

August 9, 2019

Mr. Martin Nieski
485 Barlow Cemetery Road
Woodstock, CT 06281

Dear Mr. Nieski,

The purpose of this letter is to respond to and clarify some of the statements made in your article published in the Cape Cod Times (August 2, 2019).

Your property at 505 Chequessett Neck Road was originally identified as having the potential for flooding of structures under full restoration of tidal flow in Mill Creek. Between 2007 and 2015, members of the Herring River Project team met or spoke by phone with you numerous times in a good faith effort to explore potential flood prevention measures to protect structures on your property. In consultation with you, the Project engaged professional engineers to conduct a detailed assessment of potential flood impacts to structures on your property and design a number of optional flood protection plans. However, you ultimately did not agree to any flood protection measure on your property.

Subsequently, Project proponents made the decision to pursue permits for Phase 1 of the restoration, which involves only partial restoration of Mill Creek. Phase 1 restoration does not result in water levels in Mill Creek that pose a potential impact to any structure on your property at 505 Old Chequessett Neck Road, or affect your flood insurance requirements. This information was conveyed to you in a letter from Wellfleet Administrator Daniel Hoort in December 2017. Mr. Hoort's letter also explained that a portion of existing wetlands on your property would experience tidal influence under Phase 1 restoration. This would mean a potential change in the type of wetland vegetation from freshwater tolerant to saltwater tolerant species. The letter also included an offer of assistance from the project team if vegetation (such as trees or shrubs) in the tidally affected areas on your property were in need of management or removal due to tidal restoration.

Your article questions the authority by which wetlands on your property can be restored to their natural tidal condition, as proposed. The portion of your property in the Phase 1 restoration area consists of .4 acres of wetlands within the jurisdiction of the Wellfleet Wetlands Protection bylaw and regulations, and the Massachusetts Wetlands Protection Act (WPA). These regulations protect wetlands, tidelands and the important public interests they serve, including clean water, protection from storm damage, and provision of fisheries, shellfish, and wildlife habitat.

The current tidally restricted environment of the Herring River is an artificial condition created by the installation of the Chequessett Neck Road dike that has resulted in severe degradation of former tidal wetlands. The WPA allows regulators to approve the return of tidal flow to revive damaged wetlands, so long as the "built environment", including

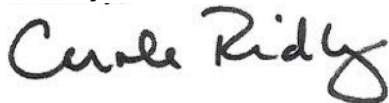
structures and infrastructure, is not impacted by significant increases to flooding and storm damage and the proposed work complies with other applicable WPA provisions. Therefore, so long as no structures are affected, restoration of healthy tidal wetlands, including restoring freshwater wetlands to saltwater wetlands on private property, may be permitted. Because no physical work is proposed to take place on your property, your consent is not required.

In summary:

- No structure on your property at 505 Chequessett Neck Road, nor your flood insurance requirements, will be affected by the tidal restoration currently proposed for permitting. Extensive monitoring and adaptive management will be in place to reinforce this protection.
- A portion of existing regulated wetlands on your property may experience a change in vegetation as tidal flow is returned. These visual impacts are temporary and the Project team will assist you in managing those vegetation changes if you wish.
- Under state and local wetlands protection laws, tidal restoration projects that restore freshwater wetlands to saltwater wetlands on private property may be permitted, as long as structures are protected and other applicable regulatory requirements are met.
- Because no physical work is proposed to take place on your property, your consent is not required.

Members of the project team are available to meet with you or answer any questions you may have about the project.

Sincerely,



Carole Ridley
Project Coordinator
Herring River Restoration Project

Cc:

Hon. Bill Keating, U.S. Congress
Hon. Sarah Peake, State Representative
Hon. Julian Cyr, State Senator
Ms. Stephanie Moura, MassDEP
Mr. Jim Mahala, MassDEP
Mr. Jon Idman, Cape Cod Commission
Herring River Executive Council
Mr. Steve Block, NOAA

Ms Martha Craig, Friends of Herring River
Mr. Eric Derleth, USFWS
Mr. Hunt Durey, MassDER
Ms Hillary Greenberg-Lemos, Town of Wellfleet
Mr. Tim Smith, CCNS
Mr. Stephen Spear, USDA/NRCS
Herring River Stakeholders Group