

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

TWO HUNDRED AND SIXTY-FIRST MEETING

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station
Area, Park Headquarters, South Wellfleet, Massachusetts,
on Monday, May 21, 2007, commencing at 1:05 p.m.

SITTING:

Ronald Kaufman, Chairman
Brenda J. Boleyn, Vice Chairman
Richard Philbrick
Peter Watts
Ed Sabin

Larry Spaulding, alternate

Also present:

George Price, Superintendent
Sue Moynihan, Chief of Interpretation and Cultural
Resources
Lauren McKean, Management Assistant
Scottee Nista, Assistant to the Superintendent
Carrie Phillips, Acting Chief of Natural Resources
John Portnoy, Research Biologist
Kyle Hinkle, Executive Director of the Highlands Center, Inc.
Matt Mincieli, Assistant to Ronald Kaufman

Audience members

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MR. KAUFMAN: Good morning, all. Afternoon, I guess.

ADOPTION OF AGENDA

MR. KAUFMAN: First, move for adoption of the agenda.

MS. BOLEYN: So moved.

MR. KAUFMAN: Seconded?

MR. SABIN: Second.

MR. KAUFMAN: Well done.

All in favor?

BOARD MEMBERS: Aye.

MR. KAUFMAN: Adopted.

APPROVAL OF MINUTES OF PREVIOUS MEETING

(MARCH 5, 2007)

MR. KAUFMAN: Approval of minutes of previous meeting?

MS. BOLEYN: So moved.

MR. KAUFMAN: Seconded?

MR. SABIN: Second.

MR. KAUFMAN: In favor?

BOARD MEMBERS: Aye.

REPORTS OF SUBCOMMITTEES

MR. KAUFMAN: Report of subcommittees.

UPDATE ON DUNE SHACKS AND REPORT

MR. KAUFMAN: Rich is not going to be with us today, so we're trying to make a report of the subcommittee on dune shacks.

Do you want to make it for him?

MR. PRICE: Well, I think between us -- Rich Delaney, as you know, was appointed the chairman of the subcommittee for the dune shacks at the December meeting, and we also basically had a proposal that I had presented to the chairman outlining some of the goals of that subcommittee and how this time around we would officially ask for representatives from Provincetown and Truro and then also extend invitations to some of the long-term shack owners as well as some of the other folks, Peaked Hill Trust and the Provincetown Compact, that manages some of the shacks out there.

Rich and I have spoken a couple of times. He couldn't be here today. He's finishing up his last week on his current job before he moves up to the Center for Coastal Studies as the new executive director.

One of the things that I did since the interim, since the last meeting was I met with the

board of selectmen of Provincetown, presented them with an invitation to nominate two people to serve on the committee, also met the board of selectmen in Truro, asked them to provide the name of a single representative, and then Rich has been thinking about how to flush out the committee for, quote, more balance.

The long-term dune shack residents were basically invited to see if they were interested and put forward names, and then Rich would see what the interest and level was and then figure out some sort of a voting way. So that was, I think, basically going to be the gist of his report.

We had expected that we would have had an announcement from the Keeper of the Federal Register's office on the traditional cultural property or the TCP designation by now, but I understand they're still, quote, studying the effects and all the issues surrounding it, and so we haven't heard from them. Hopefully we'll hear from them soon, but as I have said before, once the subcommittee gets underway, no matter which way the TCP designation goes, we certainly are going to take a look at the Wolfe report, the ethnographic report, on a lot of the material that's in there that will help inform the decision-making process as we go through the next steps.

So I've spoken with the Truro chair. I understand they have a couple of people that are interested from Truro. I had sent letters to the board of selectmen at Provincetown, and I had the opportunity to meet with the new Provincetown town manager just to brief her on some of the background issues. Maybe we'll see Mary-Jo Avellar, who's obviously the new chair of the board of selectmen, find out what their progress is.

And then at some point basically Rich Delaney's job will be then, Mr. Chair, to offer you the slate of the members of that committee, and then you would actually appoint that committee, and then we'd form a -- the first time that group could get together, and then we'd be able to kind of lay out a time line with some of the juncture points that I think would be pretty important.

MR. KAUFMAN: The goal is to get as broad a representation as possible, to get as much communication back and forth as possible, again, realizing just how emotional this issue is on all sides.

MR. PRICE: Right.

MR. KAUFMAN: And hopefully we'll get a good process in place that will give everybody a chance to make their feelings heard by the entire committee.

Any thoughts?

MR. WATTS: George, what is our standing now with the leases that are renewed every year? When are those renewed?

MR. PRICE: On a yearly basis.

MR. WATTS: When?

MR. PRICE: Generally after the first of the year.

MR. WATTS: So that's all been taken care of?

MR. PRICE: Right.

MR. KAUFMAN: I know there are folks here who care a great deal about this issue, and

I'll make sure that they're all heard. I promise you. This is the beginning of the process, not the ending of the process. So there was a little misconception I think on some people's part that there was some time line, some time constraint that had to do with this meeting, but there isn't.

MR. PRICE: Basically, as I said when I presented to the board of selectmen and in a letter that I presented to you, what this process would be, would be in essence an environmental assessment. So as we make these kinds of plans -- and the plan would be a long-term management plan for the dune shacks for the historic district -- the public process I intend to go through is what's called an environmental assessment, and I believe we can do that through this committee structure. I believe it will probably take a couple of years because what we will do is set up a number of meetings with different subject matters that will be discussed at those various meetings so that the committee members will have the opportunity to really understand the various aspects of it whether it has to do with our federal property management, whether it has to do with the ethnographic study, whether it has to do with the science out there on the dunes having to do with the natural resource impacts, all the things we would be required to do, which would be pieces of environmental assessment. And hopefully we'd be able to walk through to a conclusion that would come up with alternatives, and then those alternatives would be publicly reviewed and commented on before we came to a final decision.

Now, I know how emotional it is and I know how complex it is. The fallback would be take it to another level, which is called an environmental impact statement. We're in the process of trying to complete the environmental impact statement. We've done it for the hunting program. And as you know, that's taken over six years, and it's taken quite a lot of financing in order to have that process take place. So I don't think the folks that are involved in the dune shacks want that kind of a protracted process. I think a lot of people feel that it's been dragged out for a long time, but that would be another option. And we have asked for money for an EIS prior to this EA concept, so, no, it still will be a process over a period of time.

MR. KAUFMAN: Again, as you said, Superintendent, it is a really emotional issue. Perhaps in the whole scheme within the Park, this is a small part of the Park, but it's a huge part of people's lives. And I think you and I are both committed to making sure that everyone involved has their input into the process. And I hope we can solve this with an EA because an environmental impact study would involve hundreds of thousands of dollars probably.

MR. PRICE: Well, at least 150,000. The difference is there's not -- basically it has to do with the scale, but what we would do with an environmental impact study, if you take a look

again at the hunting model, we would contract with a firm, and all the firm would do would be hold similar-type meetings that we're discussing or see if there are any other studies that had to be done, but there would still be the juncture points. If you recall, there are public meetings for scoping, there are public meetings for analysis of some of the information, there's the presentation of analysis, there's the discussion of the preferred alternative, and then there's the actual presentation of the alternative.

And not at all to be facetious, but, as you know with the hunting, as we're coming to closure on that hopefully soon this summer, there are still people that are diametrically opposed to recommendations that are coming out of that because, for instance, the folks that represent the protection of wildlife don't believe in hunting at all, so they're not interested in compromise, and those folks that want to have hunting the way it existed for many years, including the pheasant hunt, don't want any changes.

So anything that's going to be a change is not going to be totally satisfactory to all parties, but we've gone through the decision-making process. We've had the opportunity for consultation and for input, and all of that has been analyzed. So there's been a very long-term and reviewed and thoughtful process for us to come out with our preferred alternative and our recommendation.

MR. KAUFMAN: Any other comments?

(No response.)

MR. KAUFMAN: Seeing none, can we move to the Superintendent's Report?

MR. PRICE: Sure.

SUPERINTENDENT'S REPORT

MR. PRICE: I might just say that I did have a chance to speak to the superintendent -- excuse me -- the new town manager of Provincetown for a briefing about this and a number of other projects, and this coming Wednesday we're actually holding a public meeting up in Provincetown to discuss a number of issues in general. There are construction issues having to do with the Herring Cove parking lot areas. There's the Moore's Road federal highway's piece. There are some issues having to do with our bathhouse facilities up at Herring Cove. There's the Visitors Center. There's the bike trail. So we thought what we'd do is not only talk about the Herring Cove parking lot but really put in a lot of these other ones in order to make people aware.

LAND ACQUISITION FUNDS

FOR THE NORTH OF HIGHLANDS CAMPGROUND

MR. PRICE: One of the next topics that I'd like to just present or talk about is the land acquisition funds for the North of Highlands Campground.

And, Mr. Chair, you were actually involved in that.

MR. KAUFMAN: As you well know, there's \$2 million in the budget, total budget, for acquisition, and I have to give great credit to Senators Kennedy and Congressman Delahunt and

their office and their staff both for putting a lot of time and effort in making sure that money stayed in the budget. So with your permission I've drafted a letter to both Senator Kennedy and Congressman Delahunt expressing our thanks as a commission for helping us maintain the \$2 million in the budget.

MS. BOLEYN: Great.

AUDIENCE MEMBER: Are you done with the shacks? Is anything about the shacks going to be included?

MR. KAUFMAN: I'm sorry?

AUDIENCE MEMBER: I'm sorry to interrupt. Is anything about the shacks included in this report, or are you --

MR. KAUFMAN: No. We'll have a section at the end of the meeting, if you want to talk about that issue.

Go ahead. I'm sorry.

MR. SABIN: Before you leave that.

MR. KAUFMAN: Sure.

MR. SABIN: What portion of that -- is that \$2 million of the whole purchase price roughly?

MR. PRICE: At this point the whole purchase price is projected at 6 million.

MR. KAUFMAN: A good chunk of it.

MR. SABIN: Good start.

MR. PRICE: Senator Kennedy said it's a down payment, and we really appreciate all the work everyone has done on that.

IMPROVED PROPERTIES/TOWN BYLAWS

MR. PRICE: The next piece of the report is talking about improved properties and town bylaws.

As many of you know, some newspaper articles and some issues have come out, especially in some of the towns like Truro and Wellfleet, has to do with some of the new construction. And we put this under this general topic, and Peter Watts and Lauren McKean can give just a brief update on where we are on that.

MS. McKEAN: Sorry if I talk fast. I'm aching to get back to the Highlands Center, cleanup day.

MR. KAUFMAN: How's it going?

MS. McKEAN: I'll try to give you my full attention. It's actually going great because we probably have three dozen people up there, about a dozen from the Seashore, a dozen AmeriCorps, and a dozen from Homeward Bound this year.

MS. BOLEYN: Terrific.

MS. McKEAN: There aren't enough handouts.

MR. KAUFMAN: That's all right.

MS. BOLEYN: We'll share.

MR. KAUFMAN: We'll share.

MS. McKEAN: Basically we've been talking about zoning upgrades for a number of years. In the early 2000-2001 time frame, we were looking at doing an update to the zoning standards regulation, but what we decided to do instead because it would be less of a big stick approach would be to go and sort of town by town and try to work through our issues with the

towns on improving zoning. And that approach wasn't really working fast enough, so we convened the Lower Cape Planning and Development Roundtable, which you've heard a little bit about.

We have about 600 private companies within the National Seashore, and basically the town zoning bylaws are what govern the reuse of those properties and how you redevelop those properties. There's been a lot of confusion over the years, and we're feeling that it's important to get that clarified. And also over the years I think people have been enforcing or not enforcing various elements of the bylaws or other pieces of legislation more or less.

So basically we've kind of come to a point where we've put together a list of these eight issues. They change all the time, but we have -- pretty much the highest priority is try to provide some reasonable flexibility, some clear understanding to a homeowner about what is required, and that is the first and second bullets basically. On the second bullet, our interest has been in looking at this lot and site coverage type of bylaw out there. Wellfleet has a very successful 5 percent lot coverage bylaw. Eastham has a 50 percent expansion rule. Truro doesn't have a lot of site coverage. And so we were trying to talk about the issues and see at the roundtable are there things that are working in various communities that other communities could adopt. In fact, George and I are going to meet next week on May 29 with the Truro Planning Board and start to talk about these issues in-depth, and one of the big things on our list is the lot coverage.

As we move to Item 3, the site plan review process, Truro has a site plan review process and Eastham has a site plan review. In Truro, because there is no lot coverage, it's really hard to talk about -- to give a reply concerning the scale of a structure that might be proposed on a property because there really is not a community measure for how big that could be, so you can't say that it's like one percent over or two percent below so that it seems in character and keeping. So that's one of the issues that we want to really talk about, is the community standards, what are those and how can we clarify those. Wellfleet was not interested about a year ago in looking at site plan review and adopting site plan review, but that could change over time too, and maybe Peter would want to talk to that.

Item 4 is very important to us right now. We have a number of demolition and rebuild proposals in the Seashore, and one case we've been giving a lot of attention to in Truro recently. This new -- these case law examples were provided to us, and we basically demolish a structure that's on less than a three-acre lot or a lot that doesn't have the proper frontage. It loses its nonconforming structure status, which means it shouldn't be able to be torn down and rebuilt. And we're trying to test whether or not the towns will help us enforce this case law, which

relates, of course, to the Mass. Zoning Enabling law (inaudible) language as well.

The next couple of items, clarify criteria for substantially more detrimental, zoning boards of appeals review projects. They look at that particular language, so it's a little bit of lingo in the know.

Municipal uses, periodically we're faced with proposals from various communities. How could we do a senior center in the Seashore? How could we do a wind turbine in the Seashore, et cetera, on town land? So we keep needing to clarify that kind of language. Our legislation, as you know, does prohibit commercial and industrial uses within the Seashore, anything that was not in place in 1961.

The other measures are -- the other areas of interest really could be addressed by other bylaws, conservation commission bylaws, board of health bylaws, but they're really the resource concerns that we have. And then finally the last bullet concerns demolition delay and historical and culturally significant properties and how those are treated.

Some of this stems from a couple of papers that I'm going to offer up again. I only have like three copies of each, but Patty Daley, who was formerly with Horsley & Whitten, now with Daley & Whitten, wrote several papers for us several years ago. They're still very much handy references for some potential ways to upgrade zoning and then also waste upgrade to board of health and conservation commission bylaws. And if you don't have a copy and you want a copy, please let us know. We can make more. We didn't want to waste paper if there wasn't an interest, but I've probably given it to you about ten times and then at the roundtable meetings every time. At least once a year we give them out again and see if they'll go further this year.

MS. BOLEYN: So does each town have a copy of these documents you've just described?

MS. McKEAN: Those documents, not this paper. This paper was created for today.

MS. BOLEYN: Right.

MS. McKEAN: We'll give it to Truro next week and probably take it to the next roundtable meeting.

Peter, did you want to add anything?

MR. WATTS: Yeah, one thing I wanted to say was that you mentioned a 5 percent that Wellfleet has in place. I don't feel this is adequate. I would like to knock it down to 2 1/2 percent. And the planning board doesn't agree with me at all. And when I presented it to the planning board, they really take a libertarian point of view where they don't want any regulations at all. I also think if they're not going to do something about this zoning bylaw change, then they should accept the site plan review, and they don't accept that either. So I think the planning board is a big problem.

MS. McKEAN: In Wellfleet.

MR. WATTS: In Wellfleet.

MR. PRICE: What was -- I'm sorry.

MR. SPAULDING: Isn't part of the problem, though, is that you don't have the teeth to enforce the larger construction? So you say, "Okay, we're going to take our suspension of condemnation certificate," and the person knows that you don't have any money and you may not be able to get any money to actually condemn the property. Wouldn't it be better if you could get a nest egg that you could squirrel away so that person would know that you actually had the authority to do something? And I don't know if you've tried to work from that angle at all or if that's possible. I know (inaudible).

MR. PRICE: Well, the way that I look at it as a historian, probably it's even more fundamental to that, and that was, if you look at the way the Park was established to begin with, the Park legislation, it was clearly designed that the towns wanted the responsibility to manage their own zoning. And part of the negotiation when you deal with setting the Park up, it wasn't that the National Park was supposed to be the enforcer of all these things. There was this collaborative understanding that the towns wanted this protection. They worked with their congressional delegation in getting the Park established to begin with. So the concept that the zoning -- the zoning bylaws were to be agreed upon at that time with the towns and the Secretary of the Interior, and then the towns were responsible for actually doing the enforcement. So that was the way it was set up. It wasn't set up that if somebody did something wrong, the Park Service was going to come in and rap you on the knuckles or, in fact, condemn this property. What was set up was this whole condemnation of the pre-1959 parcels and that the law also said if anybody post September 1, 1959, was subject to condemnation, the Park did have a substantial amount of funds for acquisition in those days.

So what we're talking about is -- there's almost something different. We're talking about people really interpreting the same language in a different way. So the keepers of the understanding of the philosophical alignment of the Seashore district within the various towns, it seems to me, they've turned over, things have changed, and people are even reading the same words in a different way and then say, "Well, it's the Park Service. If the Park Service wants to enforce it, then let them." Well, in fact, there was a partnership between the federal government and the towns where we all wanted to protect the Seashore district. So things have changed a little bit.

I'm happy to say because Lauren and I did go to a Truro -- a Truro

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MS. McKEAN: Planning Board.

MR. PRICE: -- Planning Board meeting a couple of months ago over this topic. And there's one particular case that's coming up, and they were very receptive to an open dialogue and

conversation. We're going to have some follow-up meetings on this because they have the same issue, and hopefully we'll come together on this a little bit more.

And politically the other thing that's happened with land acquisition funds, frankly, is that land acquisition funds are very few and far between at least through the Park Service, and either they're used for really emergency-type purposes or that's why this \$2 million earmarked for the North of Highlands Campground is so significant. To get those kind of dollars for that kind of a priority to us is really huge, and I wouldn't overestimate that. But they're going to say, "All right, Price, you got your earmark now. Going after a number of other individual house lots is not going to be the same level of priority."

We do have the certificates of condemnation. That is our hold right now. If someone could get a mortgage with something like that, then good luck, but it does mean that the federal government down the road could, in fact, condemn the property and acquire it. What we'd like to see is more voluntary compliance.

MR. KAUFMAN: Yes, sir?

MR. WATTS: I said it in the last meeting, that wealthy people come in and they're not interested in mortgages. They're paying cash, and they can pay cash. So the letter of condemnation doesn't mean much to them.

MR. PRICE: And that's a fairly new phenomenon that we're facing and, frankly, other national parks are facing elsewhere.

MS. McKEAN: Years ago there was a lot more interest in compliance, and that was the first thing they said when they came in the door.

MR. PRICE: Right.

MS. McKEAN: You know, "How can we stay within your guidelines even though those aren't a regulation of the town bylaws, et cetera?" And now it's, "What can we get away with?"

MR. PRICE: "What can we get away with?" Right.

So the good news is I feel good about this. I feel good about two things. One is the roundtable discussion with the various towns, and we'll see what happens with Truro. We do have a particular case right now that's really being tested in Truro, and Lauren's going to meet tonight on that, and it will be interesting to see what the outcome is.

MS. McKEAN: I had a very positive response from the Town of Eastham building inspector last week on a similar project where it was a tear-down proposal, so I'm feeling good about where we are with Eastham.

MR. PRICE: Somehow I'm not sure how I can understand a definition if you're going to do a tear-down and a rebuild, you call that an addition.

MS. McKEAN: An alteration because it's not an -- what we're saying is it's not an alteration to an existing structure.

MR. SABIN: So you feel good about it. What's there to feel good about?

MS. McKEAN: That the building inspector seems to be reading this language in the same way that we're reading this language.

MR. SABIN: (Inaudible)?

MS. McKEAN: Yes.

MR. PRICE: In Eastham.

MS. McKEAN: In Eastham, yeah.

MR. KAUFMAN: The key is reestablishing the partnership with the towns.

MS. McKEAN: Yes. And I think we'll take it back to the Lower Cape Planning and Development Roundtable. Right now we've been on this other topic of wind, which I think is next on the agenda. And we can tell you why we've sort of stepped away from the zoning issues for a little while with that roundtable.

MR. WATTS: I just think that on our roundtable we should really ask the towns to have the chairman of the planning board and the building inspector from all of the three towns involved show up at the roundtable for a meeting. And sometimes they do, sometimes they don't, but I think it's important if we're going to have a meeting on the problems that the Park sees -- I think that they should be there.

MR. KAUFMAN: George, as you mentioned, this is a problem not just here. It's a problem in every park given the change between having to worry about mortgages and not having to worry about mortgages, quite frankly.

MR. PRICE: Right.

MS. McKEAN: Except not a lot of parks have private land.

MR. KAUFMAN: Any other questions for Lauren?

MR. WATTS: Just one other thing on Item 5, substantially more detrimental. I was on the zoning board of appeals for nine years, and that was a conclusion that we came to. We would have findings of fact, and as a result of the findings of fact, we would come to the conclusion that a project was substantially more detrimental or not substantially more detrimental. It could go either way. But it's a very ambiguous term, and what you have to do is build up your findings so that they come to that conclusion. And we were sort of taught to do this because if the person that's making the application doesn't like our findings, they take it to an appeals -- state appeals court, and we have to have findings that hold up in that court.

MR. KAUFMAN: Is there anything else we can do to help you all?

MR. PRICE: Well, frankly, I think it's more down the road because I felt the Truro Planning Board was so receptive in having dialogue and workshop and because the building inspector in Eastham gave us a positive response. I think the Advisory Commission really needs to be informed and engaged, and I appreciate Peter's continued involvement on the roundtable. So I feel the Advisory Commission is informed. As far as what kind of - - you know, taking it to the next step and being more proactive, I would definitely come to you if we're reaching an impasse because I think it's a serious issue in the future if somehow we don't turn the curve somehow. And Lance (sic) says we should get more money for a nest egg. Well, I can't do that. Then there's the whole larger issue of political role when it comes to land acquisition, but I

do think that the communities feel a vested interest in what they want their landscape to look like. The Park's been around for 45 years now, and my mantra is, what's it going to look like 45 years from now? And it's not just the National Park Service. It's going to be the community and their standards and how they want it to look.

MS. MCKEAN: I'd say we may be interested in speaking again in the fall. At this point the next roundtable session is, again, back to the wind issue, and in the fall maybe we can, after having made some progress with Truro, take it forward. And I just encourage the people who are coming to the roundtable from your staffs to keep participating because I think it's a really good group for sharing information. I mean, Scottee and I are regularly fielding inquiries from Realtors and lawyers and bankers and whatever landowners, and there is a lot of confusion out there. So if we can kind of get it more understood by the general populace, that would be very, very helpful.

MR. KAUFMAN: This is really important. I realize how important this is.

MR. PRICE: It's a legacy topic.

MR. KAUFMAN: Thank you, Lauren.

WIND TURBINES/CELL TOWERS

MR. PRICE: Speaking of legacy topics and what the public withstands, the next piece on the Superintendent's Report was the whole wind turbine discussion and viewshed. And Lauren and Peter, again having worked with the planner's roundtable, just can give a brief report on some of the things we've been discussing.

MS. MCKEAN: Since about last fall, I believe, we've been talking about what are our sensitive areas on Cape Cod or the Outer Cape, how do we define them. We want to be able to look across boundaries when we're setting something that's such large scale similar to the telecommunications towers process where there was an Outer Cape group that convened and said, "Gee, if they're going to go, where would they go in alignment with each other? What makes the most sense?" We said, "Well, if there are wind towers out there, one town is going to care about where the next town places them. And where are those sensitive view areas that we really all care about?"

So what we first did was come up with a list of questions like: What are sensitive viewpoints? What are the key money shots? How do you define a viewshed? Is the view in or out of a certain location very important? And we struggled with that all this winter, I would say, and then asked each of the towns to go out and create some answers to the questions. And then we convened just two weeks ago at the Wellfleet Senior Center, and we worked with the Cape Cod Commission to do the base maps for us. This was just -- this was what we marked up at our session.

Sorry, Joyce, for blocking you.

We marked up these maps at the session. Basically what the commission tried to put on the map was commercial and industrial zones, municipal lands because what we've decided to focus in on was the larger scale wind turbines, not something that someone was going to do on private property. So that we can start saying, okay, what do we care about? We wanted to show where the electric transmission line was easiest to access in order to hook into the grid. Just some basic overlays. Truro had finished the most complete list of sensitive view areas, so we had mapped a little bit more in Truro for this session.

We broke up in -- the three towns that came were Eastham, Wellfleet, and Truro, and so we basically broke up into town by town groups and tried to put on the map where those sensitive view areas were.

MR. PRICE: Lauren, let me just back up one second because there's a lot of new faces in the room.

Mr. Chair, if you'll recall, I've been talking about this viewshed piece now for -- since I've been here. And we did say that the roundtable group of planners that has been meeting took this on for the commission, and it really was focused on the Park. So I don't want anybody, especially in the audience, to think that this is a done deal on wind turbines, by any means. When you're near the Park boundary, it's, okay, is it going to be a nonstarter with the Park or is the Park going to think it's not a bad idea? So looking at it that way, the question was, what are the most critical viewsheds that still represent the values of the Cape Cod National Seashore? It doesn't mean that every other viewshed is up for grabs. What it means is it might not have those same elements, and therefore, green energy purpose might be a worthwhile purpose similar to what you did with the cell towers and water towers and everything else.

So this was not -- I wouldn't want anybody to think that coming out of this meeting or even out of this process is going to be a de facto plan for the town because that still has to happen, and as we've seen in Eastham, for instance, that's a continuing issue. But this was trying to help us work with the town planners and energy committee at least to get a starting place.

And I was very thrilled about the meeting, by the way, Peter. I don't think you and I had a chance to talk, but I was very excited about at least taking it to the next step. The assumption would be after they vetted it all, then we would take it back to the commission as a whole and figure out what kind of process that we would use.

MS. MCKEAN: Yeah, the Cape Cod Commission had with the Cape -- like Compact had funded a study several years ago about the types of technologies that were out there, what was the best wind potential on the Cape. They have some of the map layers. We felt that this was a new map layer that we could try to come up with, and I think it's going to take some time to do, the

wind viewshed sensitivity layer basically. And I'll just give you a for instance. The Wellfleet group was saying basically anything off to the bay side was some of their money shots and, you know, out towards Great Island, and so they didn't really want to see anything --

MR. WATTS: The whole Atlantic.

MS. McKEAN: -- to the west of Route 6.

The whole Atlantic Ocean but from the edge of the Atlantic Ocean because they do have a MET tower up at White Crest Beach at this time, and they're very interested in that location.

We talked generally about things like from the Marconi site, "What is the area that you're concerned with visually?" They were not as concerned with the view north, but they felt the view south of Marconi was key to keep lower scale. So that's just one example of one area that was discussed. The next step is to get together with the Cape Cod Commission, see how to take -- we have big blobs on that, some magic marker drawings, and how to take that to the next level.

We'll be meeting again I think June 6 with the roundtable. Then we'll have a next draft map. And then we'll probably be talking to them about how do we bring in more and more people in the community. We brought in the alternative energy committee people, the planning board and the ZBA members, and town planners invited people from alternative energy committees. So we have expanded to the group some, but we want to expand it and broaden it out before any kind of map is finalized.

MR. KAUFMAN: Brenda?

MS. BOLEYN: I see black marks on the map. What do those stand for?

MS. McKEAN: They're labels.

MS. BOLEYN: Oh, those are labels.

MS. McKEAN: (Inaudible).

MS. BOLEYN: Oh, those are names? Got you. Okay, thanks.

MR. WATTS: I'll give an example here. This a town- owned piece of land next to White Crest Beach where there's a test tower right now. Here's town-owned land that goes right to the high tension wire right there. So there's access. The real question is, is this commercial project -- is it in the Park even if it's on town-owned land? So there's a roadblock, and can that be overcome? We don't know.

MS. BOLEYN: Thank you.

MR. WATTS: That seems to be the logical -- one logical place.

MS. BOLEYN: Thank you.

MR. PRICE: So what this process is doing is helping to refine the question.

MR. KAUFMAN: I have a question for Lauren.

MR. PRICE: Yes?

MR. PHILBRICK: Can I hear again what Wellfleet's comment was about offshore in the bay?

MS. McKEAN: In the bay?

MR. PHILBRICK: Yeah. Did they dismiss the whole thing?

MS. McKEAN: Yes, they pretty much dismissed anything west of Route 6.

MR. PHILBRICK: Meaning they --
MR. WATTS: West of (inaudible).
MS. McKEAN: For a larger scale facility, not for a small residential thing, and we're not
--
MR. PHILBRICK: But they didn't want it?
MS. McKEAN: Right, but they didn't want it.
MR. PHILBRICK: That would cover --
MR. WATTS: Great Island.
MS. McKEAN: The view was to Great Island.
MR. PHILBRICK: How much of (inaudible) Shoal would that cover?
MS. McKEAN: Oh, all of it as far as -- they were pretty much blanket in there.
MR. WATTS: Well, that extends down into Eastham.
MR. PHILBRICK: East Dennis. That goes around as far as East Dennis, that 10-foot (inaudible).
MR. PRICE: (Inaudible) marine sanctuary what designation (inaudible).
MR. WATTS: That wasn't brought up at this meeting.
MR. PHILBRICK: Well, it was outside Wellfleet.
MR. WATTS: Yes.
MR. PHILBRICK: That's a very real site because of the shallowness and the distance from the shore. It's much further than the Nantucket Sound project mostly.
MR. KAUFMAN: Other comments?
(No response.)
MR. KAUFMAN: Superintendent, you have been on this since the day you moved in, so to speak.
MR. PRICE: Yes.
MR. KAUFMAN: And I appreciate you and Peter and Lauren taking part in this because this is -- as we know on the Cape, wind is an emotional issue for a lot of the right reasons, and the more homework you do in advance, the less problem you'll have in the end. So thank you.
MR. PRICE: Absolutely.
MR. KAUFMAN: Thank you.
HIGHLANDS CENTER UPDATE, NEW DIRECTOR
MR. PRICE: As Lauren slips out, I'm going to talk about Highlands Center next, but what she's doing is -- there's a massive cleanup at the Highlands Center today. So just list off the participants that are helping.
MS. McKEAN: Well, it's our eighth annual cleanup with AmeriCorps, Cape Cod. Every year for the last eight years I've had an individual placement that works with us in the planning office. And Chelsea Clark this year has put together really a dynamite list of activities with us, and we've got a half a dozen buildings and utilities folks from our maintenance division painting, building, boarding things, putting some seats in the overlook platforms so you can actually sit down and look at the ocean. And we've got our roads and trails folks helping. There's a whole landscape crew, and our roads and trails crew will be chipping all the stuff that's cut up. We're doing native plantings around the Atlantic Research Center, the entry gate, and Payomet Tent,

and Guy was thrilled about that, the Performing Arts Center. And we had Truro DPW come in to lend a hand, and we had Homeward Bound and the Department of Youth Services group come in and talk, maybe about a dozen people or so.

MR. KAUFMAN: Do you do this every year?

MS. McKEAN: Yes. This year we're probably getting the most ever accomplished because we have the most helpers.

MR. KAUFMAN: Maybe next year we could do a board meeting up there, and you can have some more helpers.

MS. McKEAN: Yeah.

MR. PRICE: Well, we could. The campus is starting to look very nice.

MS. McKEAN: So we're trying to get the Atlantic Research Center online. The water/sewer project is the only thing that's holding that up. We have some leaking in a water tank that the contractor is to address this week. And Provincetown has put in the equipment they said -- most of the equipment they said they'll install, so we're really getting close. And I wish I could tell you the day, but I can't tell you the day. But that's the big news, completing that million dollar...

MR. KAUFMAN: Let's remember that next year for this meeting.

MR. PRICE: Yeah. Thank you, all.

MS. McKEAN: Thank you, all.

MR. KAUFMAN: Thank you.

MR. PRICE: So continuing with the good news from Highlands Center, at several meetings you had the opportunity to meet Bob Ciolek, who was the executive director of the Highlands Center. He has retired. He, in fact, had given notice a while ago, and the board had been looking for a replacement. And I'm pleased to introduce the replacement executive director of the Highlands Center, Incorporated, Kyle Hinkle. Kyle comes to us most recently as the president of the Orleans Chamber of Commerce, and I asked her to introduce herself to the board.

MS. HINKLE: Well, thank you. It's absolutely a pleasure to be involved in this project. As someone has reminded me, I've been on the job for ten seconds, but thanks to George and Lauren, I feel as if I have a really keen image of what this project is all about and how wonderful it is. Also, thanks to Dan Wolfe, who is extremely (inaudible) about the future of Cape Cod and how this project impacts the future of Cape Cod.

We are feverishly working on getting a good solid message that we can take out to the general public. We're upgrading Web sites, improving our look and feel, and getting a contract for the new kiln building, and raising money so that we can meet our goal of 3.5 million over the next five years. So I'm very excited.

MR. KAUFMAN: And anything we can do to help.

MS. HINKLE: Thanks.

MR. PRICE: So we're very excited about Kyle and moving forward on that.

ATLANTIC RESEARCH CENTER UPDATE

MR. PRICE: Sticking with the Highlands Center campus, however, we were pretty excited also to move some of our scientific equipment and staff into what's known as the Atlantic Research Center, and I was going to ask Carrie to give us a quick update on that.

MS. PHILLIPS: Sure. We just have a couple of slides just to refresh everybody.

MR. PRICE: And for those of you that don't know, Carrie heads up our natural resource management division.

MS. PHILLIPS: Our gang, our science gang. Somewhere in there is an image.

(Pause.)

MS. PHILLIPS: As Lauren said, we're starting to move in, starting to move some of our functions there while we're waiting to go full bore once we get water and septic.

But the --

MR. PORTNOY: Oh, yeah, it's coming. Patience.

MS. PHILLIPS: This is very exciting, the numbers.

MR. PRICE: It's going to disintegrate.

MS. PHILLIPS: That was worth waiting for, I'm sure. Anyway, you can go to the next slide, John. Thanks.

Just to remind you, the mission at the research center is to facilitate research occurring in the Park and facilitate science communication. We're also the science anchor of the Highlands Center, so two of the -- or one of the major aspects of the research center that meets both of those objectives are the facilities at the Highlands Center at the old North Truro Air Force Base.

You can hit the next one, John.

So if you've never seen this view, this is our existing laboratory facility or existing facility where the Division of Natural Resource Management resides, and we have a new addition that is supporting more field operations and sample processing, and then the research center up at the Highlands Center, two buildings. One is a multipurpose room, and one is an analytical laboratory. So you can hit the next one.

So the rehab that's been going on has changed those two buildings from this basically ripped out, dark, like completely black, nothing to -- you can kind of see it -- to a laboratory facility up there. It looks a little dark, but it's very nice with a lot of reused equipment donated by Intel and a multipurpose room suitable for classes or meetings or a symposium or that sort of thing. If you could hit the next one.

So with the multipurpose room, we've not been able to do big groups or public groups because we don't have potable water or a septic system, but we have started to use it for more display-based science communication like poster sessions, open houses, and a few small Park Service groups where people kind of can come in and out and the water is not a limiting issue.

And then for the lab, you can hit the next one.

We have moved our equipment up there and started to get it online with some temporary water, and we fully expect by -- pretty soon now -- by midsummer we will be fully cranking,

doing analyses up there.

And just a couple of examples of some of the analytical processes that we envision or that we know will be happening up there very soon and then some examples of the partners' research that addressed topics that are very important to the Park, that will benefit the Park as well as the researchers conducting those projects.

So that's all I have. Just to let you know, we're starting to use it, and it's very exciting.

MR. KAUFMAN: Questions? Brenda?

MS. BOLEYN: I just want to say that that's really key, your last phrase there. Getting people up there, using these facilities, having a presence, having activities going on, it will give a jumpstart to the efforts of the supporters.

MR. WATTS: Carrie, what is road mortality?

MS. PHILLIPS: The road mortality? It's spadefoot toads, a state-listed species, that gets out and moves around on rainy nights to breed. And one of the places that they move a lot is the Province Lands Road, and we get significant mortality from cars running them over, so we have a couple of research projects that are helping us better understand those dynamics so we can manage that and protect that species a little better.

MR. WATTS: Was that in Tom Tupper's report?

MS. PHILLIPS: No, but Brad Tim is doing his Ph.D. on spadefoots and their movements, and then we (inaudible) from the University of Massachusetts at Amherst, and then we also this year have Megan -- I can't remember her last name, but a master's student from Antioch who is also working on the toad movements along that road.

MR. PRICE: I've got to say I really appreciate Carrie and her staff and what's happening. You'll happen to notice she did say when they get water about three or four times.

MS. PHILLIPS: I tried to only say it once.

MR. PRICE: She thought we were going to get water up there, silly her, about two months ago. So the delays in finalizing that water contract have really put a lot of hardship on her staff to do this whole move. So we certainly appreciate that, and hopefully we'll have that done soon in the next week or two. She's heard week or two for the last two months.

MS. PHILLIPS: I told him we might cry, but then I decided not to. All right, thank you, guys.

MR. KAUFMAN: Thank the crew.

MR. PRICE: While I'm still -- two seconds on the Highlands Center. I failed to mention Joyce Johnson, by the way, is also on the board of the Highlands Center, Incorporated, by the way. I know she's here for other topics, but Joyce was involved with that.

EAST HARBOR RESTORATION PROJECT UPDATE

MR. PRICE: Speaking of the Atlantic Research Center and speaking of our scientific studies, I know one of the reasons I was so enthusiastic to be able to move here to this park, you all had asked for an update on the East Harbor restoration project at the last meeting. This

morning we had a field trip, and John Portnoy took us up there and explained some things on site, and he's going to give us an update now.

MR. PORTNOY: Much of this is going to be review to most of you, at least the introduction part, but I'll run through it quickly just to get everybody up to speed. East Harbor is also called -- a more recent name is Pilgrim Lake. It's that embankment that you see as you drive toward Provincetown.

The floodplain -- thank you, Scottee.

The floodplain is marked here in light blue, but it actually extends further. Just to give you some geography here, this is the original barrier beach. It's now called Beach Point. East Harbor itself or Pilgrim Lake is a back barrier lagoon. It was originally connected to Cape Cod Bay through a permanent inlet up here at the Provincetown Inn. There's 350 acres of open water and then an extensive tidal marsh. It actually goes all the way back to Salt Meadow, actually all the way back to Head of the Meadow. Salt Meadow, for example, is two miles -- two miles long. This is a big system.

Again, outlining the extent of the floodplain. Open water, as I said, 350 acres; 370 acres of wetland, emergent wetland. Basically the second-largest estuary on Outer Cape Cod, second only to Herring River in Wellfleet.

MR. SABIN: Is that wetland in addition to the open water?

MR. PORTNOY: That's in addition to the open water. It's a 720-acre coastal lagoon, salt marsh system originally.

Up until 1868 it was permanent, as I said, connecting East Harbor to the marine environment. It was 1,000-foot wide up here (indicates). In 1868 there were plans to extend the railroad out to Provincetown. The railroad grade is here (indicates). And for the purpose of building the railroad in the 1870s, the inlet was filled. There were other reasons given at the time for the filling of the inlet, but the inlet, if you'd like to get into that, we can talk about it. But in essence the inlet was closed for construction of the railroad by using artificial fill. In 1920 Route 6A was built along the barrier beach paralleling the railway, and in 1952, Highway 6, Route 6, was built across these back barrier -- what were back barrier salt marshes.

So tides have been restricted from East Harbor for a very long time, since 1868. Since that time, a culvert has been in operation connecting the lagoon to Cape Cod Bay. The purpose of the culvert was not to allow any degree of tidal exchange. It was simply to allow freshwater to drain out of the system. That culvert is still there today.

East Harbor or Pilgrim Lake has suffered from water quality problems probably back to the time of its original tidal restriction in 1868. This is the way the water looked prior to 2001. It was subject to chronic cyanobacterial blooms, also called blue-green algae, that clouded the water and caused oxygen depletions in the summertime that resulted in major fish kills.

In 2002 the Town of Truro and the Seashore met after a major fish kill involving around 40,000 herring and hundreds of white perch. We met to discuss whether something could be done to improve the basic problem in this back barrier lagoon, which was the lack of tidal flushing, which was leading to these oxygen depletions and fish kills, and a decision was made to open the valves that existed in this one small culvert that connected -- which was the only remaining connection between the lagoon and Cape Cod Bay. So that was done in 2002.

Here's the culvert again.

One of the most immediate benefits of restoring some connection with Cape Cod Bay was an increase in salinity which ended these massive emergencies of choronomid midges, as some of you may remember, around Beach Point. These are not salt tolerant. They have some salt tolerance, but they were largely eliminated by the increase in salinity.

We also have been able to eliminate some exotic species, including these European carp, and also we're working on suppressing exotic Phragmites, which is a tall grass that moves into disturbed wetlands, particularly tidal-restricted wetlands like East Harbor.

Another benefit is a really surprisingly fast or resurgence of submerged aquatic vegetation. This is largely Ruppia or wigeon grass. It's a plant similar to eelgrass, which you probably heard a lot more about as an important habitat for fish and crustaceans and lots of estuarine animals. It's really impressive how these eelgrass beds have developed throughout the lagoon.

And along with the increase in salinity and wigeon grass beds have come clams. Several species of bivalves have reestablished. There are literally thousands and thousands of steamer clams throughout the lagoon now that weren't there before. And these animals, you have to realize, have come through this pipe, through this culvert 700 miles (sic) -- passes for 700 miles (sic) buried under Beach Point.

MR. PRICE: You mean 700 --

MR. PORTNOY: 700 feet. It seems like --

MR. PRICE: 700 miles. What a clam.

(Laughter.)

MR. PORTNOY: They come in as larvae and have settled -- settled on their own. Also, finfish, the typical catch of finfish, these are species that did not occur before the culvert was open in 2002. It was mostly silversides and mummichogs.

Another unfortunate outcome that we've noticed in the last couple of years is macroalgae blooms, which occur in the late summer, and we are currently studying -- these are seaweeds that generally grow in trophic lagoons where you have excess nutrients. In this case, the fundamental cause is very likely the lack of tidal flushing in a system that's naturally well fertilized. To get at a more complete restoration of the system, we've contracted with the University of Rhode

Island to undertake some hydrodynamic modeling, which has been completed, to assess what the effects would be, the physical effects, of restoring tidal flow to different degrees to East Harbor.

These are the results of this modeling, which shows -- it represents here low tide and high tide and the existing conditions. Under the original conditions with the 300-meter or 1,000-foot wide inlet with just a 5-meter wide opening, a 50-meter wide opening, these are just some of the scenarios that were modeled with a hydrodynamic model. And you can see that even a 5-meter wide opening produces some -- well, you can't really see it on this slide. The 300-meter wide opening shows that when the system was originally open to the Cape Cod Bay with a 1,000-foot wide inlet, there were extensive intertidal flats. And flooding during high tides went all the way across the marsh surface way up in Salt Meadow to Head of the Meadow. These figures also show it would take roughly a 50-meter wide opening to extensively flood these marshes today.

An important result, however, of the modeling is not just the extent of flooding and dewatering during high and low tides but the change in flushing time. Today the flushing time of East Harbor with just this 4-foot diameter, 700-foot long culvert is 133 days. It takes 133 days for the system to fully flush. With only a 5-meter wide or 16-foot wide opening, the flushing time drops down to only 13 days. So we have a tenfold increase in flushing rate just by increasing the opening from a 4-foot diameter circular culvert to a 5-meter wide opening.

Just to back up a minute, the status of this whole enterprise today is to continue monitoring the system and conduct research, but as far as increased tidal flushing, we're really waiting on the Corps of Engineers to take up the baton and conduct a feasibility -- comprehensive feasibility study that they had planned on doing in fiscal year 2007 before their funding was cut. So they're looking for funding now to complete that study, which will look not only at the environmental issues but also the social issues.

The macroalgae problem, the seaweed problem, is our current problem in this enterprise, and we have planned to address it in various ways. The first step is to understand exactly why we're getting all the macroalgae. So we're going to be continuing the regular monitoring, but also we'll be looking at nutrients in a much more detailed fashion to understand how the nutrients are fueling the algae.

We'll be doing some bioassays of various nutrients, nitrogen phosphorous, to see which of these elements is actually limiting the growth of the macroalgae. We'll be looking at -- actually, the University of Rhode Island, Carol Thomber is an algae expert, and she will be studying the algae species themselves, identifying what species are involved, and looking at

relationships with their growth and the growth of these good plants, these submerged aquatic plants, the wigeon grass that I mentioned before, which is Ruppia.

Evan Gwillian on our staff will be looking at fish predation on herbivores. Perhaps the introduction of all these fish has suppressed herbivory or the grazing of algae by other animals.

And then the Cape Cod Commission and we will be undertaking a small groundwater study out at Beach Point this spring and summer and through the next year to determine what portion of the wastewater systems which are abundant on Beach Point actually discharge in the direction of the lagoon and may be contributing nitrogen via the groundwater system to fuel these algae blooms.

So that's pretty much the status, but if you have any questions, I'd be glad to take them.

MR. SPAULDING: Does this thing monitor all tides or just a certain tide as they're going through the --

MR. PORTNOY: The water is free to flow throughout the tidal cycle through the 4-foot culvert.

MR. SPAULDING: If you widened it, would that salt area, that marsh area back behind it tend to fill more (inaudible)?

MR. PORTNOY: Fill with what?

MR. SPAULDING: On the high tides, would you get more water back?

MR. PORTNOY: We would need much more than the 16-foot wide opening to actually flood the marshes at high tide. We'd need something closer to a 40-foot wide opening for those marshes to flood at high tide.

MR. SPAULDING: Is that something that you think would or would not be beneficial?

MR. PORTNOY: It would be definitely beneficial. I think as close as we can get to the original tidal stream would be the goal if you're interested in strictly natural resource restoration.

That was originally an intertidal salt marsh.

MR. PHILBRICK: I've read just recently about global warming and the effect on tides. And you get larger numbers and other numbers for sea level, right? Much larger?

MR. PORTNOY: Uh-huh.

MR. PHILBRICK: Has anyone plotted where that high tides line would be as you did for now for these future possibilities?

MR. PORTNOY: Well, all marshes would be threatened by sea level rise.

MR. PHILBRICK: Would it double the area again, for instance?

MR. PORTNOY: Well, no. No, because you come --

MR. PHILBRICK: Steeper (inaudible).

MR. PORTNOY: Yeah, you come to the edge of the floodplain, and then the elevations increase much more rapidly, so you don't -- you know, beyond --

MR. PHILBRICK: That finger that reaches down toward --

MR. PORTNOY: Salt Meadow.

MR. PHILBRICK: -- Salt Meadow, would it go much further?

MR. PORTNOY: Well, I mean, it depends on how much higher, but the elevations increase really rapidly at the edge of the floodplain, so you'd have to have a radical increase in tide heights to extend the area of flooding. There's, in other words, a steep rim on the bowl.

MR. KAUFMAN: Peter?

MR. WATTS: This morning you talked about the midge problem, and I just wonder about the mosquito problem in the Herring River, the change from freshwater to saltwater mosquitoes. Would that be the case here?

MR. PORTNOY: Well, first of all, there's some uncertainty about what really happened in terms of mosquitoes at Herring River. It's not clear that they were necessarily salt marsh mosquitoes to start with. Unfortunately, there aren't records to really confirm that.

Here we'd expect that there would be the opportunity for more mosquito breeding on the marsh surface because you'd be flooding the marsh surface again. However, the important fish -- the important mosquito predators, like mummichogs, would move onto the surface along with the water. We saw this at -- this is called Moon Meadow, this portion of the system. It's very close -- it's right at the pipe, so it receives the most direct effect of the restored tidal flow. We actually have little tides in here of about a foot and a half. This marsh flooded the first year when we opened the culverts, and we had -- in April we had massive mosquito breeding with mosquito larvae all over the surface, but shortly thereafter, within weeks, the mummichogs moved up onto the marsh surface, and there was not a nuisance mosquito problem that year in that area. So fish can be very effective in controlling mosquitoes provided you have tidal -- a good tidal range that gives them access to the marsh.

MR. WATTS: Are mosquitoes a problem there now?

MR. PORTNOY: Mosquitoes are a real problem at Salt Meadow further up into the system, and that's why the Cape Cod Mosquito Control Project is promoting projects like this, tidal restoration, because it makes their jobs a lot easier with tidal flow.

MR. PHILBRICK: Another question. If it were determined that it would be beneficial to go to a larger opening, 500 feet to 1,000, has anyone looked at where you would site that?

MR. PORTNOY: Yes, that's the first question. There is extensive development all along Beach Point. There is, however, a bit of open public land right about here, which is called Noon's Landing (indicates), and it was land that was acquired by the Town of Truro with open space money a few years back. That's actually adjacent to the drainage easement where the culvert actually crosses today. There's about 150 feet of width there undeveloped land. So if the Town of Truro were interested in using that land as a site for additional culverts or an actual open channel, then that would be an appropriate place. I mean, just the physics would be appropriate there. It would work.

MR. PHILBRICK: Would it require opening up a channel all the way back to where the lake is?

MR. PORTNOY: It would require opening a channel and also bridging 6A and Route 6.

And we would look for funding from not only the Park Service but the Corps of Engineers and Mass. Coastal Zone Management and National Oceanographic and Atmospheric Administra-- -- whoever we could tap for funds.

MR. SABIN: Anybody's money is good, right?

MR. PORTNOY: All these agencies are heavily involved in coastal wetland restoration now, so there's hope even if the price tag is very high.

MR. PRICE: I think it's safe to say that the work that John has done in cooperation with the town has been really well respected and has taken us a long way to get some support for some additional restoration, and I think basically the Army Corps project was really the next step. So they had the ball on some specific engineering that would have to happen because the towns -- I was up there on a field trip with the town board of selectmen and the town administrator, so people are waiting for this next step. It's not like they've made an overall commitment, but I think they're very receptive and then hopefully -- we expect that we'll have some solutions that might actually work.

MR. PORTNOY: I checked in with my contact at the corps today after our field trip, and they have all of the state matching money. They need the federal contribution, which is 93,000, a little over \$93,000.

MR. PHILBRICK: And I suppose if one of those more ambitious openings was to come about, that will have a beneficial effect on the open ocean fishery.

MR. PORTNOY: The marsh would be, again, connected to the marine environment and would export energy in the form of fish and crustaceans, right.

MR. KAUFMAN: Those of us who were on the field trip today were all stunned at the improvement at just a small culvert in -- over three years?

MR. PORTNOY: Uh-huh.

MR. KAUFMAN: Very impressive.

MR. SPAULDING: John, I saw your list of fish in there. I would think with all these bait fish, you might get a blue striped bass or bluefish. Have you seen any bigger -- any of the bigger fish that have ended up there?

MR. PORTNOY: No, no, no. No striped bass or bluefish. The winter flounder are coming in in the spring and apparently spawning there because we're picking up some really small winter flounder in the (inaudible). But 700 feet is pretty long. It's not 700 miles, but it's a long way to travel through a dark tunnel if you're a pelagic, and that probably discourages some of those bigger fish.

MR. PHILBRICK: When I was referring to fishery, I meant the open ocean.

MR. PORTNOY: Oh, I understood. I understood, right. I mean, there's been a lot of debate among salt marsh researchers over the last 30 years about this presumed export, you know, of organic matter or energy, whatever, from productive salt marshes. One thing you can say for sure is that there is a major export in the form of animals that spend part of their time in

the marsh and grow in the marsh, and they gather the energy that's been fixed by salt marshes, and they carry it to the near shore and just offshore where they're, in turn, eaten by bigger fish and so forth, yeah.

MR. PHILBRICK: Thank you.

MR. PRICE: So, John, next time you do the PowerPoint, what you'll have to do now is do another slide of the clarity of the water because you showed the one with, you know, the detrimental before '01 and now it's just amazing when you're there.

Just where we were by that dike, Ron, it was incredible to see.

MR. KAUFMAN: It was.

MR. PORTNOY: If you look right in here, this little inset is a picture of a wigeon grass bed. The light is not great in here, but you might be able to see how clearly you can see the wigeon grass. Up until 2002 none of us had ever seen the bottom of Pilgrim Lake even though it's only about a meter deep, and now most of the time you can see right to the bottom. The water has really cleared up. Unfortunately, we've traded blue-green algae or cyanobacteria for macroalgae in the summertime, and that's the one downside of the project so far, but we're working on that.

MR. WATTS: Are those grasses growing in that area because those are the shallow areas?

MR. PORTNOY: Right, they need a lot of light. Of course, the clarity of the water is helping their growth too. They were probably being grazed pretty heavily by the carp when they were still in the lake.

MR. PRICE: Well, John, thank you very much.

I think the last time John was here he was giving us a quick update on the Herring River, and I think I acknowledged the fact that he had received a regional national stewardship award, which we congratulated him for. Last month he went to DC to receive the National Department of the Interior award.

MS. BOLEYN: Whoa.

(Applause.)

MR. PRICE: So we're certainly proud of John, and I know he and his family should be proud of him and his accomplishments. We've been very fortunate to have the likes of Dr. John Portnoy here on our staff. That's for sure.

MR. KAUFMAN: Here, here.

MR. PRICE: So thank you very much, John.

MR. KAUFMAN: Thanks, John.

ORVs AND PIPING PLOVER NESTING IMPACT

MR. PRICE: I had a couple of things I -- unless someone had a lot of questions, I just want to give you a quick update on a couple of items.

The off-road vehicle/piping plover nesting environmental impact statement, we completed all of the work. We've drafted it all. Frankly, we are in discussions with our own solicitor's office as to what will actually go out, and that I hope to finish up quickly because we're quickly reaching the season where piping plover nesting will have an impact on our off-road

vehicles. So hopefully we can get that out quickly.

HUNTING EIS

MR. PRICE: The hunting environmental impact statement, Carrie is working on that.

We're in the final throes. It looks like now we'll have documents out hopefully the end of June or July. Our goal is to have that out and signed with enough room that everybody, all the interested parties, would have the opportunity to understand exactly what was happening prior to the hunting season.

OVERWASH OVER AT SOUTH BEACH IN CHATHAM

MR. PRICE: I also wanted to make a quick mention of the overwash at South Beach. I

spoke with Bill Hammatt. He was actually down there. It's right near one of his cottages on South Beach down there.

The April 19 nor'easter cut a new breach down there in Chatham. You can actually see it if you're at the Chatham Bars Inn location. I saw it over the weekend. And it's a fairly healthy looking channel, so whether it's going to close up on its own, we're not sure at all. But there's about a dozen cottages or summer places south of that break. The National Park Service actually owns about six of them. They're under various agreements, and private parties own the rest. Those folks will have to get there by boat at this point.

CENTENNIAL CHALLENGE

MR. PRICE: And the last item I wanted to mention -- I think we sent out some press on this. You may have read that the President and the Secretary of the Interior got very excited about the approach of the Centennial National Park System -- National Park Service coming up in 2016, so they've established the Centennial Challenge. And it's basically a very ambitious program to come up with private monies to match federal monies on a lot of the different programs, and we're talking in the millions and millions of dollars. Their goal is to (inaudible) funds, some bricks and mortar programs, but, more importantly, legacy-type programs for the public as well as try to build Park bases that have been eroding over the last number of years. The first portion of this will be in the President's budget for '08. It will be interesting to see how far that goes.

We actually submitted three proposals -- well, actually, a number of you -- I think we did a general invite to the Advisory Commission as well as the Friends and some others to go up to Boston for what was called a Listening Session in Faneuil Hall where the acting regional director as well as the head of the National Park Foundation met the group and talked. They did this listening program nationwide for items and comments of how the National Park system could benefit from some big infusion of funds. Cape Cod National Seashore basically submitted three proposals that we thought would be of interest in this round. One is the Highlands Center area, one is the Old Harbor Lifesaving Station, and the third one is the Herring River restoration

project.

So I know that they were very well-received. They've passed at least the first two humps. I believe there's only about 175 humps to go. And, of course, it's all dependent on Congress and the funding, in any case, but I think it's very exciting to have that kind of focus and energy on the National Park system at this point, and certainly Secretary Kempthorne has really taken the lead on this, and you ought to know about it. I've sent out some information in the past, and I'll continue to update you as I'm aware of it.

MR. SABIN: It doesn't require any budget, but for the Centennial Challenge, we have a volunteer back at the South District, Wes Moore, whose birthday was in 1916. He's already had his 91st birthday. He's still doing his turn at various historic houses --

MR. PRICE: There you go.

MR. SABIN: -- as far as open houses, what have you. I assume he'll still be an active volunteer in nine more years, and therefore, he should be --

MR. PRICE: He should be the poster boy for the Centennial Challenge for the Seashore. That's great. One of the things I might just mention is basically Mission 66 was the 50th anniversary of the National Park system, and that was when things like -- there were big initiatives, and that's -- you know, the establishment of the Cape Cod National Seashore and other parks was part of that thinking as far as --

MR. SABIN: Eisenhower -- Eisenhower's years, right?

MR. PRICE: Yeah, and then the establishment of a lot of structures. That's why you'll hear the Visitors Center called the Mission 66 structure. There was a tremendous amount -- for that anniversary -- because what happened was even the parks that had been around for a while, World War II and Korea had really dampened the domestic side of the budget, so there was kind of a resurgence in parks, and the Mission 66 imprimatur really was construction. So a lot of parks had building, had visitor centers, administrative buildings, new parks, roads put in that were all identified with that. So when you see our visitor center, when you see the bike trail, when you see -- those were all Mission 66 era facilities. They're not as interested in bricks and mortar this time around. That's why, frankly, the Herring River project and the Highlands Center concept -- even though the Highlands Center was buried in bricks and mortar, the concept of it as an educational, artistic, scientific facility is really the key to that. Our Old Harbor Lifesaving Station, frankly, is a fallback to bricks and mortar, but we think that's a worthy project we'd want to put forward.

And, Mr. Chairman, that's my report.

MR. KAUFMAN: Questions for the superintendent?

(No response.)

MR. KAUFMAN: Seeing none, thank you, George. Well done, as always.

OLD BUSINESS

MR. KAUFMAN: Old business?

(No response.)

NEW BUSINESS

MR. KAUFMAN: New business?

(No response.)

DATE AND AGENDA FOR NEXT MEETING

MR. KAUFMAN: All right, setting the date for the next meeting. How does September 17 sound?

MS. NISTA: I think it's the 24th.

MR. KAUFMAN: The 24th?

MS. NISTA: Yeah.

MR. KAUFMAN: The 24th, it is. The 24th sound --

MR. SABIN: What day of the week? Is that a Monday?

MS. BOLEYN: It's a Monday. It's the last Monday of the month.

MR. PHILBRICK: Okay, September 17.

MR. KAUFMAN: 24th.

MS. BOLEYN: 24th.

MR. PHILBRICK: Okay.

MS. BOLEYN: The second day of autumn.

MR. KAUFMAN: Can I just introduce my friend, Mike Leger, who is the new head of the Provincetown --

MR. LEGER: Provincetown Airport Commission.

MR. KAUFMAN: He just wanted to say hello.

MR. LEGER: I just wanted to say hello, and since we are sort of joined at the hip where the airport is located in the National Seashore, I just wanted to establish or enhance the lines of communication between the National Seashore and the Airport Commission.

I'm going to try to attend all the meetings. The next one is the day after my birthday.

MR. KAUFMAN: That's (inaudible).

(Laughter.)

MR. KAUFMAN: Thanks for being here.

PUBLIC COMMENT

MR. KAUFMAN: Public comment.

Peter, do you all have anything you'd like to add? AUDIENCE

MEMBER (PETER

CLEMONS): Well, I do, as a matter of fact.

MR. KAUFMAN: I knew that.

AUDIENCE MEMBER (MR. CLEMONS): We've lost a lot of the community, so you're stuck with me again.

MR. KAUFMAN: I had a talk with a couple of folks who told me they had to leave early, so we spent some time together before the meeting.

AUDIENCE MEMBER (MR. CLEMONS): Just quickly.

MR. KAUFMAN: Sure.

AUDIENCE MEMBER (MR. CLEMONS): I actually did get down to Washington, DC, and met with the chief historian, I believe is his title, at the National Register, Paul Loether. And I'll start this little talk by saying that Marianne and I were very pleased with his approach to this issue. He gave us a big chunk of his time, and we also collected copies of about 800 public comments that were sent in regards to this TCP issue. We really enjoyed talking with Paul Loether. He seemed to open the door in a very gracious way, and somehow collaboration and transparency were in evidence, but that was unusually appealing. So there's the good news.

MR. KAUFMAN: Do you want to sit down now?

AUDIENCE MEMBER (MR. CLEMONS): No.

In talking not directly with him this morning -- but there is a suggestion that the Keeper, Janet Matthews, is about to make this determination, the formal determination, with regard to the traditional cultural property issue this week. But we've been hearing that for -- what? -- two months, so he's really not sure, but I know it's imminent. And we're all interested, I'm sure. I think -- this is not a formal announcement, but I would like to say that as a community, as the dune shack -- dune dwellers in our little community, I think we're pretty close to declaring our own TCP designation. We really don't need the Keeper to verify that, and, in fact, that has been forwarded by someone who knows. So we are a TCP, whether the Keeper -- and there will be a pretty formal announcement to that effect.

As far as the subcommittee goes, I got a letter related to how that was being formed, and it's a little confusing. I know some people are actually being asked specifically to be on it. Others, we've seen as a community out there, seem to be approaching -- we're being asked to submit two people. It's not for this committee to discuss probably. It's Rich Delaney I can address, but I think this is our equivalent of a town meeting for our little dune shack community. So that's why I want to bring it up now. The letter did not -- I don't know who wrote it. I don't think he did, but we got a very specific request, and various nonprofits, arts, everybody is, I guess, welcome, but I got the impression that dune dwellers were being put into a very kind of small representation. And I think given that this whole issue of dune shacks really started with dune dwellers and former owners and residents, I think that everybody should really consider opening the door a little bit more to dune dwellers and families. It would be inappropriate to assume that just two people from that community would be weighted enough and have enough -- I think we've got to rethink that. It's not for you all. I'm sure it has to do more with the superintendent and the chair of the subcommittee.

MR. PRICE: Right, although that was the original proposal for the dune dwellers.

AUDIENCE MEMBER (MR. CLEMONS): Well, I've lost track of what's original.

We're talking 40 years. AUDIENCE MEMBER (JANET ARMSTRONG): The original people for the subcommittee?

MR. PRICE: Yes, on December 15.

AUDIENCE MEMBER (MS. ARMSTRONG): Well, I guess I'm not aware of an official list --

MR. KAUFMAN: I'm sorry. Can we have your name? I apologize.

AUDIENCE MEMBER (MS. ARMSTRONG): Oh, I'm Janet Armstrong, and my parents also received the same letter from Rich Delaney. So I guess I'll somehow get my name in on the official list in some manner on this. My entire life has been devoted to this as well ever since I was three months old.

And before there was the Park Service, we all were dutifully protecting these lands as best

as we could and want to be hand in hand with everyone else who's doing the same thing.

I actually had some more questions for you, John, about the Pilgrim Lake area and such, but I'll do that later.

So I'd say, yes, we should all be involved, and if there is a list, I'll have to get on that, if I'm not. And it's an issue I think we're all hand in hand on and something we're all concerned about.

MR. KAUFMAN: I can promise you the intent of the subcommittee is just a broad representation so everyone who's got some sort of interest in the dune shacks is represented. I think it's a pretty good broad-based section. Obviously we don't have thousands of people, but I think they're trying very hard to make sure that -- and everyone has input. No one will --

AUDIENCE MEMBER (MS. ARMSTRONG): It appears it was put on hold in 2003

when Dr. Wolfe was doing his study, and now I understand it's being put into action again, which makes sense, the continuation of the whole process. And they stated in the letter that they speculate about a two-year process of meetings to make its determination.

MR. PRICE: This was the proposal that I presented to the Advisory Commission in December basically reactivating the subcommittee.

MR. PHILBRICK: We're going to hear out Peter, aren't we?

MR. KAUFMAN: Sure, of course.

AUDIENCE MEMBER (MR. CLEMONS): I guess what my question is, given that the state historic preservation officer has agreed that this community of dune dwellers and the dune shacks is a traditional cultural property, given that the town of Truro and Provincetown and their elected officials have unanimously agreed, given that there are 800 people who wrote the Keeper with comments -- and I can't say that I've read all 800, but for the most part, there's every reason to think that most all of those comments supported the concept that we're a traditional cultural property. There was a lot of heartfelt communication with the Keeper on this issue. It's just puzzling to many of us that the superintendent disagrees with this determination, and I would like in this setting here a response as to why specifically the superintendent is opposed to this designation and give us reasons for it. There is a lot of good -- it basically is a government kind of logic built around Bulletin 38. And as I read Bulletin 38, the ethnographer is the key person in making the study, doing the research, making the contact with the community. And given that there were two experts, Dr. Wolfe and Dr. Ferguson, who both agreed that we were a traditional cultural property, to have this letter come from the superintendent saying he disagreed is very confusing, and there was no real explanation of the disagreement. And the other person who signed this disagreement was a Cassandra Walter, who very few of us have ever heard of let

alone talked with. And so there was this -- when I hear about the environmental assessment, impact study, da-da-da-da-da, what is the point of all of these studies if the experts and the opinions that come from them are disregarded and argued with? What is the finish line in all of this stuff? Is there ever a point where the public can put their thoughts together, participate in stuff, and then know the government is responding to those issues?

And this is a classic case of just feeling like, hey, we participated in something. We were told that it had a very real piece of context, that the results would be public, went through all of the officialdom, and then to sort of present itself in this environment and be denied doesn't make sense. I just want to give the superintendent this opportunity to explain to you all what the opposition is, why it impacts negatively on the Seashore to, in fact, let this group be a TCP. We're not going to build a casino out there. So what is the problem? That's all I'm going to say.

Oh, I did bring two posters that are available in my gallery in Provincetown. This is the interior fantasy, admittedly, of the garage of the Fowlers. I was evicted from that. And this is our two cottages that are adjacent to each other out on the dunes and where I got a lot of inspiration. And since my eviction I haven't had a lot of time to be creative and to -- I am all for forgiveness, but I'm having a hard time getting there. Thank you.

MR. KAUFMAN: We'll pray for you.

Peter, this is going to be -- this is emotional, and this is the beginning of the process, not the end of the process. We'll be as transparent as humanly possible, and there'll be ample time for everyone.

AUDIENCE MEMBER (MR. CLEMONS): I was looking forward for you to return a call that you promised you would make back to me a couple weeks ago, and I never did hear from you. So I know you have a busy schedule, but I don't know how invested you are in this dune shack issue. So the next time you say you're going to call me back, I hope you will do that.

MR. KAUFMAN: Do you have other comments? Would you like to say anything additional? Do you have anything else you want to say? Do you have any additional comments?

AUDIENCE MEMBER (MS. ARMSTRONG): Oh, I have volumes of things to say, but I'm not sure what specifically is going to be addressed here. I could have volumes of things and thoughts to say, but I'm not sure what specifically would be addressed here.

MR. KAUFMAN: George?

MR. PRICE: Just a couple of things. One is you're right, there's been an established Dune Shack Subcommittee of this advisory commission for a long time. It's taken different iterations. The one that was suspended in '03 basically was taking a look at what was going to happen to cottages as they went out of their agreements with the previous owners, either the term

was up or the person expired, and then the Park Service ended up with the full management responsibilities. As that group -- that was originally formed in, I believe, about '01. That came to about '03, came to another crisis point at the Park. There was a blue ribbon panel formed, and the ethnographic study was part of the result and the outcome of that.

Peter is absolutely right. Dr. Wolfe did the ethnographic study, which actually is a very -- I think an amazing document in the type of material that he discovered and the way that he put it all together, and we hope to be using that no matter what happens into the future as part of our -- in forming our long-term management plan.

But one of the things that I'm sure everybody appreciates, that when I'm involved with a decision, I'm not unilaterally making the decision. So I'm relying on the Park Service professionals and experts to do that. And that particular report was actually managed by Dr. Chuck Smythe, who is a professional ethnographer. I mean, that's what he does for a living. He represents the National Park Service. So he's really our number one consultant, and he was really managing the contract. And as I've said before in this group when I've given interviews and I've sent out information, the bottom line is that there was a disagreement among the ethnographers to the point of the conclusion, and that's really what it comes down to, that these people were basically disagreeing, looking at the same information and disagreeing with the conclusion. And basically the Park Service people were doing what they're doing, and that is to give their best effort and their best professional opinion on this.

So you're absolutely right. As an individual, I wouldn't be unilaterally qualified to make a determination. I rely on the rest of our organization and the rest of our professionals in order to do that. And Dr. Smythe also consulted with other ethnographers in order to figure this out. So in the world of ethnography as it relates to Bulletin 38, they felt -- they feel a particular way in the way it should be interpreted, and that was articulated, I believe, in the copy of the letter that you would have seen from Cassandra Walter, who's the acting regional director, when the package was moved up after going this far and sent down to the Keeper of the Register for their deliberations.

AUDIENCE MEMBER (MS. ARMSTRONG): I do remember a series of letters back and forth. Unfortunately, I don't have all the printed out paper in front of me, but I do remember one. I don't remember who it was who was saying, "This is absurd to even look at this Bulletin 38. It does not apply here, and if anything, it shows that this does meet all the requirements and definitions." It was very public how this could even be questioned kind of letter. I don't have a copy of it with me here.

I do think another one of the issues that you are mentioning is the agreement that many of

us went through, and I think that is a very strong issue because these were agreements that were (inaudible), and I think part of this whole process is to say, "All right, forget that. That worked 15 years ago."

MR. PRICE: Well, that is, in fact, not the case for this new process. We're not saying forget everything that's been before. What we're saying is, where do we go from here?

AUDIENCE MEMBER (MS. ARMSTRONG): I don't mean to say forget it as if it never happened and we shouldn't consider what it's now doing, but there...

MR. PRICE: Okay, we can -- Mr. Chair, we can probably talk about this -- this is the first time we've had a chance to meet you, and we can certainly have a discussion, but I think the point is and what you see in the proposal that I made to this commission to try to reactivate this committee is that it's -- you know, there's a lot of very emotional, very complex issues surrounding this topic. And prior to my coming to the Seashore, I was involved in what was known as the Boston Harbor Islands, which was also very complicated and very emotional and involved multiple jurisdictions. So we used this committee process to bring a lot of the parties together to get a lot of these issues out on the table. However, one of the things that's in there, that I addressed to the chairman, was the fact that I'm looking for a sustainable management plan, and that's partially defined by its staying within the laws of the National Park Service. So this commission is an advisory commission to the superintendent to the National Park Service, but their job is not to advise or make recommendations that are against federal law. So we're not throwing out the agreements that were made in the past, and we're not making recommendations that would be contrary to what we would be able to implement.

What I think I'm trying to do is to get a plan together so that you and your family would know what the ground rules are in the future and staff and superintendents that come in after me will know what the ground rules are so there is not a conflict in understanding of these things.

AUDIENCE MEMBER (MS. ARMSTRONG): (Inaudible) I meant to say you consider (inaudible) who maybe ought to have some reconsideration.

MR. PRICE: Well, they went through land court processes that were made by federal judges, and those are the agreements that we have in place. So they weren't made just by the National Park Service.

AUDIENCE MEMBER (MS. ARMSTRONG): Right, I understand what they were doing at the time, but it seems like this whole different approach that is being taken, that part of the way of continuing with the land and the processing of the land and preserving of the land, that would be something also to be able to consider, is the people who are here already and what better rules should there be made around us that would serve the land better and the people better.

MR. PRICE: Our objective is to move on from here, so we're not going back 45 years. We're taking a look at where we are today, who's involved. We have clear definition that this is now a national historic district. We have a lot of information that came out of the ethnographic study. We have a plethora of passion from people that are very expressive and very articulate of their particular point of view, and that's what I think we need to process and explore to see what we can do. But unfortunately, as I expressed with the hunting environmental impact statement, at the end of the day, I don't expect unanimous consent, but I do expect that we will have had the opportunity to process the people who clearly articulate what their thoughts are and to see if there are things that we can do to impact where we are today and either come to a better resolution or at least come to a thoughtful resolution as to what the long-term plan may be.

AUDIENCE MEMBER (MS. ARMSTRONG): That's what we're hoping for.

MR. KAUFMAN: Terrific. Thank you.

Any other thoughts, comments?

(No response.)

ADJOURNMENT

MR. KAUFMAN: Seeing none, move to adjourn.

MR. PHILBRICK: So moved.

MR. KAUFMAN: Second?

MS. BOLEYN: Second.

MR. KAUFMAN: All in favor?

BOARD MEMBERS: Aye.

MR. KAUFMAN: Thank you all very much. See you in September.

(Whereupon, at 2:43 p.m. the proceedings were adjourned.)

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 80 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, May 21, 2007, commencing at 1:05 p.m.

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

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 19th day of June, 2007.

Court Reporter

Linda M. Corcoran -

My commission expires: September 13, 2013

Errata Sheet approved by Advisory Commission member during the September 24th meeting.

P1: Remove “Acting” from Carrie’s title

P14: “private companies” should be “private properties”

P62: “Wes Moore” should be “Russ Moore”