) is needed with town officials-and MA DOT has requested that Fuss & O'Neill include a wave and ice analysis in the 25% design plans. The additional meeting will include the Woods Hole Group: \$4,000 is needed to cover this cost. Another \$3,500 is needed for the wave and ice analysis. The Committee discussed these changes in the scope agreed that they were acceptable. Don Palladino and Martha Rheinhardt agreed to investigate funding sources to cover the additional work and draft a contract amendment with Fuss & O'Neill.

**Mill Creek Geotechnical Investigations:** Nils Wiberg reported that the geotechnical borings for the Mill Creek dike site had yielded good results. There are suitable soils in this location to support any of the dike designs that Fuss & O'Neill has proposed. Fuss & O'Neill will now complete its report on the conceptual design options for the Mill Creek dike.

**Adaptive Management Modeling Workshop:** Tim Smith reported that the March 13, 2014 workshop had gone well. Consultants from the University of New Hampshire and the Woods Hole Group are working on how to integrate available models and there will be another meeting in the next month or so to follow up.

**MOU III Development:** Following the March MOU Working Group meeting, Friends of Herring River (FHR) received a proposal from the law firm of Anderson & Kreiger for the next phase of legal work. Don Palladino, Tim Smith and Margo Fenn reviewed the proposal and agreed that prior to engaging Anderson & Kreiger to do further legal analysis, it would make sense to revise the draft MOU III to better reflect the management structure that Working Group envisions.

The Committee agreed that the MOU should describe the roles and relationships among the project partners but cannot create or specify a non-profit management organization. There will likely be a need for bilateral agreements between each town and a management non-profit, and Cape Cod National Seashore and a management non-profit to specify what services the non-profit would provide for the Restoration Project. The Working Group might wish to seek Anderson & Kreiger's help in defining what kinds of agreements would be needed.

The Committee discussed the role of Friends of Herring River (FHR) in future management of the Project. The group agreed that it would be preferable for FHR to take on the non-profit management responsibilities. This might entail some changes to the FHR bylaws and board make-up. Hunt Durey noted that there are some substantial funding resources that may become available in the next year or so. It would be important for FHR to gear up to take on additional work, including strengthening the board, establishing an office, and developing staff capacity. Don Palladino indicated that

the FHR Board has discussed this possibility and is willing to take on a larger role in the Project.

**Project Funding:** Hunt Durey reported that the MA Division of Ecological Restoration (DER) might have some end-of-year funding that could be used for Herring River Project activities. The Committee discussed what eligible tasks could be completed by the end of Fiscal Year 2014 (June 30, 2014).

**Project Phasing:** The Committee discussed again the idea of breaking the Project into phases for purposes of permitting, funding and implementation. Hunt Durey and Steve Block suggested that restoration of the main basin of the river could likely proceed more quickly if a phased approach was undertaken. The group briefly discussed what elements would logically be grouped together in different phases. Tim Smith reminded the group that the Preliminary Implementation Plan (PIMP) describes an approach of this kind. The group agreed to review this again and discuss it further at a future meeting.

**Final Environmental Impact Statement/Report (FEIS/EIR):** Mark Husbands, Tim Smith and Margo Fenn are continuing to work on the Concern/Response Report for the FEIS/EIR. The report has been reorganized and draft responses should be completed in mid-April. Once the draft responses are completed, the Louis Berger Group will reformat the document and produce a report for the HRRC to review.

**Other Business:** Hunt Durey requested that the Committee discuss the Cape Cod Commission Development of Regional Impact (DRI) review process at the next meeting.

Respectfully submitted,

Hillary Greenberg-Lemos