***CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION*** ***THREE HUNDRED AND FIRST MEETING***

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station

Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, January 11, 2016, commencing at 1:01 p.m.

SITTING:

Richard Delaney, Chairman (partial) Larry Spaulding

Don Nuendel Lilli Green Joseph Craig Sheila Lyons Mary-Jo Avellar Mark Robinson

Nat Goddard, alternate Also present:

George Price, Superintendent

Kathy Tevyaw, Deputy Superintendent Lauren McKean, Park Planner

Robert Cook, Acting Chief of Natural Resources and Science Audience members

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**I N D E X**

Page

Adoption of Agenda . . . . . . . . . . . . . . . . . . 3

Approval of Minutes of Previous Meeting

(November 16, 2015) . . . . . . . . . . . . . . . . 4

Reports of Officers. . . . . . . . . . . . . . . . . . 9

Reports of Subcommittees . . . . . . . . . . . . . . . 11

Update of Pilgrim Nuclear Plant Emergency Planning. 11

Superintendent's Report. . . . . . . . . . . . . . . . 13

Shorebird Management Planning . . . . . . . . . . . 15

NPS Policy on the Use of UAS - Drones . . . . . . . 78

Nauset Light Beach . . . . . . . . . . . . . . . . 84

Nauset Spit Update . . . . . . . . . . . . . . . . 90

National Park Service Centennial . . . . . . . . . 90

Highlands Center Update . . . . . . . . . . . . . . 91

Improved Properties/Town Bylaws . . . . . . . . . . 93

Herring River Wetland Restoration . . . . . . . . . 94

Climate Friendly Parks . . . . . . . . . . . . . . 95

Old Business . . . . . . . . . . . . . . . . . . . . . 95

Live Lightly Campaign Progress Report . . . . . . . 95

New Business . . . . . . . . . . . . . . . . . . . . . 95

Date and Agenda for Next Meeting . . . . . . . . . . . 97

Public Comment . . . . . . . . . . . . . . . . . . . . 98

Adjournment 100

[Reporter's Certificate 101](#_TOC_250000)

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

1. MR. DELANEY: Thank you, everyone. I'm happy to
2. bring together the 301st meeting of the Cape Cod
3. National Seashore Advisory Commission.

# ADOPTION OF AGENDA

1. MR. DELANEY: And we have, as always, an agenda
2. that's sent out in advance. I'll ask for a motion to
3. adopt that agenda.
4. MR. NUENDEL: So moved.
5. MS. AVELLAR: Second.
6. MR. DELANEY: I will only note that I'm going to
7. with your permission ask the superintendent to report on
8. the shorebird management plan first before going through
9. the rest of the agenda, in part because I want to really
10. hear that and I may have to excuse myself a little bit
11. early. So if you'd indulge me in that, that would be
12. great. Sheila has agreed to step in as vice-chair
13. should I have to leave before we finish the meeting.
14. So with that one note, I'll ask for a motion to
15. adopt the agenda as amended.
16. MS. GREEN: So moved.
17. MR. NUENDEL: Yeah.
18. MR. DELANEY: Don.
19. All in favor, say aye.
20. BOARD MEMBERS: Aye.

# APPROVAL OF MINUTES OF PREVIOUS MEETING (NOVEMBER 16, 2015)

1. MR. DELANEY: And we also have the minutes sent out
2. in advance.
3. MR. PRICE: Actually, Mr. Chair, I sent a note.
4. Unfortunately, because of the holidays and everything,
5. we didn't have a chance to send you the package in
6. advance with the hard copies. I just received the
7. electronic version on Friday, which I did send out, but
8. I'm not assuming everybody had a chance to review it,
9. but I'll leave that up to you to decide if you decide to
10. approve them this meeting or the next meeting.
11. MR. DELANEY: Okay, then that's fine.
12. Has our scribe, our faithful scribe been able to
13. read the print, first of all?
14. MR. NUENDEL: Well, I sat in front of the computer
15. and read it, and actually it was nice. You know, it was
16. better than paper flopping all over the place. I was
17. surprised at how much work we got done at that meeting.
18. It always surprises me.
19. But they look good. I just have one question on
20. page 100, line 5. George is talking about the crows and
21. the management of predators. And on line 5 there's the
22. word *murder*, and I think it might be number or family,
23. murder or family of crows.
24. MR. PRICE: Yes.
25. MS. AVELLAR: Murder is what they're called.
26. MR. NUENDEL: Oh, then it is. Okay.
27. MR. PRICE: Yes.
28. MR. NUENDEL: Okay, so it's not a typo.
29. MR. PRICE: No.
30. MR. NUENDEL: So I didn't see anything other than
31. that.
32. MS. AVELLAR: (Inaudible).
33. MR. DELANEY: Yeah, it's a pod of whales, a herd of
34. cows, and a murder of crows.
35. MS. LYONS: A murder of crows.
36. MR. DELANEY: It's an unusual -- that's a correct
37. terminology.
38. MS. AVELLAR: Although the birdwatcher guy that was
39. on NPR the other day said it really isn't the right
40. word. And I forget what he said the right word really
41. was, but he said people refer to them as a murder of
42. crows. But he had another word for them.
43. MR. NUENDEL: I learned something.
44. MR. DELANEY: Yeah, there must be a great
45. derivation to that word somewhere in the history.
46. Anyway, so unless someone would like more time to
    1. review the minutes because they did come out a little
    2. bit late.
    3. (No response.)
    4. MR. DELANEY: And I don't see anyone requesting
    5. more time, so I'll accept a motion to approve as
    6. presented.
    7. MS. LYONS: I'll move that we approve them.
    8. MR. DELANEY: Second?
    9. MS. GREEN: Second.
    10. MR. DELANEY: All those in favor, signify by saying
    11. aye.
    12. BOARD MEMBERS: Aye.
    13. MR. DELANEY: Those opposed?
    14. (No response.)
    15. MR. PRICE: Mr. Chair, while we're on this topic,
    16. if I could just ask for clarification then. So frankly,
    17. since I've been here, we have not distributed an e-mail
    18. with the minutes principally, because, remember, I've
    19. been here for a while, and everybody's computer systems
    20. ten years ago might have been more cumbersome to
    21. download these things. So I was specifically requested
    22. by the Commission at that point to put together hard
    23. copies to send to you.
    24. So whether you want to answer it now or later, I
        1. was surprised when the feedback was we'd almost rather
        2. be electronic. So it's up to you all how you want to
        3. receive them. We can send out the electronic as soon as
        4. I receive them from Linda, or we could keep the process
        5. the way we've been doing it and just send you a hard
        6. copy.
        7. MR. DELANEY: Don?
        8. MR. NUENDEL: I like both actually because I would
        9. take the paper copy and give it to the supervisor from
        10. Eastham.
        11. MR. PRICE: Okay.
        12. MR. NUENDEL: So I would like both, but I think
        13. it's great to have an electronic version.
        14. MS. AVELLAR: I prefer the hard copy.
        15. MR. DELANEY: Lilli?
        16. MS. GREEN: I would say also -- also, I've been
        17. taking the hard copy, scanning it in, and sending it to
        18. my board of selectmen. So I didn't realize that...
        19. MR. PRICE: And then after you all approve them,
        20. then they're posted on the website. So they are
        21. ultimately posted electronically but not until after you
        22. have approved them.
        23. MR. DELANEY: Any other comments on this? Mark?
        24. MR. ROBINSON: Are we taking opinions?
47. MS. LYONS: Yes.
48. MR. ROBINSON: I'd much rather electronic for this
49. particular...
50. MR. PRICE: Mary-Jo, can I send out the electronic
51. to the mailing list and then you just choose not to
52. download them?
53. MS. AVELLAR: Sure.
54. MR. PRICE: Okay, we'll do that.
55. MS. AVELLAR: I just have a hard time seeing things
56. online.
57. MR. PRICE: Yes. Me too.
58. MR. DELANEY: Okay, thanks. You know, we are
59. generating a lot of paper in the process. We have to be
60. mindful of that. And that does bring me to my next
61. point.
62. MS. GREEN: Can we opt out of the paper? I mean,
63. the people that want paper can have it, and people that
64. don't -- I mean, I would prefer to receive all the
65. clippings and the minutes via PDF, electronic.
66. MS. AVELLAR: I don't mind the clippings. It's the
67. minutes that I have the trouble with.
68. MR. PRICE: We'll work -- we'll see if we can
69. figure that out.
70. MR. DELANEY: Okay. So thank you for the vote on
    1. the minutes and the comment on the discussion of getting
    2. the future minutes electronically.
    3. And picking up on Don's comment about we got an
    4. awful lot done last meeting, also it takes up a bit of
    5. paper. This is pretty impressive, the number of
    6. articles and the visibility and the issues that Cape Cod
    7. National Seashore is involved in just in a few months'
    8. time. So do take advantage of these clippings and thumb
    9. through them and refresh your memory of the things that
    10. we've been involved in and the Park has been involved
    11. in. It's a big agenda, as we all know.

# REPORTS OF OFFICERS

* 1. MR. DELANEY: Good. So with that behind us, I will
  2. turn to *Reports* -- Item No. 3, *Reports of Officers*.
  3. And in this case I can report that the Wellfleet
  4. Board of Selectmen have officially nominated Lilli Green
  5. to be the rep to replace Tom and also an individual
  6. named Kathleen Bacon to be the alternate rep.
  7. So congratulations. Thanks for serving.
  8. That process from there goes to Washington. The
  9. nominations, as you know, go to Washington. I think the
  10. superintendent is processing that now, so that will all
  11. become official at some point not too far down the road,
  12. I hope.
      1. So that's the latest I have for officers.
      2. MS. LYONS: I was also reappointed by the board of
      3. commissioners on January 4, our reorganizing meeting.
      4. MR. DELANEY: Oh, good.
      5. MS. LYONS: And they reaffirmed my representation
      6. here.
      7. MR. DELANEY: Terrific. Okay, that's great.
      8. Do we need a letter? Do we need an official
      9. letter?
      10. MR. PRICE: Yes.
      11. MR. DELANEY: Is that in the process?
      12. MS. LYONS: Yes. And I also -- I'm in the process
      13. of asking Bill Clark if he wants to remain on as an
      14. alternate because he can, even though he is no longer an
      15. employee of the county, or does he want to suggest Mike
      16. McGuire.
      17. MR. DELANEY: You read my mind. That's what I was
      18. just trying to figure out.
      19. MS. LYONS: Yes, that is the next --
      20. MR. DELANEY: Because Bill is the other one.
      21. MS. LYONS: Yes, that is the next one.
      22. MR. DELANEY: Yes.
      23. MS. LYONS: He could be. Since he's having a hard
      24. time letting go of a lot of his activities with the job,

1. I think he might appreciate it.
2. MR. DELANEY: Okay. So that's the commission's
3. call.
4. MS. LYONS: And I will get back to George on
5. Wednesday with that.
6. MR. DELANEY: Okay, great.

# REPORTS OF SUBCOMMITTEES

1. MR. DELANEY: So that moves us to Item No. 4,
2. *Reports of Subcommittees*.
3. UPDATE OF PILGRIM NUCLEAR PLANT
4. EMERGENCY PLANNING SUBCOMMITTEE
5. MR. DELANEY: Unfortunately, Maureen Burgess is not
6. able to join us today. She's tending to some issues at
7. home, but she did relate to me -- through me that the
8. issue now -- and you'll probably read about this in the
9. newspaper -- is the whole process of decommissioning and
10. storage of the spent cells -- rods and who's paying for
11. it and whether or not the company, Entergy, will
12. actually have sufficient resources to deal with this.
13. There's a whole lot of activity and letters of support
14. around that, and as you know, we've given -- I, on your
15. behalf, gave her authority to represent us in a
16. continuing way on this issue. So we've signed on
17. through Maureen to do a couple of letters urging that
18. the sufficient funding through the company be reserved
19. to both decommission and deal with the spent rods.
20. So that's where that stands.
21. MS. LYONS: Can I just give a little bit more
22. update?
23. MR. DELANEY: Sheila, sure.
24. MS. LYONS: So there is a committee called PLAC,
25. and it's Pilgrim Legislative Action Committee, I think.
26. So it's a group of very concerned citizens that have
27. been following this. It's not Diane Turco. That's a
28. separate, more activist group, but this is really
29. looking at the legislation, and they're really looking
30. at how to craft this legislation and make sure that it
31. has the components in it. And they're working I think
32. with Dan in trying to support the bills he's putting in,
33. what is good about his bills, what could be added. And
34. there are bills that Senator Wolf has put forward. Some
35. of them have been supported and some (inaudible) from
36. Sarah Peake and others in the Commonwealth. You know,
37. you can read it yourself if you go to the legislative
38. records of both of our representatives there.
39. It is really about the decommissioning, how do we
40. best make sure -- I know that he is there to establish
41. -- one of his recommendations was to establish a fund to
42. start putting money in for decommissioning, its best
43. safe practices. It's going to cost a lot of money. It
44. can't fall on the people that live here like everything
45. -- I mean, there will be some, but it can't be 99
46. percent of it. So how can we best make sure that it is
47. decommissioned, materials are disposed of properly and
48. safely, and that site can be somehow sanitized for
49. something, a better use.
50. MR. DELANEY: Good, thanks.
51. MS. LYONS: They are meeting today. As a matter of
52. fact, they meet on Mondays at the Harwich -- I believe
53. it's the first or second Wednesday of -- second Monday
54. of each month at the Harwich Community Center. And it
55. is PLAC, so if you Google it, you'll probably come up
56. with who's on there and what their agenda is.
57. MS. AVELLAR: How do you spell PLAC?
58. MS. LYONS: P-L-A-C. It's an acronym for Pilgrim
59. Legislative Action Committee or Council, something like
60. that.
61. MR. DELANEY: Good. So continuing with that
62. longtime issue but with progress hopefully.

# SUPERINTENDENT'S REPORT

1. MR. DELANEY: So that brings us to the
2. *Superintendent's Report*, although as I look down the
3. other end of the table, I don't see the superintendent.
4. So in the meanwhile --
5. MS. AVELLAR: He's wandering. I just saw him go
6. that way (indicates).
7. MR. DELANEY: I will ask the committee if they have
8. any other issues that you, the Commission, would like to
9. be raised today. I'll ask you also to be thinking about
10. -- and I'm sure we'll handle this at the end -- issues
11. for our next meeting and the date. That's something we
12. always deal with, but that can wait till we get to that
13. part of the agenda.
14. So, George, we just moved to Item No. 5.
15. MR. PRICE: Sure.
16. MR. DELANEY: And I will make one other request of
17. the Commission members to allow for public comment on
18. this issue now rather than wait till the end of the
19. meeting because I know we'll have a few people that will
20. want to say something.
21. So I will be happy to entertain comments and
22. questions from the public at the end of this first
23. report on the shorebird management plan, and then we can
24. go on with the rest of your report, George.
25. MR. PRICE: Sure.
26. MR. DELANEY: So, please, the floor is yours.
    1. SHOREBIRD MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT
    2. MR. PRICE: Basically you all recall the November
    3. meeting. Mary Hake gave the review. We're into the
    4. public comment. Mary made the determination to extend
    5. the public comment period till today practically. We
    6. were able to set up the Commission meeting for today up
    7. to closure at the same time.
    8. During that meeting, it was requested that I make
    9. presentations to members of the board of selectmen that
    10. were interested. Specifically we did speak -- Kathy and
    11. I and Mary Hake went to Wellfleet, and then Mary and I
    12. also went to the Provincetown Board of Selectmen. We
    13. also have been individually with private citizens who
    14. had particular questions, and then as recently as this
    15. past Friday, I met with representatives from the hang
    16. gliding community as well as the Massachusetts Beach
    17. Buggy Association. The Beach Buggy Association had a
    18. lot of concerns, and I fully anticipate that I'll be
    19. getting more information from them before close of
    20. business today. I don't know if there are any
    21. representatives here today, but I encouraged them to
    22. come here to make comments directly to you all if they
    23. were particularly interested.
    24. So I understand there are about -- as of last week,
        1. there were about 300 comments that had already gone into
        2. the PEPC site. So that was the web-based site that
        3. people could comment individually. I don't know if that
        4. counted the hard copies or the e-mail copies that I've
        5. received directly. So basically everything that we get,
        6. if it's a hard copy, it gets scanned, and if it's an
        7. e-mail separate addition to me, it gets forwarded to the
        8. PEPC site. So all of it gets rolled up there.
        9. Today I received the comments from the Humane
        10. Society U.S., including a CD with 1,647 comments.
        11. MS. AVELLAR: How many?
        12. MR. PRICE: 1,647 comments on a CD.
        13. Sharon, I've never -- never experienced that
        14. before, so I'm assuming --
        15. AUDIENCE MEMBER (SHARON YOUNG): It's good that it
        16. isn't manatees. That was 32,000.
        17. MR. PRICE: 32,000? So I understand that this is
        18. all legitimate submittal for part of the record, and
        19. we'll have to see what that is.
        20. I will tell you that the feedback from the towns
        21. and individuals has almost exclusively been about the
        22. predator management piece, and in some cases, it's
        23. specifically just the avicide. In some cases, it's the
        24. predator -- it's the lethal option, period. In other
27. cases, there has been more concern about the EA in
28. general. Both the Humane Society U.S. and the
29. Massachusetts Beach Buggy Association are asking us to
30. reconsider, to go forward with a full EIS, to start over
31. basically, and in other cases, it's to extend the
32. comment period. So we really do have a range of focus
33. here.
34. I will tell you anecdotally that I've also received
35. a lot of positive conversations from people who support
36. the Alternative B and the selective predator management
37. program the way it's stated. I have no idea how many of
38. these may or may not have actually submitted their
39. comments to that effect. It's obviously their
40. initiative to do so. So you can see that it really runs
41. the gamut of everything that we have.
42. People have asked me, all right, what's the next
43. step? Well, basically the next step is that we would
44. have to take a review of all the comments. We basically
45. will tally up, if you will, the comments in the
46. different nature of things. The definition -- every
47. time somebody has asked me whether it was pro or con,
48. make sure the comment is substantial. So generally just
49. a terse "I like the plan. I don't like the plan" isn't
50. particularly substantial. So I'm looking for a
51. substantial piece.
52. Then our staff has the opportunity to review. And
53. when I say our staff, I'm talking about not only Mary
54. Hake, Kathy and I, and Bob as the acting division chief,
55. but also we work with the contractor, who we met, who
56. you met at that last meeting. We work with our
57. environmental compliance people in the Philadelphia
58. office as well as our attorney.
59. So basically the standard that we look towards is
60. basically legal and policy issues related to the goals
61. of the Seashore and related to the goals of the
62. shorebird management plan. So that really is what we're
63. taking a look at, and then we would really take a close
64. hard look and review and take a look at what our options
65. are. So if it was a straightforward EA -- now, the last
66. EA I was involved with here frankly goes back a while.
67. It was '07, and it had to do frankly with the off-road
68. vehicle access in Provincetown. I don't think we've
69. done any EA's since then.
70. MS. TEVYAW: We did an EA for Herring Cove Bluff.
71. MR. PRICE: Herring Cove Bluff, you're right.
72. Well, there's another example. That was, you know, yes,
73. another EA.
74. So ultimately for an EA to work, you need a ROD or
    1. what's called a record of decision.
    2. MS. AVELLAR: A what?
    3. MR. PRICE: A ROD, record of decision.
    4. I think I mentioned this last time; that basically
    5. once the package is put together, what the staff would
    6. do is consider all the input and then determine is there
    7. anything in the input that would cause us to rethink,
    8. rework, restate some of the items in the draft EIS.
    9. MS. TEVYAW: EA.
    10. MR. PRICE: Excuse me, EA. Or EIS. It's actually
    11. very similar --
    12. MS. LYONS: Can you say the acronyms, what those
    13. two mean. EA is?
    14. MR. PRICE: An EA is an environmental assessment.
    15. MS. LYONS: Assessment, okay.
    16. MR. PRICE: The EIS is an environmental impact
    17. statement.
    18. The environmental impact statement by definition is
    19. generally a lot more extensive and expensive. When we
    20. did the EIS for the hunting, it took six years, an
    21. extraordinary amount of time and money. This has taken
    22. five years and a lot of money and time. So they're both
    23. long-term processes for sure.
    24. So if it was straightforward, then we would just
        1. make the additions, the subtractions in that final
        2. document that we would believe would be a sufficient
        3. response for the comments that came in. In the
        4. meantime, we would also list the types of comments that
        5. came in, and we would actually list the responses to all
        6. of them generally anyway, but it would be the ones that
        7. were -- that were substantive as it related to the legal
        8. and the policy issues in the document. Those are the
        9. ones that we really would have to wrestle with to
        10. determine what our course of action would be. Once that
        11. was then put together and by this team, then I would
        12. recommend this to be signed by the regional director.
        13. The regional director then would consult with the
        14. regional compliance people and with the solicitor. So
        15. basically then the three of us in essence would be
        16. recommending this to be signed, and then once it's
        17. signed by the regional director, then it becomes the
        18. policy document.
        19. Yes, Mary-Jo?
        20. MS. AVELLAR: My question is, I mean, a lot of
        21. people have spoken to me about the plan, mostly in
        22. opposition, of course, and I'm kind of disturbed that
        23. remarks that aren't what you would call substantive
        24. would not be included. I mean, a lot of people just
75. plain have an inbred opposition to the notion of killing
76. animals.
77. MR. PRICE: Right.
78. MS. AVELLAR: Because in order to protect the
79. birds, they just think nature should take its course.
80. And I would be very distressed if people that aren't
81. capable or willing to make extensive remarks wouldn't be
82. included in the notification that they've given us about 9 --
83. MR. PRICE: Well, first of all, they'd be included,
84. but basically sometimes you just get postcards that just
85. say it's a -- you know, or wrote 27 people said no.
86. Well, we would record the 27 people who said no.
87. MS. AVELLAR: Okay.
88. MR. PRICE: We're not throwing anything out.
89. MS. AVELLAR: Oh, okay, fine. That's what I meant.
90. MR. PRICE: It's just that does it have an impact
91. on the --
92. MR. ROBINSON: On the response?
93. MR. PRICE: On the response.
94. MS. LYONS: Yeah, it would be, you know, if there
95. is another way or a suggestion or maybe if you did it
96. this way, that is helpful as far as thinking -- that
97. they're thinking beyond --
    1. MR. PRICE: Well, very seriously last time it was
    2. recommended that we put the exclosures up and put bells
    3. on the exclosures to keep the predators away. Obviously
    4. if you have birds in the exclosure, bells aren't going
    5. -- it's not a reasonable alternative.
    6. MS. LYONS: Right.
    7. MS. AVELLAR: Some people just aren't capable for
    8. whatever reason of making those kinds of comments, but
    9. they have a deep-seated feeling that doing this is
    10. wrong. And I wouldn't want that to not factor into
    11. whatever decision you make when the time comes.
    12. MS. GREEN: Did you say to us earlier that those
    13. comments would factor into the decision but you would
    14. not give a response, a direct response to those
    15. comments?
    16. MR. PRICE: If we have 2,000 comments, no, we're
    17. not giving individual letters to 2,000 people.
    18. MS. GREEN: But the comments about --
    19. MR. PRICE: Because some people are just wanting to
    20. comment on the plan. They want to be recorded.
    21. MS. AVELLAR: I know a lot of vegetarians. Put it
    22. that way.
    23. MS. GREEN: And a lot of people have said to me in
    24. Wellfleet that they oppose the avicide. So in other
98. words, you will be taking a look at that, but you're not
99. responding directly to them; is that correct?
100. MR. PRICE: Correct. In the documents, we would
101. record X number of people said no lethal action at all.
102. Other people said, "You can do the lethal action, just
103. no avicide." So it would be in the document that we
104. would respond to whatever our response was going to be,
105. but in other cases, the responses, the recommendations,
106. and the analysis that they did was a lot more material.
107. They had the time and the background to really take a
108. look at what we're doing and what did that mean.
109. I'll give you an example. On Friday there were a
110. number of very specific questions the members of the
111. MBBA had, and it had to do with what was in the
112. documents and what do these signs mean at Hatches
113. Harbor, how are you going to determine -- it says in the
114. document under the lethal predator up to 50 animals.
115. Well, how do you measure 50 animals? And if you just
116. have these poison eggs out, how do you know how many
117. birds you've killed? And basically the response was
118. it's one egg would equal theoretically one bird. So
119. that would be a tally as to how it's actually happening
120. out in the field right now. So that was information
121. that they needed to understand the plan in a better way.
     1. The paragliders, we were talking about what was
     2. said -- some of you may have seen the article in
     3. Saturday's paper because the paragliders were concerned
     4. because we were recommending constraining the weeks that
     5. the paragliders can actually be out. So we had a
     6. conversation to explain that right now paragliding that
     7. happens, happens in Wellfleet, and they go on and off of
     8. Whitecrest because paragliding in the rest of the
     9. Seashore is already legally prohibited. And some of the
     10. people who paraglide weren't even aware of that. They
     11. know they go to Wellfleet. They know that that's where
     12. they go and come from, but they might not have even been
     13. aware that they would be prohibited from going off of,
     14. say, Nauset Light Beach or something like that.
     15. So in some cases, there's more information that's
     16. going to be incumbent on us to do individual responses
     17. as opposed to just -- because those would also be a lot
     18. more specific than more general ones that we get with
     19. these larger categories of avicides and predator
     20. management, for example.
     21. MR. DELANEY: Question from Mary-Jo?
     22. MS. AVELLAR: How do you know when you put the eggs
     23. out that, say, a coyote doesn't eat the egg?
     24. MR. PRICE: Two things. As it was explained when
         1. we did our workshops a while ago, the people from APHIS,
         2. which is from the Department of Agriculture, who we
         3. would have to contract with to do this work -- they're
         4. the ones that do this work around the state generally.
         5. So as it was explained to us, basically if we have an
         6. area that's being predated and our people that are in
         7. the field, our shorebird management specialists say this
         8. area is really being hit by a (inaudible) of crows, for
         9. instance. We've seen the footprints. We've observed
         10. the crows, what have you. So we would contract these
         11. people, and they actually come out. And the first thing
         12. they said they'd do is they would put out a decoy egg.
         13. So they would put out a regular chicken egg. And what
         14. they did is they put an exclosure that didn't have a top
         15. to it. So you've seen those exclosures, wire cages?
         16. MS. AVELLAR: Oh, so nobody can walk in? They can
         17. only fly in?
         18. MR. PRICE: Right. And once they saw -- once there
         19. was evidence of a crow coming down to that fake nest and
         20. eating that egg, then they would put out the egg that
         21. had the avicide in it.
         22. MS. AVELLAR: Thank you.
         23. MR. DELANEY: Question, Lilli?
         24. MS. GREEN: I do have a question since my board of
             1. selectmen did vote to send a letter, and the letter was
             2. voted on by the board on December 15 to support
             3. Alternative B of the shorebird management plan with the
             4. exception of the provisions relating to the use of
             5. avicide as a lethal deterrent, which the board does not
             6. support. And I do have copies if anyone would like a
             7. copy of that.
             8. I wanted to clarify in the meeting that you will
             9. respond to my board of selectmen in Wellfleet.
             10. MR. PRICE: Yes.
             11. MS. GREEN: And that the second thing I wanted to
             12. clarify at the meeting is a question I asked previously,
             13. which is, is it in any way possible to as you're looking
             14. at the plan, since Provincetown and Wellfleet did make
             15. that specific request, to seriously consider if you
             16. decide to move forward with an avicide plan to use it as
             17. a last resort or to exclude Wellfleet or Provincetown
             18. from that particular direction?
             19. MR. DELANEY: Can I just back up a sec? Thank you,
             20. Lilli.
             21. Did you want to finish anything else in terms of
             22. your introduction about feedback numbers? We kind of
             23. jumped into the question and answer period, but was
             24. there anything else you needed to say? Would it be
122. worth even just refreshing our memory of the four
123. options? There's a preferred --
124. MR. PRICE: Sure.
125. MR. DELANEY: One sentence each so we can refer to
126. what the board of selectmen in Wellfleet just did?
127. MR. PRICE: Sure. Basically, if you recall, there
128. were four alternatives. This was the outline
129. requirement by the NEPA process, the National
130. Environmental Protection Act process. So basically the
131. Alternative A was to continue doing what we're doing
132. right now.
133. MS. AVELLAR: Which is nothing.
134. MR. PRICE: Well, no, it's everything with
135. shorebird management that we do right now.
136. MS. AVELLAR: That's not what it said. No lethal 16 --
137. MR. PRICE: It doesn't include any lethal
138. management.
139. Alternative B actually, yes, it also has the
140. selective predator management piece, but it also had a
141. number of other issues related to shorebird management
142. program. And Mary outlined those for you.
143. And then basically C and D were just more
144. restrictive shorebird management pieces.
     1. And C and D also contained the lethal predator?
     2. MS. TEVYAW: D did not.
     3. MR. PRICE: D did not.
     4. MS. TEVYAW: And it's the most restrictive.
     5. MR. PRICE: D is the most restrictive.
     6. MR. DELANEY: These were just like off limits to
     7. everybody. Everything is so you don't have to worry
     8. about it.
     9. MR. PRICE: Pretty much, right.
     10. MR. DELANEY: Okay, thank you.
     11. So now we've got a couple of questions already.
     12. Are there any other questions from the commissioners?
     13. Larry, please?
     14. MR. SPAULDING: George, speaking with Orleans,
     15. they're pretty -- pretty -- they're very intensely
     16. concerned about birds and what goes on. The general
     17. management plan would apply to Orleans as part of the
     18. Seashore, but you haven't really done much in terms of
     19. bird management in Orleans because they've had to do
     20. their own. Am I right?
     21. MR. PRICE: Well, it's not -- it's not as
     22. happenstance as that, Larry, frankly. Orleans and
     23. Chatham adopted to manage the Seashore beaches within
     24. their towns.
         1. MR. SPAULDING: Right.
         2. MR. PRICE: So they never turned over management to
         3. the National Park Service. So they manage their
         4. shorebirds and the rest of their beach activity
         5. according to standards. In the case of the shorebird
         6. management standards, they are under the same standards
         7. we are or guidelines from the U.S. Fish and Wildlife
         8. Service.
         9. MR. SPAULDING: Right.
         10. MR. PRICE: The difference is they report to the
         11. state Fish and Wildlife Service. So the state Fish and
         12. Wildlife Service uses the same standards. So because we
         13. both have to adopt the standards of U.S. Fish and
         14. Wildlife Service, I have no oversight over Orleans and
         15. Chatham because you all are required to do it according
         16. to the same standards we are basically.
         17. MR. SPAULDING: Thank you. That was really my
         18. question.
         19. MR. PRICE: Yeah.
         20. MR. SPAULDING: Okay.
         21. MR. PRICE: And you have had up until fairly
         22. recently Scott Melvin, who was the most I think --
         23. provided a lot of direct oversight to everybody in the
         24. state and had a lot to say about our program as well.
145. So no, it does not -- so to clarify even more, this does
146. not refer to Chatham and Orleans because the National
147. Seashore does not manage those beaches.
148. MR. DELANEY: Thank you.
149. Other questions? Lilli?
150. MS. GREEN: Yes. And I did want to preface my
151. comments by saying thank you very much to you and the
152. other staff members who did come to our board of
153. selectmen meeting in Wellfleet and did a presentation
154. and answered questions. I think it helped clarify a lot
155. of issues for our board of selectmen, the people in the
156. audience, and the people in the public that watched
157. that, but I would like you to talk a little bit about
158. can you exclude Wellfleet or Provincetown from an
159. avicide plan at the beaches.
160. MR. PRICE: Sure. And my response would be I would
161. not see that as a practical opportunity. It would seem
162. to be able to be Seashore-wide or not. Especially we'd
163. have to take a look at where the shorebirds are.
164. One of the items that I'd also want to mention is,
165. remember, this is an allowance. So it's not like we're
166. going out and doing this right away, but I have no
167. ability to do it at all unless we get this allowance.
168. MS. AVELLAR: You mean money?
169. MR. PRICE: No, excuse me. Permission.
170. MS. TEVYAW: Authorization.
171. MR. PRICE: Authorization through this process. So
172. I'll give you an example. At the Provincetown meeting,
173. Mary Hake talked about the example in Plymouth where the
174. one coyote had the equivalent of a hundred some terns in
175. its system, that it wiped out a tern colony in one
176. night. And the gentleman in Provincetown said, "Well,
177. if you see a coyote doing that, well, then just shoot
178. him." Well, we do not have the legal authority to do
179. that now because we do not do predator management right
180. now. What -- we can only interfere if the coyote was
181. harming a human. If it was a human attack, then, yes,
182. our rangers would be able to go in and do a public
183. safety piece, but they would not have that option to do
184. that. So we are basically looking for that kind of
185. permission.
186. The second part of it is, even once we have the
187. authority to do the inside piece, we have to have the
188. money to do that, and we have to have the management in
189. place to have selectively decided, you know, here's
190. where the predation is particularly heavy, this is where
191. it would be the most effective to actually use this
192. particular technique, and therefore, let's try this here
193. on a pilot basis, et cetera. But, yes, that's where the
194. money comes into play as to do we even have the money to
195. do that sort of thing. But in the meantime, we're not
196. able to exercise that option to try to protect those
197. birds at all at this point. So this is really looking
198. for that kind of authority under the EA process.
199. MR. DELANEY: Okay, question? Sheila?
200. MS. LYONS: If I could just bring it one more step.
201. Then by opening up -- by considering different options
202. and allowing them in the allowance, in the
203. authorization, you're not necessarily using them
204. indiscriminately. Okay, now we're just going to -- I
205. think what people have in mind is we're just going to be
206. putting out crows and birds are going to be dropping
207. from the sky. We're going to be -- you know, a coyote's
208. kind of walking along the shore and we're just going to
209. take it out. That there's actually -- is that it would
210. be much more thoughtful in its application and you would
211. have it available to you if you were able -- if you had
212. the opportunity to target and use it. So in a sense
213. it's giving you a flexibility that doesn't -- a
214. flexibility of options. It doesn't mean that they're
215. the first option that you would use, nor an option that
216. would be utilized if you were able to find another way

|  |  |  |
| --- | --- | --- |
| 1 | around it. |  |
| 2 | MR. PRICE: | Correct, yeah. |
| 3 | MS. LYONS: | Okay. |
| 4 | MR. PRICE: | Another example with the Beach Buggy |

1. Association folks, something that this group hasn't
2. brought up -- Mary talked about it -- was called
3. flexible management. You might remember that from our
4. presentations to the board as well. So flexible
5. management basically means, quote, say less protection.
6. So I'll give you a very specific example of what that
7. means. Several years ago down here at Marconi Beach
8. when you went down the stairs immediately to the right,
9. there was a plover nest that decided to set up. And we
10. actually had to put staff out there every day, and we
11. had to fence the entire beach to the right in order to
12. meet the Fish and Wildlife --
13. MR. COOK: The buffer.
14. MR. PRICE: Pardon?
15. MR. COOK: The buffer.
16. MR. PRICE: There's a buffer that was required by
17. the standards from Fish and Wildlife Service as to what
18. you would need to buffer. So it was absolutely insane
19. in July to go down there because you had this crush of
20. humanity to the left-hand side of the beach, and you
21. have this big open space to the right. And we all knew
22. that with that much human activity it was not likely
23. that that was going to be a successful nest anyway, but
24. we didn't have the legal permission to do anything other
25. than that without being called, quote, a take. So we
26. applied to Fish and Wildlife Service at that time for --
27. what's the term?
28. MS. TEVYAW: Section 7.
29. MR. COOK: Section 7.
30. MR. PRICE: Section 7, which would allow us to have
31. a little bit more flexibility. So in the current plan,
32. we're actually asking to expand that Section 7 ability
33. from up to five examples of nests where we can use that
34. flexibility.
35. So some of the folks from the Beach Buggy
36. Association were concerned of the wildlife management.
37. Well, you know, again, is it going to be indiscriminate
38. use of this thing? Well, since we actually got that
39. permission now --
40. MS. TEVYAW: In 2010.
41. MR. PRICE: -- in 2010, we've, in fact, only used
42. it once because our staff identified that was the one
43. place that we needed to initiate that particular thing.
44. And what that meant was instead of having the large
45. buffer, we just put a fence immediately around the nest
46. so that the individual animal was not going to be harmed
47. by walkers, but basically the adult plovers realized
48. this was not the best place to nest and they would
49. relocate.
50. MR. DELANEY: Mary-Jo?
51. MS. AVELLAR: That's exactly the problem that
52. people in Provincetown are having. They don't trust the
53. Cape Cod National Seashore to exercise the flexibility
54. to the advantage of the people of Provincetown. And I
55. have been -- and the selectmen voted to keep things the
56. way they are. I think one selectman might have voted to
57. take out a coyote or two, but they're basically in total
58. opposition to the use of the avicide and are worried
59. that beaches like Hatches Harbor may wind up being
60. closed, that people may not even be able to walk their
61. dogs even if they're on a leash. There is concern --
62. and I did hear from Mark Forest who was meeting with the
63. MBA (sic) on maybe Friday I think.
64. MR. PRICE: Actually, he was in our meeting.
65. MS. AVELLAR: Yeah, and concern that there'll be
66. even more beach closures, which is a traditional and
67. historic use in the Town of Provincetown. So I feel
68. like Solomon's baby, you know what I mean? But I have
69. to say that people in Provincetown in spite of the good
70. practices we've seen and the cooperation that we've seen
71. with the current superintendent and even his
72. predecessor, people just plain don't trust the Seashore.
73. And we have probably given more beach to the National
74. Park than any other town in the district, and to lose
75. anything else would be something that Provincetown
76. really would be vehemently upset and opposed to.
77. So the selectmen were grateful, as you say, Lilli,
78. you know, to have had the superintendent and Mary come
79. and make a presentation, but we're just concerned in
80. Provincetown that we're going to lose more. We've
81. already lost a lot, and when we get through with this, I
82. need to know what's going to happen out at the New Beach
83. parking lot, but that's later on.
84. MR. PRICE: One of the things that came under the 17 --
85. MR. DELANEY: Go ahead.
86. MR. PRICE: Two, I'm not sure that we made that as
87. clear, but in meeting with the -- and I guess Mary made
88. it -- said in their presentation -- I don't recall, but
89. Mary was just recounting -- Mary's been doing this for a
90. long time with the National Park Service, and she said,
91. you know, when she first started (inaudible) the
92. plovers, basically the fledging period ended around July
93. 4. And with the real pressure from the predation over
94. these years -- because every time a nest is predated,
95. they get renested and renested, and now it's into
96. August. And the August broods we know are not going to
97. survive because they don't have enough time to get
98. themselves fat enough with feeding on the beaches in
99. order to make the migrations. So that is an example of
100. requiring beach closures to go on longer and longer and
101. longer. And if we had the opportunity to protect the
102. nests from the predators during the period when these
103. birds are hatching and, therefore, the eggs are
104. preserved and/or the chicks have a chance to get to the
105. fledging period, then the birds wouldn't have to renest.
106. MS. AVELLAR: So I think that if you could tell the
107. Town of Provincetown -- and I don't know about the other
108. towns -- "We're only going to do this for the birds, you
109. know, during this particular period so that they can
110. fledge and go," then I think everyone would be happy,
111. but what they see in the plan is more extensive long-
112. term, down the road opportunities to make the Seashore
113. less accessible to the public. And I think that that's
114. the problem Provincetown has with it.
115. MR. PRICE: And my opinion is that that might be
     1. the way people are reading into it as opposed to what it
     2. actually says.
     3. MR. DELANEY: Sheila?
     4. MS. LYONS: I think that's true because people just
     5. see that this is the plan. They're not going to read
     6. the whole plan, so they're reading what their -- what
     7. their papers are telling them, so like the thumbnail
     8. sketch that it includes lethal actions, you know, of
     9. animals and birds, and it doesn't feel good to anybody.
     10. Nobody likes to think that we're going to do the one
     11. next and not the other. But if it was really realized
     12. -- and there are facts to back it up, such as you've had
     13. authority to do something, you've exercised that
     14. authority once because it was the appropriate action at
     15. the appropriate time, and that's how you assess these
     16. things, I think people would be more willing to
     17. understand that this is just giving you the flexibility
     18. to act on that particular situation, not "We're just
     19. going to do this as an overall practice --" --
     20. MR. PRICE: Right.
     21. MS. LYONS: -- "-- and it might even hit other
     22. birds, but that's too bad."
     23. So I think that needs to be stated, and if there is
     24. a certain amount of caution or mistrust, you know, we
116. here in that room can help -- in this room can help
117. reinforce the positive and the factual cases that prove
118. that that's an overreaction and a fear, that it's based
119. on fear.
120. MS. AVELLAR: Well, a guy who does this in
121. Provincetown is a guy named John Thomas, who is a
122. lawyer, and his particular area of expertise was with
123. Native Americans and those kinds of issues. So he read
124. that thing from stem to stern -- I would say better than
125. I read it -- and these were all the things that he saw
126. in this plan as being particularly dangerous to
127. Provincetown. So it wasn't just somebody who was
128. worried who said, "Oh, gosh, maybe this can happen."
129. We're talking about a professional person who looked at
130. the plan and advised the selectmen that this is probably
131. not a good thing to do. So that's why they voted the
132. way they did.
133. MR. DELANEY: Thanks.
134. Don?
135. MR. NUENDEL: Just George touched on this last
136. meeting, and we talked about it during lunch today. And
137. I think it's a very important fact that the public
138. should understand -- personally I think that -- is the
139. fact that this predator management will shorten the
140. season, the -- if the birds lose their nest and the
141. adults survive, they're going to start another one.
142. They're going to start another one. And then it goes
143. into August and sometimes September. If the predator
144. management is done correctly, they could have the
145. fledges and be out of there by mid-July or July 4, and
146. that's a positive spin on this whole thing that people
147. may not understand.
148. MS. LYONS: And it's not just a spin. It's a
149. reality.
150. MR. NUENDEL: It's a reality, right.
151. MR. PRICE: It's a reality depending on how much
152. money we have to actually even do it.
153. MS. LYONS: Right, true.
154. MR. PRICE: So it's not going to be broad-based at
155. all.
156. MR. DELANEY: And how many tools you have in the
157. suite of management tools to do it, which is what you're
158. seeking authorization for now.
159. MR. PRICE: Right.
160. MR. DELANEY: I think you're right, and I'd just
161. like to weigh in a little bit. I think that's a good
162. point, Don, and the illustration of the reduced -- the
163. early restricted access of Marconi last year and the
164. year before, which might have been able to be managed
165. around, is something that really illustrates why having
166. a broader or more flexible set of management tools would
167. help. And I think the people in Provincetown, if they
168. read that, would realize that might be -- you know, they
169. could see the other side of the coin.
170. MS. AVELLAR: That's true.
171. MR. DELANEY: If John had read the other side of
172. the coin. But I think we're moving toward a point where
173. I'm going to ask for public opinion if there's no -- is
174. there more -- I think everyone's had a chance to
175. comment.
176. Larry? One more?
177. MR. SPAULDING: Just a question as to whether --
178. basically Orleans and Chatham don't have a stake here
179. because the issues weren't raised. So we've got four
180. towns, and we've already heard that two of them have
181. selectmen who have specific issues that are opposed to
182. this plan. And my question is, is the Commission going
183. to take an advisory position or not? And I'm not saying
184. we should, but that's kind of what we're supposed to do,
185. if we want to do it.
186. MR. DELANEY: In the last meeting or the past two
187. meetings, we came to -- at least I thought I read the
188. Commission's opinion that we did not have strong enough
189. support for one way or the other in any one of the four
190. options. It wasn't strong enough to have me justify
191. appointing a subcommittee that would go into great
192. detail. As you recall, in our past issues with things
193. that have come before us, when we felt there was
194. something really important that we all shared a majority
195. opinion about, the former Dune Shack Subcommittee or the
196. ORV Subcommittee, and that that subcommittee really led
197. the detail necessary to bring back a well-informed
198. opinion or to advise us to then advise the Secretary and
199. the superintendent. I didn't get that sense because,
200. yes, there are some different opinions at the table and
201. the towns have some different opinions, but there wasn't
202. a universal concern on one issue. So we did not form a
203. subcommittee. So we don't have the benefit of a
204. recommendation from a group of us who spent a lot more
205. time, the necessary time needed to really come up with
206. an informed decision.
207. So as of today, we were just going to voice
208. individual recommendations to the superintendent
209. directly and leave it at that. There is always a chance
210. people could put a motion on the table, if you want.
211. I'm not ruling that out. That's fair for us to do at
212. this point and give any specific recommendation to vote
213. on, but we had not been heading in that direction up to
214. that point.
215. Does that help, Larry?
216. MR. SPAULDING: Yeah, because there seems to be in
217. our general discussion one thing that we seem to be
218. agreeing upon, is that if, in fact, one of the predator
219. control options is adopted, they could soften that by
220. the language in the general management plan about how
221. they want to use it. I mean, we just had some
222. discussion that may make some sense in some cases to use
223. it. So it won't look like this is all of a sudden we're
224. going to be out there with shotguns and poison eggs as
225. soon as this thing passes, which obviously is not what
226. George intends to do. And I think he can soften that by
227. having language in the actual plan when they decide it,
228. but I think it would be better off for all of us
229. concerned, and that may be a position that we could take
230. as a commission as opposed to saying we're in favor of a
231. particular A, B, C, or D.
232. MR. ROBINSON: Is it a question of last resort? Is
233. that what you're saying? That the lethal management
234. would be an action of last resort?
235. MR. SPAULDING: No. No, that's more -- that's kind
     1. of taking a position on the lethal management. What I'm
     2. saying is that there would be more -- that they
     3. understand that it's to provide flexibility only when
     4. really necessary. I wouldn't use last resort because I
     5. don't think that --
     6. MS. LYONS: I'd say it's more targeted. It's a
     7. targeted -- it's targeted and made specific to the
     8. condition that you're being presented with. It's not,
     9. "Okay, it's going to be the season. Let's start
     10. knocking everybody out of the way so that these birds
     11. can --" -- you know, now you see that there's been a
     12. nest that has -- you have facts, factual data showing
     13. that there is this one coyote that's going down and
     14. killing off every time that it's...
     15. MR. PRICE: And that's not hypothetical.
     16. MS. LYONS: Right.
     17. MR. PRICE: I mean, two years in a row we've had
     18. the entire tern colony wiped out at Head of the Meadow
     19. in Truro.
     20. MS. LYONS: Right. I mean, we watched that film
     21. ourselves of one of the night predators.
     22. MR. DELANEY: And Larry has put on the table I
     23. think an interesting idea that has some commonality
     24. among all of the various towns, which is to use -- if
236. proceeding forward the Park is to ever use a predator
237. control technique, it be done in a very targeted,
238. prudent -- whatever adjective's way.
239. MR. SPAULDING: Uh-huh.
240. MR. DELANEY: I'm trying to fashion some language.
241. MS. LYONS: Well, what you want to do -- you have a
242. mandate to protect a threatened species, and we are all
243. in support of that. Everybody wants to protect this
244. little species. And then you also have to have a built-
245. in there as the respect and wanting to give the ability
246. to the local people to be able to carry out their
247. recreational and cultural traditions. And by not being
248. able to manage one in a more targeted, specific, and
249. flexible way with tools that could be used, to have the
250. ability to use tools in those specific ways, you're not
251. accomplishing either thing. You're prolonging the
252. season, and you're not protecting the birds and the
253. outcome. So we'll always have this sort of endangered
254. population whose numbers are not being able to grow
255. because of the restrictions of the toolbox, of the
256. options, which is then, therefore, creating more angst
257. because people are not being able to recreate the way
258. they would like to, and those months are getting longer.
259. So there is a balance here, and people have to
     1. understand that you're not just trying to do one plan.
     2. But it's a flexible management. It's a lot like the
     3. wastewater. I mean, we're not just going to -- we're
     4. not going to store everything. We can do specific
     5. remediation in specific areas as it dictates and only
     6. when it dictates, and we can be flexible.
     7. MR. DELANEY: Is that a motion? Is that a long
     8. motion you're putting in?
     9. MS. LYONS: It's a long way of assessing the whole
     10. story.
     11. MR. DELANEY: Let me ask the superintendent to
     12. respond.
     13. MR. PRICE: If you don't mind, just as a point of
     14. clarification, the advantages that I've talked about
     15. with reducing the number of renesting and by
     16. implementing these management actions, the access to the
     17. beach would be an ancillary benefit. That's not why we
     18. would do that.
     19. MS. LYONS: Right.
     20. MR. PRICE: Or we wouldn't be doing this to provide
     21. more access. We'd be doing it to get the birds to
     22. successfully fledge, to become more successful. We
     23. believe the ancillary benefit would be more open access
     24. down the road, but I want to be very clear. So that's
260. why we would be taking these actions.
261. MR. DELANEY: That's fair.
262. Okay, so let me do this. We'll take a couple more
263. questions from the commissioners. Larry has not an
264. official motion on the table, but I think it might
265. result in, with a little bit more deliberation, a motion
266. that we would offer some advice on this. And then I'm
267. going to go to the public because I think before we vote
268. on anything, we should hear what the public has to say,
269. and then we can come back in and fashion our
270. recommendation.
271. Mark?
272. MR. ROBINSON: That's what I was going to mention,
273. but I also had a question about Orleans and Chatham's
274. recent experience designing their plan and heavy
275. involvement from the state fish and game people, and I'm
276. just wondering if those state staff biologists had input
277. into this plan or conferred with or is there something
278. that they can bring to the table. Have they commented
279. on the plan, if you know?
280. MR. COOK: I know that there's been a lot of
281. involvement with the U.S. Fish and Wildlife Service over
282. the years, involved in this and some with the state. I
283. doubt if it was as intense as with the Town of Orleans
284. because this park has a larger in-house staff to address
285. these types of things, but definitely there has been
286. ongoing coordination between (inaudible) with both the
287. state and federal entities.
288. MR. ROBINSON: Do you know if the state fish and
289. game has commented on it?
290. MR. COOK: I don't know specifically.
291. MR. PRICE: I don't know specifically either, but
292. remember, the towns are reporting to the state. We're
293. reporting to the U.S. Fish and Wildlife Service. So
294. we've been dealing with U.S. Fish and Wildlife Service
295. on these things as well.
296. MR. ROBINSON: I'm just saying that there is a
297. level of expertise at the state level as well.
298. MR. DELANEY: Okay, Joe is next.
299. MR. CRAIG: Am I understanding it right that
300. Orleans and Chatham eventually will have to come under
301. the same -- same management plan because it will be
302. different?
303. MR. PRICE: Yes.
304. MR. CRAIG: It will never be the same? The state
305. will never have the same plan?
306. MR. PRICE: Not unless you all adopt it, no. The
307. responsible -- remember, you all -- your towns are
308. responsible to be managing your areas up to the
309. standards.
310. MR. COOK: George?
311. MR. DELANEY: More comment on that point? Bob?
312. MR. COOK: I was just going to -- another point
313. that came to mind in reference to Mark's question, there
314. was an article in the *Cape Codder* back in November about
315. the state releasing its shorebird habitat conservation
316. plan, and I recall a big feature of that article was
317. that plan pointing out the need for more predator
318. management activities as an element of that plan. So I
319. just wanted to make you aware that that's kind of where
320. the state Division of Fisheries and Wildlife is thinking
321. in terms of analyzing what limiting factors in the
322. shorebird productivity are and what needs to be done to
323. improve that.
324. MR. DELANEY: Thank you.
325. Joe, you were happy with your response?
326. MR. CRAIG: (Nods.)
327. MR. DELANEY: Okay, Lilli?
328. MS. GREEN: Thanks, Rich.
329. So I wanted to clarify. From my understanding of
330. what happened at the board of selectmen meeting in
331. Wellfleet, recreation was not a motivating factor. It
332. was purely a concern about the crows and how the crows
333. would be treated and other birds and that I would -- I
334. appreciate what Larry has put on the table, and I would
335. concur with what he said. However, I would hope that
336. George and the other members of the Park that are
337. involved might look at other situations, other EA's and
338. see if there were any exclusions that could be made for
339. Wellfleet and Provincetown since the boards of selectmen
340. have asked directly these questions and the people from
341. these towns have expressed such a concern about
342. specifically the avicides.
343. MR. DELANEY: Thank you. I don't know if that's a
344. part of the process already, but that's something that
345. could be looked into.
346. So could I -- I'm going to go to the public next,
347. and, Sheila, unless you have something new to ask about
348. at this point.
349. MS. LYONS: No.
350. MR. DELANEY: So let us deliberate. Larry is
351. trying to -- is coming up with a little bit of language
352. so we can come back and revisit this discussion again
353. right now, but I'll suspend our discussions among the
354. commissioners, and I will open the floor for public
355. comment.
     1. Please identify yourself. Would anyone like to
     2. speak? Yes? Over here (indicates).
     3. AUDIENCE MEMBER (MS. HELEN MIRANDA WILSON): For
     4. those of you who don't know me, I'm Helen Miranda
     5. Wilson. I was involved in this whole issue from the
     6. beginning in 2010. And I'm someone who's been
     7. protecting nesting shorebirds myself personally since
     8. before a lot of you even lived on the Cape. I grew up
     9. here, okay? So piping plovers are important. Terns are
     10. important. Protecting them from us is important, but
     11. I'd like to -- I'm on the selectboard now in Wellfleet,
     12. and I've read a lot of science on this. I've read
     13. everything Mary Hake has written about the plovers
     14. that's available for someone who's not a scientist. I
     15. care about this very much. I've researched this.
     16. That's my background. That's the short version. You
     17. don't want the long version.
     18. I strongly urge you not to do a general vote for
     19. all the towns. The towns have different issues.
     20. Wellfleet, for example, has a few crows that are
     21. predating, that are eating -- they're not predating. We
     22. predate. We do sport hunting. We do sport fishing.
     23. They're hunting to feed themselves. It's not
     24. recreation. They're surviving. They're part of this
356. huge web that we live in, the natural world, most of
357. which is not a constituency -- and, Mary-Jo, I'm sorry
358. I'm standing behind you.
359. MS. AVELLAR: That's okay. Stay, Helen.
360. AUDIENCE MEMBER (MS. WILSON): -- that will not
361. show up at this meeting or any meeting, will not vote,
362. and will not speak. They simply die in the wild having
363. been poisoned, if that happens.
364. I would not like to see the Park, which I feel is
365. generally a very responsible agency in this neck of the
366. woods, having the discretion to use avicides
367. selectively, blanket permission. It would be nice if
368. they had to go to their local conservation commissions.
369. By the way, in Wellfleet our conservation commission
370. doesn't think it's good work. They don't want the Park
371. to be able to use avicides. I think there are many
372. tools in the Park's arsenal to protect these birds, and
373. a lot of them work.
374. Marconi Beach -- I go to the beaches. My boyfriend
375. goes there all the time, every day, sometimes in the
376. summer. It's a huge beach. If you can't use it to the
377. right, you just spread out to the left, right? The
378. beaches are -- we have so many beaches. People can use
379. them at will. They could even be closed more than they
380. are to protect the shorebirds, and it would still work.
381. Sure, some people would get whiny, but we have resources
382. beyond belief here, and people get used to it.
383. I have a question. The option of keeping ORVs away
384. from nesting areas during nesting season was dismissed.
385. I'd like to know why because Wellfleet has had the
386. courage to say no ORVs on our beaches at any time except
387. for the ones allowed by the Park. You know, the Park
388. ORV -- it's not an ORV. It's got chubby tires. It
389. could go on patrol. Wellfleet doesn't allow any ORVs.
390. We had the courage to do that. It's possible. And I'm
391. not saying that should happen like in Provincetown, but
392. during nesting season it would be good if it could.
393. That's a question. Why was it dismissed out of hand in
394. every locality?
395. MR. PRICE: I'm confused, Helen, as to what you're
396. referring to exactly. Our ORV corridor has about the
397. most prescriptive management oversight you can imagine
398. that is sometimes impacted on a daily basis. So I don't
399. know how you had read that we would now allow the ORVs.
400. I think what the language talks about is, first of all,
401. there's nothing in the present document that changes the
402. negotiated rulemaking of the 1990s. So the corridor is
403. going to be managed at least under all of those
404. prescriptions. We did not reopen the negotiated
405. rulemaking. So that still applies. So perhaps we need
406. to get more specific.
407. MR. DELANEY: Does Option 4 address this? Option 4
408. would basically say no ORVs anywhere should that be a
409. choice, right?
410. MR. PRICE: I think that was out there.
411. MR. DELANEY: Excuse me. It hasn't been dismissed.
412. It's out there, but it's not the preferred option. But
413. the second document --
414. AUDIENCE MEMBER (MS. WILSON): Yeah, there's a
415. little sort of spreadsheet kind of thing at the end that

|  |  |  |
| --- | --- | --- |
| 13 | says these options were dismissed. That's why it was | a |
| 14 | question. I didn't fully understand that. |  |
| 15 | MR. PRICE: Oh, I see. So we dismissed the -- |  |
| 16 | AUDIENCE MEMBER (MS. WILSON): Overall. |  |
| 17 | MR. PRICE: -- option of not -- |  |
| 18 | MS. LYONS: Closing. |  |
| 19 | AUDIENCE MEMBER (MS. WILSON): Everything. |  |
| 20 | MR. PRICE: Of not closing. Okay, now I |  |
| 21 | understand. |  |
| 22 | AUDIENCE MEMBER (MS. WILSON): It was just a |  |
| 23 | clarification. |  |
| 24 | MR. DELANEY: Yes, now he gets it. |  |

* 1. MR. PRICE: It dismissed the option of eliminating
  2. ORVs. We were not reopening the negotiated rulemaking.
  3. We were accepting that all off-road vehicle use is an
  4. appropriate use for Cape Cod National Seashore.
  5. AUDIENCE MEMBER (MS. WILSON): With restrictions?
  6. MR. PRICE: With restrictions.
  7. AUDIENCE MEMBER (MS. WILSON): Thank you for
  8. clarifying.
  9. MR. PRICE: I misunderstood what you said. So yes,
  10. with restrictions it was not on the table to eliminate
  11. ORV use.
  12. MR. DELANEY: Okay, thank you.
  13. Other comments from the public? Sharon?
  14. AUDIENCE MEMBER (SHARON YOUNG): I'm Sharon Young,
  15. and I'm the marine issues field director for the Humane
  16. Society of the United States. I'm a researcher by
  17. background, and my publications are all in the field of
  18. marine ecology. That's my background.
  19. We submitted extensive comments, but I wanted --
  20. I'm just going to read just a paragraph that summarizes
  21. at the end, but before I do that, I just want to say
  22. that it's been an interesting discussion for me to
  23. listen to because I would expect this body is far more
  24. informed of what is in the plan than the public. It's

1. nice to hear that somebody on the board has read the
2. entire plan, as I have too. There are probably not many
3. of us. But there's a lot of verbiage in there, but
4. unfortunately, there's not a lot of information on many
5. of the things that are of concern to people, which is
6. why the questions that you folks are raising are coming
7. up. You don't understand how the exclosures are being
8. done or how the animals are going to be selected because
9. it's not specified in here. And one of the important
10. parts of an environmental assessment and an
11. environmental impact statement is that you have to
12. specify what you're going to do, what its effect is
13. going to be in a quantitative sense, and allow the
14. public a full understanding of how all of that is going
15. to work together, but if you don't specify -- and this
16. plan doesn't -- how do you decide what is a threshold by
17. which a predator will be judged and then need to be
18. taken out or that a nest is preferentially selected for
19. protection? None of that is in there, so it's very
20. difficult for anyone in the public -- and I'm a very
21. informed member of the public -- to try to figure out
22. what exactly is being proposed.
23. With regard to consistency with the state, I want
24. to point out that the plan is actually proposing to use
25. whole body traps, which are illegal in the state of
26. Massachusetts. I understand this is federal property,
27. but they were banned in this state back in the '90s. So
28. there's a certain amount of disconnect as well.
29. And I also wanted to mention that there's been a
30. lot of suggestion about, well, could you do Alternative
31. B but just not use the avicide? And again, there's a
32. 50-predator cap of the number that could be killed
33. without a specification of the certain percentage of
34. crows versus mammals versus (inaudible). So Alternative
35. B basically is saying we are going to consider
36. sacrificing up to five nests per year, and in exchange
37. for doing that, because that would result from increased
38. public access -- in exchange for doing that, we're going
39. to compensate for the loss of any of those birds by
40. trying to reduce the amount of predation that is
41. occurring as a balance. So if you're saying, "We want
42. to do Alternative B. We just don't want to do some of
43. this predator control," then that requires a different
44. option because an environmental assessment by law has to
45. provide a full analysis of the cost and benefit of every
46. action because this never considered the idea that you
47. could do Alternative B and just not do certain types of
48. predator control. That's not analyzed, and therefore,
49. under the National Environmental Policy Act, it's really
50. something the Seashore can't do. These are the
51. alternatives that were presented. Those are the
52. alternatives that were considered.
53. If an alternative has been thoroughly analyzed in
54. this park and some other ones have been thoroughly
55. analyzed there and you can legitimately hybridize them,
56. that's a potential option, but to say we want Option B
57. but we just don't want the avicide used or the certain
58. predator control things used, you've taken away part of
59. what the balance was that was given for the potentially
60. sacrificed nest. And if the Seashore says, "Okay, well,
61. then we wouldn't be killing birds doing that. We'll
62. just sacrifice fewer nests," again, that isn't analyzed
63. either. The only analysis done is in the 2010
64. biological opinion, which would have to be redone if you
65. want to increase the amount of nest sacrifices because
66. you haven't considered that. So that's a legal
67. background that the Seashore has to consider.
68. But in the statement I was going to read, we
69. submitted 17 pages of comments and 70 footnotes maybe
70. because all I do is like to read federal documents and
71. write apparently. I used to have really good vision, by
72. the way. But anyway, the summary I would say is:
73. (Reading) We have noted throughout the comments the
74. vague language related to goals, metrics, and methods
75. that will severely hamper the ability of the public to
76. properly weigh the benefits and detriments of the many
77. lethal and nonlethal management methods proposed.
78. Nonlethal measures designed to support shorebird
79. recovery are inappropriately limited, and we'd suggest
80. alternatives that would reduce provisioning of predators
81. and other things that may be contributing to increased
82. predator populations. Environmental impacts of both the
83. avicide and other aspects of lethal management program
84. are inadequately specified and analyzed. Further, the
85. Seashore dramatically limited both the public forum for
86. discussion of the plan and scheduled a timing of a
87. comment period on the proposals in a manner that has
88. limited the broader public's awareness of and ability to
89. comment on the controversial plan.
90. As we have stated in our comments, in light of the
91. proposed -- I'm sorry -- in light of the manifest
92. failure to provide specific information necessary to
93. inform understanding of what is proposed and the likely
94. effects on shorebird staging recovery and given the
95. controversial nature of the plan and the scope of the
96. impacts of the plan, not all of which were adequately
97. analyzed, the Seashore should have undertaken a
98. comprehensive EIS rather than an EA. No new management
99. program should proceed until such time as the Seashore
100. remedies its deficiencies.
101. And if people want -- I was going to give the chair
102. a copy of the comments, and George already has them, but
103. if folks want copies of what I said specifically, I'm
104. happy to provide them. I'll be here to the end of the
105. meeting, and just if you give me your e-mail address,
106. I'll e-mail them to you.
107. MR. DELANEY: Okay, thank you.
108. Any other members of the public who wish to speak?
109. (No response.)
110. MR. DELANEY: Okay, I'm going to bring the
111. conversation back to the commissioners.
112. You've heard a couple of comments from outside to
113. augment our discussion and our understanding. We left
114. off our discussion thinking that perhaps at a minimum we
115. could address kind of a common concern about the
116. wholesale use or widespread use of an avicide or
117. predator control and maybe even want to encourage the
118. Park to whatever option they choose going forward use
119. that very judiciously in a targeted way and very
120. prudently. We can still address that issue, or we can
121. talk about others.
122. Mark?
123. MR. ROBINSON: I like that. I think it frames the
124. issues well. I think that managers of land with
125. multiple resources and uses need as many tools in their
126. toolbox to employ to manage the property appropriately.
127. I think it's more of a philosophical thing for many
128. people in terms of this particular type of management,
129. but I think that we should have some faith in the
130. discretion employed by managers to use it wisely since
131. we're giving them -- since we would be recommending they
132. have these tools, that they understand that they're to
133. be used wisely.
134. The only other aside I would say is that I really
135. believe that Truro crows and Eastham crows are just as
136. valuable as Wellfleet or Provincetown crows.
137. MR. DELANEY: Just let me underline. We've had a
138. discussion about should the towns be (inaudible) in this
139. case. If you're talking about ecosystems and birds,
140. murders of crows and plovers, crows, it really doesn't
141. do anyone a good service to break up the territory. So
142. that's why we probably couldn't get to a universal, a
143. common opinion among us because some of the towns have a
144. different opinion.
     1. All right, we're going to go to Mary-Jo and then
     2. Lilli.
     3. MS. AVELLAR: How long is it going to take you,
     4. Superintendent, to come up with a recommendation based
     5. on -- is there a time frame here?
     6. MR. PRICE: At this point I do not know. The
     7. comment was made about the timing of it. The timing of
     8. it was related to our ability to produce this document
     9. in a professional manner. As you all know, the rollout
     10. of this has been delayed, delayed, delayed.
     11. I would also say that my experience here on Cape
     12. Cod is if we ever distributed this in June or July, we
     13. would have gotten the same comments at that time of
     14. year. If we did spring or fall, that would have been a
     15. bad time of year. Obviously the holidays are not a good
     16. time of year. That was why we did the extension, number
     17. one.
     18. Number two, if we have 2,000 comments and we have
     19. to give a professional review and then get into a
     20. dialogue as to what -- I'm absolutely confident that
     21. what we've gotten, the many pages from the U.S. -- the
     22. Humane Society U.S. is going to be substantive both on
     23. legal and policy, and I'm assuming (inaudible). I'm
     24. assuming the Mass. Beach Buggy Association is going to
145. as well. It's going to take us time to deliberate that,
146. and what I don't know is how this relates to the
147. contractor that we have on board. If you remember
148. Mary's optimistic PowerPoint, we thought by January or

5 February we'd have a decision. That's not going to

1. happen.
2. MR. DELANEY: Okay.
3. MS. AVELLAR: Can I just finish?
4. MR. DELANEY: Just one quick follow-up.
5. MS. AVELLAR: Just lastly -- oh, God, I just lost
6. my train of thought. Oh, in deference to what Sheila
7. had mentioned earlier, recreation is important to the
8. Town of Provincetown because we probably have the most
9. active beach buggy corridor in the district, and it gets
10. really closed, and it's really restricted. So it is
11. very important to my town at least, which is I kind of
12. like Lilli's idea of each town being looked at
13. separately because any more closures other than for the
14. sake of the birds at the fledge time would be totally
15. unacceptable.
16. So I don't think I can vote on anything right now
17. because we don't have a time frame, we don't have a
18. final document, and right now I just don't feel
19. comfortable one way or the other, although I appreciate
20. what Mark had to say.
21. MR. DELANEY: Lilli?
22. MS. GREEN: And I'm coming to that opinion myself
23. too, that while I really appreciate what Larry has put
24. forth, I think that there are so many issues with my
25. town. I know my crows in Wellfleet are not different
26. than the crows in Eastham or Truro.
27. MR. ROBINSON: All crows matter.
28. MS. AVELLAR: Crows are smart.
29. (Laughter.)
30. MS. GREEN: And I do believe they do, but if the
31. Park were to actively come to the conclusion that they
32. were using that, I was hoping that they could try
33. something if they needed to in another town and see if
34. it works or doesn't work, but I understand that there
35. could be issues there. And given the comment from the
36. public that they're not sure if you can do Option B
37. without the avicide, given the EA statement as is, I'm
38. not so inclined to vote on this today either.
39. MR. DELANEY: Okay. Sheila, last comment?
40. MS. LYONS: I'm just going to throw this in. So
41. really what I was saying -- and thank you for bringing
42. it in, Mary-Jo -- is that across the National Seashore
43. these are the varied interests. I know that Wellfleet
44. their priority is the crows. Somebody else has the
45. priority that they can drive their vehicle across
46. whenever they want. So everybody has an interest, you
47. know, a self-interest, and we all have a shared interest
48. in that we want to be able to maintain these things for
49. everyone while we protect endangered species and help it
50. thrive so that maybe somewhere down the road we don't
51. have to be protecting it so much and these things will
52. be enjoyed at a greater scale and degree without
53. everybody feeling they were taking something out just to
54. do it.
55. So I do think -- and I heed what you said about the
56. Humane Society. I think a lot of it is in the
57. implementation. If you're adopting this, how is it
58. used? And that is what people don't under-- -- I think
59. is the missing piece. Even when you do read it, it
60. doesn't then go into the implementation of the policies
61. and how it's -- what are the flags? What are the red
62. flags? Okay, we have this, so now we see there's
63. evidence here. What are the steps that create a certain
64. reaction? You know, the policies and the procedures
65. that are followed to trigger certain actions? And I
66. think that if those were more clear and discussed,
67. people would feel better that these are just not going
68. to be blanket uses or everyday -- you know, the go-to
69. solution when it doesn't necessarily have to be. That
70. they will be factored before anything is implemented,
71. but these are the things that we can use under these
72. conditions.
73. MR. DELANEY: Thanks.
74. Larry?
75. MR. SPAULDING: George, is this kind of our last
76. chance to make a comment if we're going to implement it?
77. It is, isn't it?
78. MR. PRICE: Yes.
79. MR. SPAULDING: Well, I think it's a mistake not to
80. say anything. I'll tell you what I put together.
81. The following: If predator management is adopted
82. in the Seashore management plan, it would be implemented
83. in a specific targeted situation with prudence to
84. accomplish the goal of shorebird protection.
85. That doesn't say we're in favor of predator
86. management, but it tries to let the Seashore know that
87. this is kind of an open-ended thing. I don't suggest
88. that George use it that way, but at least we'd be
89. saying, "If you're going to do this, it's really got to
90. be a specific situation. You're going to have to have a
91. reason. You've got to target it." And I just think to
92. say nothing is a big mistake.
93. MS. LYONS: I agree.
94. MR. DELANEY: Thank you, Larry. Would you like to
95. make that a motion?
96. MR. SPAULDING: I can make that a motion.
97. MR. NUENDEL: I'll second that.
98. MR. DELANEY: So we have a motion on the table, and
99. we have a second. Both towns have a little bit of time
100. to think about it. It's not -- I think, as Larry said
101. correctly, it's a cautionary generic kind of statement
102. about one particular aspect of the plan. It's not
103. choosing one alternative or the other. It expresses
104. what I heard around the table I think pretty well from
105. all of us, aside from the other ancillary positions the
106. towns have taken, and I think it would be helpful. It
107. certainly would put us on record as being very, very
108. cautious about this.
109. But let's have some discussion on the motion.
110. Mary-Jo?
111. MS. AVELLAR: My problem with it is -- and I thank
112. you, Larry, for the motion -- is the past two
113. superintendents have been very, very, very good to work
114. with in Provincetown, but we've had superintendents that
115. have been openly hostile to Provincetown. And so I feel
116. that if I vote for this, that down the road when we
117. don't have a George Price or a Maria there may be
118. somebody that may become a problem again for my town.
119. So I'm going to have to respectfully vote no. I just
120. have to -- I represent the people of Provincetown, and I
121. have to vote their conscience, I think.
122. MR. DELANEY: Okay.
123. MR. SPAULDING: The thing that's important is that
124. the motion takes no position.
125. MS. AVELLAR: I know.
126. MR. SPAULDING: I may be personally opposed to
127. predator management and some of the things.
128. MS. AVELLAR: I know.
129. MR. SPAULDING: But I just feel that if we're
130. silent, we haven't given them anything. If we had at
131. least a consensus or some of you may feel you have to
132. vote no, but at least we've got something that we can
133. put on the record.
134. MS. LYONS: Right, and we're saying that we support
135. management in itself, that these things have to be
136. managed so that everybody's interest is protected. So
137. if this --
138. MR. ROBINSON: There's got to be more flexibility.
139. MS. LYONS: And there's flexibility. So this
     1. builds in the ability to be flexible, but we're also
     2. stating we also should caution you that these should be
     3. -- you know, the procedures should be clearly defined on
     4. what triggers what and under what circumstances actions
     5. are taken and what those actions are. And I think
     6. that's all it's basically stating because it's a tough
     7. issue. I mean, everybody has their point of view and 8 yet...

9 MR. DELANEY: Okay, further discussion on the

1. motion? Lilli?
2. MS. GREEN: Thank you.
3. So while I personally understand wildlife
4. management and I believe there is not a soul in
5. Wellfleet that doesn't believe in protecting the
6. shorebirds, I think I would have to abstain from this
7. vote because I do represent Wellfleet.
8. MR. DELANEY: Okay, that's your prerogative for
9. both towns, but we do have a motion on the table. And
10. we can entertain discussion, and then we can vote yes,
11. no, or abstention. So you have an easy option on that
12. abstention.
13. Any other discussion on this motion?
14. AUDIENCE MEMBER (MS. YOUNG): Could you restate the
15. motion?
    1. MR. DELANEY: Yes, please, Larry.
    2. MR. SPAULDING: If predator management is adopted
    3. in the Seashore management plan, it would be implemented
    4. in a specific targeted situation with prudence to
    5. accomplish the goal of shorebird protection.
    6. MR. DELANEY: Did you hear that, Sharon?
    7. AUDIENCE MEMBER (MS. YOUNG): (Nods.)
    8. MR. DELANEY: So that's the motion. Is there a
    9. second?
    10. MR. NUENDEL: Second.
    11. MR. DELANEY: Second from Don.
    12. Any other discussion?
    13. (No response.)
    14. MR. DELANEY: Hearing none, all those in favor
    15. signify by saying aye.
    16. MR. SPAULDING: Aye.
    17. MR. NUENDEL: Aye.
    18. MR. ROBINSON: Aye.
    19. MS. LYONS: Aye.
    20. MR. DELANEY: Those opposed?
    21. MS. AVELLAR: Opposed.
    22. MR. CRAIG: Opposed.
    23. MR. DELANEY: Two opposed.
    24. MS. AVELLAR: And one abstention.
16. MR. DELANEY: And one abstention.
17. I didn't think you were going to vote on this.
18. MS. AVELLAR: No, I was going to vote no. I have
19. to represent the people of Provincetown.
20. MR. DELANEY: So we have -- George, we just voted.
21. Just for the superintendent's benefit, let's re-
22. read that, please, Larry, one more time.
23. MR. SPAULDING: Sure. If predator management is
24. adopted in the Seashore management plan, it would be
25. implemented in a specific targeted situation with
26. prudence to accomplish the goal of shorebird protection.
27. MR. DELANEY: And we voted --
28. MS. LYONS: Four.
29. MR. DELANEY: -- four in favor, two opposed, and
30. one abstention.
31. MR. ROBINSON: The chair is not voting? You don't
32. vote?
33. MR. DELANEY: I generally vote if there's a close
34. tie, but I didn't vote in this one.
35. So there is advice to you and the Park Service as
36. to how to implement this plan.
37. MR. PRICE: So if we could then, Larry, maybe
38. Lauren can actually get the language or if you want to
39. make sure we get it so we'll officially have it
40. submitted as part of the record.
41. MR. ROBINSON: 2,001 comments.
42. MS. AVELLAR: Well, who knows what might come in
43. before the end of the day even, huh?
44. MR. PRICE: That's right.
45. MR. DELANEY: It is obviously, like most of the
46. management issues here in the Park, a great challenge,
47. very complicated in terms of the ecology, the emotions,
48. the various towns, the political, social. It's always a
49. complicated one. I think this is at least a good
50. position for us, an advice recommendation to offer. I
51. think it reflects a lot of what we've all heard back in
52. our towns and among the public. Particularly I think
53. starting this discussion this afternoon the issue of
54. avicide and avicide as a predator control is the first
55. thing that came out of almost everybody's mouth. So
56. we'll try to deal with that I think in a reasonable,
57. well-thought-out way, and we'll see what happens from
58. here on out.
59. MR. PRICE: One of the things, if I can, Mr. Chair,
60. so this came up on Friday with the Beach Buggy
61. Association. Unlike this group where we meet on a
62. regular basis, the Beach Buggy Association only meet
63. very intermittently, and to know that that particular
64. group had so many concerns beyond just the ORV corridor,
65. I really wanted to talk to them about setting up more
66. opportunities to have this dialogue.
67. Mary-Jo recited the, quote, distrust towards the
68. National Park Service because of a long history in the
69. relationship with the town, and the only way I can think
70. of that will help alleviate some of this is just
71. continued dialogue. And one of the things I might ask
72. you all as we move forward because this particular group
73. -- Sharon's correct -- is that this group probably is
74. more informed on the whole shorebird management program
75. than any group because you've gotten intimate updates
76. over time, and yet maybe we haven't been all that
77. successful in delving down into the details.
78. So I would just suggest that as we move along, if
79. there are topics that can be presented to you all, if we
80. can have more dialogue about different pieces to make
81. the communication more clear, I'd like just to be able
82. to figure out how to do that. For instance, it seems
83. like there are a couple of things that we even said
84. today which were examples to you all of us being a
85. little bit more deliberate in our thoughtful exercise of
86. what we have available to us. Well, I just take that
87. for granted that you all assume that's what we're doing,
88. but obviously some of the constituents, people you talk
89. to do not feel that way, that it could be a lot more
90. indiscriminate or not thoughtful or somehow more
91. widespread and, therefore, not competent. And that's
92. the farthest thing that actually happens in this park,
93. I'll tell you, with our professional staff.
94. So if there are ways for us to put that out on the
95. table a little bit more, I certainly would appreciate
96. that.
97. MS. AVELLAR: We don't have any problem with you,
98. George. With some of your predecessors.
99. MR. SPAULDING: When you were out of the room, some
100. comments were made, "We're not worried about George, but
101. we don't know what's coming next." That wasn't my
102. comment.
103. MR. DELANEY: Thank you for that --
104. (Laughter.)
105. MR. DELANEY: George, thank you for that offer, and
106. that is in the spirit that we bring to this table as
107. well. And I will say for the record with you here, your
108. administration has gone to great lengths to work with
109. every town, including Provincetown, as well as the rest
110. of us, and I hope that is turning the corner in all of
111. our towns and making our various constituencies
112. understand that there is a partnership here and there
113. are benefits, just not losses and detriments. There are
114. benefits that each town has approved because there is a
115. Cape Cod National Seashore no matter who the
116. superintendent is, but particularly, again, you've had
117. so many.
118. So we accept your -- on behalf of the
119. commissioners, I accept your offer to continue
120. increasing that and doing more dialogue. I will say as
121. chair now had we decided -- had I decided with your
122. assistance to go into the level of detail that's
123. necessary to really understand this document, we would
124. have formed a subcommittee. That subcommittee would
125. have had the assignment of spending hours and hours and
126. hours, like Sharon and others do, to really delve into
127. the details and come back with some of it. Even then it
128. wouldn't have guaranteed that we would have had a
129. unanimous position on anything, but at least that's what
130. it takes.
131. MS. LYONS: It does.
132. MR. DELANEY: If we can find other techniques like
133. that where maybe it's at the end of each of our future
134. Advisory Commission meetings, a focused speaker with
135. detailed discussion on an emerging topic -- I think
136. that's what you're kind of suggesting -- that would be
137. terrific. We'd appreciate it.
138. So last comment on this, and I'm going to move on.
139. I'm going to give you the gavel.
140. MS. LYONS: I was just going to say there is an
141. historical narrative that sort of came out of how you
142. have used different abilities, different authorizations,
143. and this is the -- so by stating how practices have been
144. used in the past, these are new practices being
145. suggested. They would follow that same -- that needs to
146. be sort of upfront with people so that they just don't
147. look at this as a plan and just drop down in a certain
148. time and place and now we're going to start doing it
149. this way.
150. MR. PRICE: Right.
151. MS. LYONS: And I think that's helpful to the
152. dialogue.
153. MR. PRICE: Okay, Mr. Chair, I know you're going to
154. have to leave. You're the one that requested that I do
155. an update on drone policy.
156. MR. DELANEY: Yes.
157. MR. PRICE: Would you like me to save that for the
158. next meeting?
159. MR. DELANEY: I do have to run. It's a matter of
     1. catching an airplane.
     2. MR. ROBINSON: Oh, they'll wait for you.
     3. (Laughter.)
     4. MR. DELANEY: Yeah.
     5. MS. LYONS: They're always late anyway.
     6. MR. DELANEY: Why don't you -- I have a feeling
     7. almost as complex and almost as challenging as the one
     8. we just dealt with.
     9. MS. AVELLAR: For me it's not.
     10. MR. DELANEY: This is going to be a new emerging
     11. issue.
     12. I'm going to ask Sheila to take over as vice chair
     13. for the time being.
     14. MS. LYONS: Okay.
     15. MR. DELANEY: Here's the agenda and here's your
     16. gavel.
     17. But carry on. Thank you. Sorry I have to run.
     18. MS. LYONS: Have a safe trip.
     19. MR. DELANEY: Thank you.
     20. MR. PRICE: So you would like me to wait on the
     21. drone?
     22. MR. DELANEY: No, no. Go ahead. I think others
     23. are interested, and I'll read about it, and we can
     24. follow up on it.
         1. MR. PRICE: All right, sounds good.
         2. MR. DELANEY: Okay.
         3. (Mr. Delaney leaves the room.)
         4. NPS POLICY ON THE USE OF UAS - DRONES
         5. MR. PRICE: So obviously the shorebird management
         6. plan was the big topic. The NPS policy on drones, this
         7. was what Rich had asked specifically last time that we
         8. bring it up.
         9. So the drones are the UAS's. Use of unmanned
         10. aircraft is what they are.
         11. MS. AVELLAR: UAS means what?
         12. MS. LYONS: Use of unmanned aircraft.
         13. MR. PRICE: Unmanned aircraft.
         14. MS. AVELLAR: What does the S mean?
         15. MR. PRICE: I'm sorry. It's not S.
         16. The policy basically came out several years ago
         17. when the Park Service all of a sudden -- the
         18. proliferation of drones really became evident, and in a
         19. number of parks, all of a sudden it appeared that there
         20. were drones in the sky, and they were either harassing
         21. the wildlife or they were following visitors. And then
         22. in a couple of instances out in some of the western
         23. parks when they were fighting fires, people had drones
         24. up as the aircraft were in the air trying to put down
160. fire retardant, and the aircraft then had to be taken
161. out of the area and put on the ground so they could get
162. the drones out of the way.
163. So the director put a unilateral across-the-board
164. prohibition on drones 100 percent, and all
165. superintendents had to make sure that was in what's
166. called the Superintendent's Compendium, which is where
167. these things are listed. The only exception was the
168. opportunity that if parks already had approval for model
169. aircraft that they could apply to the Washington office
170. to keep that as part of their process. The Cape Cod
171. National Seashore has had the ability to use these model
172. aircraft, remote control devices specifically at the
173. Head of the Meadow and Truro area according to certain
174. restrictions; time of year, no birds in the area, that
175. sort of thing. So we still have that. The only
176. exception for the use of drones was if there was a
177. project that was beneficial to the mission of the
178. National Park, that the superintendent would then
179. request special authorization for that drone activity to
180. take place.
181. So initially it was tightened up quite a bit, and
182. then it was if the superintendent believes that this is
183. a project they wish to recommend, that that project
184. would be put forth under certain application. So that
185. basically is the policy. That's the way it is right
186. now.
187. I have been approached by a number of commercial
188. photographers who wish to use drones, and basically they
189. do not support the mission of the National Park Service.
190. And the answer has been no. I have been approached by
191. two offices who are interested in scientific
192. investigation. One is the USGS who has been doing drone
193. aerial activity in a number of national parks, and they
194. particularly are interested in shoreline management
195. having to do with shoreline erosion and changes. We are
196. interested in working with this group. I have been
197. working with them for a number of months helping them
198. put together their application, and if they are
199. successful, they should get a permit for being able to
200. put the drones in the sky this March.
201. MS. AVELLAR: Only in March, or can they be up
202. there any old time?
203. MR. PRICE: Oh, no, just during the time that
204. they're permitted for.
205. MS. AVELLAR: Okay.
206. MR. ROBINSON: And, Mary-Jo, that's just for this
207. one specific purpose.
     1. MR. PRICE: One specific purpose for shoreline
     2. change.
     3. My immediate reaction, even if this prohibition
     4. hadn't been in place, I was dreading drones being
     5. proliferated in the Seashore. Number one, it's a
     6. privacy issue in my opinion for visitors. It's a
     7. privacy issue, the solitary walk on the beach. You
     8. don't want to be buzzed by a drone. And then there's
     9. the obvious issue of harassing animals. In fact, I
     10. don't know if I reported this last time. We had a
     11. surprise visit by the Secretary of the Interior. This
     12. is Sally Jewell. We had her down at Coast Guard Beach,
     13. and there was somebody with a drone buzzing the gray
     14. seals. So they were about maybe 50 yards off the beach.
     15. There were a number of them bobbing. So it was either
     16. just before or after low tide because that's where the
     17. sandbar is. And I couldn't believe it. The thing was
     18. coming down to within four feet of the noses of these
     19. animals. They were about 150 yards down the beach, so
     20. we had to actually call law enforcement, and they went
     21. down and dealt with it.
     22. So we have had real instances now of this
     23. happening. So I'm concerned at the Seashore, number
     24. one, with privacy and, number two, with harassment for
208. the animals.
209. We have one other request which was not followed
210. up. I don't know what's going on. We also have
211. additional responsibility here because of the airport at
212. Provincetown. And I've spoken with Butch, and I wanted
213. Butch to know very clearly that I would not be giving
214. permission for drones anywhere near Provincetown unless
215. he signed off on it already. He said he's been
216. approached independently by people that want to use
217. drones, and he has said the same thing in reverse. So
218. I'll give you an example. We actually had somebody that
219. was proposing for research purposes taking off from the
220. airport, crossing the Park Service property to go out
221. over the North Atlantic to do their experimentation, and
222. then they would come back and land. So that to me
223. sounded like a plausible project that would probably be
224. useful for the benefit of all of us. So obviously
225. they'd have to get the FAA; they'd have to get
226. Provincetown airport; they'd have to get our approval
227. and then any requirements we would have for that permit
228. to happen. That permit has not proceeded as far as I
229. know. The other permit is the only other one thing
230. that's out there.
231. I know this happens. In fact, just today I
     1. received copies of photographs of somebody that was out
     2. by Highlands Center taking some aerial photographs
     3. totally unauthorized. So if our rangers had seen them,
     4. they would have been addressed, perhaps given a ticket
     5. or a citation.
     6. MS. AVELLAR: I mean, it's up in the air. Has it
     7. got markings on it or something? How do you know who to
     8. go after?
     9. MR. PRICE: Well, in the case of the Coast Guard
     10. Beach, the operator was right there on the beach.
     11. MR. ROBINSON: What about the private properties,
     12. the Realtor that wanted to go up over the house and take
     13. a picture?
     14. MR. PRICE: Well, if it's over the house straight
     15. up, it's airspace that's not our responsibility. If
     16. it's out over the Seashore property, then it's our
     17. responsibility.
     18. MS. AVELLAR: But a house in the Seashore? If it's
     19. a house in the Seashore?
     20. MR. ROBINSON: That's a good question.
     21. MR. PRICE: Even if they -- say if they're sitting
     22. at their property and they're buzzing the beach, then
     23. the answer is no, that it's still prohibited.
     24. MR. ROBINSON: If they're straight up over their
         1. house?
         2. MR. PRICE: Right.
         3. MS. AVELLAR: They're totally annoying.
         4. MR. PRICE: Right.
         5. MS. AVELLAR: They're totally annoying. One buzzed
         6. Bubala's, the whole patio at Bubala's this fall. It was
         7. horrible.
         8. MR. PRICE: Really?
         9. MS. AVELLAR: Yeah, I think I know who it was too.
         10. MR. PRICE: Yeah, that seems to be the --
         11. especially with aerial photography, that seems to be a
         12. thing. I have a (inaudible) story that I'm not going to
         13. take your time on. It's kind of related.
         14. So anyway, Rich had asked for that specifically.
         15. That's basically the long and short of drones.
         16. MS. LYONS: Great.
         17. NAUSET LIGHT BEACH
         18. MR. PRICE: *Nauset Light Beach*. I just wanted to
         19. share with you something that came up in this last year.
         20. So I've reported in the past that Nauset Light Beach
         21. facilities were ultimately going to have to be removed
         22. and relocated on the property because of erosion. As
         23. you probably recall, we've had to replace the stairs at
         24. Nauset Light Beach several years in a row. It used to
232. be it was once every three to five years that we would
233. have to replace the stairs. Now it's like every year.
234. Last year we actually had to replace -- had to
235. remove the boardwalk that was closest to the bluff
236. because of fear of it being too close to the bluff. And
237. what people have to understand is we can't wait till
238. it's going off the edge. We have to be proactive while
239. there's enough room to safely remove it with heavy
240. equipment, just like we did with the interpretive
241. shelter down here at Marconi site. So we removed that
242. stairway and -- excuse me -- removed that, and last
243. winter at that spot we had 18 feet of erosion in just
244. that one spot. So even though we say we have on average
245. three years of -- three feet of erosion a year,
246. obviously we're (inaudible) more or less depending on
247. the location. Interestingly enough, at that spot we had
248. 18 feet. Up here at Marconi last winter we practically
249. had none. So it very much depends on the physics of how
250. the storm surge is coming in and what's happening.
251. This past fall we hosted some people from our
252. contracting office. We brought them out there on a
253. field trip, a site visit, and it was just obvious to all
254. of us that that structure is not going to be around for
255. very long. And not only do you have a structure which
256. is now closer to the edge, but we actually have part of
257. the septic system that's ahead of the structure on the
258. bluff side.
259. So, Mark, I don't know if you stopped by, but --
260. MR. ROBINSON: I walked out there last week.
261. MR. PRICE: It's basically the bushes on the ocean
262. side that's to the east of the last part of the
263. facility. So the facility is here, but we actually have
264. -- I think it's a juncture box or distribution box for
265. the septic system out there. So it's actually a lot
266. closer to the edge.
267. MR. ROBINSON: And you see all the pipes sticking
268. out the --
269. MR. PRICE: Yeah, but that's not -- that's not the
270. current system at all.
271. So we may be in a position if we were to get
272. funding where we might actually demolish those
273. facilities next fall. That would be what we're thinking
274. about right now. That would leave us without a new
275. constructed facility for a couple of years till the
276. money actually got into place. So we would have to
277. investigate like almost the industrial size party or
278. that type port-a-john systems that are kind of -- they
279. look like an 18-wheeler is what I'm envisioning in my
280. mind that we would probably have to put out there
281. temporarily until we secure the funds to actually move
282. forward with what we believe would be the new facility
283. which would border Ocean View Drive. And similar to
284. Provincetown, we believe that would at least be a 50-
285. year lifespan for that facility.
286. So I contacted the town manager in Eastham last
287. month that we were going to do this field trip. This
288. morning several members of the Commission came out and
289. went on site with us in the cold weather, and the town
290. planner from Eastham came out so we could just at least
291. have that conversation. So it's not a done deal, but I
292. didn't want people to think that we were doing this
293. without the town being notified. So Kathy and I need to
294. figure out with our regional office what the reality is
295. to obtain demolition money and then have to do some
296. research on what a temporary restroom facility would
297. actually be.
298. MR. ROBINSON: To be a good Cape Codder, we like to
299. jack things up and move them.
300. MR. PRICE: Yes.
301. MR. ROBINSON: Not possible?
302. MR. PRICE: Not with those 1960s facilities. We
303. would salvage -- during the last restoration, we put a
304. very serious pergola for a shade shelter out there.
305. That could be salvaged.
306. MS. TEVYAW: And the showers.
307. MR. PRICE: And the showers.
308. MS. TEVYAW: And the fixtures.
309. MR. PRICE: Yeah, the fixtures and things we can.
310. We scrounge with the best of them, but I wouldn't
311. anticipate being able to relocate that structure.
312. MS. LYONS: Yes, Lilli?
313. MS. GREEN: I was one of the lucky people in the
314. wilds of the weather this morning, but I do appreciate
315. George having the field trip this morning. It was
316. really informative and not only just going there and
317. looking at the site but also hearing both Kathy and
318. George speak about it was really very helpful, and I
319. would encourage people to go and look at it if you
320. haven't seen it.
321. I really thought it could be a modular situation
322. that the stairs could go in there. I realize it's just
323. -- it's practically impossible to do what they've been
324. doing. I mean, in the '70s it was just a stairway that
325. went up and down, but with the rules and regulations in
326. the Park now, they explained you can't do that anymore.
327. And you can really understand where they're coming from,
328. why they're doing it, and what the plans are for the
329. future.
330. MR. NUENDEL: It's a challenge.
331. MR. PRICE: So we didn't -- you know, that was the
332. field trip, and this is the new information. It's not
333. new information, but for those of you that have visited
334. Herring Cove North parking lot since the holidays, just
335. before the holidays is when we had our first storm and
336. the failure of what's called the revetment, which is the
337. base of the parking lot that goes down to the beach. It
338. was small enough, the weather was warm enough, and we
339. had some extra fill materials, so we actually patched it
340. at that point. Unfortunately, during the holiday week
341. at the most north part of the parking lot nearest the
342. vault toilets, we had a couple of other failures to the
343. point where now it's at least ten parking spaces. And
344. that's a very steep part of the bank, so it looks pretty
345. -- there's a couple of large craters there. We've been
346. in contact with our regional office already to let them
347. know that we'll be asking for emergency storm damage
348. again and also to remind them that this is part of the
349. reason that this project, a permanent fix is what we're
350. going to need to do to actually solve this.
351. The list that these projects are on, the line item
     1. construction, is a national list that our projects are
     2. on. And the good news is it's on the list, but as I've
     3. said, these lists go up and down with priority. We're
     4. currently trying to find out what the current priority
     5. is as far as the new fiscal year and where they're
     6. going. The good news is that there's allegedly
     7. additional money provided by Congress in this bill for
     8. the Centennial for the National Park Service line item
     9. construction, but the bad news is we also have 409 units
     10. that we're competing against and these things move
     11. around. I'm always the guy that the glass is half full,
     12. and for the bathhouse, it was bumped up on the priority
     13. list by a couple of years, but we have to find out
     14. exactly where we are for the permanent fix on this other
     15. place.
     16. NAUSET SPIT AND NATIONAL PARK SERVICE CENTENNIAL
     17. MR. PRICE: I realize we're running late on our
     18. schedule. So I don't really have additional new
     19. information either on the Nauset Spit or on the Park
     20. Service Centennial other than to let you know that we're
     21. still very excited to continue to work with the Cape Cod
     22. Healthcare on the Healthy Parks, Healthy People. They
     23. actually are working with the Cape Cod Mall sponsoring
     24. the eternal walk on the mall in the mornings. And if
352. you walk through the mall now, you'll actually see on
353. all the mileposts the Healthy Parks, Healthy People
354. logo, which includes the National Park Service as well
355. as the Cape Cod Healthcare. We will be staffing that
356. intermittently, and we're going to be rolling out a more
357. aggressive or extensive program for that this coming
358. summer.
359. HIGHLANDS CENTER UPDATE
360. MR. PRICE: I think the one thing that I would like
361. just to share with you having to do with the Highlands
362. Center is we're very pleased with the fact that we
363. finally were able to have some PV installed at some of
364. the buildings up there.
365. Lauren, you said you --
366. MS. McKEAN: Sure, I've got a couple pictures.
367. MR. PRICE: You have pictures you could pass
368. around.
369. MS. McKEAN: I can tell you a little bit about the
370. capacity.
371. So we've got funds that came in May, and we've
372. already got the installation completed in December,
373. which is pretty remarkable. We got funds for the
374. Atlantic Research and Learning Center classroom roof and
375. the biolab roof. They're two different systems. One is
376. a rack system, and one is a ballasted system. The
377. ballasted system is the new roof. The new (inaudible)
378. at the biolab will not be penetrated, which was really a
379. key concern. They're both going to meet building code
380. and (inaudible) and all that kind of thing.
381. So the total system capacity is 28,000 kilowatts,
382. which is an annual estimated production of 35,000
383. kilowatt hours, which is about six houses, more than six
384. houses. So we're really excited about that. It's going
385. to be a major connection with the Park Service.
386. MR. PRICE: So as far as PV goes, by the way, we're
387. excited about that. We do have PV up at the Herring
388. Cove facilities. We've talked about the PV in this
389. area, and Provincetown has asked us to see if we can't
390. put some PV on the landfill facility up at Provincetown
391. as well that's owned by the Seashore.
392. So basically I think, unless there are other
393. questions --
394. MS. LYONS: We can move on?
395. MR. PRICE: We can move on.
396. Oh, I'm sorry, Lauren?
397. MS. McKEAN: I just thought we should not skip by
398. improved properties/town bylaws.
399. MS. LYONS: The town bylaws, I was just going to

1 ask you. 2

IMPROVED PROPERTIES/TOWN BYLAWS

1. MS. McKEAN: The Town of Truro is working on -- or
2. the Town of Truro Planning Board and individuals,
3. including Maureen Burgess, are working on town bylaw
4. changes for the Seashore District. We just got a bunch
5. of e-mails in Friday and today from Maureen. So we
6. haven't really been able to scrutinize it yet, but it
7. looks like a sliding scale sort of based on what
8. Wellfleet did.
9. MS. LYONS: So do you want to continue this
10. conversation for the next meeting?
11. MR. PRICE: We'd have to see if Truro is ready to 14 --
12. MS. LYONS: Okay, but we can move this forward,
13. this discussion?
14. MR. PRICE: Right.
15. MS. LYONS: And it also includes the review of the
16. wireless cell tower in Wellfleet, not just Truro.
17. Is there any information on that? I have it here.
18. MR. PRICE: Right, the wireless, I think that was,
19. Lauren, referring to the wireless that was in Eastham,
20. wasn't it?
21. MS. McKEAN: Wellfleet, yes. The Wellfleet just
    1. south of here down near the Even'tide Motel. Where was
    2. it? The Horton's property.
    3. MS. LYONS: What about it?
    4. MS. McKEAN: It's a 90-foot monopole tower that has
    5. gone through their planning board and the development of
    6. -- development of regional impact process through the
    7. Cape Cod Commission.
    8. MS. LYONS: And it's been approved?
    9. MS. McKEAN: It was approved by both, yes.
    10. MS. LYONS: Yes?
    11. MR. CRAIG: That's very nice, but they have nothing
    12. to say about it. The town has nothing to say about it.
    13. The Cape Cod Commission has nothing to say about it.
    14. It's covered by federal law. I've been through this
    15. with the ZBA in Chatham, and federal law precedes it.
    16. It's nice you can talk about it all you want, but it's
    17. going to happen.
    18. MS. LYONS: I guess it's nice to have the approval.
    19. However -- okay, anything on the Herring? Do we have
    20. any other comment on that?
    21. (No response.)
    22. HERRING RIVER WETLAND RESTORATION
    23. MS. LYONS: Nothing on Herring River?
    24. (No response.)
22. MS. LYONS: Anything else?
23. (No response.)
24. CLIMATE FRIENDLY PARKS
25. MS. LYONS: Climate?
26. MS. McKEAN: Climate Friendly Parks, we're about to
27. release our green team film. We're going to have
28. (inaudible) Cape and Islands roll it out.

# OLD BUSINESS

1. MS. LYONS: *Old Business*.
2. MR. ROBINSON: That's me.
3. MS. LYONS: Okay, all right.
4. LIVE LIGHTLY CAMPAIGN PROGRESS REPORT
5. MR. ROBINSON: I had a little report about some new
6. acquisition in Truro right on the (inaudible), but I
7. think I'll wait until next time.
8. MS. LYONS: Okay.

# NEW BUSINESS

1. MS. LYONS: Any new business?
2. MR. PRICE: So, Lauren, we're going to pass till
3. next meeting.
4. MS. LYONS: Okay.
5. MR. ROBINSON: Thank you anyway.
6. MS. LYONS: You're welcome. We look forward to it
7. at our next meeting.
   1. Is there any new business?
   2. (No response.)
   3. MS. LYONS: Do we have any new business or things
   4. that we want to consider for our next agenda?
   5. Discussions? Further discussions?
   6. Yes?
   7. MS. AVELLAR: The shorebird management.
   8. MR. SPAULDING: Well, it may not be the next
   9. meeting, but at some point if when the plan is further
   10. along, obviously you'll give us the report, but when
   11. it's approved, if there have been changes that you've
   12. actually adopted or differences from what originally
   13. came out --
   14. MR. PRICE: Yes.
   15. MR. SPAULDING: -- I think it would be good if we
   16. got to --
   17. MR. PRICE: Yes, yes.
   18. MS. LYONS: Yes, we'd like to have that discussion.
   19. MR. PRICE: Or maybe by March, which will be the
   20. next meeting, we'll probably be halfway through our
   21. comments.
   22. MS. LYONS: It will be on the topic -- it will be
   23. on the agenda.
   24. MR. PRICE: It will stay on the agenda.
8. MS. GREEN: And I'm sure we'll have a response as
9. well, right? The comments and responses?
10. MR. PRICE: They're all going to be responded at
11. the same time. If we have 2,000 comments to wade
12. through, it will be interesting.
13. MS. LYONS: Well, I think it would also be
14. beneficial for us to bring the conversation that was
15. here, that the surface isn't necessarily the whole story
16. of what you were just reading on the story and that
17. there's more -- more in the detail and, as the Governor
18. likes to say, the devil is always in the detail. But
19. anyway -- but it's actually true here.

# DATE AND AGENDA FOR NEXT MEETING

1. MS. LYONS: So our next agenda and meeting date.
2. MR. PRICE: Right, I would recommend we take a look
3. at either March 14 or the 21st.
4. MS. GREEN: I would ask for the 14th.
5. MR. SPAULDING: I'll be away on the 21st.
6. MS. LYONS: So there are two that the 14th is
7. better.
8. MR. PRICE: How about the 14th?
9. MS. LYONS: Is there anyone that it's not doable
10. for the 14th?
11. MR. NUENDEL: I'll miss both of them, but I don't

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| --- | --- | --- |
| 1 | think you can get around that. |  |
| 2 | MS. LYONS: Okay. Well, have fun. |
| 3 | MR. NUENDEL: Thanks. My cohort -- |
| 4 | MR. PRICE: We'll have to get Nat. |
| 5 | MR. NUENDEL: Yeah, Nat. |
| 6 | MS. LYONS: So we'll put it on for March 14. |
| 7 | That's fine for me as well. |
| 8 | If that is all, do I have a motion to adjourn? |
| 9 | MS. AVELLAR: So moved. |
| 10 | AUDIENCE MEMBER (MS. WILSON): Public comment? |
| 11 | MR. PRICE: Oh, yes. |
| 12 | **PUBLIC COMMENT** |
| 13 | MS. LYONS: Oh, yes, *Public Comment* was at the | end, |
| 14 | but I thought we -- oh, public comment in general. | We |
| 15 | took public comment for the shorebird. |  |
| 16 | Is there any other public comment? |  |

1. AUDIENCE MEMBER (MS. WILSON): Yes, respectively,
2. it says here that I should submit a request to make
3. public comment prior to the meeting. It says that right
4. here.
5. MR. PRICE: Well, that's one of the options.
6. AUDIENCE MEMBER (MS. WILSON): I'd like to address
7. your motion, Mr. Spaulding, and the vote. It's one
8. thing to generate support and discretion for the Park.
9. It's another thing having heard from many, many people
10. about handing a carte blanche decision-making process
11. for predator management, which includes in your language
12. the use of poisons, with no oversight. Nobody is going
13. to be overseeing what the Park does with that kind of
14. discretion. And although I generally trust the Park, on
15. this issue I cannot, given also that so many people in
16. the public are worried about it. So if you had voted to
17. give them the discretion for predator management with an
18. exception of the use of poisons, that I think would be
19. more responsive to the public that's giving input.
20. MR. SPAULDING: The motion -- may I respond?
21. MS. LYONS: Go ahead.
22. MR. SPAULDING: The motion began by *if*. It didn't
23. say we were in favor of anything related to predator
24. management.
25. AUDIENCE MEMBER (MS. WILSON): You said *if*?
26. MS. LYONS: Yes, if it legally --
27. AUDIENCE MEMBER (MS. WILSON): That's what I'm
28. disagreeing with. Thank you.
29. MS. LYONS: Yes, Mark?
30. MR. ROBINSON: I take exception with the carte
31. blanche. I mean, that's not in the spirit of the
32. motion.

|  |  |  |
| --- | --- | --- |
| 1 | AUDIENCE MEMBER (MS. WILSON): Who is overseeing |  |
| 2 | it? Nobody. |
| 3 | MR. ROBINSON: Carte blanche implies that it's |
| 4 | willy-nilly; it's whatever they feel like. |
| 5 | AUDIENCE MEMBER (MS. WILSON): No, I wasn't |
| 6 | implying that. |
| 7 | **ADJOURNMENT** |
| 8 | MS. LYONS: If there are no further comments, do | we |
| 9 | have a motion to adjourn? |  |
| 10 | MS. AVELLAR: So moved. |  |
| 11 | MS. LYONS: Second? |  |
| 12 | MR. NUENDEL: Second. |  |
| 13 | MS. AVELLAR: Don't need a second to adjourn. |  |
| 14 | MS. LYONS: All in favor? |  |
| 15 | BOARD MEMBERS: Aye. |  |
| 16 | MS. LYONS: There you go. Thank you, Mary-Jo. |  |
| 17 | MS. AVELLAR: Moderator. |  |
| 18 | (Whereupon, at 2:59 p.m. the proceedings were |  |
| 19 | adjourned.) |  |
| 20 |  |  |
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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 100 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 11, 2016, commencing at 1:01 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 29th day of February, 2016.

Linda M. Corcoran - Court Reporter

My commission expires: August 28, 2020