

Marsh project poses liability concerns

Herring River stakeholders want better answers from project coordinator

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Stakeholders in Wellfleet remain concerned about who would pay for unforeseen damages related to the first phase of work on the Herring River marsh project. [Steve Heaslip/Cape Cod Times file] *Cape Cod Times*

WELLFLEET — In a presentation to stakeholders last week, the coordinator of the \$50 million government project to allow higher tides into the Herring River kept close with previous assertions about who would pay in the event of a mishap.

“Any project that you can think of will have some risk associated with it,” Carole Ridley said of examples such as harbor dredging, road work and installing a water tower.

But given careful planning, a small percentage of private properties in the project’s first phase, the protection of low-lying private and public structures and adaptive decision-making, the risk of significant financial liability is greatly reduced, Ridley said.

A handful of the stakeholders group’s 19 members at last week’s meeting didn’t seem convinced, though, and the group will submit questions for the next meeting, including those pertaining to liability.

“Who will pay” if a private drinking water well becomes contaminated with salt, asked R. Paul Faxon, an at-large member of the stakeholders group.

“Who’s liable if something doesn’t go according to what the model would predict,” asked group member Laura Runkel, who represents a part of the river’s flood plain that isn’t in the first phase. “Who’s liable? Is it the proponents or is it the person whose well has gotten salted? Who’s going to pay for that?”

Ridley said, generally, each private property owner with a claim of damage would need to be able to document the harm. “It could be addressed by project funds,” she said, or by the town of Wellfleet.