

August 12, 2020

Job No. 2015-0121-04

John F. Kelly
Town Administrator
Town of Orleans
19 School Road
Orleans, MA 02653

Jacqueline W. Beebe
Town Administrator
Town of Eastham
2500 State Highway
Eastham, MA 02642

Sent Via Email: jkelly@town.orleans.ma.us; jbeebe@eastham-ma.gov

RE: Nauset Estuary Dredging Project – Scope of Services IV

Dear Mr. Kelly and Ms. Beebe,

Woods Hole Group is providing the following scope of services for the fourth phase of work on the Nauset Estuary dredging project. We have developed a scope of services that includes environmental permitting required for a Joint MEPA/NEPA/CCC review, as well as follow on permitting with local, state, and federal agencies. A description of the proposed work is provided below, along with the budget and estimated timeline.

Task 13: Environmental Permitting

The scope of services for environmental permitting has been broken down into seven (7) sub-tasks, according to the different phases of environmental review. It is expected that the permitting will take at least two (2) years to complete. During the first year, initial review under the joint Massachusetts Environmental Policy Act (MEPA), NPS/National Environmental Policy Act (NEPA), and Cape Cod Commission (CCC) process will take place, and a scope for the MEPA Environmental Impact Report (EIR)/NEPA Environmental Assessment (EA) or Environmental Impact Statement (EIS), and the CCC District of Regional Impact (DRI) will be developed. In the following year, the MEPA/NEPA/CCC reviews will be completed with preparation of the EIR/EA or EIS documents, and the final decision on the District of Regional Impact (DRI) will be issued by the CCC. During the second year, permit applications will also be prepared and filed with the



local Conservation Commissions, Department of Environmental Protection (DEP), MA Coastal Zone Management (CZM), and the US Army Corps of Engineers (USACE). Specific steps identified for each of the permitting phases are provided below.

- **13.1 - Joint MEPA, NPS/NEPA, CCC Review (EENF, Public Scoping, Draft DRI)**

- Coordinate on release of the public notices and scheduling of public meetings
- Coordinate with NPS on public scoping documents
- Publish public notices in local papers, town web sites, NPS PEPC for two (2) public meetings
- Attend filing meeting with CCC
- Prepare and file Expanded Environmental Notification Form (EENF) and Draft DRI applications (includes all supporting documentation, description of existing environment, analysis of alternatives and associated impacts, mitigation measures, engineering plans, compliance with municipal land use and regional policy plans, etc.)
- Distribution of EENF and Draft DRI applications to all required agencies
- Identify and notify abutters within 300 ft radius of project as required by CCC
- Hold two (2) public meetings to satisfy requirements of MEPA, NPS, and CCC
- Maintain decision file for NEPA
- Assumes 48 hours to coordinate with MEPA/NPS/CCC and respond to comments

- **13.2 - Final MEPA, NEPA Review (EIR, EA/EIS)**

The Secretary's Certificate issued at the end of Task 13.1 will provide the scope for the ensuing EIR. It is also assumed that at the conclusion of Task 13.1 the NPS will issue their decision on the required level of environmental review – EA or EIS. Without knowing what will be required in these scoping documents, there is no way to develop a detailed budget for Task 13.2. The strategy will be to prepare a comprehensive permit application in Task 13.1 that provides the agencies with all the information regarding alternatives considered and associated impacts, so that the scoping documents require minimal work to address outstanding questions in the EIR/EA or EIS document. To help the Towns with this unknown requirement, we have included a planning level estimate in the budget for completion of Task 13.2. Once the scoping documents have been released, it may be necessary to refine the budget estimate to address the requirements from the agencies.

- **13.3 - Formal CCC DRI Review**

Once the final Secretary's Certificate is issued on the EIR and the Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued on the NPS/Federal side, the CCC can initiate final review of the DRI. While the CCC will be involved in reviewing the environmental documents during Tasks 13.1 and 13.2, they cannot formally act until the MEPA and NEPA processes are complete. Specific steps taken for the final CCC review include the following:

- Prepare and file additional information/documents requested by CCC (if necessary)



- Attend up to two (2) planning meetings with CCC staff
- Prepare and file Project Notification Form with the Massachusetts Historical Commission
- Send certification of filing DRI documents with local town agencies
- Notify abutters of CCC public meeting
- Attend public meeting
- Assumes 24 hours to coordinate with CCC during review and respond to comments

- **13.4 – Orleans and Eastham Conservation Commission Notices of Intent**

- Prepare and file Notice of Intent (NOI) application with Orleans Conservation Commission
- Prepare and file NOI application with Eastham Conservation Commission, including expenses for all copying and shipping
- Provide copy of filings and filing fee to NHESP
- Attend two (2) public hearings with Orleans Conservation Commission
- Attend two (2) public hearings with Eastham Conservation Commission
- Record two (2) Order of Conditions at Registry of Deeds
- Assumes 32 hours to coordinate with Conservation Commissions and respond to comments

- **13.5 – DEP Combined Water Quality Certification and Chapter 91 Permit**

- Prepare and file Combined Water Quality Certification (WQC) and Chapter 91 (Ch91) Permit application with DEP, including expenses for all copying and shipping
- Reformat engineering plans per Chapter 91 requirements
- Joint WQC/Ch91 advertisement
- Ch91 Public Notice distribution
- Assumes 32 hours to coordinate with DEP during review and respond to comments

- **13.6 – MA Coastal Zone Management Federal Consistency**

- Prepare and file Request for Federally Consistency Review with CZM
- Advertise federal consistency review notice
- Assumes 16 hours to coordinate with CZM during review and respond to comments

- **13.7 – US Army Corps of Engineers Individual Permit**

- Prepare and file Individual Permit application with USACE
- Prepare and file Historic Property Notification Form with MA Historical Commission, Board of Underwater Archaeological Resources, and Tribal Historic Preservation Officers
- Assumes 32 hours to coordinate with USACE during review and respond to comments



Task 14: Meetings and Project Management

Task 14 includes work necessary to attend meetings of the NESG during preparation of the EENF/Draft DRI and during preparation of the EIR/EA or EIS. A total of twelve meetings have been assumed: four (4) during preparation of the EENF/Draft DRI and six (6) during preparation of the EIR/EA or EIS. Task 14 also includes project management time to coordinate project resources and keep the work on-schedule and on-budget.

Budget and Estimated Schedule

Task	Cost	Estimated Schedule	Fiscal Year
Task 13: Environmental Permitting			
13.1 – Joint MEPA, NPS/NEPA, CCC Review	\$89,333	Oct. 2020 to Apr. 2021	FY21
13.2 – Final MEPA, NEPA Review (<i>NOTE: planning level estimate only for preparation of EIR/EIS</i>)	~ \$100,000	Apr. to Oct. 2021	FY21 to FY22
13.3 – Formal CCC DRI Review	\$20,073	Oct. to Dec. 2021	FY 22
13.4 – Orleans and Eastham Conservation Commissions NOI's	\$28,112	Jan. to Mar. 2022	FY22
13.5 – DEP Combined WQC/Ch91 Permit	\$14,724	Feb. to Apr. 2022	FY22
13.6 – MA CZM Federal Consistency	\$6,561	Mar. to Apr. 2022	FY22
13.7 – USACE Individual Permit	\$9,779	Apr. to May 2022	FY22
Task 14: Meetings & Project Management			
14.1a – Meetings & Project Management	\$11,691	Oct. 2020 to June 2021	FY21
14.1b – Meetings & Project Management	\$16,074	July 2021 to May 2022	FY22

TOTAL FY 2021 (incl. 10% contingency): \$166,126

TOTAL FY 2022 (incl. 10% contingency): \$159,856

TOTAL FY21 & FY22 (incl. 10% contingency): \$325,982

Woods Hole Group looks forward to continuing work on this project with the Towns of Orleans and Eastham. Please do not hesitate to contact me with any questions.

Sincerely,

The Woods Hole Group, Inc.

M. Leslie Fields
Coastal Geologist, CFM