Meeting Date: January 10, 2022

Wellfleet Dredging Task Force Committee
Minutes of Meeting
January 10, 2022 – 7:00 pm

Meeting held via Zoom conference call

DTF Present: Co-Chair Joe Aberdale, Co-Chair Chris Allgeier, Charles Annett, Kevin Coakley, Curt Felix, Alfred Pickard, Jr.* ( * joined late).

Others Present (DTF Committee Participants): Will Sullivan, Janet Reinhart.

Others: Billingsgate Charter, Peter Morris.


2. Administrative.
   2.1. Roll call was taken to confirm attendees.
   2.2. Approval of Minutes of Meeting, December 6, 2021.
       2.2.1. A brief time was allocated for people to review the Meeting Minutes from the 12/06/21 DTF meeting.
       2.2.2. A motion to accept the Minutes was made by Curt and seconded by Charles. The motion was approved by a vote of 5-0.

   3.1. Chris provided an update on progress.
       3.1.1. All dredging was completed prior to the December 31st cut-off.
       3.1.2. Re-installation of piling began today; approximately 11 have been installed.
       3.1.3. Most of the equipment has demobilized.
       3.1.4. Push boat Mantis and the SNAG barge remain on-site.
       3.1.5. Cher 107 (barge with crane) and push boat Vilkikas have arrived for the reinstallation of the piling.
       3.1.6. Re-installation of the piling should complete by the end of the week, weather permitting.

4. Update on permit and lobbyist activity, Area 2.
   4.1. Joe advised that the focus is on obtaining the permit for Area 2, the mooring field. Our strategy remains the same. The Army Corps is looking for $13.5 million to allow us to do that. The strategy of the Town and the lobbyist has been to refute that. We presented strong evidence from our engineer showing why mitigation should not be required. We sent a letter in September with a list of possible mitigation projects if they wanted to use to incorporate retroactively. We never received a response to that letter.
   4.2. Joe further advised that (today) we received some documents from our lobbyist. Joe also received a call today from the lobbyist who was pretty upset. He has been working with our 2 senators and our congressman to advocate for us as well as with his long-standing contacts in the Army Corps. What we learned today was that the Corps had responded to our letter with their letter on October 27. It was a 2-page letter with 27 documents enclosed, pushing us toward formal mitigation. The lobbyist was upset that he did not know about that letter which would have altered his strategy. The letter was sent to our engineer and to Will but it was not shared. The lobbyist is saying that it would have altered his strategy to place his emphasis on no mitigation, no payment. He also noted that we lost 2-1/2 months - the
letter is dated October 27. When he made contact recently with his contact at the Army Corps, they asked him why Wellfleet is not responding to our October 27 letter.

4.3. In looking at the big picture, it is a time-consuming process to obtain permits and it needs to be coordinated with bidding, awarding the contract, etc. in order to be ready in September.

4.4. At this point in time, the lobbyist is requesting two things:
   4.4.1. Ensure that the lines of communication are completely open, and all information is shared among the parties.
   4.4.2. Wishes to have a conference call with us and our engineer so the strategy can be agreed upon going forward.

4.5. Chris agreed that we need to have the call, ideally this week. He noted that Army Corps showed interest in the HDYLTA Trust and the Wellfleet Conservation Trust (18.5 acres). The Army Corps also stated there was a shortfall for mitigation credits.

4.6. Joe stated that Assistant Secretary of the Army (ASA) was recently appointed and approved. Our lobbyist and our congressional delegation have been preparing to meet with him to advocate that we do not need mitigation, that we have a very solid case to move forward for the Army Corps to award a permit without payment or mitigation. Congressman Keating has already talked to the ASA and Senator Markey’s staff has talked with him. Our lobbyist is concerned about the congressional delegation being told by the Army Corps that it will be formal mitigation, not retroactive mitigation.

4.7. Curt noted that many of the projects that we had identified are forward looking projects, A large majority of the projects on the list are planned projects, not retroactive projects.

4.8. Joe briefly described the point system the Corps used to assess mitigation credits. He also expressed concern of the work effort associated with the 27 documents enclosed in the Corps letter.

4.9. Chris further noted the Corps had identified 118.5 acres of mitigation associated with the 2 projects of interest, but that 145 acres would be required to generate sufficient credits. We also need to determine what the effort would be to address the 27 documents.

4.10. Additional discussion ensued about how the Corps assigns mitigation credits.

4.11. Joe had asked the engineer on January 5 for an update for tonight’s meeting. The engineer said the Corps had expressed interest in the mitigation of HDYLTA and the Wellfleet Conservation Trust but he did not mention the Corps. letter. Joe further observed that when you get into it, they are talking about studies, evaluations, core samples, etc. It is almost like duplicating the work that has been done several years ago.

4.12. Next steps:
   4.12.1. Joe will reach out to our lobbyist to determine his availability for a call this week.
   4.12.2. Chris will distribute the October 27, 2021, Army Corps letter among the DTF, along with the Town’s September letter.

4.13. Joe advised that he had grown up with and remains friends with Congressman Richard Neal in Springfield. He is the Chairman of the House Ways and Means. Joe had briefed him on our situation a year ago; he said let him know if he could help and he would speak with our senators and Congressman Keating and pitch in. Today, the lobbyist suggested to Joe that he (Joe) approach Congressman Neal, so Joe is going to work on that.

4.14. Charles opined that if people in the community and across Cape Cod (which has many marinas both public and private) were aware of the permit requirements to pay dollars to Corps. of Engineers it would strike a chord among taxpayers across the Cape. It seems outlandish for an arm of the government to be demanding payment when those payments should come from the budget prepared by Congress.

4.15. Joe agreed but noted that the other harbors are not burdened with black mayonnaise.

4.16. Curt suggested that we discuss our situation with County Commissioners Mark Forest and Sheila Lyons and seek County support for our issues. If the Corps pursues their line of logic, every community on the Cape is at risk.
4.17. Joe volunteered to talk to Sheila Lyons about getting a letter of support.
4.18. Charles endorsed the idea of getting County support.
4.19. Chris noted that most other Cape towns are dredging clean sand for beach nourishment and therefore not subject to the onerous permit fees.
4.20. Curt noted that arguably the Corps is engaged in land taking since Area 2 has always been a mooring field. The Corps is using tortured logic just because the mooring field has not been dredged in a very long time.
4.21. Joe footnoted that Congressman Keating and Senator Markey are key. Senator Markey sits on the Senate Environmental and Public Works Committee. The next step for the lobbyist to approach Senator Markey to talk directly with ASA.
4.22. Janet advised that the Herring River Restoration Project plans to replace the dike with a new bridge and the flood gates, starting this September.
4.23. Chris noted that the dike replacement represents forward movement on the HRRP. The HRRP was included in our list of upcoming projects so starting work in September is a positive step and we should make it known to the Army Corps.
4.24. Curt stated that in terms of mitigation, the HRRP would worth at least 890 acres. and Senator Markey is very aware of, and very supportive of, the HRRP. Wellfleet should not have to do mitigation. The acreage associated with HDYLTA, Wellfleet Conservation Trust, and HRRP is considerably more than the acreage we would be dredging, and Senator Markey would easily appreciate the fact that we are mitigating substantially more than the little area we are talking about dredging. This should be a key discussion point between Senator Markey and the ASA.
4.25. Janet advised that Ron Bergstrom was also a contact at Barnstable County. Joe will follow up with him.
4.27. Janet reiterated communicating with all three at the County level: Ron Bergstrom, Mark Forest, and Sheila Lyons.

5. Long Term/Future Plans to reduce sedimentation rate and future maintenance dredging.
5.1. The work list had been updated.
5.2. Will and Chris spoke to Barnstable County Dredging staff. They are fully capable of, and very interested in performing dredging for us. Their hydraulic equipment can dredge clean sand and black mayonnaise. In addition to their dredges, they also have booster pumps which can extend the range.
5.3. The work list is identifying locations where black mayonnaise could be used especially for in Thin Layer Deposition (TLD). Curt has identified some destinations. Long term, the Seashore could certainly use dredge spoils so this should not be viewed as a “project” but rather as a long-term plan so the seashore would be able to use the spoils in the future.
5.4. Chris advised there is an upcoming call with HRRP sometime in the next week or so to confirm their interest in using black mayonnaise for its nutrient value.
5.5. Will Sullivan noted in our recent call with Barnstable County Dredge staff, we were told that there are several towns on the Cape that are starting work on TLD. Ken will advise who is doing the environmental work so that we can tag on to that process for TLD on the Cape.
5.6. Curt recently attended a conference that included a group from Woods Hole, people from Rhode Island, and the Town of Dartmouth. They are doing a project on salt marsh restoration work. Curt will provide the presentation. The group from RI is willing to come to Wellfleet and are willing to discuss at no cost. They have actually done the permitting for these types of projects.
5.7. Curt sent the list of spoils destination to Hillary (Greenberg-Lemos) who is reviewing it. She advised there are also other areas of interest for both TLD as well as clean sand for beach nourishment.
6. Sand/shoaling area at the breakwater.
   6.1. Barnstable County Dredge Staff is capable of, and very interested in, dredging clean sand for beach nourishment; taking it away from off the jetty and potentially returning it to Indian Neck from whence it came.
   6.2. The key requirement before scheduling the work with Barnstable County Dredge is to have the appropriate permits in hand.
   6.3. There have been some cancellations to the County Dredge work because of waiting for permits.
   6.4. Once again, discussion ensued about the existing permit used for Keller’s Corner and if it is applicable to do beach nourishment work at Indian Neck.
   6.5. More discussion with Hillary is required to determine the permit details.
   6.6. Alfred suggested an alternate location to stockpile clean sand – at the Indian Neck parking lot. It could then be trucked away for beach nourishment at various locations. This alternate location may expedite obtaining a permit, thus positioning us to be ready if Barnstable County Dredge gets a cancellation to their schedule.
   6.7. Curt will check with the Audubon to see if they would be interested in black mayonnaise.

7. Next Meeting – it was agreed the next DTF meeting will be held on Monday, February 14, 2022 at 7:00 pm.

8. Motion to Adjourn – a motion to adjourn was made by Curt and seconded by Kevin. The motion was approved, 6-0.

   The meeting was adjourned at approximately 8:14 pm.

Respectfully submitted: Joe Aberdale and Chris Allgeier