



Town of  
**WELFLEET**  
*Massachusetts*

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**Article 47**

## Minutes

**Meeting date:**

Wednesday, April 12, 2017

### Minutes

**Herring River Restoration Committee (HRRC)**

**Atlantic Research and Learning Center, Highland Center**

**Old Dewline Road, North Truro, MA**

**Wednesday, April 12, 2017**

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

**Others Present:** Margo Fenn, Martha Craig, Christine Odiaga, Don Palladino, Helen Miranda Wilson, Carole Ridley

### **Administration/Coordination:**

**Communications with Friends of Herring River (FHR):** Don Palladino updated the Committee on recent outreach activities. FHR has been meeting with local boards and committees to update them on the Project and will send out a mailing to Wellfleet and Truro residents prior to the annual town meetings.

**Approval of Minutes:** The Committee voted unanimously to approve the minutes of the

February 9, 2017 and March 8, 2017 HRRC meetings.

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

May 11, 2017	HRRC regular meeting
June 7, 2017	Herring River Executive Council meeting
June 8, 2017	HRRC regular meeting

**Discussion and Updates:**

**HRRC Recommendations on Petitioned Town Meeting Articles:** The Committee discussed three petitioned articles that were submitted for consideration at the Truro and Wellfleet Annual Town Meetings. The Committee also reviewed a fact sheet that addresses the issues raised in the Town Meeting articles. After lengthy discussion, the Committee voted unanimously to approve the following recommendations:

Wellfleet Town Meeting Articles 47 & 48

ARTICLE 47: To see whether the Town will vote to direct the Board of Selectmen not to allow any permit applications for the Herring River Restoration Project until, and unless, the project proponents give assurance that they will provide appropriate insurance and security to protect fishermen, aquaculturists, local business owners, private property owners, and town-owned property, for potential damages, financial losses and legal expenses that could result from the Project.

**The HRRC does NOT recommend adoption of this article. (Unanimous)**

For the past decade the Town has worked to further the Herring River Restoration because of the significant improvements in water quality, fisheries and wildlife habitat, and the overwhelming benefits these resources provide to fishermen, shellfishermen, local business owners, private property owners and the Wellfleet community.

**This article seeks to prevent the Town from accomplishing this important project.** It imposes a burden to provide insurance that is not required for other public works projects. This article is also based on misinformation about the project and how it will be implemented. The Herring River Restoration Project is being conservatively designed and will be carefully implemented. Tide levels will be changed carefully while the system responses are monitored. This will ensure that the restoration benefits we expect are

achieved while any unintended outcomes are avoided. Private properties and businesses will be protected from impacts related to changes in tides. Project budgets will have contingency funds to cover any unintended project-related changes and costs. Shellfish resources will benefit from increased tidal exchange. We all stand to benefit from cleaning up the River, which is now polluted and contributing to shellfish closures below the dike.

This article also seeks to bypass the local decision-making process agreed to by the Town, and Cape Cod National Seashore. All decisions about how the project is implemented will be made locally by the Herring River Executive Council, which includes two members from our Board of Selectmen, our Town Administrator, their counterparts in Truro, and the Superintendent of the Cape Cod National Seashore. The Executive Council is guided by recommendations from the Herring River Restoration Committee and the public. Local control means that local concerns can be addressed immediately.

We urge you to vote no on this article because it threatens a project that stands to generate significant benefits for the entire town for years to come.

ARTICLE 48: To see whether the town will vote to direct the Board of Selectmen not to allow any permit applications for the Herring River Restoration Project until, and unless, the Project has been modified so that no herbicides will be used in the project area.

**The HRRC does NOT recommend adoption of this article. (Unanimous)**

This article is unnecessary because the project has already voluntarily determined that herbicide use will not be included in its permit applications.

As with the previous article, this article also seeks to bypass the local decision-making process agreed to by the Town, and Cape Cod National Seashore. All decisions about how the project is implemented will be made locally by the Herring River Executive Council, which includes two members from our Board of Selectmen, our Town Administrator, their counterparts in Truro, and the Superintendent of the Cape Cod National Seashore. The Executive Council is guided by recommendations from the Herring River Restoration Committee and the public. Local control means that local concerns can be addressed immediately.

**ARTICLE 34:** To see if the Town will vote to direct the Board of Selectmen not to allow any permit applications for the Herring River Restoration Project, until, and unless, the Project has been modified so that no herbicides will be used in the project area, or take any other action relative thereto.

**The HRRC does NOT recommend adoption of this article. (Unanimous)**

**This article is unnecessary because the project has already voluntarily determined that herbicide use will not be included in its permit applications.**

**This article also seeks to bypass the local decision-making process agreed to by the Town, Wellfleet and Cape Cod National Seashore. All decisions about how the project is implemented will be made locally by the Herring River Executive Council, which includes two members from our Board of Selectmen, our Town Manager, their counterparts in Wellfleet, and the Superintendent of the Cape Cod National Seashore. The Executive Council is guided by recommendations from the Herring River Restoration Committee and the public. Local control means that local concerns can be addressed immediately.**

**CBI Facilitation:** The Consensus Building Institute (CBI) is continuing to facilitate discussions between HRRC and the Chequessett Yacht and Country Club (CYCC) to develop a conceptual Memorandum of Understanding (MOU) between CYCC and HRRC. The MOU is substantively complete and will be ready for signature soon. The Committee discussed next steps. Margo Fenn is preparing a summary of the document, which will be reviewed with CYCC representatives. Tim Smith is refining the analysis for a water level review threshold to be included in the Project permit applications.

**CYCC Golf Course Design:** Steve Spear reported that CYCC and USGS had reached agreement on access to the property for groundwater monitoring. FHR will oversee the work of the well-driller, which will require a separate agreement with CYCC.

Steve Spear also updated the Committee on the golf course design process. FHR is waiting for a proposal from ESS and the golf course designers to develop the permit-ready plans. The Committee discussed including the Mill Creek pump analysis in this contract and agreed that this would make sense. The group also discussed what hydrologic analysis is needed for design of the golf course irrigation system.

**Low-lying Property Survey/Engineering:** Martha Craig updated the Committee on the status of survey and engineering work. The Committee agreed that the highest priority work is for those properties that will be included in the first phase of the Project.

**Secondary Management Plans:** The Committee discussed next steps in preparing secondary management plans for sediment and vegetation. ESS is looking for guidance for what to include in the permit applications. The HRRC and Herring River Executive Council (HREC) both voted in March that the permit applications seeking authorization to implement the Project not include the use of any herbicides in the Herring River Restoration Project area. The permit applications will specify other non-chemical methods of Phragmites control. These alternate methods need to be described in greater detail in the permit applications.

The Committee discussed related work, including National Park Service vegetation mapping. Tim Smith suggested that the best approach to developing secondary management recommendations would be to prepare plans for each of the estuary's sub-basins. He suggested doing a pilot study of one basin as a start.

**Permitting:** The Committee discussed development of the permit applications, noting that the Cape Cod Commission Hardship Exemption/Project of Community Benefit application would be the first permit filed. The group reviewed what additional information is needed for the application.

**Legal Issues:** The Committee reviewed next steps in addressing legal questions related to Project mitigation.

**Preconstruction Monitoring:** The Committee discussed a proposal from the Woods Hole Group to purchase real time tide observation equipment in lower Herring River. Five to thirteen stations could be installed to monitor tides. There are some economies of scale in purchasing the equipment for multiple stations together.

**DER FY17 Budget and Work Program:** Martha Craig and Don Palladino are preparing a revised budget for FY17 DER funding. This will be completed soon.

**Fundraising Next Steps:** Carole Ridley reported on a recent consultation with Restore America's Estuaries (RAE). RAE is very supportive of the Herring River Project and has offered to assist in the fundraising process.

**Documents Referred to in the Meeting:**

- Minutes of the February 9, 2017 and March 8, 2017 HRRC meetings
- Herring River Risk Management Bullets

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