

Herring River Summary to Date

As it Pertains to Chequessett Club

September 2020

Brief History

- First approached by CCNS over 20 years ago about restoring the Herring River
- See Friends of the Herring River website for more thorough history of the river and the project
- All of the areas of #1,6,7,8,9 and range are degraded wetlands that have been used as a golf course since 1929.
- Attorneys representing us currently: Eliza Cox and Michael Leon, both from Nutter, McClennen and Fish located in Hyannis and Boston
- Have been negotiating for years with Herring River Restoration Partners (HRRP)
 - Consists of:
 - Department of Agriculture
 - CCNS
 - Coastal Zone Management
 - Wellfleet Conservation
 - Herring River Project Manager
 - Friends of Herring River Staff
 - Chequessett's Original Herring River Committee consisted of many members
 - Worked mainly on Routing plans and designs
 - Once approved a smaller Negotiating Group was established
 - Originally had 6 members
 - Now down to 4
 - 3 original members remain
 - Barbara Boone
 - Chuck Edmondson
 - David Stott
 - Shea Kinney is new (Board Member)

Herring River Project Today

- Phase 1

- 95 % in CCNS
- Town of Wellfleet is sole Applicant
- Includes Chequessett and other private abutters
- Timeline to start - 2022
- Funding not in place
- Seeking Permits
 - Received DRI permit through Cape Cod Commission 2020
 - Currently seeking permits for:
 - 401 - Federal Clean Water Act
 - 404 - Federal dredging
 - Wetlands - State and Local
 - Natural Heritage - State
- Will include Adaptive Management Plan (ADP)
- Two main control structures
 - Herring River Dam
 - Owned by Town of Wellfleet
 - Mill Creek Dam
 - Will be entirely on CCNS land
- - Phase 2
 - Includes Town of Truro
 - More Private property owners
 - No timeline for this phase

Routing Plans:

Plan 1 - Relocate Holes to Upland

- Original Plan was to abandon holes 1,6,7,8,9 and the driving range and move to the upland acreage we owned in the woods to the left of #4 and #5 that abut the Herring River and Chequessett Neck Road
- In this plan, the town would have purchased wetland areas on holes #7 and #8 and club would have abandoned these areas.
- A routing plan was done that showed the holes in the upland area.
- This plan was abandoned after a few years because of endangered species such as Eastern Box Turtle and possible salamander habitat.
- A good portion of this land was recently sold to a member, and then was subsequently given to the Wellfleet Conservation Trust.

Current Plan - Raise Existing Holes (Preferred Mitigation)

A new plan was developed that would allow Chequessett to stay on the existing holes we have by raising the holes above the flood plain

- At the same time, the amount of fill needed to raise the holes was engineered to protect us against a 100 year storm event.
- Over 180,000 cu yds of fill is needed to raise our holes
 - This will be gotten from upland area we own
 - Eventually will become a driving range and short game area
- All holes that are in restoration should be funded by funds received for overall Herring River Restoration.
- Approximately 20 months to complete
 - Would start in Fall (hopefully of 2022)
- Permit ready designs completed
- HRRP has put over \$500K into these designs
- New plan includes:
 - New irrigation
 - Some holes lengthened by moving tees or greens
 - Vegetation that survives saltwater inundation during tidal exchange
 - Tees and greens rebuilt
 - Dredging of Mill Creek and ditches for better drainage
 - Irrigation Pond
 - Haul Road would be put in for big trucks
 - Final location not finalized
 - 2 options
 - Left of #4
 - Part of #3 and then #2
 - Improvements of non-restoration holes
 - Tees and greens rebuilt
 - Irrigation updated
 - Will be paid for by “like kind donation” of fill to other parts of project
 - Will not happen if holes are not raised
 - Will come from Hole #2
 - This hole would become part of project
- This is the preferred mitigation that was passed by Cape Cod Commission (CCC)

- DRI decision this spring included this mitigation
- We are the only private abutter named in the DRI
- Total Cost is estimated to be \$5.7M under 2022 projected dollars
 - Restoration currently 71% of costs for a total of 4.1M
 - Chequessett currently 29% of costs for “improvements” for a total of \$1.6M
 - These %s are still under negotiation

Plan 3-Pump (Secondary Mitigation)

- Mitigation of Chequessett by putting large pump in.
 - This is not the preferred mitigation in DRI
 - In appendix of CCC DRI decision
 - This is not going to be in the funding package as an option
 - If pump happens HRRP would pay for out of funds held by Friends of Herring River
 - If this choice is taken by Chequessett, this would be considered full mitigation and the HRRP would not seek further funds to raise the course.
 - This is a new tactic by HRRP and we are negotiating this
- Final design has not been completed
 - Would not be finalized unless this option is chosen
 - Designed for 9000 gpm
 - Would pump over Mill Creek Dam
 - Danger is we have no MOU with CCNS to make sure this can be done in perpetuity
- We are negotiating to have at least 4 years of effort to raise funds for the preferred mitigation before accepting a pump as mitigation
 - Still in progress
- Clearing of Mill Creek and drainage ditches would still happen
- Cost approximately \$500K

Memorandums of Understanding:

- Non Binding MOU
 - Negotiated in 2016
 - Negotiated with HRRP
 - Set a frame work for a future binding MOU
 - This included framework for an Adaptive Management Plan for Chequessett

- Provided the basis to be in Phase 1 of the Project
- Work that put us in as named mitigation in the CCC DRI
- Binding MOU
 - Currently being negotiated
 - Between Town of Wellfleet and Chequessett
 - Town became the sole Applicant
 - Town has not assigned an attorney to work with us
 - HRRP attorney is being used to negotiate
 - Town does not want to be held accountable for any potential liability

Funding:

- HRRP is seeking funding for preferred mitigation of Raising the Holes
- Previously complete funding was “guaranteed” for
 - Restoration of Holes
 - Loss of Income while closed for renovation
 - No cash was supposed to come from Chequessett
 - HRRP being more cautious now
 - Optimistic there will be Federal funding available
 - Now saying Chequessett may not be fully compensated
 - May ask Chequessett to provide additional funding
 - In negotiations
- Taxes
 - Originally HRRP said taxes would be covered
 - Chequessett now must cover
 - May be ways to minimize tax burden
 - Being investigated

Challenges:

- HRRP and Town position changes too often
 - New Town Administrator
 - New Board of Selectpersons in place
- Current funding landscape is volatile
- Attorney fees ongoing
- Timeline always being pushed
- Holes 6,7,8 not getting better

Opportunities:

- Capital improvements that we could not afford for a long time
 - Irrigation
 - Irrigation pond
- Renovation of 91 year old course
- Would not be able to get most (if any) of these permits on our own
- Out of flood zone
- Many costs have been absorbed by Friends of Herring River