

Nauset Estuary Stakeholder Group

July 23, 2020 Meeting

MEETING MINUTES

**Members Present:**

**Orleans Representatives:** Charlie Carlson, Kevin Galligan, Mark Mathison, Nate Sears, Steve Smith, John Kelly.

**Eastham Representatives:** Jacqueline Beebe, Harry Swift, Shana Brogan, Jon Granlund, Alexander Cestaro.

**Members Not Present:** Trent Sullivan (Eastham), Silvio Genao (Eastham)

**Others Present:** Tom Daley Director of Public Works and Natural Resources, Leslie Fields and Beth Gurney of Woods Hole Group, and Ed Maroney of the Cape Cod Chronicle.

Kevin Galligan called the meeting to order at 5:12PM.

**Election of Officers - Selection of Chair**

**Kevin Galligan moved to nominate Charlie Carlson as chair of the NESG. Mark Mathison seconded the motion.**

The group voted unanimously to select Charlie Carlson as chair.

**Selection of Vice Chair**

**Kevin Galligan moved to nominate Jon Granlund as Vice Chair of the NESG. Mark Mathison seconded the motion.**

Jon Granlund was selected as Vice Chair by unanimous vote.

**Selection of Clerk and Recording of the Minutes**

**The group unanimously agreed that Charlie Carlson would post meeting agendas, and the group would rotate responsibility as Clerk for taking meeting minutes.**

## **Memorandum of Understanding (MOU)**

Charlie Carlson noted the delays in the meeting schedule in sections four and five due to COVID-19. Leslie Fields suggested revising the meeting schedule to include meetings from July through September 2020. The group is not held to four meetings, additional meetings can be held if necessary. This meeting schedule assumes that the group will be able to arrive at a consensus on the following:

- Preferred alternative for the dredge channel
- Submitting a Special Review Procedure (SRP) request letter
- Agreement on a Second MOU addressing the permitting process

Leslie Fields stated she will arrange an August meeting with regulatory agencies for feedback so that the NESG has enough information to make decisions and recommendations to their Select Boards by the end of September.

Jacqui Beebe stated that Eastham already has a consensus on the preferred alternative, and that the dredging zone should not be located in the marsh area. She informed the group that Eastham has agreed to continue discussing the project; however, they reserve the right to question funding and science. She added that increasing the dredge channel to 100' would need to be considered further by the Select Board.

## **Second Memorandum of Understanding (MOU)**

Leslie Fields explained that the second MOU will:

- Assume both Eastham and Orleans Select Boards vote on a dredge project that needs to go forward with permitting.
- Cover development of permit applications and agency reviews of same
- Include a schedule for permitting and public comment and public presentations

Woods Hole Group will provide a scope of work addressing the timeline through the full permitting process within two weeks and the second MOU draft will be provided by Woods Hole Group in September.

## **Expanded Environmental Notification Form (ENF) Versus Environmental Impact Review (EIR)**

Leslie Fields and Beth Gurney informed the group that the Massachusetts Environmental Policy Act (MEPA) representatives recommended an EIR to ensure adequate public review and due to the large scope of work. However, a single EIR (instead of a draft and final EIR) could be filed for a streamlined review. Leslie Fields also cautioned that additional unforeseen studies could be required through the EIR process that will add to the cost in the scope they will provide.

The majority of NESG members present agreed that an EIR should be filed for the following reasons:

- Adhere to MEPA's recommendation
- Streamline permitting
- Provide residents in Eastham and Orleans with additional opportunities to comment on the project and express concerns, such as increased boat traffic and environmental impacts

- Provide residents with a full understanding of the facts so they can vote at Town Meeting fully informed

Leslie Fields advised the group that additional plans and studies might be required through the permitting process. Examples provided were:

- Mitigating impacts to intertidal habitat, shellfish, and endangered shorebirds.
- Additional evaluation regarding the red tide cysts concerns in the dewatering basin
- Development of a dredge spoil management plan

### **Dredge Committee Update**

Charlie Carlson informed the group that the Orleans Dredge Advisory Committee will be reviewing a feasibility study in the coming months for the town's purchase of a dredge for potential use in the Nauset dredge project, but also including other possible areas in Orleans such as Rock Harbor, Pleasant Bay and maybe ponds. They are also seeking input from the county dredge program.

### **Construction Costs**

Leslie Fields stated she would provide updated construction cost estimates for the project in the coming weeks, by mid-August, for both county and private dredging of the agreed channels. These costs will be compared with the cost if the dredging is done by a dredge owned by the town of Orleans. She also stated the cost would include cost variations on a cubic yard basis, but would not include what additional costs may be required by the permitting agencies for mitigating potential environmental impacts. She reiterated the cost would not be one-time, but rather there will be an initial dredging cost and then an annual (or every few years) cost to maintain the dredged channels.

Jacqui Beebe pointed out that the dredge cost should also factor in the narrow dredging window, and asked Woods Hole Group to provide information regarding how long it will take to complete one full round of dredging in these short windows. Given it could take several years to complete the full project, it will be important to review potential additional permitting, project management, and construction costs.

Jon Granlund suggested factoring in the currents, as when one area is dredged it may improve the movement of sand through the channel.

### **Finalization of First MOU Revisions**

There was a consensus of the Nauset Estuary Stakeholder Group to move forward with the revisions to the timeline of the first MOU.

## **Orleans Remaining Encumbered Funds for Studies Related to the Dredge Project**

Charlie Carlson inquired about the remaining funds from the 2016 Orleans Annual Town Meeting vote related to dredging.

John Kelly replied that there was approximately \$47,000 remaining for work in the Nauset estuary and any additional funding would require approval at Town Meeting. He also stated that there was about \$100,000 remaining in the original scope of work as only Tasks 11 and 12 were funded. John Kelly requested that Woods Hole Group review the remaining unfunded tasks as well as provide anticipated costs for the Mill Pond area in their scope of work.

## **Mill Pond Channel**

Leslie Fields said that the Mill Pond channel area can be included in the EIR permitting, and references to it can be left vague initially.

## **Dredge Channel Width**

Steve Smith stated the Town Cove channel in 1924 was 200' wide and the NESG should review what is occurring with the habitat in Town Cove due to a bottleneck of shoaling in the Hopkins Island area.

Harry Swift stated the channel should be 50' to reduce impacts.

Jacqui Beebe said that the Eastham Select Board will not want to increase width of channel, and it will be against the advice of regulators, as it was reduced to 50' because of their comments. She also noted that widening the channel adds to the cost, and permitting time.

Charlie Carlson inquired as to whether the NESG would consider permitting the 100' wide channel so the Towns have the option to create a wider channel and have it last longer, rather than be tied to the 50' channel.

Kevin Galligan said the Towns should look at whether a larger dredge zone could be permitted.

Jon Granlund recommended staying with the 50' channel in the zone, if it means getting a permit to dredge sooner.

Steve Smith said that the 2016 Orleans Town Meeting voted for 100' wide channel.

Leslie Fields clarified that the dredge zone would move and that it is never getting any closer than 300' from edge of barrier beach. She clarified that the dredge zone is much bigger than the channel and within it is an either a 50 or 100' wide channel. Leslie said she would compare areas of intertidal zone impacts between a 50' and 100' wide channel. She informed the group that they are currently working a dredging project in Sandwich, where dredging is proposed in an intertidal area, they are having to minimize the channel and mitigate for it, and they are currently having to reduce the project. She said the project would be "better off" with a 50' wide channel, but she would like to provide the NESG with the information to decide.

Leslie Fields stated some of the permits would be valid for ten years, and the local permits would be valid for three and can be extended.

Shana Brogan pointed out that the permits could be amended if it is later decided to go from 50' to 100' wide later on, and would not have to go back to MEPA, etc. and it will be important get people more comfortable with the project and what the impacts may be with a 50' wide channel.

Mark Mathison recommended a 50' wide channel because it would expedite getting the dredging project permitted and prevent further marsh impacts that are presently occurring due to the increased boat traffic through Cable Creek.

Leslie Fields stated that they need to show how fast the channel is shoaling and look at changes in current velocities through the numerical model.

Jacqui Beebe said she could have a discussion with the Eastham Select Board about the channel width, but the purpose of the NESG is to provide recommendations to the Select Boards. She also stated that the group should listen to the regulatory agencies, and the cost between a 50' and 100' channel will be significant.

The committee decided to leave the SRP text regarding the channel width vague as it has not yet been determined.

### **County Dredge**

Charlie Carlson stated that the Orleans Dredge Advisory Committee is considering the feasibility for the county dredge to complete the project versus the town purchasing a dredge. Leslie Fields informed the group that the new head of the county dredge program would be meeting with representatives of the Orleans Dredge Committee at some point to provide an assessment as to whether the county can get their equipment in the marsh as they have concerns as to whether they can get the dredge and equipment through the inlet. She reiterated that the logistics of getting the equipment through the inlet would be challenging and the same may be the case for a town dredge.

Charlie Carlson and Steve Smith said that getting a town dredge in the marsh would not be a problem as it is portable and could be launched via Town Cove. The same may be true for the county dredge.

Leslie Fields also mentioned the current velocities that the dredges can operate at is also a concern.

### **Citizens Advisory Committee - Meeting with Regulatory Representatives – MEPA Review**

Charlie Carlson stated that he would prefer the regulatory agency representatives serve as advisors to the NESG rather than as members to ensure the Town representatives preserve the ability to meet on their own when necessary. He suggested another group could be formed to facilitate meetings of the Town and agency representatives. Leslie Fields stated that as part of the SRP process the agencies will probably require that the agencies be part of the NESG stakeholder group and MEPA will want them at all of the meetings but they can be nonvoting members. Further, the Town representatives will retain the right to meet independently of the NESG.

### **Draft Matrix**

Leslie Fields requested whether the group needed any additional information to evaluate the project in addition to construction costs, and environmental considerations.

The group agreed for Leslie to move forward with populating the matrix, which may take several weeks.

### **Set next meeting date**

The committee agreed to meet again on August 6, 2020 at 5PM.

### **Invitation to Regulatory Agencies**

The committee did not vote on regulatory agencies to invite in the SRP letter.

Eastham representatives opined that the regulators should be included in the process as soon as possible as their feedback and would facilitate submittal of a successful filing.

Leslie Fields said that meeting with the regulators sooner, such as in August, could provide valuable feedback and direction for the committee.

Kevin Galligan stated he wasn't sure they would provide much information prior to submittal of a filing, but it made sense to have them involved and to keep them informed that a filing was going to be submitted to them shortly.

### **Adjournment**

Jon Granlund moved to adjourn the meeting, Shana Brogan seconded the motion.

The meeting was adjourned by a unanimous vote at 7:12PM.

Respectfully Submitted as prepared by,

Shana Brogan, NESG Member

Charlie Carlson, NESG Member and Chair