



December 6, 2012

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Secretary Richard K. Sullivan, Jr.  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Holly Johnson, EEA No. 14272  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Superintendent George Price  
Cape Cod National Seashore  
Attn: Cape Cod National Seashore and the Herring River Restoration Committee  
Herring River Restoration Project, Draft EIS/EIR  
99 Marconi Site Road  
Wellfleet, MA 02667

RE: Herring River Restoration Project Draft EIS/EIR

Dear Secretary Sullivan and Superintendent Price:

The Association to Preserve Cape Cod (APCC), Cape Cod's nonprofit environmental advocacy and education organization, submits the following comments for the Herring River Restoration Project Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR).

APCC strongly supports the Herring River restoration effort proposed in the Draft EIS/EIR, and was one of the first to call for restoration of this major wetland system in the 1970s. Since then, APCC has actively followed the comprehensive public process that has resulted in the Draft EIS/EIR.

The proposed restoration would substantially reverse 100 years of wetland degradation and adverse ecological impacts that occurred as a consequence of diking the Herring River and the subsequent drainage of a large expanse of the salt marsh. According to the Draft EIS/EIR, the made-made alterations to the Herring River have resulted in:

- Restriction of natural tidal flow to the wetland system.
- The loss of native salt marsh vegetation and an increase in non-native, invasive species.
- The loss of estuarine habitat and degradation of water quality.

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A NON-PROFIT ORGANIZATION. DUES AND CONTRIBUTIONS TAX DEDUCTIBLE AS PROVIDED BY LAW.

- Alteration of natural sediment processes and increased salt marsh surface subsidence.
- Nuisance mosquito production.
- Impediments to river herring migration.

According to the Draft EIS/EIR, restoration of the Herring River will, among other things, accomplish the following desirable benefits:

- Reestablish natural tidal flow, increase salinity and reestablish natural sedimentation patterns within the estuary, to the extent practicable.
- Improve water quality within the estuary and wetland system.
- Improve shellfish and finfish habitat.
- Restore the estuary's ability to function as a nursery for marine animals and to serve as a source of organic matter.
- Remove physical obstructions for migratory fish, including river herring and American eel.
- Reestablish salt, brackish, and freshwater marsh habitats and native plant species in place of invasive non-native and upland plant species.
- Reestablish a more natural control of nuisance mosquitoes through increased tidal flow and improved water quality.
- Create new recreational opportunities.

The Draft EIS/EIR reflects years of exhaustive and thorough study of past and current ecological conditions within the Herring River system, as well as a careful analysis of possible alternatives for the proposed restoration. The identified preferred alternative appears to produce the greatest possible environmental, cultural and recreational benefits while still being attentive to potential impacts to private property and public infrastructure.

While the document provides a highly detailed analysis of the proposed restoration project, there are still unresolved issues relating to likely infrastructure and private property impacts and the identification of appropriate mitigation for those impacts. APCC looks to the Final EIS/EIR for more substantive information on how these outstanding issues will be addressed.

Both the National Environmental Policy Act (NEPA) and the Massachusetts Environmental Policy Act (MEPA) focus on the need and, as stated in the NEPA legislation, the "critical importance of restoring and maintaining" the natural environment. The Herring River Restoration Project emulates the very core of both NEPA and MEPA as the environmental policy of both the nation and the state. Congress specifically found that we, as a society, must restore the natural environment from the impacts of population growth, high-density urbanization, industrial expansion and resource exploitation. The challenge for regulators is to recognize that the Herring River Restoration Project is not the type of project to address as development or even redevelopment, but rather, it is the practical means and measure to restore conditions under which humans and nature "can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans," again, according to NEPA. The Herring River Restoration Project and similar environmental restoration projects are the very purpose of both NEPA and MEPA. The Herring River project restores and maintains the natural environment.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed DeWitt', with a stylized flourish at the end.

Ed DeWitt  
Executive Director

cc: Cape Cod Commission