

Attention Cape Cod Commission January 14, 2020

RE: Comments on the DRI for phase I of the Herring River restoration project

Dear Sirs or Madams of the Cape Cod Commission,

I am writing with several specific concerns about the proposed HRRP:

1. Elevation of the roadways (Pole Dike Rd, Bound Brook Island Rd., and Old County) are proposed to increase by at least 4 feet over the current road elevation (for example, PDC Rd is to be raised from 4.7 to 8.8 feet NAVD). Do Phase I plans include measures that ensure wildlife won't be hindered or hurt as a result of the higher road and additional barriers?
 - The impact on wildlife resident in the current habitats has been called out in the DRI, including the expectation that migrations will be inevitable for them to survive. How will animals crossing the elevated road be impacted by the higher barrier that this road creates? Will guard rails be designed to allow wildlife to pass through easily? Numerous sad examples of wildlife deaths, due to their crossings not being considered while planning building roadways, can be seen across MA roads.
2. Drainage from the Upper Pole Dike Creek sub-basin has been impeded by overgrowth of vegetation within the LPDC area since Mosquito Control stopped its drainage activities, among other causes. Low areas at the eastern perimeter of the UPDC marsh have grown very wet and soggy, and rain water accumulates here now, whereas, 5-10 years ago this was not the case:
 - How will the unidirectional tidal control structure at Pole Dike Rd impact drainage out of the sub-basin, particularly during rainy conditions in the near term?
 - Hydrodynamic modeling predicts peak water levels would remain the same after the restoration as they are currently (DRI, page 41). Are models evaluating different conditions around the entire perimeter of the UPDC sub-basin? For example, due to rainwater draining downhill from Rt 6 into the eastern side of the marsh, there is substantial accumulation of water there. Specific sampling should be done in various locations, prior to and after restoration, to ensure that differences that exist now are recorded and monitored for changes during Phase I.
3. I continue to question the proponents' approach to widely interpreting updates to the MA WPA in the context of claiming Ecological Project Limited status. These are some specific concerns:
 - With property owner approval being sought only when a structure on the property would be projected to be impacted, the risk of costly and stressful legal challenges seems high. How can the proponents ameliorate these issues in advance of restoration?
 - No clear-cut responsibility for unintended property damage has been staked by the proponents. Questions posed about liability are answered by referencing adaptive management, which is not an answer to the liability question. Can the questions around insurance, a liability compensation fund, or other measures, perhaps using MOUs between the interested parties, prior to starting this project?

Thank you for your consideration and placing these comments in the record.

Sincerely yours,

Laura Runkel

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Wellfleet, MA 02667

A handwritten signature in cursive script that reads "Laura Runkel". The signature is written in black ink on a light-colored background.