



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, Massachusetts 02667
508.957-0701

Two Hundred Ninety-First Meeting of the Cape Cod National Seashore Advisory Commission

Held at Cape Cod National Seashore, Headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts,
Monday, December 2, 2013, commencing at 1:00 pm.

Sitting:

Richard Delaney, Chair
Edward C. Sabin
Maureen Burgess
Mark Robinson
Mary-Jo Avellar
Sheila Lyons

Larry Spaulding, Alternate
Don Nuendel, Alternate
Bill Clark, Alternate
Joe Craig, Chatham nominee

Also Present:

George Price, Superintendent, FDO
Kathy Tevyaw, Deputy Superintendent
Lauren McKean, Management Assistant
Kat McCracken, Assistant to the Superintendent

Audience Members

Proceedings

Rich Delaney called the 291st meeting of the Cape Cod National Seashore Advisory Commission to order. Rich stated that before the meeting began, he wanted to say a few words in remembrance of our friend, Dick Philbrick. Dick was long-time member of the Advisory Commission and actively participated in subcommittee work. Rich also recalled the many times he had the chance to drive Dick home to Orleans and had the chance to listen to his stories about his many life adventures.

George Price added that he was especially thankful for Dick's active participation with the Dune Shack Subcommittee, which developed the Preservation and Use Plan. George also recounted Dick's memorial service and how we learned about a number of his accomplishments and exploits and met his wonderful family. Many other Commission members also stated that they will miss their colleague.

Joe Craig was welcomed as Chatham's nominee for the Commission.

George reported that there had been a communication issue with Linda Corcoran from the park end about rescheduling this Commission meeting date. Therefore we do not have a court reporter and minutes will not be verbatim, but will capture the high points of the meeting.

Rich then put forward the adoption of the agenda. Rich stated that there was one recommended change of order of the distributed agenda in that he proposed the New Business item for discussion about Certificates of Suspension of Condemnation for existing commercial businesses be brought to the beginning of the meeting because Lauren McKean, who was to facilitate that portion of the agenda, had to leave for a meeting on wastewater management.

Rich asked for the adoption of the agenda as amended. The motion was made and seconded. All approved and the motion accepted.

Approval of Minutes of Precious Meeting (9/9/13)

Ed Sabin requested clarification on page 47, indicating it was unclear. George responded that the correct number should have been \$385,100. Ed also stated that p. 53 contained a typo, and correction was made to the word "parity".

Rich then asked that the minutes be approved as amended. A motion was offered, seconded and accepted.

Certificate of Suspension of Condemnation (CSC's) and private commercial businesses in the Seashore.

Lauren McKean presented her report as previously submitted to the Commission Members and was introduced at the September Advisory Commission meeting (outline of involved commercial businesses and CSC requirements is attached to minutes). Lauren gave an overview indicating that there were no issues with 6 of the businesses and that the practice of the Commission is to approve an extension of five years, which would extend to the end of 2018. The one exception involved the two Adventure Bound Camping Resort properties, and the proposal is to extend this approval for three years until 2016.

Lauren stated that the Adventure Bound Camping Resorts is a combination of the old Butch Francis family campground aka North Truro Camping Area on Highland Road and the former Horton's Campground on South Highland Road in Truro; these properties have two separate CSCs. Lauren explained that the campground owners were in the process of developing a combined central wastewater treatment system and DEP had given them a three-year extension to complete the project once permitting is complete. Lauren referenced correspondence previously distributed to the Commissioners from Attorney Nagle about this project.

Lauren introduced Attorney Donald Nagle in the audience, who represents the Adventure Bound Camping Resorts. Mr. Nagle gave an overview of the current time-line approved by DEP and the completion plan for the project. Mr. Nagle also stated that his clients have a desire to complete the project prior to the three year deadline.

Rich asked if the owners and DEP discussed any increased capacity. Mr. Nagle stated that is understanding was that there may be some room for a re-arranging of number of camp sites from one area to another, but there were no plans for significant expansion and that the size of the proposed system was

determined by DEP based on the projected volume.

Rich asked that the record should show that the Advisory Commission would like to have this wastewater system completed ASAP as it has been pending for several years.

Lauren then introduced Donna McCaffery, who was in the audience to represent the Surf Side Cottages. Ms. McCaffery stated that she had no statement, but was available to the Commissioners if there were any questions concerning Surf Side.

Lauren stated that the vote that was needed at this time from the Commission regarding extension of the commercial CSCs, and the park recommendation was to approve the 6 listed properties for five years and the two Adventure Bound Camping Resorts for three years.

Rich asked for a motion stating at the Commission approved the listed identified projects for five years, until 2018, and the Adventure Bound Camping Resorts for three years until 2016. Motion made, seconded and unanimously accepted. The Superintendent thanked the Commission for carrying out this review directed by the park legislation.

Rich then said he wanted to highlight the Banner Editorial, entitled *Thankful for the Seashore*. The editorial was a wonderful statement by the paper giving thanks for the existence of Cape Cod National Seashore.

The other item from the Commissioner's package Rich wished to highlight was the *Greening of the Herring Cove Beach Facility* information sheet. It lists the climate friendly elements incorporated into the design and construction. George said he mentioned this sheet at the last meeting and wanted to distribute it so each Commissioner would be familiar with the story and sustainable elements behind the facility so they may be their own "park ranger" as they talk it up around family and friends.

Reports of Officers

Rich, as the only "officer" said he had none.

Reports of Subcommittees

Rich said he was aware that Maureen had been working diligently on the Pilgrim Power Plant topic and asked Maureen to report.

Maureen Burgess referenced the preliminary report by Osman Deshwarz which was distributed to the Commission members. Mr. Deshwarz is a Doctoral Student at UMASS Amherst and was asked to take on this project for the Advisory Commission, paid for an anonymous donor, about the economic impact to Cape Cod in the advent of an accident at the power plant. Alternate Commissioner Ted Thomas made the arrangements.

Maureen said that because the author is not available either in person or by phone to present his findings, she would like to postpone discussion about the paper until next meeting when she will see if he can attend or be available via conference phone. She suggested that everyone read the material and requested that the paper not be distributed, passed around, or posted until it has been discussed at the next meeting and has been accepted by the Advisory Commission.

Maureen referenced the articles she has been distributing from the *Cape Cod Times* about the plant and all

its problems and shut-downs. She said the plant is under increased scrutiny and is now identified as the most problematic nuclear power plant in the country. Maureen said that the Commissioners should feel good that we took the stand and wrote the letter against the re-authorization of the plant.

Maureen reported that she attended the forum at the State House on October 9th about nuclear power. She said the forum can be viewed on the Cape Cod Downwinders website. One of the highlights was the participation of Former Japanese Prime Minister, Naoto Kan. Mr. Kan stated that he was once a supporter of nuclear power, and is now a strong opponent. Maureen recounted some of Mr. Kan's remarks, including that the combination of the earthquake and then the tsunami led to tremendous impacts. The loss of external power cut out the back-up systems, the lack of training for the workers for this type of emergency, and the delay by the company with using sea water to attempt to cool down the material, all led to the explosion and melt-downs. Maureen stated that Japan did have evacuation plans, but that the Emergency Response Center was only 5km away and also lost power, therefore there was no system available to give instructions. Eventually people were evacuated.

Mr. Kan said that there were other reactors fairly close and if they were also involved it could have even been much worse and would have affected Tokyo.

Superintendent's Report

Update on Sequestration/FY 14 budget

Superintendent George Price presented a brief report on the effects of Sequestration and the Government Shutdown. First, the shutdown directly affected the schedule of the Advisory Commission because the required posting of a Federal Register Notice did not happen prior to the shutdown, requiring us to postpone the meeting until one could be listed, which resulted in the re-scheduling to this date. The affects of the shutdown were far reaching in that school visits had to be cancelled, visitor centers and rest rooms were closed – this time of year we could expect up to 10 to 17 buses a day at the Salt Pond Visitor Center – usually senior citizens on a New England tour. Plus our non-profit partners and concessioners were affected. The Highland Links Golf Course, the Highland Light, the Highland House (Truro Historical Society), Far Land on the Beach (Herring Cove Beach), the Nauset Light Preservation Society and the Nauset Knoll Motor Lodge all were significantly affected.

The Sequestration planning to date has anticipated a full 8% as directed. Cape Cod National Seashore impacts could be over \$800,000 from 2012. Our staff has been successful obtaining project funds, non-base funding, which will allow for more public programming and program support then last summer season, so it will not look so apparent to the visitors – but, the soft money is not sustainable.

Herring Cove North Public Access Site Plan Environmental Assessment

George reported that the final public meeting on the Herring Cove North Parking Lot Environmental Assessment was held on November 19th at the Center for Coastal Studies. Rich, Mary-Jo, Lauren, George and Tracy Hamm Littell from BH+A presented the overview of the project and the preferred alternative. There was some audience discussion and questions, but overall favorable comments were received. It was a very successful meeting.

The EA document will be finalized and prepared for signature by the Regional Director and will become a policy document. George will then have to submit the project to compete for the Line Item Construction fund program which is managed out of the Denver Service Center. It is also possible that we may be able to obtain other funds, such as 20% RecFee that was the source for the Bathhouse projects.

Herring River Wetland Restoration

George highlighted the fact that there have been a number of articles in the *Cape Cod Times* about the Herring River project, including a positive editorial.

Update on Dune Shacks

George reported that a meeting was held on October 30th to brief members of the Dune Shack that have been activated as part of the Preservation and Use Plan, including the notification to current Use and Occupancy holders that their time will be up when it is three years out. Seashore staff has also started to conduct condition assessments to determine necessary repairs required that will be folded into future lease documents. Prospective lease holders will be responsible for the repairs and the costs will be deducted from the lease amounts.

Old Business

None.

New Business

The CSC discussion related to commercial business within the Seashore was moved and addressed at the beginning of the meeting.

Mark Robinson brought up the issue of the planned herbicide spraying by NSTAR along their utility right-away. Mark asked if part of their right-away bordered the seashore or traveled through the seashore. George responded that it does travel through. Mark suggested that we might ask the Friends of Cape Cod National Seashore to assist with hand trimming the right-away as an alternative to the proposed spraying in the seashore. George responded by reminding the Commissioners that the NPS professionals who are responsible for input into the use of herbicides in national park areas reported (twice) that the product proposed, when used correctly, is not harmful to the environment. If others wish to request the support of the Friends, it would be fine, but seashore staff would rather the Friends continue their good work on trails and landscapes. Mark stated that he thought it would be a sign of goodwill because of all the local public concern about the proposed spraying.

Mark also mentioned the pending state legislation on the Environment Bond Bill which would replenish the state funds for the purchase of open space. He said he would bring handouts which outline the value of buying open space and its great return on investment.

Date and agenda for next meeting

The next meeting will be held on February 3, 2014 at 1PM at the National Seashore Headquarters Conference Room, 99 Marconi Site Road, Wellfleet, MA.

Rich suggested that a continued discussion about the NSTAR herbicide program be on the agenda. Others also identified Pilgrim nuclear plant and scoping Red Maple Swamp trail collaboration with Eastham as ongoing topics.

Public Comment

None.

Adjournment

Rich said that he would entertain a motion to adjourn. A motion was made and seconded. Rich thanked everyone for their participation and adjourned the meeting at 2:42 p.m.

Respectfully submitted by:

George E. Price, Jr.
Superintendent