***CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION*** ***TWO HUNDRED AND NINETY-SEVENTH MEETING***

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station

Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, January 12, 2015, commencing at 1:05 p.m.

SITTING:

Richard Delaney, Chairman Larry Spaulding

Don Nuendel Tom Reinhart Joseph Craig Sheila Lyons

Mary-Jo Avellar Mark Robinson Maureen Burgess

Lilli Green, alternate Robert Summersgill, alternate Bill Clark, alternate

Also present:

George Price, Superintendent Lauren McKean, Park Planner Leslie Reynolds, Chief Ranger

Nancy Doucette, Assistant to Superintendent Audience members

**LINDA M. CORCORAN** **CERTIFIED COURT REPORTER**

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# P R O C E E D I N G S

1. MR. DELANEY: Good afternoon, everyone. I wanted
2. to call to order the 297th meeting of the Cape Cod
3. National Seashore Advisory Commission.
4. We just keep continuing to extend our record more
5. and more. As someone pointed out at the end of our last
6. meeting -- Maureen did -- we're getting close to the
7. magic number of 300 meetings, which is really something
8. for any organization these days, and we only meet once
9. every other month. So at the end of the meeting, I'd
10. like you to think about it. We might want to put our
11. heads together, a small group of how we might want to
12. commemorate 300 meetings at some point. I think we
13. figured that would end up in maybe our last meeting this
14. year.
15. MS. BURGESS: Is it September?
16. MR. DELANEY: November?
17. MS. BURGESS: Or is it September?
18. MS. AVELLAR: May, wouldn't it be?
19. MR. DELANEY: We've got one in May -- in February,
20. March.
21. MS. BURGESS: March and May usually.
22. MR. DELANEY: So it would be one more after that.
23. MS. BURGESS: September?
24. MR. DELANEY: So it would be September, yeah.
25. MR. PRICE: It depends on how it falls. Sometimes
26. you've had one in June, and sometimes -- or it could be
27. September. It could be the kickoff. Maybe we could
28. count it towards the centennial celebration for the
29. National Park Service.
30. MR. DELANEY: Or we could just do something simple.
31. George could take us all down to a restaurant and buy a
32. couple rounds of drinks.
33. MR. REINHART: VR's.
34. MS. AVELLAR: Yeah.
35. (Laughter.)
36. MR. DELANEY: All right. Anyway, on a serious
37. note, I'm happy to call the meeting to order.

# ADOPTION OF AGENDA

1. MR. DELANEY: We have an agenda that has been
2. distributed in advance. Would anyone like to make an
3. amendment or addition at this time to the agenda?
4. (No response.)
5. MR. DELANEY: All right, I'll have a motion to
6. adopt it as printed.
7. MS. BURGESS: So moved.
8. MS. AVELLAR: Second.
9. MR. DELANEY: Second. All in favor, signify by
   1. saying aye.
   2. BOARD MEMBERS: Aye.

# APPROVAL OF MINUTES OF PREVIOUS MEETING (NOVEMBER 17, 2014)

* 1. MR. DELANEY: Now, you also have the minutes from
  2. our previous meeting, which is November 17. Any
  3. corrections, notes? That's an Eastham responsibility.
  4. MR. NUENDEL: Yeah, Nat learned that a couple of
  5. meetings ago.
  6. I read them and they look fine. I just have a
  7. question on one. On page 8, line 8, we were talking
  8. about so there's going to be a hearing on November 18 at
  9. Pilgrim Town Hall. I think that should be Plymouth Town
  10. Hall.
  11. MS. BURGESS: Yeah, it should be.
  12. THE COURT REPORTER: No, it's not. It's Pilgrim.
  13. MR. NUENDEL: It is Pilgrim?
  14. THE COURT REPORTER: Well, Pilgrim Memorial Hall,
  15. but that's what was said.
  16. MR. NUENDEL: Oh, all right.
  17. MR. DELANEY: Well, that's fine then.
  18. Any other additions, subtractions, edits,
  19. corrections?
  20. (No response.)
  21. MR. DELANEY: Hearing none, a motion to -- I'd like
      1. to entertain a motion to adopt as is?
      2. MR. NUENDEL: So moved.
      3. MR. DELANEY: Second?
      4. MR. CRAIG: Second.
      5. MR. DELANEY: All those in favor, signify by saying
      6. aye.
      7. BOARD MEMBERS: Aye.
      8. MR. DELANEY: Good.

# REPORTS OF OFFICERS

* + 1. MR. DELANEY: Now, we have Reports of Officers.
    2. This usually is a nonstarter since there's only really
    3. one of us.

# REPORTS OF SUBCOMMITTEES

* + 1. MR. DELANEY: How about going to the Reports of
    2. Subcommittees.
    3. UPDATE OF PILGRIM NUCLEAR PLANT EMERGENCY PLANNING
    4. SUBCOMMITTEE STATE LEGISLATION PROPOSALS
    5. MR. DELANEY: Maureen, could you update us?
    6. There's a lot of activity going on around Pilgrim, but
    7. could you give us the highlights, please?
    8. MS. BURGESS: Yes, Mr. Chairman. Thank you.
    9. Nancy is preparing a packet of certain relevant
    10. materials, and I gave her quite a bit. So it will be
    11. coming to you.
        1. But just quickly to summarize, as you recall from
        2. the minutes, we had our last meeting, and I think at
        3. Larry's suggestion, said that we would like to add our
        4. support to the ballot initiatives that were passed by
        5. the 15 Outer Cape towns, previously saying that we feel
        6. -- most of the citizens feel that Pilgrim should be shut
        7. down, but more recently in November asking that our
        8. senator for the area support legislation to expand the
        9. emergency planning zone around Pilgrim, which is
        10. currently only a 10-mile-wide radius, to include
        11. emergency planning for Barnstable, Dukes, and Nantucket.
        12. So we did ask the superintendent if he would draft
        13. a letter to the Honorable Dan Wolf, and you have that in
        14. front of you. And I will read it. It says: (Reading)
        15. Dear Senator Wolf: I am writing at the request of the
        16. Cape Cod National Seashore Advisory Commission to
        17. express their support, as noted in the meeting of

18 November 17, 2014, for legislation to expand the

1. radiological plume exposure emergency planning zone
2. around the Pilgrim Nuclear Power Station in Plymouth, an
3. approximately 10-mile-radius area, to include all of
4. Barnstable, Dukes, and Nantucket counties.
5. So you have that before us. I don't know if we
6. need to vote on that.
   1. MR. DELANEY: No, I think this is just an acting
   2. recommendation we made thanking the superintendent for
   3. doing that.
   4. MR. PRICE: I did that at the last meeting.
   5. Just as a point of information, I'm doing this on
   6. your behalf. I am not able to lobby either federal or
   7. state officials on a particular piece of legislation, so
   8. I would have to do it a totally different way. So this
   9. is strictly representing your wishes.
   10. MR. DELANEY: Thank you.
   11. MS. BURGESS: Mr. Superintendent, that went to a
   12. number of people?
   13. MR. PRICE: Actually, you can speak with Nancy.
   14. MS. BURGESS: Okay, thank you.
   15. I do have a suggestion from Judy Stephenson about
   16. forwarding this letter. Judy couldn't be here today,
   17. but she felt that Maura Healey would be very effective
   18. to knowing that we were supporting this initiative. So
   19. we should send it to Maura Healey.
   20. MR. DELANEY: Our new attorney general.
   21. MS. BURGESS: Our new attorney general.
   22. In fact, I don't know if all of you know, but
   23. Judy's husband was a former attorney general, and she
   24. felt that he might even be willing to take a letter to
7. Mr. Baker and ask for his support.
8. MR. PRICE: I might make a recommendation, if I
9. could, Mr. Chairman. Obviously Senator Wolf and
10. Representative Peake and all the representatives on the
11. Cape are very familiar with the Seashore and the
12. Advisory Commission. If we're going to send it to an
13. office such as the new Governor's office and the new
14. Attorney General's office, perhaps it needs to be a
15. different set of background, explaining what the
16. National Seashore is as a resource and the role of the
17. Advisory Commission.
18. MS. BURGESS: More information?
19. MR. PRICE: Well, just who the Advisory Commission
20. is, the fact that you represent all the six towns on the
21. Seashore and are representing your boards of selectmen
22. and your citizens, et cetera. So it's not going to be
23. as self-evident as something I send to Senator Wolf.
24. MS. BURGESS: So would you need help with that
25. letter? Can we send it as a commission?
26. MR. PRICE: I'm actually wondering if -- I might
27. recommend that we would draft it with your signature
28. perhaps, Rich, as we have done in the past with the
29. nuclear plant. I sent one specifically on behalf of the
30. National Park Service that I got approved from my
31. sources. You sent one representing the Advisory
32. Commission. I think especially this is a new attorney
33. general with a new staff. Perhaps that would be the way
34. to go.
35. MR. DELANEY: I would appreciate that. Let's go
36. that way.
37. MR. PRICE: Okay.
38. MR. DELANEY: And that letter would have more
39. introductory paragraphs that could explain who we are
40. and what our mandate is.
41. MR. PRICE: Yes, yes.
42. MR. DELANEY: And who we represent. Okay, great.
43. MR. SPAULDING: But this letter would go out?
44. MR. DELANEY: But this letter must be included.
45. MR. PRICE: Yes.
46. MR. DELANEY: So essentially a cover letter.
47. Okay, thank you for doing that.
48. MS. BURGESS: And you have before you -- I think
49. Lauren got this for us from Barnstable County Regional
50. Emergency Planning Committee -- what they call a
51. radiation emergency reference sheet that they put
52. together because they are realizing that there is no
53. emergency plan. So this sheet is something that's
54. available for all of the citizens.
    1. And is Lauren here? I'm not sure if all of the
    2. boards of health got them. I don't know how to access
    3. them in the town, but I'll find out.
    4. MS. McKEAN: We have a whole lot of them. I just
    5. got out of an AmeriCorps meeting on Friday, so I think
    6. it's just hot off the press and the county's just
    7. starting distribution.
    8. MS. BURGESS: Thank you very much for doing this.
    9. MS. McKEAN: Sure.
    10. MS. BURGESS: Oh, yeah, thanks very much.
    11. You remember we were talking about at the last
    12. meeting also the flex plan that the Nuclear Regulatory
    13. Commission asked all of the power plant operators to
    14. come up with an alternate backup plan in case there was
    15. an interruption of power to the plant so that there
    16. would be an alternate plan for cooling should
    17. electricity not be available to the plants to avoid
    18. overheating and a meltdown. And as you recall, we
    19. talked about the plan that Pilgrim came up with.
    20. And you've probably seen it in the press, which was what
    21. many people described as a Rube Goldberg plan where
    22. there would be moorings installed outside of the -- in
    23. the bay outside the plant and that there would be plant
    24. personnel and possibly firefighters who would then use
55. hoses and pumps as a backup mechanism.
56. So you'll see in your packet here that there was a
57. meeting with the Department of Environmental Protection
58. in November, and there was a very large turnout to decry
59. the inadequacy of this plan. So you can read through
60. that information. There was a lot of testimony before
61. the DEP, and I guess they are reviewing that testimony
62. now to see if that plant is accessible -- I mean
63. acceptable.
64. The other big thing that is going on over there now
65. is that they have begun moving some of the spent fuel
66. rods to dry cask, and they're in the process of doing
67. that. I think they're going to fill three large casks
68. with about 68 spent fuel rods each, and they're being
69. taken out of the pool, which, as you know, is on top of
70. the nuclear power station in water. And they're being
71. taken out by crane and then put in these casks which
72. contain helium. Entergy has put in a pad for receiving
73. them where these dry -- they would be putting concrete
74. dry casks, and this is because we have no federal policy
75. for disposing of nuclear waste. And so they -- Entergy
76. has come to the realization that this cooling pool which
77. was originally supposed to handle only about -- I don't
78. know -- 100 spent fuel rods is now up to like 3,200 and
79. they're out of room. So they're moving these because
80. they want to do another cycle of reprocessing. So
81. they're moving out some to make room for new ones that
82. will be put in. And you can read about all this in the
83. information I've given you.
84. (Sheila Lyons enters the room.)
85. MS. BURGESS: The thing that's interesting now also
86. is that Entergy is actually suing the Nuclear Regulatory
87. Commission for not having a repository for spent fuel.
88. So they are in the process of actually suing the federal
89. agencies for not following through on having a place in
90. the country for disposing of these spent fuel rods.
91. So I think in a nutshell that's pretty much it. I
92. also did include something on Vermont Yankee because
93. that is in the process of being decommissioned. So a
94. lot of people worked very hard, including your governor,
95. to make this happen.
96. So unless anybody else has something they want to
97. add -- oh, Lilli. I forgot. Sorry.
98. MR. DELANEY: We'll recognize our alternate from
99. Wellfleet, Lilli Green.
100. MS. GREEN: Thank you.
101. MS. BURGESS: I'm sorry. I'll just fill you in. I
102. periodically check in with the Downwinders to see if
103. they have information on where these proposals are
104. because, as you remember, Larry, last time there was no
105. real hard legislation. There was no bill. So I found
106. out that some of the Downwinders plan on going up
107. tomorrow to meet with Sarah Peake and Dan Wolf about
108. constructing proposed legislation, and Lilli Green has
109. offered to go to represent the Advisory Commission.
110. MS. GREEN: And to that end, it makes sense to me
111. to bring the letter to Dan Wolf, especially given that
112. it's talking about the legislation and also that the
113. bills have to be submitted by Friday of this week. So
114. with your permission -- I don't know if you want to
115. discuss it -- for me to bring the letter.
116. MS. BURGESS: In other words, you could hand
117. deliver it.
118. MS. GREEN: I could hand it to them.
119. MR. DELANEY: Sheila said we should mail it out.
120. We should do it by official channels also, but you
121. should have a copy with you. Okay, thanks.
122. Any questions for Maureen on any of the many
123. aspects related to Pilgrim Nuclear Power Plant?
124. MS. AVELLAR: Just to say thank you, Maureen, for
125. keeping us so well informed.
126. MS. BURGESS: Oh, you're welcome.
127. MR. DELANEY: Yes, good work. Thank you.
128. Okay, moving onto our Superintendent's Report.
129. George, do you want to start in on the Nauset Spit?
130. MR. PRICE: Sure.
131. MR. DELANEY: At this point let me just -- I
132. neglected to do this formality, but I'd like to
133. recognize Alan McClennen, who's a selectman from
134. Orleans, in the office today.
135. Thank you for coming. We always welcome elected
136. officials here. I'm sure all of Orleans has a
137. particular interest in this next report.
138. So George?
139. MR. PRICE: Sure.

# SUPERINTENDENT'S REPORT

1. NAUSET SPIT UPDATE
2. MR. PRICE: Just a couple of things. First of all,
3. I don't have any direct new information to me from
4. either the board of selectmen from Orleans or Eastham.
5. So that's status quo. It remains as it had been for a
6. while. I did read in the paper that the Orleans Board
7. of Selectmen was seeking funding to research a court
8. challenge on the property ownership. And I also
9. recently learned the end of December that the final
10. written denial was sent by the Eastham ConsComm to
11. Orleans on their request to allow off-road vehicle use
12. in the future. So we were just copied with that as a
13. cc. So that's the information.
14. So just, again, to reiterate what's happened here.
15. Obviously the spit has grown and attached to property
16. that was in the Town of Eastham. The United States
17. believes that that's property that we purchased over
18. time. There are a total of six parcels. And therefore,
19. we certainly believed it was Seashore property. The
20. Town of Eastham and the Park Service have allowed the
21. continual use of off-road vehicles over that spit over
22. the years. I've been asked by people from Eastham,
23. including previous members of the board of selectmen.
24. My position was that even though Eastham had on the
25. books a prohibition of riding on the beach, if Eastham
26. was not going to take issue with it, I was not going to
27. take issue with it unilaterally even though it crossed
28. the Eastham boundary and then came onto what we believe
29. is Park Service property.
30. Obviously this fall things changed. Eastham
31. decided to enforce the prohibition of riding off-road
32. vehicles within the town boundary, and it was at that
33. time that we learned publicly in the newspaper that
34. Orleans actually believed they owned the property
35. through the laws of accretion. The Park Service does
36. not believe that that applies in this particular
37. instance. We believe we still own the property.
38. So just to clarify, which I tried to do at the
39. joint boards of selectmen meeting that was held a while
40. ago, two things. Number one, because we decided not to
41. pursue preventing off-road vehicles in conjunction with
42. Eastham at that time, we were exercising prosecutorial
43. discretion, as they say. There are a lot of things that
44. we have to enforce. That was one thing that we were
45. collectively not enforcing. Once Eastham decided to
46. enforce it, then we're going to support Eastham with
47. enforcing it.
48. There's been some dialogue and talk that if there
49. was some way for the Eastham Board of Selectmen to
50. figure out how to either change the bylaw or somehow
51. allow off-road vehicles on the property in spite of
52. their laws, that's a proactive decision on behalf of the
53. Board of Selectmen of Eastham. Well, then that changes
54. the ground rules. That's, as I have said publicly, a
55. game changer for me because I'm no longer in a position
56. to passively sit by. The Park Service then would also
57. have to actively make a decision that off-road vehicles
58. could remain on that spit. And there's been no
59. environmental impact statements. There was nothing in
60. that area that was ever included when the Park Service
61. went through its long issue with off-road vehicles in
62. Provincetown, the corridor that's up there. And
63. therefore, that type of activity would have to happen
64. for the Park Service to make a decision if we were going
65. to allow off-road vehicles on that spit, and
66. environmental impact statements would be needed. And
67. those generally take an extended period of time and a
68. lot of money and a lot of resources.
69. So I just wanted to be clear for all of you. It's
70. not that I am unilaterally making a decision on whether
71. the vehicles can or can't be on. It's just that I am
72. not in a position to allow them on, making the positive
73. proactive decision. So it sounds like a lot of
74. government gobbledygook perhaps, but what it's doing is,
75. if Eastham decides to make their decision, the Park
76. Service would have to decide to make its decision. I
77. couldn't just passively do it.
78. So there's a lot of discussion going on. We sent a
79. letter to the board of selectmen in Orleans basically
80. outlining that position and that we sent information
81. from our attorney on the information related to the six
82. parcels that the United States purchased over time and
83. acquired that land for protection within the boundaries
84. of the Seashore and that we do not believe accretion
85. applies at this particular time, and, in fact, we were
86. not going to spend more resources on that until we saw
87. how things played out. For instance, was Orleans going
88. to take issue with us legally? Was Eastham going to or
89. not pursue whether they were going to change the bylaws
90. or not? So that's basically where it stands from our
91. position at this point.
92. MR. DELANEY: Mary-Jo?
93. MS. AVELLAR: So was this plan -- what was the
94. status of the plan at the time that we did the
95. negotiated rule-making when Maria was the
96. superintendent?
97. MR. PRICE: It was not considered part of the
98. negotiated rule-making.
99. MS. AVELLAR: It wasn't part of it?
100. MR. PRICE: So none of this spit was considered.
101. None of the existing driving that Chatham and Orleans
102. does now on that beach was included.
103. MS. LYONS: So what you're saying is if all things
104. sort of stayed the way they are and the towns worked
105. this out, you can comply with the decision, but if they
106. change a bylaw, then you're compelled to then address
107. that change in the bylaw which will then lead you to
108. have to have an environmental impact statement that:
109. Does this apply to us? Or what does it mean for us?
110. MR. PRICE: Just so that you know where I sit, when
111. you say if everything stands as it is, what that means
112. is that there is no off-road vehicles on the spit in the
113. Town of Eastham.
114. MS. LYONS: Because that's what they've decided at
115. this point?
116. MR. PRICE: Yes.
117. MS. LYONS: They were allowing it, and now they've
118. enforced this?
119. MR. PRICE: Their laws.
120. MS. LYONS: Their laws, right.
121. MR. PRICE: So they've enforced their laws that
122. have been on the books since the '70s.
123. MS. LYONS: Okay, so this is really up to Eastham
124. at this point. All right, so they have decided that.
125. So you will support that since you share --
126. MR. PRICE: I support the closure of off-road
127. vehicles on that piece of property, which we believe we
128. own.
129. MS. LYONS: Okay.
130. MR. PRICE: If Eastham came out and said at town
     1. meeting for them to rescind the bylaw or there was some
     2. other negotiated process that would happen, that would
     3. compel the Park Service to have to make the decision if
     4. we were going to pursue an environmental impact
     5. statement.
     6. MS. LYONS: I see.
     7. MR. PRICE: And the hundreds of thousands of
     8. dollars and the years it would take in order for that to
     9. happen.
     10. MS. LYONS: I see, okay.
     11. MR. DELANEY: Mary-Jo?
     12. MS. LYONS: But it's still Eastham -- but it's
     13. still -- excuse me -- Seashore property?
     14. MR. PRICE: That's what the United States says. If
     15. you were to ask the board of selectmen in Orleans, they
     16. would have a different opinion.
     17. MS. LYONS: And they say -- Orleans says it's
     18. theirs. And Eastham says it's whose?
     19. MR. PRICE: Eastham passively said it's the United
     20. States, at least in the latest ConsComm piece, as I
     21. understand it.
     22. MS. McKEAN: Yes.
     23. MS. AVELLAR: I was on that negotiated rule-making
     24. thing, and I never heard this before.
         1. MR. PRICE: Right, because it was a non-issue
         2. because Eastham had the law on the books.
         3. MS. AVELLAR: Okay.
         4. MR. DELANEY: George, did the U.S. solicitors take
         5. a look at -- I think you said this before. Have they
         6. reviewed the Park's ownership to those six parcels
         7. recently?
         8. MR. PRICE: Yes.
         9. MR. DELANEY: And have they also reviewed the
         10. theory of the law -- law or theory of accretion?
         11. MR. PRICE: I would say a superficial review or a
         12. preliminary review.
         13. MS. McKEAN: Well, they've reviewed it, and it
         14. applies to our parcels. Our parcels have shifted around
         15. in that location. They've never been totally submerged
         16. and gone away.
         17. MR. PRICE: If, in fact, Orleans files a lawsuit
         18. against the United States, we would then have to
         19. undertake a much more rigorous and exhaustive research
         20. as well.
         21. MR. DELANEY: Larry?
         22. MR. SPAULDING: Has the solicitor responded in
         23. writing on these issues?
         24. MR. PRICE: I responded in writing.
131. MR. SPAULDING: No, but have you received an
132. opinion from your attorney on this?
133. MR. PRICE: That's included in the letter that I
134. sent to the board of selectmen.
135. MR. SPAULDING: A copy of his opinion?
136. MR. PRICE: No, I reiterated the position of the
137. United States for the Park Service in that letter.
138. MR. SPAULDING: Right, but that wasn't my question,
139. George. My question was, has the Seashore here received
140. any written correspondence with respect to an opinion
141. about the ownership issues?
142. MR. PRICE: No, but they agreed with the valuation
143. as they saw it, which is what's represented in that
144. letter.
145. MS. LYONS: Do we know why -- what was the reason
146. that Eastham decided to enforce their law? It sounds
147. like they had this law on the book and maybe it wasn't a
148. big -- you know, was it because of an increase of off-
149. road vehicles or other vehicles?
150. MR. PRICE: I think that would have to come from
151. Eastham.
152. MS. LYONS: It would have to come from Eastham.
153. Okay, so you're not really (inaudible). I thought there
154. might have been an incident or something.
     1. MR. DELANEY: Mark?
     2. MR. ROBINSON: The Park Service isn't subject to an
     3. Eastham bylaw?
     4. MR. PRICE: Correct.
     5. MR. ROBINSON: But your point is that because their
     6. bylaw was consistent with the Park Service expectations
     7. for that beach, that you agreed?
     8. MR. PRICE: Well, don't forget. When that bylaw
     9. was put into place, that spit didn't exist. Remember,
     10. that's where the harbor entrance was.
     11. MR. ROBINSON: It really applied more to Eastham
     12. land north of Coast Guard Beach?
     13. MR. PRICE: Correct. So after the Blizzard of '78
     14. as barrier beaches changed, as it will change again
     15. someday, that spit changed, and basically where the
     16. opening had been in 1961 became closed off and a new
     17. opening change.
     18. MR. ROBINSON: So it's more the fact that Eastham
     19. would be sending you as the superintendent a signal by
     20. changing its bylaw -- it would make you need to decide
     21. whether to act unilaterally?
     22. MR. PRICE: Correct.
     23. MR. ROBINSON: It's not that the change in the
     24. bylaw affects the Park Service? It's more the signal
155. it's sending?
156. MR. PRICE: Well, it affects the Park Service
157. because we would then have to enforce whatever direction
158. it would take us. As Mary-Jo said, if this was
159. identified as an issue, it would have been included in
160. the negotiated rule-making. Whatever that decision
161. would have been would have been a done deal. That area
162. was never addressed.
163. MR. ROBINSON: So no decision has been made about
164. this area because it's not part of that rule-making?
165. MR. PRICE: We never -- no, it was off the table
166. because Eastham had it off the table. So the Park
167. Service never had to worry about it.
168. MS. LYONS: It was already taken care of.
169. MR. PRICE: It was already taken care of.
170. MS. AVELLAR: But what I'm still confused about is
171. that -- Orleans thinks it's their land?
172. MR. PRICE: Yes, because they've told us through
173. their interpretation of laws of accretion. Or emulsion?
174. MS. McKEAN: (Nods.)
175. MS. AVELLAR: Because I remember way back when,
176. when I was a young selectwoman, going on a ride on North
177. Beach in Chatham. We could just drive over. But the
178. town -- the Town of Chatham owned that beach, as I
179. understand. They kept it for themselves. I think we
180. got there through Orleans.
181. MR. PRICE: Yes.
182. MS. AVELLAR: Shorty -- somebody named Shorty was a
183. selectman and a very good selectman. And it was
184. interesting because that's when I first realized that
185. Provincetown didn't keep anything when the Park Service
186. came in.
187. MR. PRICE: Right, because all the property in
188. Provincetown was --
189. MS. AVELLAR: Was given.
190. MR. PRICE: -- was transferred by the state, the
191. Commonwealth.
192. MS. AVELLAR: Right, correct.
193. MR. PRICE: So Provincetown did not own those
194. parcels. In Eastham, the Coast Guard Beach area to
195. Nauset Light Beach area did belong to the town, and they
196. transferred it to the United States through a deed. And
197. they only reserved the right for their residents to get
198. free access for them to those beaches.
199. So I do not know the history of Eastham bylaw
200. preventing ORVs because obviously ORVs had been out
201. there before '78 when the law first was enacted. They
202. had their own dune shacks and the Outermost House and
203. all that sort of thing. So it certainly is a complex
204. issue. That's for sure.
205. MR. DELANEY: I was in the town at that time, and I
206. think part of it was a reaction to the Blizzard of '78
207. and losing the parking lot and seeing the devastation
208. that could be caused by storms. And I think the town
209. just said let's get on with it.
210. MR. PRICE: So the other thing let me just throw
211. out because I'd feel negligent if I didn't. And I've
212. mentioned this to both boards of selectmen. The other
213. -- and I want to mention two things. Number one, I have
214. said publicly -- and I'll say it again -- I have no
215. reason to believe Orleans has not been a competent
216. steward of their ORV program. So I want you to know
217. that. The U.S. Fish and Wildlife Service and the state
218. Fish and Wildlife Service is the one that's been
219. providing oversight to the off-road -- the bird programs
220. in both Orleans and Chatham because they've maintained
221. their beaches. Okay, so the Park Service I don't want
222. you to think that there's an implication that somehow
223. that's in there. It's not.
224. The second part of it, however, is we are, in fact,
225. learning a lot more about the importance of barrier
226. beaches and distal spits and that that particular part
227. of the system in the Nauset Marsh is becoming
228. highlighted more and more as a critical both habitat and
229. staging area for shorebirds. And we're currently
230. undertaking a multiple year study with USGS and U.S.
231. Fish and Wildlife Service and the Massachusetts Audubon
232. on the importance of the birds in that area. And when
233. I've actually mentioned this to the town administrator
234. in Orleans, he fully was aware of that and said if they
235. had to deal with any management changes, they obviously
236. would have to do that as well.
237. So I just want everybody to know that there's
238. another game changer out there that could be, as it
239. comes to light, the importance of all these habitat
240. changes. And I just saw in the paper yesterday a write-
241. up about the recent designation of the red knot is now
242. another bird that is on the endangered species list. So
243. that is a different part of that. That's not part of
244. the argument that we're talking about, but as somebody
245. -- as an organization that's concerned about the natural
246. resources, that is in our background in any case.
247. MR. DELANEY: Okay, any other thoughts or
248. questions? Bill?
249. MR. CLARK: Just a quick point of clarification.
250. The only access is through Orleans other than by boat?
     1. MR. PRICE: Correct.
     2. MR. CLARK: So Eastham and the Park cannot access
     3. the spit?
     4. MR. PRICE: The Park can.
     5. MR. CLARK: Excuse me?
     6. MR. PRICE: The Park can because there's another
     7. access route that we own the property on.
     8. MR. CLARK: Okay.
     9. MR. PRICE: But as far as the off-road vehicle
     10. corridor for Orleans, you have to go through that
     11. particular area. And I understand that that particular
     12. access has a deed restriction which is required only for
     13. Orleans residents to be able to use that access road.
     14. MR. CLARK: So if Eastham wants to enforce their
     15. bylaw, they have to go through Orleans to do it, right?
     16. Is that true?
     17. MR. DELANEY: Or the harbormaster goes across the
     18. water.
     19. MR. CLARK: Oh, I see.
     20. MR. DELANEY: Or they request, I think as happened
     21. this time, Orleans to as a courtesy enforce it for
     22. Eastham, which I think Orleans natural resource officer
     23. did.
     24. Al, do you want to comment on this?
251. AUDIENCE MEMBER (ALAN McCLENNEN): Mr. Chairman,
252. just because it starts to get confusing, the Orleans
253. Board of Selectmen voted immediately after we were
254. challenged for beach use by the Town of Eastham Board of
255. Selectmen to notify all off-road vehicle users, 3,000 of
256. them, that it was illegal to drive their vehicles in the
257. Town of Eastham. And we changed our regulations to say
258. you are subject to a fine and revocation of your permit.
259. So the headlines in the paper at the end of December was
260. someone who decided to challenge that, and he ended up
261. in district court. And he paid the fine, but he was
262. ticketed by the Town of Orleans because we do not want
263. our beach holders to use that portion of the beach in
264. the Town of Eastham until this issue is resolved.
265. MR. DELANEY: Thank you. That's an important
266. clarification.
267. Okay, Larry?
268. MR. SPAULDING: Practically speaking, we've got to
269. find out who owns it. Orleans believes that they own
270. it. The Seashore believes that they own it. That's got
271. to get resolved. Probably there may be some things as
272. preliminary things that are worked on prior to that
273. time, but until that decision is made -- maybe by the
274. courts someday, maybe not -- there's not going to be a
275. resolution.
276. MR. DELANEY: Yeah.
277. MR. PRICE: Or it's resolved as far as I'm
278. concerned.
279. MR. DELANEY: One more. Mark?
280. MR. ROBINSON: George, if it was determined that
281. Orleans did own that through the doctrine of accretion
282. but it wasn't subject to the rule-making, wouldn't you
283. have to subject it to rule-making since you would have
284. jurisdiction, if not ownership?
285. MR. PRICE: That's another whole bag of worms.
286. MR. ROBINSON: But it's a question.
287. MR. PRICE: It would be a fair question. And also
288. because of the environmentally sensitive nature of it,
289. even if the Park Service environmental laws didn't apply
290. but the Massachusetts MEPA laws apply. And that's a
291. question. I have no idea.
292. MR. ROBINSON: So Orleans could go to a lot of
293. trouble to find out they do own it but they still aren't
294. accomplishing management authority necessarily.
295. MR. PRICE: There's obviously advantages, as Larry
296. says, to determine that from the Town of Orleans'
297. perspective.
298. MR. ROBINSON: They would have a stronger position
     1. perhaps if they owned it.
     2. MR. PRICE: Sure.
     3. MR. ROBINSON: They still can't rule by fiat.
     4. MR. SPAULDING: No, no, it would still hold that
     5. the Seashore would work with us. There are areas in the
     6. Seashore that people can drive on with appropriate
     7. permission, but if the Seashore owns it and they don't
     8. want anybody going out there, then that's their
     9. decision.
     10. MR. ROBINSON: So ownership is key?
     11. MR. SPAULDING: It is.
     12. MR. ROBINSON: But it's not the final determinant?
     13. MR. SPAULDING: That's correct.
     14. MR. PRICE: That's correct.
     15. MR. DELANEY: Okay. Fascinating topic.
     16. Thank you, Superintendent. Can you continue?
     17. MR. PRICE: Sure.
     18. PROPOSED RECREATIONAL FEE INCREASE
     19. MR. PRICE: So another hot topic that's been in
     20. the news a lot has been the proposed fee increase.
     21. Actually, we spoke about this at the last meeting
     22. because our fee proposal had already hit the streets.
     23. As you've been reading and seeing and I informed
     24. you last time, we received a lot of correspondence about
299. this. We're in the process of collating those
300. responses. A lot of people were focused on both the
301. individual and the bicycle fees as feeling that that was
302. inappropriate. We only received a couple positive
303. responses. And we're in the process of rolling up all
304. of that material to do an assessment of what they're
305. saying and why they're saying it, and then we'll be
306. adjusted accordingly. I don't know exactly what the
307. numbers will be, but they're not going to be as
308. proposed.
309. MS. AVELLAR: Say that again.
310. MR. PRICE: I said I can't tell you what they will
311. be, but they're not going to be as they were proposed.
312. MS. AVELLAR: In other words, they'll be less than
313. what was proposed?
314. MR. PRICE: For the bicycle and pedestrian.
315. MS. AVELLAR: Okay, good, I can report that
316. tonight.
317. MR. PRICE: But I don't have a number for you.
318. I will share -- Lauren's going to throw something
319. at me here because this is part of our process, but I
320. think it's fair to say almost -- I think virtually 100
321. percent of the people that have written us questioning
322. the appropriateness of bicycles and walking, how that
323. measures up against the walking issue, which is a
324. health-related use of the Seashore. Why are we
325. penalizing people who wish to walk or hike? And then
326. the other piece was similar, the bicycles, in that the
327. bicycle is a mode of transportation, obviously has no
328. emissions.
329. So it really is a balancing process. Obviously
330. recreation fees are an important part of what we access
331. in order to maintain our programs. I've mentioned to
332. you before, what we're talking about, the recreation
333. fee, is when you come into one of our lifeguarded
334. beaches during the season, and that pays for people who
335. go into a secure parking area, that has restrooms and
336. showers and a lifeguarded beach, and it's maintained.
337. So it isn't just a beach like today where you're going
338. to walk on the beach by yourself. So it's a service
339. that these are related to. And then out of those monies
340. we then underwrite the cost of a lot of the salaries
341. from that beach operation. And then the excess of those
342. monies goes towards our backlog maintenance program, and
343. then some of the money gets tallied up into the
344. Washington account, and that's when we can access it for
345. things like the $5 million for the new bathhouse up at
346. Herring Cove Beach.
     1. So it's a direct -- it's a direct service back to
     2. the users. We can't use that money to pay our permanent
     3. salaries or the electricity in this building or that
     4. sort of thing. So it's a discrete amount of money that
     5. Congress has allowed us to collect, and at least in our
     6. case, these fees have not been increased since 2005. In
     7. the case of the pedestrian or the bicyclist, they
     8. haven't been increased since 1997. So it is a balancing
     9. act as far as fees, what we can use the money for, and
     10. what would be acceptable to members of the public.
     11. So as a result of that public process and all the
     12. input, in the next couple of weeks we'll be doing an
     13. assessment and working with our Washington regional
     14. offices for what the final resolution will be.
     15. You ought to know -- and I know there's some press
     16. in your package about this, but it's my understanding
     17. this was a national initiative to take a look at
     18. increasing fees nationally. We've been prohibited from
     19. even considering it up until recently. And there are
     20. probably similar conversations going on in parks all
     21. around the country right now.
     22. MR. DELANEY: Mary-Jo?
     23. MS. AVELLAR: I don't know -- I'm not very familiar
     24. with other beaches in the Seashore, but I do know there
347. are a million ways to get on the beach in Provincetown
348. without having to pay. So I guess the question that
349. comes to me is people that walk across the marsh to go
350. up what we -- I won't tell you what we call it in
351. Provincetown -- but to go across to this one area that
352. goes out to Long Point. I think people are worried that
353. there is a possibility of the Park Service personnel
354. coming up to them to see their little receipt, "How did
355. you get in here?" You know, "You came in your boat."
356. You know, to get people to pay.
357. So so many more people can actually use those
358. beaches that don't have to go through the turnstile, so
359. to speak, to give them the 10, 15, or whatever it is
360. that you want to charge them that don't use -- that
361. don't use cars. They walk. You know, they -- you know
362. where they go. And they walk all the way to Long Point,
363. some of these people. So they're not paying, those
364. folks. So just to say because they're going to go
365. through -- they're walking through where there's a Park
366. ranger that they should have to pay seems to us to be
367. grossly unjust, and to have a 300 percent -- more than a
368. 300 percent increase in that rate was a real slap in the
369. face. That's how Provincetown felt about it. But trust
370. me. You don't have to pay to get into the National
371. Seashore on foot in Provincetown. There are back ways
372. in. There are all kinds of ways in.
373. MR. REINHART: So use them.
374. MS. AVELLAR: Oh, people do, but there's the
375. unsuspecting tourist who rides his bike in and all of a
376. sudden gets hit with like 20 bucks or 15 bucks or
377. something like that, and they're like, you know, "Well,
378. what about those people I saw walking across the marsh
379. that parked their bike on the side of the road near
380. where the old Moors Restaurant used to be and then
381. walked across the marsh to get into the Seashore?" I
382. don't think we should charge people to walk into the
383. Seashore or park their bike on the side of the road.
384. MR. PRICE: And that was -- and if it's not in the
385. future going to be an entrance station area. So the
386. only place you collect is where the entrance stations
387. are. And the majority of the money we've ever collected
388. from individuals are those that have sought out the
389. ranger and donated the fee because they appreciated the
390. services that they received.
391. MS. LYONS: Yeah.
392. MR. REINHART: (Inaudible)?
393. MS. AVELLAR: No, because what if my family's out
394. there and I couldn't go out there with them so I take a
395. taxi out there or something and they drop me off? I
396. have to pay when I've already -- and I have a pass, of
397. course, because I'm old. So I have a pass. So all I
398. have to do is flash my pass, and then I probably won't
399. have to pay to get in.
400. MR. PRICE: Correct.
401. MS. AVELLAR: But there's the person that doesn't
402. have a pass, you know, not my age and just wants to join
403. their family out there and takes a taxi and then they
404. have to pay three or four or ten bucks to get in? I
405. think that's nuts. To walk into the Seashore? It's
406. crazy when they could sneak over the dunes and risk
407. poison ivy to get in free.
408. MR. DELANEY: Let's go to Tom next.
409. MR. REINHART: Yeah, I would just like to say that
410. I'm on the Wellfleet Finance Committee also. We have
411. problems with revenue and fees not being high enough and
412. providing services for people who use them who don't pay
413. for to a point where now the town has trouble meeting
414. the additional obligation. And I feel that this is a
415. very similar case. And if people are using services,
416. they really -- there's some kind of idea that we
417. shouldn't have to pay for them somehow to some degree,
418. and yet the bottom line is we can't afford to give these
419. if people don't support them. So I don't think three or
420. five dollars or eight dollars is a lot of money.
421. MS. AVELLAR: Well, one is three and they're going
422. to make it ten. And then when you see all those
423. hundreds of people that are out there that aren't paying
424. because they went by boat or they walked, they're not
425. paying for the services out there either at all.
426. MR. REINHART: Those are not particularly using
427. them. The people that are going through the turnstile
428. are the ones that are directly close to the services
429. that you're providing.
430. I don't know. To me, you can't look out for every
431. person's interest that's a mile away and walking down
432. the beach. We need some money for the services that
433. we're providing, and if people are close to them and
434. they choose to go in that way, then they can pay. I
435. don't think it's a great hardship.
436. MS. AVELLAR: 300 percent?
437. MR. REINHART: (Inaudible.)
438. MR. DELANEY: I hear that. I think you raised some
439. comments about the similarity to Wellfleet, the beach.
440. And I think, Tom, your emphasis on the nexus between the
441. places that a person walks onto the beach where they
442. will get services and those services cost money, and
443. that's where the rationale makes sense as opposed to
444. anyone else walking anywhere where they don't need any
445. services.
446. MR. REINHART: Right.
447. MR. DELANEY: So I think that's George's rationale.
448. Sheila?
449. MS. LYONS: I mean, I understand. It did seem like
450. a very high jump, and I think that's been stated and
451. heard. And it's going to be addressed, so I will assume
452. that it's not going to be that much money.
453. MS. AVELLAR: 300 percent for Provincetown.
454. MS. LYONS: I understand. I understand. I mean,
455. if we're going to have this discussion, I think that,
456. yes, there are always going to be people that can get on
457. and there are people who are going to do it deliberately
458. because "Gosh, I just saved --" -- you know, they feel
459. great that they just saved five bucks. But the fact of
460. the matter is if you explain to people that this is a
461. reinvestment into something that they enjoy, that if
462. they want to be able to have these things when they come
463. back, it all contributes to the cause. And I think the
464. more that can be stated and help people understand that,
465. that you might find a few more walkers come up to a
466. booth and pay to get in because they actually can
467. connect where that money is going. So I think that we
468. should also, you know, support these efforts because no
469. one wants to pay. Well, we all want it but we don't
470. want to pay for it. And people have to realize that the
471. more they put that off, the more expensive it will come
472. or you won't have access at all because it won't be
473. there.
474. MS. AVELLAR: One last time?
475. MR. DELANEY: One more. Mary-Jo?
476. MS. AVELLAR: Provincetown, I've been dealing with
477. the Cape Cod National Seashore since 1976. And
478. Provincetown only receives and has only been receiving
479. since the Seashore was founded $6,700 a year, which is
480. considered payment in lieu of taxes for the medical and
481. police and fire rescue services that we provide to the
482. Cape Cod National Seashore. I think $6,700 a year is a
483. crappy amount of money to be getting for all that we do
484. provide. And so then -- and there's nothing we can do
485. about it because it's apparently part of what was
486. enacted back over 50 years ago.
487. So I bring this up every single year with the board
488. of selectmen that I think it's been $6,700 ever since I
489. had long black hair and first sat on the board of
490. selectmen. So then to see walkers who are not, you
491. know, abusing and bike riders that have to get a more
492. than 300 percent increase in their entry fee, we should
493. be getting more money for the amount of services that we
494. provide, especially with rescue and fire. We should be
495. getting more money, and there's no way we can get more
496. money. So that's how Provincetown feels.
497. MR. DELANEY: You've raised an ancillary issue, but
498. it's one maybe the superintendent should respond to.
499. MR. PRICE: Well, I'd say two things, and maybe you
500. can remind the board of selectmen this evening, which
501. I've done in the past. Number one, all the rescues that
502. are made via the ambulance get reimbursed through the
503. individuals' insurances. Number two, if there's a fire
504. in the National Seashore, above the money that's
505. contributed now, the town can actually bill the Seashore
506. for their services.
507. MS. AVELLAR: Do they?
508. MR. PRICE: They can.
509. MS. AVELLAR: But they don't?
510. MR. PRICE: I don't know when there's been a fire
511. last that involved Provincetown.
512. MS. AVELLAR: What about police?
513. MR. PRICE: That's number one and number two.
514. Number three, I would also say to them, since I've been
515. here, which will be ten years next month, I think we've
516. invested over $20 million in facilities in the
517. Provincetown area of the National Seashore, and 5
518. million of that was out of recreation fees.
519. MS. AVELLAR: But we gave you a free hookup to the
520. sewer.
521. MR. PRICE: Excuse me. Excuse me. Over $400,000
522. -- over $400,000 betterment fee for the sewer hookup,
523. which it allowed you to go to phase three, which at the
524. time the board of selectmen was very grateful for.
525. MR. DELANEY: They needed it, yeah.
526. MR. REINHART: Maybe they have short memories.
527. MS. AVELLAR: Well, that one I don't --
528. MR. DELANEY: Larry next and then Mark.
529. MR. SPAULDING: George, I have a question about the
530. process because our job is to advise. When you make
531. your decision, will it be a decision or will it be a
532. proposed decision?
533. MR. PRICE: What happens now is in the process
534. we've received the public comment. Specifically from
535. boards of selectmen, by the way, at least Eastham and
536. Provincetown are on record. I don't know if any other
537. board actually submitted a board recommendation. I
538. appreciated that. And so we'll be renegotiating.
     1. One of the things that I mentioned last time, I
     2. think, and it was in the press release, part of what the
     3. Park Service is also trying to do is to get some parity
     4. among parks. So when you mentioned what the other
     5. seashores are like, well, the Park Service is looking
     6. broadly and what's the parity among other seashores. So
     7. we have a ways to go before we can figure out what the
     8. final number will actually be.
     9. And that will be sometime between?
     10. MS. REYNOLDS: End of March, beginning of April.
     11. MR. PRICE: March and April.
     12. MR. SPAULDING: My question related to, would we
     13. get a number that's proposed so we can advise and make
     14. comments, or will we get the number and that's the
     15. number?
     16. MR. PRICE: We've already received the advice.
     17. MR. DELANEY: Mark?
     18. MR. ROBINSON: I'm going to make a motion, but
     19. first I have a comment. I gave my venting last time we
     20. were here, and that's in the record. I'm glad to hear
     21. that the superintendent decided that he should propose a
     22. tripling of walk-in or bicycle fees because he felt an
     23. obligation to his superiors. I was hoping it wasn't his
     24. idea.
         1. MR. PRICE: I didn't say that.
         2. MR. ROBINSON: Okay, well, that's what I was
         3. reading between the lines.
         4. MR. PRICE: No.
         5. MR. ROBINSON: So if that's not true, then I
         6. withdraw the comment, and I'm very disturbed that you
         7. would propose it.
         8. (Laughter.)
         9. MR. ROBINSON: I think I'm somebody who's here
         10. because I want to see the National Seashore continue to
         11. succeed, but this kind of stuff is absolutely
         12. unnecessary. They hit us. It's a public relations hit
         13. that the Seashore is taking because of this thing, which
         14. will generate no money for anything. It's
         15. unenforceable. It's a disincentive to the type of
         16. activity we want to encourage, and I just think it was
         17. absolutely unnecessary to provoke this unless it was
         18. some kind of a stalking horse where the increase --
         19. reasonable increase in fees for vehicles, which I think
         20. is entirely justified. But this public relations
         21. disaster of increased -- tripling fees for walk-ins in a
         22. national seashore where you don't have a single point of
         23. entry is just -- it's just totally unnecessary and I
         24. think sends the exact wrong message of what the Seashore
539. is all about.
540. My motion is that we should endorse the increase in
541. fees for motorcycles and automobiles as suggested by the
542. superintendent and to set the walk-in and bicycle fees
543. to zero.
544. MS. AVELLAR: I'll second that.
545. MR. DELANEY: Okay, we have a motion on the floor
546. -- on the table and a second, and it's open for
547. discussion.
548. MR. SPAULDING: What are the walk-in fees now?
549. MR. DELANEY: The walk-in fees are three dollars,
550. proposed to go to ten. Bicycle is?
551. MS. DOUCETTE: Same as walk-in.
552. MR. DELANEY: Bicycle is also three?
553. MS. DOUCETTE: Uh-huh.
554. MS. REYNOLDS: Three.
555. MR. PRICE: Yeah.
556. MR. DELANEY: So walk-ins and bicycles currently
557. when they are identified and can be collected pay three
558. dollars. The proposal suggests or proposes to go to ten
559. for each of those, I believe. And so the motion says
560. rather than endorse the proposal, we'd like to see the
561. superintendent go the other way on those two items but
562. stay at the proposed rates for cars.
     1. MR. ROBINSON: And motorcycles.
     2. MR. DELANEY: And motorcycles.
     3. Discussion? Point of clarification,
     4. Superintendent?
     5. MR. PRICE: Point of information. It's my
     6. understanding under the recreation fee laws we are
     7. required to charge for recreational fees. For instance,
     8. it wasn't the Park Service -- it wasn't the Seashore's
     9. idea to charge for individuals or bicycles or
     10. motorcycles. So there's a base of understanding of how
     11. that law is actually applied. So just that's a point of
     12. information.
     13. MR. DELANEY: You're saying there's a nominal fee
     14. must be charged pedestrians for some other legal reason?
     15. MR. ROBINSON: Then I would like to amend my motion
     16. to make it one dollar.
     17. MS. AVELLAR: Okay.
     18. MR. DELANEY: Then would your second change as
     19. well?
     20. MS. AVELLAR: I'll second that as well.
     21. I mean, a lot of people go out there on those buses
     22. that the Seashore provides that have a place for people
     23. to put their bikes. So now they're paying to use the
     24. bus, and then they have to pay -- and their bus is a
563. green bus -- and then they have to pay to take their
564. bike off and go in. I mean, that's getting hit twice.
565. MR. DELANEY: Tom, you were going to comment next?
566. MR. REINHART: Well, I would like just to repeat
567. what I said. I think there should be at least the fees
568. we have now, and they should at least increase by a
569. cost-of-living increase from when they were enacted in
570. the past. I don't think that it defeats the purpose of
571. people walking or biking in the Cape Cod National
572. Seashore. I think that's a somewhat specious argument
573. because you can use the bike trails, you can ride
574. anywhere else in the Seashore, you can walk anywhere in
575. the woods. It makes it sound like you're being charged
576. to use the Seashore, period, when it's just a specific
577. service that you're using when you're going to these
578. places. So I'm not in favor of this motion.
579. MR. ROBINSON: Tom, you weren't here last time when
580. we heard from the superintendent the number of people
581. that actually either pay or are charged that are walk-in
582. or bike fees. It is statistically insignificant. It
583. has nothing to do with revenue at the facilities. It
584. just doesn't add up to anything. So my point is as an
585. advisor to the Seashore we should be sending a message
586. to the Cape Cod public and to the users that we want you
587. to come here and we want you to keep your car at home as
588. much as you can and not clog up our roads. We want to
589. encourage alternative transportation that is in all of
590. our plans for the Seashore.
591. Again, it's not that we don't want to support the
592. Seashore financially. Of course, we do, but this type
593. of fee is meaningless in that regard. It's symbolic.
594. So if it's a symbolic amount of revenue that's coming
595. in, let's make it symbolic and show the public that we
596. are advising the superintendent to encourage
597. alternatives and not disincentivize it.
598. MR. DELANEY: Okay, Larry?
599. MR. SPAULDING: Well, I might be personally in
600. favor of the dollar plan. Practically that's never
601. going to fly. Maybe if it were no increase at all, we
602. might persuade the superintendent actually not to
603. increase them rather than doing the dollar. So for that
604. reason I am more inclined to just say there's no
605. increase. They've been doing it since 19 whatever. And
606. I think we'd certainly be sending a message by taking
607. that position rather than pushing it for a dollar or
608. zero.
609. MR. DELANEY: Okay.
610. Ted?
611. MR. NUENDEL: I agree with what you said, Larry.
612. And one thing we should keep in mind is the fact that
613. children aren't going to be charged. So like a family
614. won't get --
615. MS. BURGESS: Under 16.
616. MR. NUENDEL: Right, I like what you said.
617. MR. DELANEY: Okay, Joe?
618. MR. CRAIG: I think that the pedestrian and bicycle
619. fee should not change, but I think we have to go back
620. and advise the Seashore that the next time something
621. like this comes up, that they ought to think about it
622. first before we get the negative press. If much of what
623. you said was put out with that, I think we would not
624. have heard as much as we've heard. It would explain
625. what these fees are for and they're for services in a
626. particular area and so on and so forth. Much of what
627. you said was not told to anyone. And so they only saw
628. that three to ten, and that's what everybody zeroed in
629. on. And it gave the Seashore a negative connotation.
630. MR. DELANEY: Sheila?
631. MS. LYONS: I don't agree with no fees, and I don't
632. agree -- you know, even though it's an insignificant
633. amount, it's an amount. And it also says to people that
634. you have -- there's a responsibility that people have,
635. and people unfortunately today will spend a lot of money
636. on a ticket to a game and not think about it, but if the
637. government's asking them for three bucks because of
638. something that they want to do, I just don't think --
639. this is something we all own, and we all have to take
640. care of it. And I just think that there's some
641. responsibility attached to it. And I don't agree with
642. no fees at all, and I don't see a problem with even
643. upping it to, say, you know, if it's four dollars or
644. keeping it the same. So what will you do then? You'll
645. put more or you'll tack up a couple of dollars more on
646. the vehicles and on the motorcycles? So how will those
647. people feel? You know, we're carrying that load because
648. these people don't want to pay, or you're encouraging --
649. you know, it's just -- I think there has to be some
650. equity and people realize that this money goes towards a
651. resource that they like to come back to. So I just
652. don't agree with no fees at all.
653. MR. DELANEY: So I hear, Mark, if I can try to
654. summarize, most -- I think the Commission is 100 percent
655. behind your message that you want to send through the
656. fee, which is we want to emphasize and encourage
657. pedestrians and bike riders. That's first and foremost.
658. And the discussion not only is -- or the statement that
659. we're going to stay at three dollars and not change that
660. sends a message that --
661. MR. ROBINSON: I would amend my motion to keep it
662. at three dollars.
663. MR. DELANEY: Okay.
664. MR. SPAULDING: Second.
665. MR. DELANEY: I think that would still send a
666. message that you want to achieve, and I think it would
667. also achieve the secondary message that I hear from Tom
668. and Sheila about responsibility of users of those
669. facilities. And as a third message, practicality. Even
670. though your point is well taken that it doesn't raise
671. that much money, at least it brings the message that
672. someone is responsible for providing the services.
673. So I think we're almost at a good consensus here.
674. Mark, did you amend it at one point?
675. MR. ROBINSON: I did. And he seconded.
676. MR. SPAULDING: I seconded.
677. MS. AVELLAR: Yeah, and I'll support it.
678. MR. DELANEY: One more discussion point?
679. MR. REINHART: Well, my question is I'm opposed to
680. not at least raising the cost of living. So if I vote
681. that I'm opposed to this, does that sound like I don't
682. want the fees to be raised? I don't like that either.
     1. MS. AVELLAR: Well, the motion isn't to raise the
     2. fees on walk-ins.
     3. MR. DELANEY: You'd have to make a separate motion
     4. if you want to change it differently to a cost-of-living
     5. index.
     6. MS. AVELLAR: What is the cost-of-living index?
     7. MR. DELANEY: This year it was almost -- it was
     8. less than one percent.
     9. MS. LYONS: It would probably be prohibitive. It
     10. would probably be more than ten dollars.
     11. MR. DELANEY: No, the cost of living went up
     12. marginally this year.
     13. MS. LYONS: Okay, but, as you added, since it's
     14. been raised.
     15. MR. REINHART: So two dollars.
     16. MS. LYONS: Since 1997 if you wanted to have it
     17. reflect -- I mean, that has been the change -- it hasn't
     18. been changed since 1997.
     19. MS. AVELLAR: For me it's a question of equity.
     20. You know, if you're going to charge somebody -- I mean,
     21. I'm not in favor of Park Service personnel going up to
     22. every single person on the beach, "How did you get here?
     23. Did you pay?" But the fact of the matter is people go
     24. to the North parking lot section of the beach. Chances
683. are they're in the non-lifeguarded section of the beach,
684. so they're not getting that service. They're self-
685. contained vehicles. All those kinds of things are going
686. on on the beach. You can have your dog. You can have
687. an inner tube for your kid. I mean, all the things that
688. go on on the North parking lot are things that aren't
689. allowed on the lifeguarded beaches. So there's very
690. little impact, to my way of thinking, except for the
691. macadam, which is the cars, as opposed -- and then there
692. are the people that are just walking willy-nilly. They
693. come in. They go all the way to Hatches Harbor and Race
694. Point, or they walk out to Long Point. There are so
695. many more people that aren't paying based on your --
696. based on your rationale that aren't paying for the use
697. of the beach. But when they get into trouble out there,
698. they need help. So either everybody has to show that
699. they've paid somehow or by walking or boating. I mean,
700. I got stuck -- one time we got stuck when we had our
701. boat out there, for God's sake, and we weren't anywhere
702. near the shore.
703. So I'll stick with the three, but I think that
704. you've got to try to get everybody.
705. MR. DELANEY: I think this discussion is directed
706. at a very narrow segment of the users of the Park. It's
707. just those people who want to go through a service gate,
708. an entrance gate and then be very close to bathrooms,
709. lifeguards, easy parking, all that stuff. All the other
710. users, as you point out, Mary-Jo, are in a different
711. category. No one's suggesting that they be charged
712. anything or that there be a ranger traveling up and down
713. the beach collecting three bucks or ten bucks.
714. Let's be sure we're talking about -- let's be sure
715. we're talking about a very narrow (inaudible).
716. So we have a motion on the floor, and, Tom, you
717. have to decide if you're going to vote for it.
718. MR. REINHART: No, I want to just move the meeting
719. along.
720. MS. BURGESS: I was going to go with Tom, but when
721. I heard Larry, I thought it was okay.
722. MR. DELANEY: I think it would just be a different
723. type of rationale, but it will get more complicated.
724. So let's stick with the motion, which is we will
725. let the record show that we have voted officially to
726. recommend to the superintendent that when he makes a
727. final decision about the sweep of fee increases, that he
728. retains, does not change, does not increase the fee of
729. three dollars for pedestrians or bicyclists.
730. MR. REINHART: Well, let's think about it --
731. MR. DELANEY: Do what he wish with the others, or
732. did you have specific numbers for the --
733. MR. ROBINSON: I'd go completely along with what
734. was suggested.
735. MR. DELANEY: So we're just talking about the two
736. that --

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| 7 | MR. | ROBINSON: Right. |
| 8 | MR. | DELANEY: Okay, that's the motion. |
| 9 | MS. | GREEN: Rich, is it -- I mean, do you want to |
| 10 | include, | Mark, for the reason? |
| 11 | MR. | ROBINSON: I think we've discussed it more now. |
| 12 | MR. | REINHART: Yeah. |
| 13 | MR. | ROBINSON: So it doesn't sound (inaudible). |
| 14 | MR. | DELANEY: Okay, hearing that, all those in |
| 15 | favor, signify by saying aye. | |
| 16 | MR. | SPAULDING: Aye. |
| 17 | MR. | NUENDEL: Aye. |
| 18 | MR. | CRAIG: Aye. |
| 19 | MS. | AVELLAR: Aye. |
| 20 | MR. | ROBINSON: Aye. |
| 21 | MS. | BURGESS: Aye. |
| 22 | MR. | PRICE: All those opposed? |
| 23 | MS. | LYONS: No. |
| 24 | MR. | REINHART: (Indicates). |

1. MR. DELANEY: One no?
2. MS. AVELLAR: Two no's.
3. MS. LYONS: Two no's.
4. THE COURT REPORTER: Tom and Sheila?
5. MR. REINHART: Yeah.
6. MR. DELANEY: Any abstensions?
7. (No response.)
8. MR. DELANEY: Okay, so it carries.
9. Thank you, Mark.
10. MR. ROBINSON: It's just advice.
11. MS. LYONS: It's just advice.
12. MR. PRICE: Well, we appreciate it. We really do,
13. which is why I'm supporting the continuation of the
14. Advisory Commission.
15. (Laughter.)
16. MR. PRICE: I don't know how this park would
17. function without it.
18. KITEBOARDING UPDATE
19. MR. PRICE: Kiteboarding.
20. Luke Hinkle's been here a couple of times. He was
21. not able to participate today. As you recall, for a
22. variety of reasons, we have prohibited kiteboarding on
23. the Atlantic side of the Seashore basically from March
24. until the middle of October. Luke and his kiteboarder
25. enthusiasts were very concerned about that, and we've
26. met regularly -- we've met a number of times separately
27. now with Luke trying to see if there wasn't any sort of
28. opportunity, wiggle room, or place where a kiteboarding
29. activity could take place that we believed would be a
30. safe place that could be managed that would not impact
31. the resources. Our last meeting was about a month ago.
32. And I spoke with Luke and said that after all these
33. considerations we still do not believe that kiteboarding
34. should be allowed on the Seashore on the Atlantic side
35. of the Seashore.
36. During the same time, we've had for a long time the
37. ability for a kiteboarder to go off in Duck Harbor in
38. the Town of Wellfleet out into the bay. So as long as
39. they stay 200 meters from the beach and they're
40. kiteboarding out there and they come back into the town
41. beach of Wellfleet, that's fine, but there isn't such an
42. opportunity on the Atlantic side.
43. So I appreciated Luke's patience to stick with us
44. on these conversations. I believe he understands our
45. resource concerns. I don't want to speak for him, but I
46. doubt that he agrees with our final decision. So I'm
47. not sure that this will be the end of their request for
48. us to reconsider. I will also tell you what I said to
49. him. It's somewhat in line with what I mentioned before
50. about the Nauset Spit issue, and that is, as we learn
51. more and more about the birds and as we see the change
52. in behavior, whether it's absolutely related to climate
53. change or not, I have no idea, but traditionally up
54. until now the time where we say the shorebird staging
55. area ends is usually not the middle of October. We're
56. now learning that they're staying a lot longer, and in
57. fact, it's into the last week of October. So it very
58. well may be that some of the restrictions that we've had
59. on the books for a very long time may have to be
60. altered, especially if we have up to three species that
61. are endangered and they're here for staging
62. opportunities. I've focused on the endangered species
63. birds, but obviously we're concerned about all the
64. birds. So even if there are non-endangered species that
65. are nesting and staging on these distal spits,
66. especially on the barrier beaches, that's of concern to
67. us.
68. So I just wanted to report to you that that was the
69. conclusion of that discussion.
70. MR. DELANEY: Mary-Jo?
71. MS. AVELLAR: What's the difference between a
72. windsurfer and a kiteboard?
    1. MR. PRICE: A windsurfer is -- there's usually a
    2. sail attached on the surfboard itself. We're not
    3. talking about those. They're still allowed. The kite
    4. is a kite that's as much as 40 to 60 feet in the air.
    5. Depending on the kite, it has a broad sail.
    6. MS. AVELLAR: Like a parachute?
    7. MR. PRICE: Yes.
    8. MS. LYONS: It's like a parachute. You're
    9. parasailing in a sense.
    10. MR. PRICE: So that these people are in a harness,
    11. and they're attached. And they're on a surfboard, and
    12. sometimes they can get some air under them.
    13. MS. AVELLAR: Airborne?
    14. MS. LYONS: Uh-huh.
    15. MS. AVELLAR: What happens to the surfboard then?
    16. MR. PRICE: Well, it's attached.
    17. MS. LYONS: It's a small surfboard. So there have
    18. been -- I mean, I was at Wellfleet Great Island, and
    19. there were a bunch of -- this is several years ago when
    20. it was first new and people were learning. It was a
    21. very windy day, and this person who was learning got
    22. caught up in the wind and then got smashed down and got
    23. dragged because the wind kept dragging him through this
    24. parking area. I mean, he got all smashed up. So
73. there's a lot of risk when you're learning, and people
74. do -- it's not as though you can control it and you're
75. out on the water and then you kind of come back and dock
76. yourself. You are sometimes at the whim of the
77. elements, and you can crash into the sides of things or
78. crash into dunes.
79. So I can see why this is -- I could see it
80. immediately. And not only that, then there's a
81. liability. I mean, if somebody really wants to get like 10 --
82. MR. PRICE: Well, I've had reports of these
83. kiteboarders hitting the swimmers within the Seashore
84. boundary on the Atlantic side previously. That's never
85. been reported to our staff directly, so it's thirdhand
86. information. So this is actually less about safety
87. per se as it is with the conflict of other users, the
88. fishermen, swimmers.
89. And specifically the fact that what they do,
90. Mary-Jo, is they skim just near the waves great
91. distances and then they'll tack back and do it again.
92. Well, that means they're very close to the beach, very
93. close to the shorebirds. And they have this enormous
94. kite in the sky, and the shorebird behavior changes that
95. we surmise because they believe there are predators in
96. the area and that, therefore, they flush and that's part
97. of what we're protecting against. A kiteboarder, if
98. they were here, would say, "You have no evidence to
99. support that," but that's the observation of our staff.
100. MS. AVELLAR: Can a kiteboarder's feet come off of
101. the -- off of the board? How are they attached?
102. MS. LYONS: It's a small little board. It's not a
103. huge board.
104. MR. REINHART: If you look at a windsurfer's feet
105. strapped, it's the same thing.
106. MR. PRICE: So I will tell you, to me this is new.
107. I had never seen this before until I came to the Cape
108. and went down off the beaches in Hyannis. There will
109. sometimes be dozens of these. And it's a very colorful
110. spectacle. And they've also -- they've been in
111. Wellfleet Harbor, and it's a colorful spectacle. So
112. it's kind of interesting to watch, but the impact on the
113. resources concerning the Atlantic side is problematic
114. for us.
115. We will come across specific types of activity. I
116. know prior to my tenure here this board took on, for
117. instance, the personal watercraft, and that became a big
118. deal. Well, now there are also fat bikes that ride on
119. sand.
     1. MS. AVELLAR: Yeah, I've seen them.
     2. MR. PRICE: And we prohibit them at the Seashore.
     3. MS. AVELLAR: I see them out at New Beach all the
     4. time in the North parking lot.
     5. MR. PRICE: And they'll be notified that they're
     6. not allowed.
     7. There's also a wind-powered vehicle that I think
     8. has fat bike-type wheels that can skim on beaches. I'm
     9. not sure what that's called, but it's probably the land
     10. version of an ice boat, I assume.
     11. MS. AVELLAR: What about parasailing, is that
     12. prohibited if you're in a speedboat?
     13. MR. PRICE: Well, if you come within 200 meters of
     14. the beach, it is, but those are generally further out.
     15. I would say that had more to do with the whales than it
     16. has to do with us.
     17. So as people generate these new types of
     18. recreational activities, I'm sure we will be dealing
     19. with them.
     20. Joe?
     21. MR. CRAIG: Does this ban apply to Nauset and North
     22. Beach Island?
     23. MR. PRICE: No, this applies to just the beaches
     24. that we manage that way, so that would have to be a
120. decision by the towns. It is a decision that's in the
121. proposal for Monomoy.
122. MR. DELANEY: Okay, thank you.
123. SHOREBIRD MANAGEMENT PLANNING
124. MR. PRICE: Shorebird management, kind of building
125. on that, it's been a while since we've actually had a
126. briefing about our shorebirds. We've done it
127. intermittently with you all, but the shorebird
128. management plan has been many years in the making.
129. We're ready to roll it out this spring. I'm
130. anticipating a March-ish rollout.
131. So, Mr. Chair, when we schedule the March -- the
132. next meeting, whenever that is, I will plan to have our
133. science people here to do kind of a -- kind of a Cliff
134. Notes of, say, what would be a preferred alternative so
135. that you are aware of that.
136. The National Park Service Centennial --
137. MR. DELANEY: George, let me interrupt you.
138. Larry?
139. MR. SPAULDING: Could we get sort of like a brief
140. executive summary of that so when we -- I don't want to
141. make a lot of work -- so that we have something before
142. the meeting that we would have looked at so when you
143. talk about it, we kind of have some familiarity?
     1. MR. PRICE: Frankly, it depends on the timing
     2. because we have to have the discussion with you the same
     3. time it gets distributed to the public. We could see
     4. about having a Cliff Notes.
     5. Actually, would our executive summary have that
     6. anyway?
     7. MS. McKEAN: Yeah, it might need more detail, 8 but...

9 MR. PRICE: As usual, what this document will be,

1. will be a discussion of the alternatives as they have
2. been looked at over all these years.
3. Did we sign up three or four? I'm not sure. But
4. we will have a preferred alternative.
5. MR. SPAULDING: I just say the discussion might be
6. more fruitful for us if we had a chance to look at
7. something without trying to make work added.

|  |  |  |
| --- | --- | --- |
| 17 | MR. | PRICE: Well, we'll see how the timing goes. |
| 18 | MR. | DELANEY: Maybe an executive summary or an |
| 19 | outline. |  |
| 20 | MR. | SPAULDING: Right, okay. |
| 21 | MR. | DELANEY: Good suggestion. |
| 22 | All | right, George? |
| 23 |  | NATIONAL PARK SERVICE CENTENNIAL |
| 24 | MR. | PRICE: So the National Park Service Centennial |

1. is coming up. One of the things we did with the field
2. trip this morning was to show just a couple of physical
3. examples of some of the improvements that we're going to
4. be working on. We actually have secure funds to do the
5. two amphitheaters, the one at Salt Pond and the one at
6. the Province Lands. Those were Mission 66 statements
7. that the famous Rich Delaney actually put in the cement
8. for the one that was being constructed at the time here.
9. MR. DELANEY: My first college job.
10. MR. PRICE: In Eastham.
11. MR. DELANEY: My first college job was the Eastham
12. Visitors Center. I was the gopher. I didn't build it.
13. I was the gopher, got the coffee for the guys.
14. MS. AVELLAR: Just a young kid, huh?
15. MR. DELANEY: Then later as a seasonal Park ranger,
16. I had to stand out there and give my evening programs.
17. So I'm glad it's staying up all this time.
18. MR. PRICE: Actually, that's a great idea. Rich
19. Delaney returns to the restored amphitheater as part of
20. the centennial.
21. MS. LYONS: There you go. Ride in on a horse or
22. something.
23. MR. ROBINSON: That might not reflect too well on
24. his age.
    1. MR. DELANEY: No.
    2. MR. PRICE: So in any case, that's one physical
    3. improvement.
    4. We're doing a Park-wide signage update. If you
    5. take a look at a number of our signs, especially our
    6. highway signs and our trail signs, they're in pretty
    7. rough shape. There was a time when each park had their
    8. own sign shop, and we could rotate these through over
    9. time. That time has gone and passed, so now we're
    10. taking a little bit more comprehensive look at that.
    11. For those of you that hadn't heard, the Friends of
    12. Cape Cod National Seashore have pledged $100,000 towards
    13. the painting of the Penniman House, which is in really
    14. bad shape. The estimate of that is about 176,000 just
    15. for the painting, so we're going to be trying to secure
    16. the rest of that and try to get that in shape for the
    17. centennial.
    18. *HEALTHY PARKS, HEALTHY PEOPLE*
    19. MR. PRICE: And then another project that I'm very
    20. enthusiastic about -- this has actually been around for
    21. a while -- *Healthy Parks, Healthy People*. This is a
    22. program that the Park Service has done with parks, and
    23. I'm mostly familiar with the National Capital Region
    24. where physicians and healthcare providers have partnered
25. with the Park Service in trying to do outdoor physical
26. activities. And I'm reaching out to Cape Cod Healthcare
27. and Cape Cod Hospital to see if they're interested in
28. getting involved in this. And as a happy end user at
29. Cape Cod Hospital three times this past year, I thought
30. this would be an opportunity to connect up with them on
31. some of these activities.
32. So those are some of the things that we're looking
33. at. We're hoping to reap some benefit for the national
34. program on some additional seasonals. In fact, it could
35. help deal with some program support and some other
36. programming-type elements, but at least those are some
37. of the things out of the box at this point.
38. MR. DELANEY: George, is there a special national
39. appropriation for parks across the country to be able to
40. plan (inaudible) similar activities, or is that coming
41. out of -- stretched out of the existing budget?
42. MR. PRICE: There are a couple of things. Mostly
43. we're working with the National Park Foundation. Our
44. number one national group that's legislating for
45. donations, they're doing a number of national campaigns.
46. You will probably see their logos if you go to the
47. movies or in TV ads and all kinds of things that they're
48. doing. They're putting together donation opportunities
49. for donors and funders to contribute to national parks,
50. and there's a number of other programming ideas that
51. way. Nationally, we've actually already received help
52. with some seasonal people a number of years ago, and we
53. hope to receive some funding for some more seasonal
54. people in the future. Other than that, there are still
55. some other programs in the works.
56. MR. DELANEY: Okay, thanks.
57. IMPROVED PROPERTIES/TOWN BYLAWS
58. MR. PRICE: Nothing really more on town bylaws
59. other than I know that Wellfleet has updated some of
60. their bylaws or zoning pieces as it relates to the
61. Seashore District but nothing that's -- nothing that
62. causes us a problem for sure. Of course, one day it
63. would be nice if Truro decided to take a look at their
64. bylaws, but whatever.
65. MS. BURGESS: I tried first year I was here.
66. HERRING RIVER WETLAND RESTORATION
67. MR. PRICE: We are having regular meetings with the
68. towns of Wellfleet and Truro and the Friends of Herring
69. River on the Herring River wetland restoration project.
70. We're in the process of drafting MOU III, which would be
71. a significant next step. The Friends of Herring River
72. have received significant funding now from a series of
73. grants, including the Commonwealth of Massachusetts and
74. the federal NOAA program, and the technical subcommittee
75. and some others are really doing an amazing job.
76. I've got to tell you, it is really phenomenal to
77. see this at work. We've got about seven different state
78. and federal agencies on the technical subcommittee. We
79. have the town managers from Wellfleet and Truro and then
80. myself and the Park Service and all of our attorneys
81. working on these documents. So everybody is taking this
82. very seriously, and we really hope to be successful in
83. the future on this one.
84. HIGHLANDS CENTER UPDATE
85. MR. PRICE: Jumping forward, the Highlands Fest is
86. something that Lauren works with the Highlands partners
87. on. The date is tentatively scheduled for June 27 this
88. year.
89. It's tentative or that's the date?
90. MS. McKEAN: It's a Saturday morning. Yes, it's
91. set.
92. MR. PRICE: Just so that you know, we had a staff
93. presentation to you all in the past about our Green
94. Parks program, so as part of that, we actually assemble
95. our greenhouse emissions and we provide reporting on
96. that, whether it's our greenhouse gases, whether it's
97. our energy use or waste and all of our transportation
98. numbers so that we have a close eye on what it is that
99. the Park is actually involved with either directly
100. related to our employees or related to the program.
101. And, Mr. Chair, I'd say that's it.
102. MR. DELANEY: Okay, thank you very much.
103. Other topics that you would like to hear from the
104. superintendent on? Mary-Jo?
105. MS. AVELLAR: The sea clammers. I saw Craig -- I
106. saw Craig at I think it was a conservation commission
107. meeting in Provincetown and then I think probably at
108. another meeting.
109. MR. PRICE: Yes.
110. MS. AVELLAR: What's the Park Service's involvement
111. in the people that are out there digging up the bay?
112. MR. PRICE: Well, a couple of things. You're all
113. familiar with this project, and this is a hydro system
114. of getting the sea clams.
115. MS. AVELLAR: You should have seen the clams that
116. were sitting on the pier yesterday.
117. MR. PRICE: Right.
118. MS. AVELLAR: At least ten boxes. I mean, they
119. were huge containers like that (indicates).
120. MR. PRICE: Right, they are. I've seen them
     1. dropped off in Hyannis Harbor.
     2. So the issue is this particular type of technology
     3. for excavating the sea clams tears the heck out of the
     4. ocean floor. So they're using this hydro pump to blow
     5. the sand out, and then there's a collection system, and
     6. that's how they get collected. So there are several
     7. layers to this. Provincetown was concerned because you
     8. had the sea clammers coming into the Provincetown town
     9. boundaries and doing this activity, and they thought
     10. it was -- it's supposed to only be licensed for a
     11. certain amount of depth. Actually, I only know what's
     12. in the paper about the technology of the whole thing.
     13. As far as the Park Service is concerned, if they're
     14. coming within a quarter mile of the beach, specifically
     15. at Herring Cove, then they're in the bounds of the
     16. National Seashore.
     17. So the state manages the water column. The Park
     18. actually -- no, it's the other way around. The Park
     19. manages the water column. The state actually manages
     20. the sea bottom, okay? And then you overlay that with
     21. shellfishing is allowed within the boundaries of Cape
     22. Cod National Seashore as administered by the town and
     23. the town being an instrumentality of the state. So
     24. unlike other places (inaudible) Monomoy, the town can
121. regulate shellfishing. So as I understand it, there's
122. right now a dispute between the Town of Provincetown
123. and the state fisheries whether this is an appropriate
124. way for them to extract shellfish. The other overlay
125. on this that we're still investigating is, number one,
126. have they been doing this within the quarter-mile
127. boundary of the Seashore? And number two, what's that
128. doing to the environment on the seafloor, and is that
129. detrimental to the habitat? Therefore, should we be
130. joining with the conservation commission and with the
131. shellfish warden in Provincetown on trying to prohibit
132. this activity?
133. MS. AVELLAR: I hope you do. It's terrible.
134. MR. PRICE: So Craig was there as a point of
135. information to try to figure out what's going on and
136. does it affect us or not. I was personally only out
137. there one time. I was checking the revetment to see how
138. we did with the storms, and the fishermen that I saw at
139. that point were clearly more than a half a mile off the
140. beach.
141. MR. DELANEY: Tom, did you have a question?
142. MR. REINHART: Yeah. My question has to do with
143. the funding that you've been getting. I remember either
144. last year or the year before there were some pretty good

1 cuts.

2

3

MR. PRICE: Yes.

MR. REINHART: Hence, are you comfortable now with

1. the way some of that's been restored? I haven't heard
2. you say anything about it lately. Are you under such
3. budgetary pressure these days as you were? I know you
4. always are --
5. MR. PRICE: Right.
6. MR. REINHART: -- but even more the way they turn
7. the screws.
8. MR. PRICE: No, the good news last year was that
9. the Congress and the President came to a two-year budget
10. resolution. So the year before that is when we had the
11. government shutdown.
12. MR. REINHART: Yeah.
13. MR. PRICE: And then we were going through a
14. potential eight percent sequestration that we had to
15. come up with for that particular season. That's when
16. the Friends came forward with the money to keep the
17. Province Lands Visitors Center open and all that sort of
18. thing. So it was that following fall that the two-year
19. budget resolution was put into place for '14 and '15,
20. okay? And what that did was that restored our budget to
21. the 2012 level. So that was good news.
    1. MR. REINHART: Yeah, okay, great.
    2. MR. PRICE: So the good news was we were no longer
    3. dealing with the sequestration cut. We certainly didn't
    4. get any increases. The budget's always a complicated
    5. discussion because obviously fixed costs rise; we deal
    6. with employees whose benefits change and all that sort
    7. of thing. We have other budget requirements. Just the
    8. cost of doing background checks for employees and
    9. providing some other services always changes, and we
    10. don't necessarily receive additional funding for that.
    11. For FY '15 we have not actually gotten or received
    12. our budget allotment, so I haven't seen what's called
    13. the green book yet to know what our base budget is to
    14. know if there's any bump in that or not. Allegedly
    15. federal employees will be getting a one percent
    16. increase. The federal employees have not received an
    17. increase in many, many years at all.
    18. MR. REINHART: An increase in pay?
    19. MR. PRICE: Yes.
    20. MR. REINHART: You're getting one percent this
    21. year? Wow, very generous.
    22. MR. PRICE: Well, it's better than what's happened
    23. the last number of years. So in the past there has been
    24. at least a partial additional positive bump to the base
22. budget to cover that. That may or may not happen. So
23. it's still pretty much up in the air, but the good news
24. is we're not in the straits that we were a few years
25. ago.
26. MR. REINHART: Thank you.
27. MR. DELANEY: Maureen, did you have a --
28. MS. BURGESS: Oh, just about the clams. I just
29. wanted to be clear.
30. So the Seashore owns the quarter of the mile --
31. MR. PRICE: No, that's the boundary.
32. MS. BURGESS: The boundary of the Seashore?
33. MR. PRICE: Yes.
34. MS. BURGESS: So in terms of the enforcement for
35. either Provincetown or the Seashore, do you have the
36. technology at any specific time to determine exactly
37. where the dredging would be occurring for excavating
38. clams or whatever you call it?
39. MR. PRICE: Well, our people would use GPS-type
40. technology to figure that out.
41. MS. BURGESS: So is that happening, Mary-Jo, in
42. Provincetown?
43. MR. PRICE: Craig's working with Rex.
44. MS. AVELLAR: Yeah, with Rex. They were all having
45. cocktails afterwards. The lawyers and those rogue
46. fishermen, they were all at George's Pizza having
47. drinks. Dennis Sieminski (phonetic) and everybody
48. after.
49. MR. PRICE: And clam chowder.
50. MS. AVELLAR: I'm just really concerned about it.
51. MR. REINHART: Was there clam pie?
52. MS. AVELLAR: Huh?
53. MR. REINHART: Sea clam pie?
54. MS. AVELLAR: Yeah. Well, yeah. I mean, my
55. grandson dives for sea clams out there in the
56. summertime. You know, I still have a bag in my freezer.
57. But I mean, they're out there just like digging the
58. floor of the ocean up. I mean, it's terrible.
59. MS. BURGESS: That's why I was asking about
60. enforcing it.
61. MS. AVELLAR: Well, unless they're within the
62. boundaries of the Seashore, there's no enforcement
63. capability for you, I believe. I mean, everybody's
64. going to be harmed by this activity.
65. MR. PRICE: Well, you know that this activity
66. happens all the time.
67. MS. AVELLAR: But it's come to a head now.
68. MR. PRICE: I think what's new is the fact as to
69. where it's happening in Provincetown.

|  |  |  |
| --- | --- | --- |
| 1 | MS. LYONS: And does the Wildlife and Fisheries |  |
| 2 | condone that method of extraction? |
| 3 | MS. AVELLAR: The method, right, that's the |
| 4 | problem. |
| 5 | MR. PRICE: As I read in the paper, they are not | -- |
| 6 | MR. DELANEY: Division of Marine Fisheries does |  |
| 7 | allow hydraulic dredge. |  |
| 8 | MS. LYONS: But it has to be a certain distance |  |
| 9 | from the shore. |  |
| 10 | MR. DELANEY: Certain places and certain areas, |  |
| 11 | yeah. In fact, it happens along much of the |  |

1. Massachusetts coastline. The federal government allows
2. it from three miles and out.
3. MS. LYONS: Right.
4. MR. DELANEY: The federal government pretty much
5. allows it. The state government allows it with most --
6. with some minor restrictions, but inside three miles it
7. also -- the town is suggesting becomes a town question
8. because of the state Wetlands Protection Act.
9. MS. LYONS: That's what I was going to say. What
10. about the Ocean Management Act?
11. MR. DELANEY: The town's jurisdiction for the
12. seafloor from the shore out to the three miles.
13. MS. LYONS: Right.
14. MR. DELANEY: And the state's Wetlands Protection
15. Act says there shall be no dredging, building, altering,
16. boom, boom, boom, boom of habitat areas. So that's a
17. strong statement that the town has to go on. And that's
18. what the suit would be about, would be the town's
19. conservation commission using its town bylaws. There's
20. also -- it gets complicated. There's a second wetlands
21. act that's just the town's bylaw. So they could act
22. under either one, but I don't know which way they're
23. going. But both laws say no dredging if it's a negative
24. impact. So the question becomes, is this a negative
25. impact? The state fisheries guys say, "Well, no, this
26. is just churning up barren sandy area that's down." But
27. the photographs that they now have in this area and the
28. diver's firsthand testimony shows that those areas were
29. actually starting to regenerate sea -- other life,
30. richer habitat.
31. MS. LYONS: The Ocean Management Act that extended
32. some of the -- there was much discussion about that --
33. the towns' rights when they were extended and put
34. forward in that act. Does that help that situation at
35. all?
36. MS. BURGESS: Not directly. I'm not sure. I don't
37. think directly. The Ocean Management Act didn't become
38. as specific as talking about state law.
39. MS. LYONS: But I think it gave the rights to the
40. town. It fought to extend those rights beyond like a
41. tide line or --
42. MR. DELANEY: No, I think that's not relevant here.
43. MS. LYONS: Okay, all right.
44. MR. DELANEY: A question from Bill?
45. MR. CLARK: Years ago -- I don't really remember
46. how many years ago, but I remember there was research
47. done on hydraulic dredging, and basically I believe it's
48. a good way to manage fisheries. In the short term,
49. obviously it looks you're churning up the bottom and
50. all, but the bottom becomes anoxic and not a good place
51. to recruit subsequent generations of shellfish. And my
52. understanding is this is a good management technique.
53. It's kind of like plowing a field for a farmer. You
54. turn it over, you open it up, and you prepare it for
55. planting. And from what I understand, after hydraulic
56. dredging you have a much better crop than subsequent
57. years.
58. MR. DELANEY: If you're managing, that's -- there
59. is a lot of literature on this. A lot of literature
60. says it's not really good for the total ecosystem
61. because if you're talking -- but if you're talking about
62. just managing the sea clams, your point might be correct
63. because that's all you care about in that area, is
64. opening it up because they live six inches or a foot
65. down in the sand. So you're right on if the management
66. objective is just propagating more sea clams, but if you
67. want to have a habitat that has vegetation and biology
68. that becomes a nursery for the finfish and lobsters and
69. other things to have a more diverse, complete ecosystem,
70. this is destructive.
71. MR. CLARK: Somehow I remember -- I thought it was
72. better in general, and the Wetlands Protection Act also
73. includes managing shellfish. That's one of the
74. interests of the Act. So it would be dredging for the
75. purpose of improving shellfishery.
76. MR. DELANEY: Yeah, but not overall ecological
77. habitat.
78. MR. CLARK: Right.
79. MR. DELANEY: So it's, as always, things are
80. complicated.
81. MS. LYONS: Right.
82. MS. AVELLAR: There's also a reason why dredging
83. has to be carefully looked at. Always. You know, I
84. just feel that our town really manages its shellfish
85. beds really very carefully. Our shellfish warden has
86. been terrific. And this just seems very troublesome to
87. me.
88. MR. DELANEY: Not to go on about this, but there's
89. also from just a pure fisheries management perspective
90. -- there's things called sustainable fisheries --
91. MS. AVELLAR: Codfish.
92. MR. DELANEY -- where you don't destroy much of the
93. habitat or traditional habitat. So dredging does not --
94. it doesn't impact the environment as opposed to diving
95. for these, and the divers have been quite successful in
96. Provincetown going down and picking a clam at a time.
97. More valuable crop, less destruction of the clam itself.
98. The draggers for that hydraulic dredge destroy -- I
99. forget what the percentage is, but a significant amount
100. of the crop even before they get it up. So there's
101. collateral damage to the clams before they get them.
102. So it's, again, very complicated, but the Park
103. Service at this point -- back to you, George -- is
104. considering our -- paying attention and trying to
105. understand where this is at.
106. MR. PRICE: We're trying to figure out if we have a
107. role and is our role simply supporting Provincetown or
108. do we have a material role as it affects the habitat and
109. the environment within the quarter mile. That's what
110. we're trying to figure out.
111. I was out there -- the one time I was out there
112. when I saw them, there were Coast Guard helicopters and
113. there was a crowd with binoculars. I didn't realize Rex
114. was in that crowd. I would have gone and talked to him,
115. but I had no idea what was going on until I read it in
116. the paper the next day.
117. But you're right, Mary-Jo, about the crop. I see
118. them on the road in the Hyannis Harbor. It's enormous
119. amounts of catch.
120. MS. AVELLAR: I'm talking semi-trailers full of
121. these, just full of crates of sea clams.
122. MR. PRICE: It's amazing.
123. MR. DELANEY: There's no doubt it's a valuable
124. fishery, and again, the Division of Marine Fisheries
125. will say this is jobs, this is a big product, and we
126. don't -- we want to take the pressure off cod fishing
127. and all the other ones. So you can understand, or I can
128. understand, most sides of all the arguments.
129. MS. AVELLAR: We could use another Gerry Studds.
130. MR. ROBINSON: Does anybody know what the
131. sustainable yield is? Do you know what the sustainable
132. yield of these things?
133. MR. DELANEY: No.
134. MR. PRICE: I for one am quite a fan of clam
135. chowder.
136. MR. NUENDEL: So who cares?
137. MR. PRICE: Okay.
138. MR. DELANEY: Okay, all right, yes, back to -- we
139. were in the process of adding -- asking the
140. superintendent about other topics he had not covered,
141. and we've raised a couple of interesting ones. Last
142. chance to ask the superintendent other questions.
143. Mary-Jo?
144. MS. AVELLAR: Food carts.
145. MR. DELANEY: Food carts?
146. MS. AVELLAR: The question came up at work -- I
147. work in a restaurant -- that one of our former -- we
148. have an entrepreneurial former waiter at the restaurant.
149. He's entrepreneurial and he started a food cart. And I
150. noticed that there was some kind of a food cart festival
151. up Cape at the end of the summer, and apparently they're
152. quite popular in other areas of the Cape. He's allowed
153. to do it in the Town of Wellfleet, downtown, I guess --
154. MS. LYONS: Yeah.
155. MS. AVELLAR: -- at the beach, Joey Rugo. But
156. apparently the Seashore said no to food carts, and I
157. didn't know if --
     1. MR. PRICE: Right now the only food concession we
     2. have is up at --
     3. MS. AVELLAR: New Beach.
     4. MR. PRICE: -- the beach where the Far Lands is our
     5. concessionaire. We have been asked about food carts
     6. over time or food trucks/food carts for other
     7. concessionaires. We actually have a concession
     8. specialist, and each one of these we take a look at in
     9. its own way and try to weigh what's going on. We
     10. wouldn't have any other food competition because we
     11. already have a concessionaire up at that particular
     12. area. The golf course concessionaire also has a food
     13. vending opportunity at the Highlands area.
     14. We then have to take a look if we have people
     15. asking about some of our other beaches. How close is
     16. another food vendor because would we be wanting to set
     17. up competition with other food vendors that are nearby?
     18. What's our ability to manage it? What is some of the
     19. downside? I know with some of the food trucks, for
     20. instance, that we've experienced with some of our other
     21. national parks that have allowed food trucks in, there's
     22. a trash and a litter problem. That's not to say that
     23. everybody would have that, but that's some of the
     24. management concerns that we would have to consider. So,
158. yes, we get asked either for new concession
159. opportunities and food trucks or carts, and we evaluate
160. each one of them as they come along.
161. We have a whole -- we have a very active -- and
162. this probably, if you're interested -- this could be a
163. topic at some point. Not soon, but at some point.
164. I'm trying to remember. I don't want to overstate.
165. Do we have as many as 100 business -- associated
166. business permits besides our concessionaires? We have
167. multiple ski (sic) schools. We have obviously Art's
168. Dune Tours.
169. MS. McKEAN: Surf schools, not ski.
170. MR. PRICE: Surf schools. We have guided tour
171. programs. So we have a lot of business opportunities,
172. and they basically talk to our concession person and
173. they fill out a permit. Some of them are long-term,
174. multiple years like concessionaires. Some of them are
175. just in a short-term business. So that's how we handle
176. those things when they come up.
177. MR. DELANEY: Good, okay. Let's move to Old
178. Business.
179. HUNTING PROGRAM
180. MR. PRICE: Actually, I'll bring up something
181. nobody asked me about, and that is the hunting of the
182. coyote issue only because we've been approached by an
183. organization that is requesting us to consider the
184. banning of hunting of coyotes during our hunting
185. program. It's been in the paper, and it's been on the
186. radio and a few things. So we're just in the process of
187. preparing our response to -- and we have to get some
188. more information from those people.
189. Prior to most of your tenures, you might know that
190. we had a hunting -- similar to the negotiated rule-
191. making for the off-road vehicles, we had a hunting
192. environmental impact statement process. It lasted six
193. years. It finished in 2007. I don't even know how much
194. money it cost. It was in the hundreds of thousands of
195. dollars. And that was both whether hunting should still
196. be appropriate as a traditional use in the Seashore,
197. which was part of its legislation, or if something like
198. pheasant hunting and stocking by the state should still
199. be allowed. So we went through that process for a real
200. long time with public meetings and all that sort of
201. thing. We came up with our record of decision in 2007.
202. So this group is asking to reopen that entire
203. process to reconsider that whole topic, so I just wanted
204. you to be aware that that was --
205. MS. AVELLAR: They're going to allow coyote
     1. hunting?
     2. MR. PRICE: Sure.
     3. MS. AVELLAR: During hunting season?
     4. MR. PRICE: During hunting season under the
     5. parameters as described at the state.
     6. MS. AVELLAR: And fox as well because we've got so
     7. many of them?
     8. MR. PRICE: Well, there, again, it's an upland game
     9. hunting program that the state has described as a sport.
     10. MR. DELANEY: Maureen?
     11. MS. BURGESS: Just a personal comment. I just
     12. don't see the need for hunting coyotes. I mean, we
     13. don't consume them. So I see it more as a culling. I
     14. don't know why people are hunting coyotes. It's not
     15. something you're going to use or consume.
     16. MR. REINHART: (Inaudible).
     17. MS. BURGESS: You mean as sport?
     18. MR. REINHART: No, no. I mean, even -- I don't
     19. want to (inaudible), whether you're eating them or not.
     20. MS. BURGESS: It troubles me. I know what they're
     21. doing to the plovers, but it still troubles me.
     22. MS. AVELLAR: You know what I say, Maureen? I say
     23. anything that's a traditional use, you don't want the
     24. federal government to ever take away from you.
         1. MS. BURGESS: But we didn't have coyotes.
         2. MS. AVELLAR: But we have always had hunting. We
         3. had deer. We used to have raccoons. We don't see
         4. raccoons anymore. We don't see skunks anymore. But we
         5. see wild animals. You know, we see wild animals in
         6. whatever form they come. We have turkeys now. We never
         7. had those when I was a kid.
         8. So I just think as a right that's been written into
         9. the federal legislation, don't let anybody ever take
         10. your rights away from you. Ever. Ever.
         11. MR. DELANEY: All right, a couple more comments.
         12. Larry?
         13. MR. SPAULDING: I believe in Massachusetts the
         14. hunting on coyote is year-round. I think you can hunt 15 --
206. MR. PRICE: No. Well, I don't believe so.
207. MR. SPAULDING: The reason I say that is my wife
208. walks -- in the off-season walks the dogs at first light
209. on the beach. She's seen a hunter down there regularly
210. at Chatham that she's very friendly with, and that's
211. what he's doing. She says he's out there all the time.
212. MS. BURGESS: What did he do?
213. MS. LYONS: No, that might --
214. MR. PRICE: Larry, I just had a recent conversation
     1. last week with Mass. Fish and Game, and there's a
     2. request to make it year-round.
     3. MR. SPAULDING: But it's not?
     4. MR. PRICE: But it's not according to the state.
     5. It's seasons, as I understand it. But I'm also not a
     6. hunter, so I don't pay that much attention to it.
     7. MR. DELANEY: Okay, perhaps there'll be more next
     8. meeting on that.

# OLD BUSINESS

* 1. MR. DELANEY: Let's continue to Old Business, which
  2. is yet one more challenging, interesting content.
  3. CONTINUE DISCUSSION OF NSTAR SPRAYING PLANS, CLEARING
  4. ALTERNATIVES AND UTILITY RIGHT-OF-WAYS
  5. MR. DELANEY: NStar spraying?
  6. MR. REINHART: Talked about it enough.
  7. MR. ROBINSON: Yeah, I think we can put that on the

|  |  |  |
| --- | --- | --- |
| 17 | back | burner until something new comes about. |
| 18 |  | MR. DELANEY: Okay. |
| 19 |  | MR. ROBINSON: I think we can drop it for now. |
| 20 |  | MR. DELANEY: Okay. |
| 21 |  | MR. PRICE: Should I take it off the agenda? |
| 22 |  | MR. ROBINSON: Yeah, take it off until something |
| 23 | else | happens. |
| 24 |  | MR. DELANEY: Okay. |

* + 1. LIVE LIGHTLY CAMPAIGN PROGRESS REPORT
    2. MR. DELANEY: All right, then another Old Business
    3. topic goes back to you also, Mark, the Live Lightly
    4. Campaign. Tell us (inaudible).
    5. MR. ROBINSON: Yeah, we just finished our first
    6. conservation restriction in the Park. Bill Carlson and
    7. his wife, Lonni Jean Briggs, South Wellfleet, placed a
    8. conservation restriction on the back portion of their
    9. property, and that's just south of Lecount Hollow. And
    10. they'll be receiving both a federal income tax deduction
    11. and a state tax credit for that donation.
    12. MR. DELANEY: Good news.
    13. MR. ROBINSON: We've got a few others in the
    14. pipeline, but I can't talk about them yet.
    15. MR. REINHART: What does that mean when you put a
    16. conservation restriction on your property if it's in the
    17. Seashore?
    18. MR. ROBINSON: It's really -- in their case, it was
    19. too small to have a house on it. So it's basically
    20. setting aside that portion of the property as forever
    21. wild. And it's surrounded on three sides by the Park,
    22. so you have a nice niche complement there.
    23. MS. AVELLAR: Does it increase the value of the
    24. property?
        1. MR. ROBINSON: Marginally.
        2. MR. DELANEY: Good. Is there anything the town
        3. representatives can do to help to keep this alive and
        4. alert and people aware of it? Can you send more
        5. brochures?
        6. MR. ROBINSON: Sure, I mean, if everybody in the
        7. Seashore who lives there has received a copy of the
        8. information and the booklet. I've been talking to
        9. various civic groups who represent other civic groups
        10. who haven't invited me yet. I'd be happy to come.
        11. MR. DELANEY: Good, get the word out.
        12. Okay, any other old business from other members?
        13. (No response.)

# NEW BUSINESS

* + - 1. MR. DELANEY: All right, how about new business?
      2. (No response.)
      3. MR. DELANEY: We've covered a wide range of things
      4. today. This has been good.
      5. Is there any new business that you'd like to raise?
      6. Mark?
      7. MR. ROBINSON: George, if somebody came forward and
      8. said they wanted to make a donation to the Cape Cod
      9. National Seashore, what would your response be?
      10. MR. PRICE: Terrific.

1. (Laughter.)
2. MR. ROBINSON: All right, let's drill down a little
3. bit. What are the mechanics? Is there a separate
4. dedicated fund who they write their check to? Do you
5. have to channel it through the Friends group?
6. MR. PRICE: No, there's -- we receive cash
7. donations all the time, and the money comes to us
8. directly into the National Park Service that goes into a
9. federal fund, and then some people donate to the Friends
10. separately. And the Friends sometimes have specific
11. things they donate to, like the Old Harbor program, for
12. instance, or to the Penniman House or something like
13. that.
14. MR. ROBINSON: But do you have to take in money and
15. send it to the U.S. general fund?
16. MR. PRICE: No, it stays in our park.
17. MR. ROBINSON: *Our* meaning the National Park
18. Service or the National Seashore?
19. MR. PRICE: Cape Cod National Seashore.
20. MR. ROBINSON: It does. So if I wrote a check, who
21. do I write it to? The National Seashore or the National
22. Park Service?
23. MR. PRICE: Either one.
24. MR. ROBINSON: Either one, okay. And I would know
    1. that the money was going to stay here on the Lower Cape
    2. and not go to Philadelphia?
    3. MS. LYONS: I would put Cape Cod on it just to make
    4. sure.
    5. (Laughter.)
    6. MR. PRICE: And you get a sincere letter and
    7. recognition that it was received by the superintendent.
    8. MR. ROBINSON: So my point was going to be, what
    9. could we do for the centennial to publicize that?
    10. MR. DELANEY: Good, Mark. Thanks for coming up
    11. with that idea.
    12. MR. PRICE: That's a good idea. However, just like
    13. the way I can't lobby, I can't solicit funds.
    14. MS. LYONS: Right. Can the Friends solicit funds?
    15. MR. PRICE: The Friends can, absolutely.
    16. MR. NUENDEL: You can go to the Salt Pond Visitors
    17. Center in the summertime, and the money that goes in
    18. those containers stay with our seashore.
    19. MR. PRICE: That goes into that same donation
    20. account.
    21. MR. ROBINSON: Does it say that on there? Because
    22. I think some people would like to know specifically, as
    23. I asked, does the money stay here or does it go in the
    24. general fund?
        1. MR. NUENDEL: When I do the desk, I make it a point
        2. to thank the person. And they don't just put dollars in
        3. it sometimes. It's quite impressive. I always thank
        4. them, and I always say to them that it does not go into
        5. the pot in the sky; it stays right here at Cape Cod
        6. National Seashore programs.
        7. MR. ROBINSON: Can we put that on the box?
        8. MR. NUENDEL: I don't know. I'll have to read.
        9. MR. PRICE: It's on the box.
        10. MS. LYONS: Yeah, there is a --
        11. MR. ROBINSON: Would it be in competition with the
        12. Friends group to be focusing on it somehow?
        13. MR. PRICE: No.
        14. MR. ROBINSON: If we found some other way to focus
        15. on it?
        16. MR. PRICE: No.
        17. MR. DELANEY: Lilli?
        18. MS. GREEN: Thank you. I have two questions, one
        19. I'm assuming it's fully tax deductible. And secondly,
        20. do you earmark funds that you have donated directly to
        21. the Seashore here?
        22. MR. PRICE: The earmarking of funds is problematic.
        23. MS. GREEN: But you can earmark it for the Friends?
        24. MR. PRICE: The Friends has more flexibility. If
            1. we had a separate account for the Penniman House, but
            2. the problem is -- my problem, I didn't want to be
            3. facetious saying that you'd receive a nice receipt from
            4. the superintendent, but it's problematic for me to
            5. guarantee -- if you sent me a thing that said, "I want
            6. to earmark this for the painting of the Penniman House.
            7. The next check is I want to repair the roof at a
            8. historic house. The next one is, you know, I want to
            9. pay for the paint job at the Highland House" and each
            10. contribution was in a modest amount, not $100,000,
            11. there's no way administratively for us to be able to do
            12. that --
            13. MR. ROBINSON: That was a great thing.
            14. MR. PRICE: -- and to be truthful back to you to
            15. say yes, that money is going to be used for that,
            16. because unless it's like the Friends' $100,000, yes,
            17. $100,000 will go to the painting of the Penniman House.
            18. But if it's a more modest contribution, then that
            19. doesn't really work that well.
            20. MS. GREEN: Is it tax deductible?
            21. MR. PRICE: Yes, both to the Friends and to the
            22. Park because the Friends is nonprofit.
            23. MR. DELANEY: Sheila?
            24. MS. LYONS: Say that there are some donors that
                1. Mark has said and they don't want to give any money for
                2. the conservation but they're going to give it to the
                3. National Seashore.
                4. MR. PRICE: Right.
                5. MS. LYONS: So what are the pros and cons
                6. depending on the vehicle you use? You could do the
                7. National Park Association which goes into the federal
                8. fund, but --
                9. MR. PRICE: They're still non-profit.
                10. MS. LYONS: That's a non-profit, but that money
                11. is there.
                12. MR. PRICE: The National Park Foundation, yes.
                13. MS. LYONS: It's sort of like a Friends of the
                14. National in a sense?
                15. MR. PRICE: Yes.
                16. MS. LYONS: Okay, so it's a Friends of the
                17. National, but they still have -- they have the
                18. discretion to be able to give you the money you need
                19. to do the house down in Provincetown?
                20. MR. PRICE: Yes.
                21. MS. LYONS: You get a direct donation, and then you
                22. have the Friends. So what's the flexibility? What's
                23. the restrictions on those? What gives you a little bit
                24. greater ease to do what you have to do, and what -- do
25. you have a preference, I guess? What are the
26. differences and what are the --
27. MR. ROBINSON: The Friends has a board of directors
28. that makes funding decisions.
29. MS. LYONS: Right.
30. MR. ROBINSON: And they might have different
31. priorities at a given time. They would obviously listen
32. to the superintendent's needs.
33. MR. PRICE: Well, they have different priorities,
34. but they're in business to support the Cape Cod National
35. Seashore.
36. MR. ROBINSON: Right.
37. MR. PRICE: So it's not like they're going off the
38. reservation.
39. MS. LYONS: Right, okay.
40. MR. PRICE: There are a lot of things that they do.
41. They have the abilities as a nonprofit group to solicit
42. those funds. We're a lot more passive on the funds that
43. we receive.
44. We occasionally will get a significant check based
45. on something. There's one gentleman who in his part-
46. time is making Cape Cod-based jewelry, and he's giving
47. -- on his own initiative, he's sending us a check for --
48. the last one was like 1,200 bucks for a portion of the
49. profits. So we have no paper between us and him. It
50. was just something he wanted to do, and that's going
51. into that donation account for the Seashore.
52. There are others that are particularly --
53. especially if a loved one passes, they'll put in the
54. paper in lieu of flowers send a donation, and we receive
55. those throughout the course of the year.
56. MS. LYONS: And the donation account gives you --
57. you can use that at your discretion as you need it?
58. MR. PRICE: Yes, right.
59. MS. LYONS: So that's like money you have there for
60. you to fill in things?
61. MR. PRICE: Yes.
62. MS. LYONS: And the others are subject to people's
63. -- even the association, the national association would
64. be -- does your request line up with the other parks or
65. it's time to give them this and that's how that works?
66. MR. PRICE: Right.
67. MR. DELANEY: Larry?
68. MR. SPAULDING: George, with that donation account,
69. if the year goes by and you haven't used it, does it
70. stay in the donation account?
71. MR. PRICE: Yes.
72. MR. DELANEY: Mark, go back to the beginning.
73. MR. ROBINSON: Is the Advisory Commission a federal
74. agency that can't solicit?
75. MR. PRICE: Remember, you only exist for one
76. purpose as a group, and that's to advise the Park on
77. policy.
78. MR. ROBINSON: What if our chairman wrote something
79. on behalf of the Advisory Commission?
80. MS. LYONS: Like a PR event?
81. MR. ROBINSON: Encourage people to give either to
82. the Friends or to the Park directly. That's not the
83. superintendent soliciting.
84. MR. DELANEY: No. I don't know. It would be new
85. ground for us to pursue.
86. MR. ROBINSON: We also have the Nickerson
87. scholarship. I mean, that hasn't received big infusions
88. of funds in recent years.
89. MR. PRICE: Remember, the Friends has been
90. administering that for you all because this group
91. doesn't have a charter or ability to deal with a
92. fiduciary --
93. MR. ROBINSON: Well, we shouldn't be in competition
94. with the Friends, but I think, as you said, people have
95. the opportunity to give to either/or. People like
96. having choices.
    1. MR. DELANEY: I think that would be the most
    2. germane topic because the Nickerson scholarship has been
    3. part of us. We've had people seated on the committee.
    4. If we were going to do some sort of fundraising effort
    5. around the centennial, our 300th meeting or something,
    6. if we got the word out and we all spoke back in our
    7. communities or a letter.
    8. MR. PRICE: Right.
    9. MR. DELANEY: I don't see why that would not be --
    10. why that would be against our charter, and it might be a
    11. good way to do it because I can almost see the message
    12. now. We sit here and have the privilege and the
    13. interesting discussions with the superintendent. Look
    14. at the whole list of issues that we went through today,
    15. each one of which is probably worthy of more study
    16. through a Nickerson scholar, and, you know, getting more
    17. good scientific information to back our recommendations
    18. to the superintendent would be really germane. I think
    19. you're on to something, Mark. That might be --
    20. MR. ROBINSON: A hundred dollars for a hundred
    21. years.
    22. MR. DELANEY: Yeah, three hundred for three hundred
    23. years.
    24. MR. PRICE: Well, that goes to your point, making
        1. sure we get the word out as to what it's going to be
        2. used for and advise the public.
        3. MR. DELANEY: I think that does not conflict with
        4. the Friends of Cape Cod National Seashore because they
        5. are our colleagues or they administer that fund on our
        6. behalf. So this may be a good way to go.
        7. Did someone else want to comment on this?
        8. MS. BURGESS: I just have a question regarding
        9. Nickerson.
        10. MR. DELANEY: Maureen?
        11. MS. BURGESS: George, Megan Tyrrell has been our --
        12. on the Nickerson Committee, our leading person.
        13. MR. PRICE: Yes.
        14. MS. BURGESS: Has she left the Park?
        15. MR. PRICE: Yes, Dr. Megan Tyrrell has now left
        16. Cape Cod National Seashore. She's now working for the
        17. United States Fish and Wildlife Service. So last month
        18. was her last month. We're in the process of replacing
        19. her position, and if you have outstanding questions
        20. about the Nickerson, I would go to Jason Taylor, who's
        21. the chair of natural resources and science.
        22. MS. BURGESS: Because she's done all the outreach
        23. on that before the committee. I wonder who's going to
        24. take that over.
            1. MR. PRICE: You're the connection from this group
            2. to that group, right?
            3. MS. BURGESS: Yes.
            4. MR. PRICE: At some point if you want to just touch
            5. base with Jason, and I could let him know that you're
            6. interested in --
            7. MS. BURGESS: We got an e-mail, but I couldn't tell
            8. if it was a temporary reassignment or if she had totally
            9. left.
            10. MR. PRICE: She left.
            11. MR. DELANEY: Lilli, on this topic or something
            12. else?
            13. MS. GREEN: On this topic.
            14. MR. DELANEY: Okay.
            15. MS. GREEN: So what would the action steps be to
            16. move forward in this direction, and what would be the
            17. latitude that the committee would have? Has the
            18. committee ever put out press releases?
            19. MR. DELANEY: I think it would be to ask Mark and
            20. anyone else on the committee to maybe write up a short
            21. paragraph, half page on what this might look like that
            22. we could discuss at our next meeting.
            23. Anyone else interested in --
            24. MR. ROBINSON: What is the pinnacle year of the
                1. centennial? '15 or '16?
                2. MR. PRICE: '16.
                3. MR. SPAULDING: I'm not volunteering, but I think
                4. we need to know exactly what our authority is before we
                5. get too far.
                6. MR. PRICE: Yeah, because if you were to send that
                7. -- see, right now if you send that to (inaudible), it's
                8. under our letter. So then we have a conflict of
                9. solicitation even though it's a different group.
                10. MR. DELANEY: Can we get a reading from --
                11. MR. ROBINSON: Well, we could try to run it through
                12. the Friends group since they're already doing this.
                13. MR. PRICE: If we did it under the Friends group,
                14. it's no problem.
                15. MR. ROBINSON: Have some kind of twist, you know,
                16. the centennial and a hundred dollars each or --
                17. MR. DELANEY: A 300 club. People each willing to
                18. give a thousand dollars, a hundred dollars, but
                19. something to join the club. And that means all of a
                20. sudden the Nickerson --
                21. MR. ROBINSON: The Centennial Club.
                22. MR. DELANEY: The Centennial Club. That means also
                23. that Nickerson has probably ten times as much or five
                24. times as much money as they have. They have a small
97. budget.
98. MS. BURGESS: Oh, yeah, they have very little
99. money.
100. MR. DELANEY: But we could help build that
101. endowment or that kitty.
102. So, Mark, I'd be happy to -- and if you want to
103. bounce a draft paragraph off me.
104. Or anyone else might react to it? Sheila?
105. MS. LYONS: I just wanted -- maybe we should talk
106. to the Friends.
107. MR. DELANEY: Well, that would be the second step.
108. MS. LYONS: And say, "How can we help? We want to
109. be able to have --" --
110. MR. DELANEY: The second step will be to take this
111. idea once we get it honed a little better and sit down
112. with the Friends and see if they'd be interested in
113. managing it, shepherding it for us.
114. Okay, good. All right, thanks, Mark.

# DATE AND AGENDA FOR NEXT MEETING

1. MR. DELANEY: All right, let's move to a date and
2. an agenda for our next meeting.
3. So we would be looking at March, I believe.
4. MR. PRICE: Right, March gives us time for the
5. Federal Register.
   1. MS. DOUCETTE: Late March, yeah.
   2. MR. PRICE: Late March.
   3. MR. DELANEY: So that means the Mondays are -- the
   4. late Mondays are the 16th or the 23rd.
   5. MS. DOUCETTE: The 16th can be tight.
   6. MR. DELANEY: Or the 30th.
   7. MR. PRICE: Do you want to do the 30th?
   8. MR. SPAULDING: I'd rather do the 30th.
   9. MR. NUENDEL: Me too.
   10. MS. AVELLAR: The 30th?
   11. MR. DELANEY: Yeah.
   12. MS. LYONS: I can do either.
   13. MR. DELANEY: The Red Sox are playing the Marlins
   14. in a spring training game on the 23rd of March.
   15. MS. LYONS: So I guess it has to be the 30th.
   16. MS. AVELLAR: So the 30th in Florida.
   17. MR. DELANEY: Just in case you're interested.
   18. For no particular reason. So the 30th would be good
   19. for me.
   20. MS. AVELLAR: One o'clock?
   21. MR. PRICE: Yes, one o'clock.
   22. MR. DELANEY: Is that good for you, Superintendent?
   23. MR. PRICE: It would be, and I think that would be
   24. a good timing for our shorebird management rollout.
       1. MR. DELANEY: So there's one topic for sure --
       2. almost for sure, likely. The shorebird management and
       3. nature presentation will be part of the discussion.
       4. I would imagine we'll hear back more from Orleans
       5. about Orleans/Eastham potentially.
       6. Any other topics that we want to focus, emphasize
       7. in that meeting? We'll always hear our regular --
       8. MS. BURGESS: Maybe we'll have some information on
       9. that act, that bill, the proposal for increasing the
       10. EPZ.
       11. And if I could. I'm sorry. In the packet of
       12. information, you're going to find a bill that was
       13. proposed -- a House bill that was proposed back in '90,
       14. and I just put that in there because I believe from
       15. talking to Diane at Cape Downwinders that they probably
       16. are suggesting to Senator Wolf that they use a similar
       17. bill. The one that Sara put out last year died, as you
       18. know, and it never got out of public health.
       19. So people have been trying to do this for a long
       20. time. It's not new. I mean, it goes back a ways. This
       21. has just never gotten through the House and the Senate.
       22. MR. REINHART: That's the way it works up there.
       23. MR. DELANEY: Yeah, just keep batting.
       24. Okay, so any other topics that we want to focus on
           1. in particular?
           2. (No response.)
           3. MR. DELANEY: So we'll produce an agenda as always.

# PUBLIC COMMENT

* + - 1. MR. DELANEY: Now we'll move to Public Comment.
      2. We do have some members of the public here. Is
      3. there anyone who would like to raise a topic?
      4. Yes, please identify yourself, and we're glad
      5. you're here. Thank you.
      6. AUDIENCE MEMBER (AIMEE ECKMAN): Well, thank you
      7. for the opportunity.
      8. My name is Aimee Eckman. I'm a resident of Eastham
      9. and one of the former selectmen that the superintendent
      10. referred to regarding the Nauset Spit issue. And I'd
      11. just like to take the opportunity to publicly thank the
      12. superintendent for backing Eastham in their enforcement
      13. of the bylaw prohibiting the ORVs and to support him in
      14. the assertion that the Seashore does own the property
      15. out on that portion of the spit.
      16. So thank you.
      17. MR. DELANEY: Thank you. Thank you for being here.
      18. Any other comments from the public or topics to be
      19. raised?
      20. (No response.)

# ADJOURNMENT

* + - * 1. MR. DELANEY: Okay, hearing none. I guess we move
        2. to the last item on the agenda, which is a motion to
        3. adjourn.

|  |  |  |
| --- | --- | --- |
| 5 | MS. AVELLAR: So moved. |  |
| 6 | MS. LYONS: Second. |
| 7 | MR. DELANEY: All in favor, signify by saying | aye. |
| 8 | BOARD MEMBERS: Aye. |  |
| 9 | MR. DELANEY: Good, thank you very much. |  |
| 10 | (Whereupon, at 3:04 p.m. the proceedings were |  |
| 11 | adjourned.) |  |
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REPORTER'S CERTIFICATE

PLYMOUTH, SS

I, Linda M. Corcoran, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 109 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, January 12, 2015, commencing at 1:05 p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 6th day of March, 2015.

Linda M. Corcoran - Court Reporter

My commission expires: August 28, 2020