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CAPE COD
COMMISSION

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Date: April 7, 2016

Property Owner/
Applicant: Town of Falmouth
c/o Jeff Gregg, GHD
1545 Iyannough Road
Hyannis, MA 02601

Re: Modification of Development of Regional Impact Decision
DRI MINOR MODIFICATION TYPE #1

Project: Town of Falmouth
Comprehensive Wastewater Management Plan (CWMP)/
Targeted Watershed Management Plan (TWMP)
(CCC #07041)

Introduction

Pursuant to Section 13 of the Cape Cod Commission Enabling Regulations (Revised Nov. 2014), the Development of Regional Impact (DRI) decision dated February 27, 2014 (“Decision”) for the Town of Falmouth’s CWMP/TWMP (“Plan”) is hereby further amended by this Minor Modification Type #1 decision. This modification is granted to authorize the Bourne’s Pond Inlet Widening component of the Project, which component was contemplated in the Decision and the Executive Director has determined proposes no more than *de minimis* changes to the Project, and does not create detrimental impacts to resources protected under the Regional Policy Plan, subject to monitoring and other relevant provisions to be developed in the Adaptive Management Plan.

Background

Condition GC8 of the Decision provides that the Town seek a modification of the Decision whenever it requests a Notice of Project Change (NPC) to the FEIR, including for pilot or demonstration projects contemplated in the CWMP/ TWMP, but not developed in detail at the time the Commission issued the Decision (see Finding GF2 of the Decision). The CWMP/ TWMP contemplated a number of pilot projects, including Bourne’s Pond Inlet Widening, which are to be pursued according to the Adaptive Management Planning process set out in the Plan and required in the Decision. The FEIR required the filing of NPCs for pilot projects, like Bourne’s Pond Inlet widening, that would otherwise exceed MEPA review thresholds.

The Town recently submitted an NPC under MEPA for Bourne's Pond Inlet Widening, and received the Secretary's Certificate thereon stating that no further review under MEPA is required. The Commission provided a comment letter on the NPC to the MEPA office.

Discussion

Bournes Pond Inlet Widening is described in the NPC as a water quality improvement and tidal restoration project, which is anticipated to permanently and immediately improve water quality due to increased tidal flushing with an increase in water exchange of over 9 million gallons per tide. Widening is estimated to remove approximately 50% of the relevant target nitrogen load and enhance eelgrass and shellfish habitats, by increasing the width of the inlet from 50-feet to 90-feet. Currently Bournes Pond has an existing single span bridge and two jetties. The new bridge design specifies a 25-foot extension of the western jetty, complemented by the removal of 25-feet of groin currently located to the west of that jetty. This results in no net increase in the footprint of coastal structures. There is no change in bridge height planned.

Condition GC11 of the Decision requires that the town develop an Adaptive Management Plan (AMP) to guide future decision-making, planning, development and implementation of its CWMP/ TWMP. The decision to pursue nontraditional, pilot projects, like this inlet widening project, is itself subject to adaptive management. Monitoring and reporting on initiatives undertaken in a CWMP/TWMP is a central feature of AMPs.

Conclusion

All findings and conditions attached to the original DRI decision and subsequent modifications continue to apply except as modified herein. To the extent there is conflict or ambiguity between this modification and the Decision, this modification shall control.

The modification is hereby issued to authorize the Bournes Pond Inlet Widening component of the Falmouth CWMP/TWMP, which shall be undertaken consistent with the discussion herein, conditions herein, and with the document entitled "Town of Falmouth, Massachusetts, Bournes Pond Inlet Widening, Notice of Project Change, Project Narrative and Appendices, Volumes 1 and 2, January 2016, prepared by GHD," which document shall substitute or supplement, in whole or part, as the context requires, for any plans and other information previously reviewed and approved in the Decision.

Conditions

As part of its adaptive management planning under Condition GC11 of the Decision, the town shall incorporate the widening project into the AMP, and under the AMP, develop monitoring and reporting protocols, and undertake such monitoring and reporting programs, for the widening project. Specifically, monitoring and reporting should include, among other things: salinity measures; nutrient loading; changes in water quality; and assessment of impacts on eelgrass, shellfish and infaunal life; with a goal of minimizing or mitigating adverse impacts identified. Monitoring should consider whether any evidenced nitrogen reduction is a consequence of updated hydrodynamics vs. the inlet widening itself. The town shall incorporate such updates to the AMP associated with Bournes Pond as part of its 2016 annual review with the Commission's Committee on Planning and Regulation pursuant to Condition GC11 of the Decision.

**ISSUANCE OF DRI MINOR MODIFICATION TYPE #1 DECISION
Falmouth CWMP/ TWMP- Bournes Pond Inlet Widening**

Executed this 7th day of April 2016.



Signature

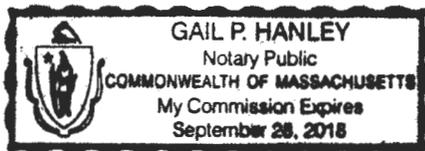
Paul Niedzwiecki, Executive Director

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____ April 7, 2016

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Gail P. Hanley

Notary Public
My Commission Expires: 9-28-18

SEAL