

MEMORANDUM

DATE January 24, 2020

JOB NO. 2015-0121-03

TO Attendees of January 13, 2020 Stakeholder Group Meeting
for Nauset Estuary Dredging Project

FROM Leslie Fields
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Meeting Minutes from January 13, 2020 Stakeholder Group Meeting

Attendees

John Kelly, Tom Daley, Nate Sears, John Jannell – Town of Orleans
Kevin Galligan, Mark Mathison, Cecil Newcomb – Orleans Board of Selectmen
Charles Carlson, Betsy Furtney, Steve Smith, Bill Amaru – Orleans Dredge Advisory Committee
Jacqueline Beebe, Shana Brogan – Town of Eastham
Aimee Eckman and Alex Cestaro – Eastham Board of Selectmen
Sophia Fox, Geoffrey Sanders – Cape Cod National Seashore (CCNS)
Ted Keon, Orleans Resident/Town of Chatham
Rick Francolini – Orleans Resident
Ed Maroney – Cape Cod Chronicle
Leslie Fields, Beth Gurney – Woods Hole Group (WHG)

See attached Meeting Participant List for additional contact information.

Introduction:

Participants introduced themselves.

Opening Remarks:

Kevin Galligan announced the meeting was being streamed live.

Leslie Fields (Project Manager/Woods Hole Group) gave opening remarks on the status of the project and reviewed the agenda for the meeting. She stated that one of the topics of discussion was the letter the Town's had received on November 27, 2019 from Brian Carlstrom at the CCNS, which said the Memorandum of Understanding as outlined did not conform with the Federal Advisory Committee Act, and therefore the CCNS would not be able to participate in a leadership group as a voting member. The group, therefore, wanted to hear from the CCNS to see if there was a way to revise the MOU so they could sign it.



Tasks 12 Update – Field Investigation & Agency Coordination:

Leslie Fields gave a PowerPoint presentation that included the following updates to items in Task 12:

- Sediment coring – physical & chemical properties
- Shellfish Survey
- Agency coordination (NHESP, NOAA NMFS, USF&WS)
- Red tide cyst pilot project

Leslie explained where the additional eight (8) sediment cores were collected on July 29, 2019, and presented the results of the grain size and chemical analysis for each core.

Leslie stated that a shellfish sampling plan was submitted to the Massachusetts Division of Marine Fisheries (DMF) on August 19, 2019 for approval. The sampling plan was approved on August 21, 2019. The shellfish survey was completed on September 16 & 17, 2019, and the results were shown in the PowerPoint presentation. Various shellfish were found within the potential dredge footprint. The majority of shellfish found were quahogs. Leslie stated that we will need to talk with DMF to see what type of mitigation they will require. One possibility is to relay the shellfish to a new location prior to dredging. Woods Hole Group would need to work with Nate Sears and DMF on where to place the relayed shellfish if that was the chosen mitigation.

Bill Amaru said that shellfish do not exist in the channel areas proposed for dredging due to low oxygen concentrations. Leslie replied that the shellfish survey in fact sampled the channel areas proposed for dredging and shellfish were identified.

Leslie explained that Woods Hole Group consulted with the Massachusetts Natural Heritage & Endangered Species (NHESP) on August 13, 2019 regarding the potential dewatering area on Nauset Beach. NHESP stated that the project will require a MESA filing that could result in three (3) potential outcomes: 1) No Take, 2) Implement conditions to avoid a Take, and 3) A Take will occur and require a Conservation Management Plan. Further consultation will be required as the proposed project progresses to discuss disposal alternative considered, size of dewatering basin, frequency of use, details on location of dredged discharge pipe, and overall areas of impact.

Aimee Eckman asked if the potential dewatering area could be moved to the lower area next to where it was shown on the PowerPoint presentation. Leslie answered no because the lower area was a wetland resource area.

Leslie explained that in November 2019, Woods Hole Group also consulted with the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) on Essential Fish Habitat, and the U.S Fish & Wildlife Service (USF&WS) on the Endangered Species.

The NMFS recommends the following:

- No dredging within 100 feet of eelgrass.
- Avoid dredging in intertidal areas.
- Follow time of year restrictions for dredging to protect fisheries.

USF&WS had the following comments:

- We must consider project impacts on North Atlantic right whales, fin whales, sea turtles, sturgeons, piping plovers and roseate terns.
- Follow time of year restrictions for dredging to these species.



- Consider the use of silt curtains.

A section of the existing Priscilla Spur channel is within 100 feet of an existing, healthy eelgrass bed. A possible solution to comply with the 100 ft setback would be to move the channel further east to a natural break in the Priscilla entrance channel shoal, or simply to move the channel 100 ft away from the eelgrass beds.

Steve Smith stated that he did not think the Priscilla Spur needed to be dredged, except for the shoals just offshore of Priscilla Landing.

Mark Mathison stated there is sediment settling near the mooring area off Snow Shore Landing, and he thought it did need to be dredged.

Steve Smith stated that there was no eelgrass in the Show Shore Landing mooring area or in the channel.

Leslie stated Woods Hole Group could show the bathymetric survey data in the Priscilla spur channel as well as the locations of the mooring areas in relation to mapped eelgrass beds. This information will be helpful to the group when assessing project alternatives in the Priscilla spur channel.

Leslie stated that the Red Tide Cyst Pilot Project had started. Woods Hole Group had received a Negative 2 Determination from the Conservation Commission allowing the project to proceed, sediment was collected from Town Cove for the project, and the samples were deployed in the dune of Nauset Beach. The samples will be checked weekly from Mid-January to Mid-April 2020. Results from the tests will be used to evaluate mortality of the cysts when buried in the dune, similar to conditions in a dredge materials dewatering basin. Results from the pilot project will be provided to the group as they become available.

Bill Amaru asked if the testing of the red tide cyst included temperature. Leslie said yes.

Leslie summarized that Woods Hole Group was almost finished with the Task 12 items, and that we needed to protect the eelgrass beds.

Nate Sears asked if Woods Hole Group was looking at the time of year for dredging versus potential overwash from storm events. He questioned whether areas with high concentration of red tide could be dredged during times of the year when overwash is not likely. Leslie responded that the dredging will have to be completed around any time of year restrictions issued by the regulatory agencies, and that this would likely require dredging during the winter months when overwash is most likely. She continued to say if there was overwash in the area of the dewatering basin, that the red tide would be washed back into the small wetland west of the dune, which is a part of the larger Nauset Estuary system that already contains red tide. She also stated that there may be measures that could be taken with the dredge discharge pipe to help minimize overwash.

Nate stated they could manage the potential adverse impacts from overwash by dredging material containing the red tide cysts first and then burying it with the sandier material that doesn't contain red tide.

Task 11 Update – Establish MOU, MEPA SRP, and Nauset Estuary Stakeholders Group (NESG) Meetings:

Goeff Sanders stated the CCNS could not sign the MOU because of FACA limitations.



Leslie asked Geoff how the CCNS was able to sign MOU's for the Herring River Restoration Project. Geoff explained that the Herring River project was being reviewed under a "Friends" group and that project is fundamentally different than the Nauset Estuary project.

Mark Mathison asked Geoff if the Towns satisfy all the federal, state and local regulatory agencies, would the CCNS be satisfied as well. Geoff said yes, however they would need to review what is eventually decided as the proposed project to give a final answer. Geoff also said they would continue as an advisory agency going forward, and advise the Towns if they saw any potential issues during the decision making process of choosing a preferred alternative. He also clarified that the CCNS cannot say right now whether it is a project they would approve through the NEPA process, in part because they do not have a formal proposed project from the Towns.

Jacqui Beebe stated the Towns should move forward without the CCNS in the MOU. Everyone else agreed so a revised MOU, removing the CCNS as a participant, will be sent to Jacqui, John Kelly and Brian Carlstrom to review.

Leslie stated the revised MOU will list what the NESG will be tasked with so the Boards of Selectmen can decide who they want from the Towns on the NESG. Potential Town members of the NESG were discussed, as well as which regulatory agencies were potential members. Potential regulatory agency members include staff from the Cape Cod Commission, MA Coastal Zone Management, NHESP and MA DMF. Other members of the NESG should include the CCNS and representatives of commercial and recreational boating and fishing from each Town.

Leslie stated that Woods Hole Group contacted the Cape Cod Commission (CCC) again. The CCC stated that they would be able to participate in a joint MEPA/NEPA/DRI review, and that CCC staff would be able to participate in the NESG. The draft SRP will therefore be revised to reflect this decision.

John Kelly stated the Town of Orleans will need a cost estimate for the next phase of work before April 1st so they can add it to the spring Town Meeting.

Jacqui and Al Cestaro stated that Eastham will be able to present the revised MOU to the Select Board at their February 3rd meeting. The Select Board will also choose who they want to be on the NESG. Eastham should have a decision and signed MOU by mid-February.

The Town of Orleans thought they could have a decision on who they want to be on the NESG and appointment of the NESG by the Board of Selectmen at their Jan. 22 meeting.

Schedule

The estimated timeline moving forward was discussed. Charlie Carlson asked that a revised timeline be distributed to the group.

John Kelly stated that once the NESG was formed, all meetings would be held under the Open Meeting laws, and that no emails or discussions would be able to take place outside of the meetings.

Next Steps:

Geoff stated he would check with Brian Carlstrom to see who the CCNS will assign to the NESG. He also asked that the CCNS be kept in the loop of the revised MOU.

A footnote will be added to the MOU to reference the CCNS letter from November 27, 2019.