

★ SENT EMAIL(S) ON 6-29
AS WELL

To:

**Secretary Matthew Beaton
Env.internet@state.ma.us
**Attorney General Maura Healey
Ago@state.ma.us
**Cape Cod Commission
Capecodcommission.org

From:

Jodi Birchall
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PO BOX 418
S. WELFLEET, MA 02663

Date:

June 29, 2016

Re:

Comments and concerns regarding the Herring River Restoration Project
CCC No. 08009 / EEA No. 14272

Dear Secretary Matthew Beaton, Atty General Maura Healey and the Cape Cod
Commision;

My name is Jodi Birchall and I am writing to you today to share concerns about the
Herring River Restoration Project (HRRP), prior to tomorrow's meeting at the Wellfleet
COA at 5:30 for the Joint Review by the Cape Cod Commission, Mass Environmental
Policy Act and MEPA.

Not only is my property at 50 Peace Valley Road in Wellfleet(upper pole dike creek) in line
to be directly affected by the HRRP, but so is my lifestyle choice and how I choose to live
and enjoy the town I have called home since 1966. I am very upset about the prospect of
ANY impact on my personal property, which I have owned and farmed since 1980(36
years). I purposely bought in this area of town because of the proximity to High Toss
Road and multiple riding trails in town, as well as, the wonderful soil for gardening. I am
an avid gardener and have had horses for 36 years. The flooding of the upper pole dike
will negatively impact my property, as well as, any access for me to any riding trails. I
have attended many meetings to only have concerns fall on deaf ears.

My mother, Carol North, was the first women selectmen in the town of Wellfleet in the late
60's and early 70's. My Dad was a fighter pilot in the USAF and was a POW in Vietnam
for seven years. My Mom worked directly with Nixon and Kissinger as co chair of the
National League of Families to help bring the POW's home. I am not a stranger to the
workings of government. In 1973, when the dike broke, it went before the Town at town
meeting to repair or open up the dike and the town voted NO....the town wanted the dike
repaired and no flooding or losing High Toss Rd. When purchasing my property in 1980,
there was never any concern about future property loss or damage where the river/water
was concerned. So it was not a "foolish" purchase, or you "didn't do your homework"

when concerning the purchase of this property....which is what some officials are saying to me. Really?

First and foremost, I...(we....which is over 320 home owners directly affected), have NO say as to what is going to happen to MY/OUR property. No town vote at all. How is that remotely constitutional to take my land, offer no compensation ,whatsoever, and NO guarantee of protection from the flooding and not one resident is being allowed a vote to help direct this project. Many in town do not want to see this project happen AT ALL! Plans to remove a well used recreational road in town (High Toss Rd.) is being eliminated with NO town vote, which I believe is illegal. Prior to the dike being built , over 100 years ago, High Toss Rd was never under water and there was a bridge built over the river. The HRR folks want to scrape the road down four feet to really open it all up , which is beyond the scope of restoration.....it is creating something completely new. The town has also continued to issue building permits in the areas of concern. My young neighbors had to jump through hoops with the conservation committee, health and building committees and were issued all permits, only to be told months after completion that they will be directly affected, will lose land and will have to deal with flooding in the future. How is that fair? They speak of bringing back the old niches/ecosystems from 100 plus years ago. What about the current ecosystem(s) in place? I love my land because of the diversity of animals. Mostly, the songbirds. But I also really enjoy the deer, coyotes, turkeys, fox, bunnies, ducks, geese and a myriad of other creatures. In my case, they are talking about flooding over an acre of MY land and the other acre will be impacted by flooding and well. This all will be totally eliminated... How is trading off an existing system for another, beneficial? It is my understanding that there is an endangered bird in the area of concern, as well as, the brown rabbits that are fewer and fewer. The spade foot toad and other creatures of concern are all over this intended projects scope. I understand the "reported" science. I teach upper level sciences and math at the local High School so I understand some of what they are talking about. However, you can spin anything to support an argument and I don't believe the whole story is being told. The mosquito population will not go away like they purport. Some of the biggest mosquito problem areas are along marshes and estuaries. But, along with the mosquitos...the salt intrusion will bring in green heads, black flies and lace wing deer flies, which currently are non existent on the properties of the upper pole dike area. They are also only paying attention to the psi at the dike and upstream. No one is looking at how the bottom of Wellfleet Bay is exponentially changing year after year. I have spent my whole life on the water in Wellfleet and the "shifting sands of time" are closing off and pinching in the opening to the cove, which is where the water will come to enter the river. Over time, there may not be any real tidal flow. And if the increased silt on the bottom doesn't alter the water flow, (proof of the changing bottom can be seen in the newly created benthic mapping of Wellfleet Harbor), most certainly the far side of the cove, where the Seashore removed all the snow fencing, is now getting more and more narrow and over time will break through and create a cut through to Cape Cod Bay....also altering any real flow of water to the river. I have mentioned this in many meetings and no one is paying attention to this. They are only looking at the dike and upstream from it. This is real.....I have a boat and have observed these changes over time.....and it is happening at a greater rate every year. Great Island currently has four "break/cut throughs" from Wellfleet Harbor out to

Cape Cod Bay , due to the shifting sands and currents.

If you currently look out over my two acres....in the marsh you see: Maple trees, birch trees, pine trees, shad,honeysuckle, willow and oak.....it looks like a very mature meadow.NOTHING like a wetland. The rot and decay, if the upper pole dike creek is opened, will be horrendous. I do not believe it will have the outcome they are looking for but will certainly ruin my land, view and lifestyle. No one is accepting responsibility for future damage to the structures or the land, salt water well intrusion, septic system intrusion or any other myriad of potential problems. No one will guarantee me any protection. They have offered possibilities like, "we will relocate your structures"um NO, "we can build a berm to hold back the water" ...um NO...how great did that work for New Orleans, "we can fill where necessary"um...what?....you don't want to fill in order to create safe roadways, but fill my property. to a desired height?? Also, Flood insurance....who's paying for that, property tax increase.....who's paying for that? What about the loss of my apple trees, pear trees, peach trees, berry bushes, strawberry patch, asparagus patch, rhubarb patch...and it goes on and on.

The roads they are proposing, some of which, have to be raised up to six feet in some areas, are not being planned in a safe and thoughtful manner either. No pull over space for safety, steep drop offs on the side (a 1:3 ft pitch....crazy unsafe for bikers or pedestrians.). They say they don't want to have to fill or impact the marsh too much! What! They are planning on destroying and flooding well over 100 years of growth and wildlife over 1000 acres, as well as , scraping down a road....that comment makes NO sense! What about sea level rise.....this isn't even being taken into account at all! There is also a town right of way over a property that enables me to get out of my neighborhood, that will be underwater if the project goes through and NOTHING is being done about relocation/replacing that right of way either!

Who is paying for this project anyway? There are so many more important things the government can be doing with their money and time. Not sacrificing the blue collar workers' homes, property and lifestyle. Although they have done some good things in town , the Seashore has intruded enough on our small town.....no MORE!! PLEASE!! If I have to hear about how wonderful the kayaking will be for all the tourists and what a great attraction for the tourists , I am going to scream! What about us citizens that live, work and support this town year round....don't we count for anything?

I truly do appreciate all of your time, I am so frustrated and honestly do believe the scope of this project is far too large. It would make some sense if the HRR folks brought forth a plan to widen and deepen the current Herring River and pole dike creeks to get the herring back and increase tidal flush. This would accomplish the true goal "a healthy River" ...not the altruistic goal..."won't it be so nice and pretty" and not negatively impact long standing, hard working families properties .

The seemingly illegal nature of how this project is being handled, the amount of money it will cost...upwards of 50 million (a low ball estimate, more than likely at least double that amount), the lack of consideration for the homeowners that will be directly affected, no insurance or guarantees for property protection, the lack of protection for the current ecosystems in place, no voice or vote in any of the decisions....are just a few of the things that need to be considered in the decision to allow this project to go forward.

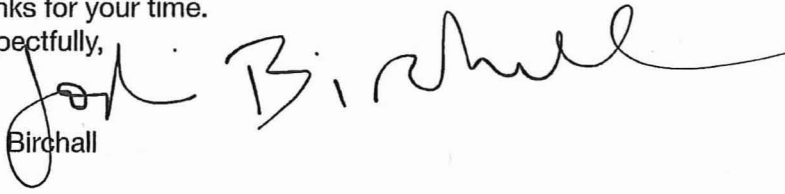
I say, have them go back to the drawing board and come up with a viable plan that they CAN offer insurance and guarantees to the towns folk about town and private property at

risk. Please stop this project in it's tracks until all voices are heard and a realistic, affordable plan is offered. There needs to be more consideration and cooperation with those of us it will directly affect!

Thanks for your time.

Respectfully,

Jodi Birchall

A handwritten signature in black ink, appearing to read "Jodi Birchall". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.