

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

TWO HUNDRED AND SEVENTY-THIRD MEETING

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station
Area, Park Headquarters, South Wellfleet, Massachusetts, on
Monday, May 24, 2010, commencing at 1:05 p.m.

SITTING:

Richard F. Delaney, Chairman
Brenda Boleyn, Vice Chairman
Edward Sabin
Peter Watts
William Hammatt
Judith Stephenson
Mary-Jo Avellar
Larry Spaulding

Tom Reinhart, alternate

Also present:

George Price, Superintendent
Kathy Tevyaw, Deputy Superintendent
Sue Moynihan, Chief of Interpretation and Cultural
Resources
Erin Der-McLeod, Planning Assistant
William Burke, Cultural Resources Program Manager
Shelley Hall, Chief of Natural Resource Management
Stacie Smith, Consensus Building Institute Facilitator
Sandy Hamilton, Environmental Protection Specialist

Audience members

LINDA M. CORCORAN
CERTIFIED COURT REPORTER
P. O. Box 4
Kingston, Massachusetts 02364
(781) 585-8172

I N D E X

	<u>Page</u>
Adoption of Agenda	3
Approval of Minutes of Previous Meeting (March 22, 2010)	3
Reports of Officers	4
Reports of Subcommittees	7
Dune Shack Subcommittee	7
Superintendent's Report	43
Improved Properties/Town Bylaws	44
Herring River Wetland Restoration	44
Shorebird Management	44
Alternate Transportation Funding	46
Other Construction Projects	46
Wind Turbines/Cell Towers	47
Salt Pond Visitor Center Exhibit Update	50
Storm Damage	51
Old Business	61
New Business	62
Date and Agenda for Next Meeting	62
Public Comment	67
Adjournment	113
Reporter's Certificate	114

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

P R O C E E D I N G S

MR. DELANEY: Welcome, everybody. I'd like to call the 273rd meeting of the Cape Cod National Seashore Advisory Commission to order.

ADOPTION OF AGENDA

MR. DELANEY: And we have an agenda that's been distributed to the members, and I'll ask right away, Commission members, if you'd like to adopt the agenda as presented here.

MS. BOLEYN: So moved.

MR. SABIN: Second.

MR. DELANEY: All those in favor?

BOARD MEMBERS: Aye.

MR. DELANEY: Those opposed?

(No response.)

MR. DELANEY: Good, we have an agenda.

APPROVAL OF MINUTES OF PREVIOUS MEETING (MARCH 22, 2010)

MR. DELANEY: We also have distributed in advance minutes from our previous meeting, which was March 22, 2010.

Are there comments, corrections, edits to those minutes? Ed?

MR. SABIN: I want you to know I reviewed the entire minutes, and I didn't find any errors at all.

1 MR. DELANEY: Wonderful. You are excellent, par
2 excellence, so that's a good record.

3 So shall I have a motion to accept as printed?

4 MS. BOLEYN: So moved.

5 MR. DELANEY: Seconded?

6 MR. SABIN: Second.

7 MR. DELANEY: Those in favor, signify by saying
8 aye.

9 BOARD MEMBERS: Aye.

10 MR. DELANEY: Opposed?

11 (No response.)

12 MR. DELANEY: It's unanimous.

13 **REPORTS OF OFFICERS**

14 MR. DELANEY: Reports of our officers.

15 I have none as chair.

16 Vice chair? Brenda, please?

17 MS. BOLEYN: I'd just like to alert everyone to a
18 very special event that's coming up on Friday, June 4,
19 at the Salt Pond Visitors Center. The Seashore is going
20 to unveil its new logo resulting from a student
21 competition for the 50th anniversary beginning at 5:30
22 to 7 at the Salt Pond Visitors Center. It should be fun
23 and exciting.

24 MR. DELANEY: Sounds good.

1 MS. BOLEYN: Yes.

2 MR. SABIN: What's the date of that?

3 MS. BOLEYN: That's June 4, Friday.

4 MR. DELANEY: Okay, moving to -- well, actually,
5 you know what? I'm going to wait just one more minute
6 on Reports of Subcommittees because I know we're
7 expecting two more members of our commission to show up,
8 but realizing that we have an extra-large crowd today
9 and maybe some members of the public and other
10 subcommittee members from the Dune Shack Subcommittee
11 may not know the Commission members, I think it's
12 appropriate to do some introductions. And I'll be doing
13 that a couple times around.

14 So why don't we introduce ourselves to the people
15 who are here today. I'm Rich Delaney. I'm the
16 Secretary of the Interior's appointment and serving as
17 chair.

18 MS. BOLEYN: Brenda Boleyn, vice chair,
19 Commonwealth representative.

20 MR. SPAULDING: Larry Spaulding, Orleans. I'm the
21 assistant or associate from Orleans.

22 MR. SABIN: Ed Sabin. I'm the Commission
23 representative from Eastham.

24 MR. WATTS: Peter Watts, Wellfleet.

1 MR. HAMMATT: Bill Hammatt from Chatham.

2 MS. STEPHENSON: Judy Stephenson, the Governor's
3 rep.

4 MR. DELANEY: I timed that just right.

5 MS. STEPHENSON: You did.

6 MR. PRICE: And, Rich, if I could.

7 I'm George Price. I'm the superintendent. And I
8 just wanted to also introduce a couple of guest stars we
9 have. Sandy Hamilton is actually joining us from our
10 Denver offices, Office of EQD.

11 Which stands for?

12 MS. HAMILTON: Environmental Quality Division.

13 MR. PRICE: So when you talk about the dune shack
14 project and specifically as it's going to be an
15 environmental assessment-type project, she's really been
16 helping us lead the way on how that actually all gets
17 put together and have really appreciated her
18 participation in the ongoing Dune Shack Subcommittee to
19 come out here for almost all the meetings. It's a lot
20 of travel on her time.

21 I also want to take the time to introduce the
22 famous new chief of natural resource management, Shelley
23 Hall, here. Shelley just came to us most recently from
24 Kenai Fjords in Alaska. She was there for about nine

1 years, has been at a whole number of units of the
2 National Park system, started out here on the East Coast
3 and has been in the Pacific Northwest and the West for
4 most of her career, and we're very excited that she's
5 been here since the beginning of April. She replaced
6 Carrie Phillips, who replaced Nancy Finley. So many of
7 you know those other people. And she's here, so that's
8 something that we are pleased to have her here. And I
9 invited her to join the happy little Advisory Commission
10 group to get an understanding of what goes on in the
11 Seashore outside of her division.

12 MR. DELANEY: Welcome, Shelley. Every day is just
13 as nice on Cape Cod.

14 MS. HALL: I'm finding that.

15 **REPORTS OF SUBCOMMITTEES**

16 MR. DELANEY: So the Reports of Subcommittees.

17 **DUNE SHACK SUBCOMMITTEE REPORT**

18 MR. DELANEY: I'd like to begin with a report from
19 and ask Brenda to do a brief introduction and some
20 comments on the Dune Shack Subcommittee. She and Bill
21 and I and --

22 MR. PRICE: Dick.

23 MS. BOLEYN: Dick Philbrick.

24 MR. DELANEY: -- Dick Philbrick have been attending

1 as many meetings as possible. We are going to have a
2 full presentation in another minute, but let me start
3 with Brenda, please.

4 MS. BOLEYN: Thank you. I'll try to make this very
5 brief.

6 First of all, I do want to thank the members of the
7 subcommittee. They have really been putting in long
8 hours and hard work since last October meeting with a
9 very hefty agenda valiantly. These meetings go from
10 nine to one, and it has not been any small task for
11 them. And many of them are here now. I think I would
12 just like to read the names.

13 Sally Adams, just raise your hand if you're here.
14 Janet Armstrong. Ginny Binder is not here now at the
15 moment. Bill Burke from the Seashore staff. Carole
16 Carlson, Hatty Fitts. Bill Hammatt, as you already
17 know. Joyce Johnson. Dick Philbrick is not here, but
18 he has attended when he could. Austin Smith from the
19 Friends. Paul Tasha and John Thomas, I think is here.

20 These people represent long-time families out in
21 the dunes and non-profit organizations, the Advisory
22 Commission member from PTown and Truro, a member from
23 the Friends, and a member from the dune tour business.
24 It's been a really extraordinary group working very

1 collaboratively and with a real productivity in terms of
2 reports and information that you're going to see. Some
3 of it will unfold today, and some of it will come up
4 later.

5 I think that we have all learned a great deal about
6 this special place that we call the Peaked Hill Historic
7 District where the dune shacks are located. And I'm not
8 going to get into the report that you're going to hear
9 today, but I would say that we only have two more
10 meetings to wrap this up. And probably a big challenge
11 in the next two meetings is to get the alternatives
12 home. As you know, we have to come up with alternatives
13 to meet the requirements of the environmental assessment
14 and then what we're referring to as criteria for how
15 decisions will be made about the use and management at
16 the dune shacks, and we're well on our way to do that.

17 So we know that you're going to be hearing this
18 pretty much for the first time, but we think that the
19 presentation is well put together and that you'll be
20 able to follow it okay, and then your questions will
21 help us hone the finishing work that we need to do. And
22 we do want to let everybody know that there's going to
23 be plenty of opportunity in the future to comment on
24 this management plan.

1 What have I left out?

2 MR. DELANEY: I would just add -- I would echo
3 everything you said, Brenda. Thank you. And just add
4 that a lot of the progress and productivity of this
5 group has been resulted from the able facilitation --

6 MS. BOLEYN: Thank you. That's what I left out.

7 (Laughter.)

8 MR. DELANEY: And it really has been nice to have
9 professionals and a professional consensus-building
10 process that we could all relate to, and that's alluded
11 to timely reports and asking the right questions and
12 helping us focus. It really has been, I think, the
13 difference between other attempts to deal with the dune
14 shacks and this one. It's really professional. I thank
15 the Park for bringing it in and thank Stacie Smith and
16 her team for doing it.

17 MS. BOLEYN: It's made a huge difference. I can't
18 even begin to imagine having tried to do this without
19 these professional facilitators. They asked the right
20 questions, keep us on track, and it just wouldn't have
21 happened without them.

22 You will hear Stacie today, so then you will know.

23 (Laughter.)

24 MR. PRICE: Just to clarify, the Consensus Building

1 Institute -- and Pat Field is the principal, and Stacie
2 and Pat have -- again, to have both of these talented
3 people show up at these meetings, I think, has made a
4 big difference. And specifically you ought to know that
5 it's Sandy's office out of Denver that actually paid
6 their contract. So it has been the extended Park
7 Service team that's been able to work on this, and the
8 Park Service had worked with CBI, so we were aware of
9 their credentials. So it is something that's worked so
10 far.

11 MR. DELANEY: Well, thanks to your office as well,
12 Sandy. Appreciate it.

13 MS. HAMILTON: You're welcome.

14 MR. DELANEY: And now let's hear from Stacie Smith.

15 MS. SMITH: Okay, just a moment. I'm plugging my
16 computer in here.

17 MR. PRICE: So, Mr. Chair, what we talked about was
18 Stacie and Pat have been facilitating, as you know, and
19 the committee has been working on all the material. So
20 we've actually asked Stacie as the facilitator to
21 present the PowerPoint. And then she'll conclude and
22 then turn it back over to you and Brenda for questions,
23 and then you can work with the rest of the committee on
24 the Q&A part.

1 MR. DELANEY: Okay. And again, just while Stacie
2 is setting up, to echo Brenda's comment from before,
3 this is a subcommittee that's a subcommittee of us.
4 They're not working -- it's a little different in that
5 we invited non-Commission members, a fair number of
6 them, to participate. They will have a recommendation
7 and report to us, but it will still be up to us to
8 discuss it, to approve it, to accept.

9 So this is a little preview and will help the
10 subcommittee members in their next deliberations
11 understand the issues we may have or areas of emphasis
12 that we want to put on, have them take back so we get a
13 final report we'll be more likely to be able to accept.

14 MS. BOLEYN: You may need to duck.

15 MR. DELANEY: Okay.

16 MS. SMITH: Okay, well, since there's a seat, maybe
17 I'll take it so people can see. I just want to say
18 these slides were put together by a group, a working
19 group of the subcommittee. So they're not our slides.
20 They've asked me as the facilitator to present it on
21 their behalf, but this is really the work of the
22 subcommittee.

23 And not everything has been resolved as of yet, so
24 this is really still a work in progress.

1 (Mary-Jo Avellar enters the room.)

2 MS. BOLEYN: Can I remind people about the handout?

3 MS. SMITH: Yeah.

4 MS. BOLEYN: You have a handout with a paper clip
5 in the corner, and it says *Table of Contents*. The
6 intent of the table of contents is just so we can sort
7 of sense the scope of what you're going to see, and then
8 you will have hard copy of each of these slides. So I
9 encourage you to make notes and questions and so forth
10 because, of course, nobody's going to remember all of
11 this without a little help at the end. So we see this
12 as a kind of take-home document for the Advisory
13 Commission members and with apologies for the speed with
14 which you will hear all of this in one meeting. We hope
15 that it will be coherent and make sense.

16 Thanks, Stacie.

17 MS. SMITH: Sure. And there's a list of
18 subcommittee members that all of you have. Brenda did a
19 quick rundown of who they are, so you'll have that to
20 see who each represents.

21 So the historic district, the dune shacks are
22 located within the Seashore. They have been deemed
23 eligible for the National Register of Historic Places.
24 It's composed of 1,500 acres that includes both the

1 buildings and the landscape. And the committee has been
2 actively considering the landscape as well as the
3 buildings. Eighteen of the nineteen of these buildings
4 that we tend to refer to as shacks are occupied right
5 now by different groups and individuals under a variety
6 of management tools. So some of these are still under
7 stipulation. Some of them are being leased. Some of
8 them have special permits. Some are year to year while
9 this process takes place so that the Seashore will have
10 a plan moving forward.

11 So here's a map, and you can just see the shacks,
12 the spread of them across the Seashore. Some of them
13 are somewhat isolated, and some of them much more
14 grouped together, just to get a sense of where these are
15 located. And here's what some of them look like.

16 So the project was to prepare a preservation and
17 use plan and an environmental assessment, and there are
18 several applicable laws and regulations that are guiding
19 and constraining what this subcommittee can come up with
20 as their alternatives. The environmental assessment
21 requires two or more alternatives, and the subcommittee
22 is working to come up with at least one of these. And
23 the final plan will hopefully provide a clear direction
24 and consistency for NPS managers over time as well as

1 for the dwellers, the users, and the advocates of the
2 shacks themselves.

3 So these are the objectives that were determined by
4 the Seashore at the beginning of this project for this
5 particular plan. It's to continue to provide the
6 opportunity for contemplative solitude in support of art
7 and literature that has long been enjoyed in the dune
8 shacks; to support the long-term relationships as
9 ethnographic values highlighted in Robert Wolfe's
10 report, *Dwelling in the Dunes*; provide appropriate
11 opportunities for the public to experience the themes
12 and the values of the district; take advantage of
13 partnership opportunities where appropriate; minimize
14 interference with natural dune processes; and describe
15 preservation maintenance practices and consultation
16 practices -- processes between the Seashore and the dune
17 shack occupants to protect the structures and adhere to
18 the Secretary of Interior's standards on treatment of
19 historic properties. And these are in no particular
20 order, these plan objectives.

21 So the subcommittee, there had been previous
22 subcommittees in 1992, 1995, and 2001. This
23 subcommittee was reestablished by you, the Advisory
24 Commission, in 2009. The subcommittee began meeting in

1 November, and they've met eight times so far as a full
2 subcommittee. There have also been many additional
3 working group meetings, particularly over the phone. So
4 people have really been hard at work.

5 Membership includes -- as Brenda said, there are
6 long-time dune-dwelling families. There are
7 representatives of the towns of Truro and Provincetown.
8 There are actually two nonprofit organizations and a
9 third nonprofit affiliation consortium group that
10 provide art, writing, and general public residencies.
11 There's Art's Dune Tours, Friends of Cape Cod National
12 Seashore, the National Seashore historian from the Park
13 Service, and three members or four members of the Cape
14 Cod National Seashore Advisory Commission, which has
15 been really very helpful. And having this diversity of
16 interested users and stakeholders I think has given us a
17 pretty balanced view of what people really care about,
18 about this district, and as has been mentioned, the
19 Consensus Building Institute, my organization, under
20 contract to the Seashore and Park Service has been
21 facilitating all of these meetings.

22 So the goal of this subcommittee is to openly
23 discuss the many varied elements of resource protection,
24 historic structure preservation, public access,

1 perpetuation of traditions, management models and
2 mechanisms, transition between uses and users, and
3 compliance in order to develop one or more alternatives
4 for the environmental assessment that meet all the
5 objectives that were in the previous slide. It's no
6 small task.

7 And here is our timeline. We convened in the fall
8 of 2009. We've been meeting at least once per month.
9 We've been posting our meetings. They've been open to
10 the public. We've been making all of the materials
11 publicly available. Today is the report on the progress
12 to you, the Commission. By June 4 we're hoping to get
13 all written public comments because we're also having a
14 public meeting this evening. So this applies to you as
15 well if you don't have a chance to make your comment or
16 ask questions here today. For the next ten days, we're
17 going to be collecting public comment to bring to the
18 subcommittee, and, of course, you'll have other
19 opportunities as the Commission later. But we're hoping
20 by the end of June to finalize the report and submit the
21 report to the Commission by early July, hopefully before
22 your next meeting, where you can then take up these
23 recommendations, discuss them in more detail, hone them,
24 and make your official recommendations to the Seashore.

1 And then in the fall and the winter, the Seashore wants
2 to complete their environmental assessment and draft it
3 and put it out to the public for additional public
4 comment.

5 So one note about what we're going to present is
6 the group is focused on the future. They're not focused
7 on changing any leases, stipulations, agreements,
8 anything that's active and standing right now. So there
9 is nothing in this plan that aims to change anything
10 about any of the legal and active binding mechanisms
11 that currently exist. It's really focused on the future
12 when these existing mechanisms, they retire or the terms
13 end for these different mechanisms over the coming
14 decades.

15 There's a view.

16 So the first thing or one of the first things that
17 the subcommittee did was put together a vision and to
18 really try to agree on a consensus of what is valuable
19 about the shacks and about the district as a whole. So
20 in no particular order, these are the things that the
21 members of the subcommittee agreed were really of value
22 and important to protect and preserve going forward with
23 whatever the plan is. So the experience and
24 understanding of nature and coexistence with the

1 landscape; the beauty and protection of the surrounding
2 environment; the opportunities for solitude,
3 contemplation, inspiration, and creativity that are
4 provided by spending time in the dune shacks; the
5 rustic, spartan nature of the dwellings and their
6 lifestyle, which are harder and harder to come by in our
7 modern life; the historical connection to the artists
8 and the writers who live there; the living, personal
9 histories, cultural traditions, and guardianship of
10 long-time dune-dwelling users, owners, families,
11 friends, caretakers, and others; the community of shared
12 experiences, traditions, and identities with other
13 committed shack users; and the unique and individual
14 history and character of each dwelling.

15 So it's quite a comprehensive list of what is
16 valuable to the group.

17 MS. BOLEYN: And I might add that people really
18 gave this a great deal of thought. These words were not
19 just dashed off. They were really carefully considered.
20 I was very impressed.

21 MS. SMITH: And it was nice to see such a
22 commonality among the group, coming from all the
23 different stakeholders that were really -- this was a
24 very shared list of values. And some might rank some of

1 them higher than others, but collectively they all could
2 agree -- the group could all agree that these are the
3 values of this district.

4 The values are experienced, lived, and supported by
5 long-term shack residents, their families, and friends;
6 one-time and recurring visitors to the shacks, artists
7 and/or the general public; the nonprofit associations;
8 the affiliated businesses; the local communities; the
9 National Seashore; and the public. They thought it was
10 really important -- and this has come up repeatedly
11 through the process how important the lived, shared
12 experienced life in the district is. These are not
13 about the empty dwellings. These are not about the
14 buildings. These are about life being lived out there
15 and experienced out there.

16 The values and multiple users of this district can
17 best be upheld by maintaining and nurturing the current
18 kinds of multiple uses over time and into the future and
19 by having an ongoing partnership between the users of
20 the district and the Seashore and the Park Service to
21 preserve and steward these dwellings and their
22 environment for future generations. This was really
23 important to the group, that this partnership be
24 stressed.

1 So the subcommittee, they stated for themselves
2 early on in their process that their alternatives and
3 options that they wanted to create were to uphold and
4 effect this vision.

5 So they've come up with a framework that is a
6 stewardship, occupancy, access, kind of three key levels
7 to their framework for the future of the district.
8 Stewardship of the shacks and the district as a whole,
9 including not just of one shack but of actively engaging
10 in the district; occupancy, that is, these are not empty
11 buildings. The values and the vision cannot be upheld
12 if there isn't occupancy and access. These are three
13 key features.

14 And just to stress, stewardship, there was a lot
15 said about, you know, in the historical era and the
16 period of significance, it may not have been that there
17 was a very active engagement in the district as a whole
18 by all of the occupants, and yet the subcommittee agrees
19 that, going forward into the future, this is somewhat of
20 an important feature.

21 So in terms of stewardship and occupancy, there
22 were two options that the subcommittee has been
23 discussing. They felt that stewardship -- the
24 differentiating between stewardship and occupancy was

1 really important and a feeling that stewardship needed
2 to be long term or medium term perhaps but not short
3 term because stewardship implied a real commitment to
4 the district as a whole. And so they wanted -- so
5 Option A was to have a 50-50 -- relatively 50-50 split
6 among the eighteen shacks between a long-term
7 residential use by families and kinship groups and a
8 long-term organizational use that was much more public
9 and programmatic, focused around the public, focused
10 around artists. And they've said this 50-50 is
11 historically accurate, and it's somewhat accurate of
12 what there is now, and it is one option for looking at
13 the future.

14 The occupancy would be by long-term residential use
15 by families and kinship groups; long-term intermittent
16 use by families and kinship groups -- that is, they
17 might come for shorter periods of time but not
18 necessarily the whole season, but they return year after
19 year, month after month; medium-term use, which the
20 group is defining as three to ten years. There might be
21 residential use, or it might be -- the group has also
22 discussed that didn't get in here but as a medium-term
23 use that might be more programmatic or hybrid. Short-
24 term caretaker use and shorter-term programmatic and

1 public use by artists and residents and by the general
2 public. That's Option A. Option B looks quite similar,
3 but it also includes a medium-term stewardship, a three-
4 to ten-year category, and the medium-term might be
5 residential use, and it might be programmatic/public
6 use, and it might be some hybrid thereof.

7 So the group is still discussing right now Options
8 A and B. They've started to move a little bit more in
9 one direction or the other but not as a full group yet,
10 so we're presenting both options here today.

11 They've also been trying to look at how does their
12 vision line up with the administrative mechanisms that
13 seem to be on the table as available options right now,
14 and they've been looking at nonprofit agreements,
15 nonprofit leases, medium-term leases and long-term
16 leases with terms between five years or three years to
17 ten years for medium-term lease. The nonprofit lease,
18 people were hoping -- you know, they're linked according
19 to the administrative mechanisms to the costs of
20 improvement and fair market rent. The nonprofit
21 agreements are five-year with five-year renewals. The
22 long-term lease length people were really aiming toward
23 the 20-year side of that spectrum.

24 And then this just sort of goes through so that

1 people were all able to understand how do these
2 different mechanisms work. So this chart really kind of
3 lays that out, that the leases that are competitive
4 would need to go through regional selection authority
5 and approval and require competition. The nonprofit
6 agreements and leases would not require competition, and
7 decision-making could be local or local and regional.
8 The different requirements, people in the group pretty
9 much were happy to take the highest bidder RFB mechanism
10 off the table. Nobody is in favor of that as an option
11 for these shacks.

12 But really we're focusing on the use of criteria,
13 especially to the extent that decisions couldn't really
14 be made locally. They felt it was really important to
15 add in some very well-framed criteria to make sure that
16 the users of the dune shacks going forward were
17 consistent with the values and the vision that they have
18 for the district, and that's something the group is
19 working on still very actively. So we don't really have
20 those in draft to share with you today. That's really
21 -- there's a bulk of our work that's going to be there
22 over the next month.

23 And then there's been a lot of discussion about
24 transitions. There are going to need to be transitions

1 from what's happening now to sort of this new management
2 plan, and given that there's a lot of instruments that
3 are currently somewhat short term -- they've been year
4 to year while waiting for this plan to get going --
5 that's going to be a pretty significant transition. And
6 then going forward over the next decades, there will be
7 predictable transitions when a lease or a stipulation
8 that has a certain end date occurs. Then there will be
9 unpredictable transitions where the current mechanism is
10 a life term or where a current leaseholder is suddenly
11 unable to continue fulfilling the obligations of their
12 lease. So we wanted to try and talk about these three
13 kinds of transitions and give some guidance to the
14 Seashore and to the Park about those three kinds of
15 transitions.

16 To give one example -- and this is using Option A
17 -- a shack -- we've been sort of playing with a
18 flowchart. A shack becomes available to either a
19 predictable or an unpredictable transition. The
20 Seashore makes a decision with guidance from the plan as
21 to should this go into the residential or the nonprofit
22 kind of use stewardship, or with Option B there would
23 probably be a third branch there, which would be the
24 medium term. And then there are applicants within --

1 there may be multiple nonprofits who would like to
2 manage that particular shack. There may be multiple
3 applicant residents who would like to reside in the
4 shack, and the agreements will be based on -- in the
5 case of residential, it would be based on an RFP with
6 very specific criteria. It would be a competitive
7 process evaluated by an NPS panel from the regional
8 office. In the case of the nonprofits, it would be a
9 lease or agreement with criteria. It may be a
10 noncompetitive process. It may be competitive, and that
11 would be the decision of the Seashore, and it would be
12 selected by the Seashore with approval from the regional
13 office. So this is just trying to give a flowchart,
14 giving a sense of how this would take place in the
15 future.

16 Public access, the group has talked quite a bit
17 about public access, the importance of public access,
18 and they wanted to stress their understanding that there
19 is a wide range of opportunities for public access. So
20 they've put in here the section from the enabling
21 legislation to show really the broadness of public
22 access; trails, observation points, exhibits, and
23 services as are desirable for public enjoyment and
24 understanding. So the Seashore interprets and the

1 subcommittee supports public access very broadly to
2 include physical and/or intellectual access to the
3 historic district's resources and themes, not
4 necessarily physical public access to every shack all
5 the time. And it was very clear, if you think of
6 looking at the values, that public access to all the
7 shacks all the time -- it would be very hard to fulfill
8 a number of those values that people have for the
9 district. So while public access is an extremely
10 important value, it is one among many values, and the
11 subcommittee wants to make sure that in their plan it is
12 highlighted and respected but it's also not the only
13 dominant value that the plan talks about.

14 So they've talked about a range of public access;
15 interpretation, education, and outreach. There are a
16 number of extremely rich history of these shacks that is
17 embodied in a number of the long-term users and dwellers
18 that could be made available in exhibits, in providing
19 day access, in providing occasional access like open
20 house and things like that, and in a very robust, public
21 short-term access program that is run by the nonprofit
22 organizations for the public and for artists. So the
23 group really sees this as the range of access. They
24 also really have stressed that they feel, again, the

1 engagement in the district that everybody is
2 contributing in some way to the public benefit of this
3 district is important. So if it's not public, direct
4 public access to the shack, there is some other way that
5 the public is benefiting from the ongoing experience and
6 use and values of this district.

7 So the Seashore should provide visitors with
8 opportunity to learn more about its resources and
9 themes, including the dune shack district. And some
10 examples were provide access to photographs, letters,
11 stories, oral histories, and/or participate in
12 exhibitions, readings, presentations, and/or opening up
13 shacks for visits, and/or providing day access through
14 the dune taxi company, through the artists-in-residence
15 interpretive programs, voluntary open houses, maybe
16 opening a closing weekend, volunteer workdays. So a
17 wide range of opportunities for physical access as well
18 as educational and outreach access.

19 Short-term use. The subcommittee recommends that
20 some shacks should provide public access via short-term
21 use. And examples for dune shack occupants include
22 short-term occupancy through artist or writer
23 residencies and other competitive programs, short-term
24 occupancy through other fair allocation of time versus

1 via a lottery or other ways, and short-term occupancy of
2 a shack through caretakers who have been long-term
3 committed residents of the district.

4 The group discussed physical structure and some
5 guidelines for keeping up the physical structure, and
6 all agreed that the character-defining features which
7 are being developed are going to be a really important
8 guideline for the dune dwellers and for the shack
9 stewards to follow to make sure that they preserve the
10 character-defining features of the shacks.

11 They also came up with a structure for repair and
12 maintenance, routine preservation, meaning shoveling --
13 I think we have some -- do we have examples here? No.
14 So I think you have them in your notes, some examples,
15 which is why we put one slide per page. This one has
16 extensive notes so you can really get a sense of routine
17 preservation being the things you would do on a day-to-
18 day, week-to-week kind of basis to keep these things
19 standing, which in itself is no small task.

20 Minor maintenance and repair. Replacement and
21 repairs that might be beyond minor but are being done
22 with in-kind materials, and then the most dramatic,
23 which are the replacement and repairs which use
24 different materials or otherwise make dramatic changes

1 that would really be done to try and correct some kind
2 of systematic flaw, like it gets covered every year.
3 Can we change something so it doesn't get covered every
4 year? Things like that. And to come up with, well,
5 some certainty for the users about what they need to
6 know for routine preservation, "Go ahead and do it.
7 This is what it looks like. For minor maintenance and
8 repair, go ahead and do it, but please make a record of
9 it, a note of it. Put it in a journal so that
10 historians over time will be able to know what kind of
11 minor maintenance and repair was needed and was done."

12 Replacement and repair, the third category, "Let
13 the Park know before you do it," and the fourth
14 category, which is more dramatic, might require more of
15 an eight-week lead time because it might require the
16 Park to talk to and the Seashore to talk to others in
17 the Park and maybe to talk to the state, SHIPO's office
18 and others who might have -- you know, want to weigh in
19 on whether or not this makes sense or whether there are
20 any other ways to do it.

21 The third category, the guidance, was to have about
22 a four-week lead time for the Seashore and the Park to
23 do any consulting they need to do about those changes.

24 So this the committee felt would provide some good

1 guidance to the Park and to the users.

2 So some outstanding concerns. Twenty-year leases
3 would require approval by the director of NPS, and some
4 on the subcommittee are concerned that twenty years is
5 still not quite long enough. There has been some
6 question about whether that could be even a longer
7 period of time, and they're seeking some clarification
8 on legal parameters around those terms.

9 There is a concern about the decisions about leases
10 being made at the regional level and by people who
11 really don't have an intimate understanding of this
12 district and its resources and its values. And there is
13 a concern about the real opportunity and probability for
14 renewal for those who are currently committed to the
15 district and who have been committed to it for a very
16 long time.

17 So these are some outstanding concerns that the
18 group is still wrestling with, as I said, and trying to
19 see how within the criteria they might address some of
20 these issues and, you know, even looking at other
21 possible options that continue to address some of these
22 concerns.

23 So that's where we are. The subcommittee is very
24 keen for any input from you, questions, comments,

1 concerns, and they're also going to collect more of
2 those at the public meeting this evening. And the
3 public, of course, is going to have additional
4 opportunities to comment what the EA has released. You
5 will, of course, have additional opportunity to comment
6 and shape the report when it comes into your hands in
7 July, but the subcommittee is really hoping to hear what
8 concerns you have now so that they can start to address
9 them in their deliberations over the next month.

10 MR. DELANEY: Thank you very much, Stacie.

11 MS. SMITH: Okay.

12 MR. DELANEY: Great, excellent. A lot to consider
13 and digest for the Commission members, but as we said at
14 the outset, it's better to have a little preview of it
15 now rather than to get it cold at the end of the
16 process. So I will open it up to members of the
17 Commission to comment, ask questions, probe a little
18 deeper into anything you just heard.

19 Judith?

20 MS. STEPHENSON: Are there any things that are
21 unresolved of what you just referred to at the end about
22 the length of leases and approval?

23 MS. SMITH: What's unresolved is still the criteria
24 that they would like. So when you put a shack up for

1 lease through the RFP process, there is the opportunity
2 to add special criteria for making the determination of
3 who will get that lease. And while people are very
4 concerned that the decision is going to be made in
5 Philadelphia, right now what they're leaning toward is
6 trying to be very thoughtful about a set of criteria
7 that will try to enshrine their values for the district
8 so that the selections that are made for the leases are
9 consistent with those values. So that's one of the big
10 things that remains to be determined.

11 There's the Option A, Option B, are they leaning
12 toward 50-50, 40-40-20 with the medium category? That's
13 another thing that remains unknown. And the other thing
14 is that there is discussion about how specific to be
15 about specific shacks and their appropriate uses. So
16 that is, do you want to just say 50-50 throw them up in
17 the air and pick one? The committee actually -- the
18 subcommittee really feels that there are appropriate --
19 some of the dwellings are much more appropriate for some
20 uses than others, and they are trying to find a good way
21 to enshrine that while still allowing the flexibility
22 that time will require. So they're kind of balancing
23 with this, giving good guidance, and providing enough
24 flexibility so that this will really be sustainable

1 decades from now.

2 MR. DELANEY: Brenda, do you want to comment on
3 that?

4 MS. BOLEYN: That's an excellent answer, and, in
5 fact, I was going to comment what you just mentioned,
6 and that is, in determining these criteria and how to
7 actually specify how detailed and specific should they
8 be, because the more detailed and specific the criteria
9 are, the less flexibility. So that's a good dynamic for
10 discussion, and we have to wrestle that out.

11 MR. DELANEY: Larry and then Mary-Jo?

12 MR. SPAULDING: One of the charts talks about taxes
13 imposed by the town. If the Seashore owns the property,
14 are there existing taxes that are paid? How does that
15 work?

16 MR. DELANEY: George?

17 MR. PRICE: The way it's treated, even though it's
18 the federal property, the towns still charge the
19 residence tax. So it's still that, through those towns
20 that way.

21 MS. SMITH: Our research teams do show that that's
22 state law.

23 MR. DELANEY: Mary-Jo?

24 MS. AVELLAR: When we get the final report -- I

1 guess that's going to be introduced, you're saying, for
2 July -- I'd like to have it before the meeting because I
3 feel like I'm coming in cold. I'm seeing this draft for
4 the first time. I haven't had a chance to read it. I
5 haven't had a chance to talk to the members of --
6 Provincetown's representatives or any of the people that
7 are listed on the subcommittee for questions I might
8 have. So I feel that personally I'm not in a position
9 to make any comment about this today, and this affects
10 my town in particular, weighs on our town very heavily.
11 So I hope that before the July meeting that we can get
12 this in the mail, you know, at least a week in advance
13 so that I have an opportunity to talk to people about it
14 because I feel like I'm operating in the dark right now.

15 MR. DELANEY: That's a good point. You will have
16 it a week in advance, and that's partly why we're having
17 this preview even now, just to get ahead of that curve.
18 There will be more comments from the public, from your
19 residents tonight at the meeting, and we as a group, as
20 a Commission, can comment anytime really we want.

21 MS. SMITH: Anytime.

22 MR. DELANEY: But Stacie would like -- has asked
23 for a comment period for the public, the general public.

24 MS. SMITH: Of ten days, through June 4. And the

1 subcommittee's next meeting is June 2.

2 MS. AVELLAR: And while we're on the subject, the
3 letter from Josephine Del Deo pertains to Frenchie
4 Chanel's dune shack, which I'm just now seeing for the
5 first time as well, and I want to know what's going on
6 with Frenchie's shack. Does anybody know?

7 MS. SMITH: There is also a letter from the
8 subcommittee on that topic that is being finalized right
9 now.

10 MS. AVELLAR: It's a very disturbing letter, I
11 might just say for the record, that Mrs. Del Deo has
12 written regarding apparently the shack being removed
13 from the list. That's what I'm seeing here at the very
14 beginning.

15 MR. DELANEY: George, do you want to comment on
16 that, please?

17 MR. PRICE: Well, just to clarify that -- and then
18 there are two things because the other thing is we've
19 kind of nominated the concept that you all will have a
20 July meeting, and we'll talk about the need for that in
21 a second.

22 But, Mary-Jo, what that refers to is, as you know
23 -- you may know, the district has been listed eligible
24 since the '80s on the National Register, and in our

1 world that's one and the same. Once they're listed
2 eligible, we have to treat them as eligible. However,
3 we've never actually gone through all the process with
4 the National Register folks to make that determination
5 final. So in the process of doing that, we hired a
6 consulting firm to help us with the process because
7 these things are so complicated. They're mostly
8 historical architects, and most of the buildings they
9 look at for historical districts elsewhere, it's all
10 about the architecture, not about everything else. So
11 their first take was that specifically the Chanel shack
12 had been rebuilt and it wasn't rebuilt exactly in kind,
13 which --

14 MS. AVELLAR: Oh, my God. I mean, really, George.

15 MR. PRICE: Well, that's the world these people
16 come from. So in the meantime, that was --

17 MS. AVELLAR: This is what our tax dollars are
18 being spent on? I really -- I really object to that.

19 MR. PRICE: Mary-Jo --

20 MS. AVELLAR: Oh, George.

21 MR. PRICE: -- the point is that that was --

22 MR. DELANEY: Let him explain it, Mary-Jo.

23 MR. PRICE: -- a preliminary discussion by the
24 consultant. And we all knew that wasn't how it was

1 going to end up, or that's how we felt.

2 Bill read at one of the previous meetings what the
3 other options were, and we've since had conversations
4 with them because we're trying to describe the district
5 as a holistic district, not as, you know, a Washington's
6 birthplace or a Washington's headquarters during the
7 Revolutionary War, which is where they get that obsessed
8 over architectural features and exact replacement in
9 kind. So we believe that we will have the Chanel shack
10 as part of the district at the end of the day.

11 MS. AVELLAR: Okay, thank you.

12 MR. DELANEY: Peter?

13 MR. WATTS: Who judges whether a shack is being
14 maintained properly?

15 MR. DELANEY: Bill?

16 We're all kind of turning this way to the corner.

17 MR. BURKE: We get requests by the shack occupants
18 to do maintenance and repair, and so we -- I review
19 those, and, yeah, I guess it kind of falls on me to make
20 sure they're kept up. And some of the shacks
21 historically were never kept up that well, so there's
22 kind of a -- that's another thing about the district
23 that doesn't rub well with some historical architects.
24 Sometimes structures in that district shouldn't be

1 completely pristine. So we try to be flexible in
2 allowing for shacks to be minimally maintained in some
3 cases. So my office reviews all of the maintenance.

4 MR. PRICE: As opposed to, say, another lease we
5 might have with a different structure where it would
6 more fall under the auspices of the maintenance
7 division.

8 MR. WATTS: The maintenance division?

9 MR. PRICE: We have other structures currently out
10 under lease, long-term lease.

11 MR. WATTS: Oh, I see.

12 MR. PRICE: Therefore, it doesn't have the historic
13 district overlay.

14 MR. DELANEY: Judy's next.

15 MS. STEPHENSON: Well, my question is back to my
16 original question, that this presented some of the
17 concerns that were outstanding but didn't list all of
18 them, and I wondered why. They just weren't at the
19 forefront or --

20 MS. SMITH: It's been a work in progress, so the
21 slides were put together by a working group of the
22 subcommittee based on only things that everybody on the
23 subcommittee had already committed to, including the
24 outstanding concerns. There may be outstanding concerns

1 that are outstanding to some and not others. They might
2 not be in here. And there's been some new stuff that's
3 come up since then because we're constantly -- you know,
4 we're working against the clock.

5 MS. STEPHENSON: Well, the hope is that if we have
6 a meeting in July, which we have to vote on, that we
7 would be presented with a final resolution.

8 MS. SMITH: Yes, yes.

9 MR. DELANEY: Brenda?

10 MS. BOLEYN: The Commission members might also be
11 interested to know that the matter of maintenance has
12 been very, very important to the members of the
13 subcommittee and is a matter of ongoing discussion.
14 That's not just being left to happen by itself.

15 MS. SMITH: Yeah, in fact, to say that the question
16 about the medium term, everybody likes the idea of
17 having a medium-term category so that there are new
18 people that get a chance to really experience this for
19 a significant time, a season, three seasons, five
20 seasons, whatever, but the concern has been how do you
21 make the monetary commitment to the upkeep if you have
22 a very short term or even medium term because people
23 are so invested in the maintenance. So that is
24 definitely highly significant to the members of the

1 subcommittee.

2 MR. DELANEY: Other comments from Commission
3 members?

4 AUDIENCE MEMBER (GAIL COHEN): In the past, you've
5 let public comment on the dune shacks happen during the
6 meeting.

7 MR. DELANEY: Excuse me. I can't see. Who's
8 speaking?

9 MS. SMITH: Gail Cohen.

10 AUDIENCE MEMBER (MS. COHEN): Rich, it's me.

11 MR. DELANEY: I need to contain this to the
12 commissioners. In the past, as we always do, obviously
13 there will be a public comment period for everyone.
14 It's just the crowd is a little bit too big to get this
15 open meeting, and there will be ample opportunity
16 tonight at 4:30 until forever, if you'd like to go and
17 talk about it.

18 MR. PRICE: Till six.

19 (Laughter.)

20 MR. DELANEY: Okay, I think unless members of the
21 Commission who are also on the subcommittee, who would
22 like to -- who have no further -- Brenda -- I'm looking
23 at Brenda particularly or Bill.

24 Do we want to elaborate anything Stacie has said or

1 any other thoughts that we've had as having had a foot
2 on both committees?

3 MR. HAMMATT: I think the only thing I'd like to
4 comment on is Mary-Jo's concerns. I had thought that
5 there was going to be public correspondence. Apparently
6 it didn't happen. I'm not pointing any fingers, but our
7 intent certainly is to give it to you preliminarily so
8 you can review it before any --

9 MS. AVELLAR: Because I have to go back to the
10 board of selectmen.

11 MR. HAMMATT: I thought it had been done.

12 MR. DELANEY: You also have -- you've appointed
13 people to be on the committee who should be reporting
14 back -- can report back to you as well. There are
15 several Provincetown appointees.

16 MS. BOLEYN: I just wanted to reassure everybody
17 that the committee is very well aware that you're
18 getting an awful lot of information for the first time,
19 and this is the first time you've had a chance to wrap
20 your brain around it. It isn't going to happen during
21 the presentation so much. So I would suggest, if you
22 can -- if things sort of crop up and you say, "Oh, I
23 wonder about that," you could call any member of the
24 subcommittee from around this table or Bill Burke at the

1 staff at the Seashore or Sue Moynihan. These people
2 have all been very much involved in the dialogue and
3 could help answer your questions. So any member of the
4 subcommittee I think would be willing to receive a call
5 and help you to understand where the emphasis of the
6 subcommittee has been and what we're trying to
7 accomplish.

8 MS. SMITH: We gave out the list. If people want
9 contact information for the members of the subcommittee,
10 I'll check with them and make sure that they're okay,
11 but I would guess that we can get that to you all as
12 well.

13 MR. DELANEY: Okay.

14 MS. BOLEYN: I'd like to thank Stacie for all of
15 that work. You really remembered details that I wasn't
16 remembering. That was very good. Thank you.

17 MS. AVELLAR: (Inaudible).

18 MS. BOLEYN: Yes, that's right.

19 MS. SMITH: Speak on their behalf.

20 MR. DELANEY: Moving along with the agenda, the
21 Superintendent's Report. George, please.

22 MR. PRICE: Sure.

23 **SUPERINTENDENT'S REPORT**

24 MR. PRICE: A couple of things.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IMPROVED PROPERTIES/TOWN BYLAWS

MR. PRICE: We were talking about improved bylaws and properties. Specifically since our last meeting, I believe the Town of Truro had a town meeting on their bylaws. You ought to know that the Park Service officially thought their proposal was still too generous within the Seashore District. We just posted that. However, the town meeting voted down that round of bylaws, in any case. So we'll continue to try to influence at least how the Seashore District ought to be represented in that particular town.

HERRING RIVER WETLAND RESTORATION

MR. PRICE: I don't have any further update on Herring River restoration other than to let you know the committees have been very diligent working with the towns, both Truro and Wellfleet.

SHOREBIRD MANAGEMENT

MR. PRICE: Shorebird management has been pretty exciting, especially in the press recently. We presented since January a couple of elements about our shorebird management both in consultation with the U.S. Fish and Wildlife Service to get a little bit more flexibility when it comes to the piping plover program, especially as they may nest in active areas such as our

1 guarded beaches.

2 Here at Marconi we had to close half the beach for
3 virtually the entire summer last year. We also had a
4 couple of information sessions in the public about a
5 predator management program, which is done elsewhere
6 both in the state and extensively in Fish and Wildlife
7 properties. We decided to withdraw that project for
8 this season under pressure from the Humane Society of
9 the U.S. with lawsuits. And I just determined that I'd
10 rather spend another year working on our documentation
11 rather than another six years in court, which is exactly
12 what we had to do in this Seashore over the hunting
13 program a number of years ago.

14 MS. STEPHENSON: Which program?

15 MR. PRICE: Hunting.

16 Again, the U.S. -- the Humane Society of the U.S.
17 brought the Park Service into court, and it took about
18 six years of staff time and taxpayer money to get out
19 from under that. So that was the plan.

20 Our shorebird program is very active, and we've
21 lost about 14 nests at this point to predation from
22 crows. So it's a very real issue and something that we
23 have to continue to grapple with. We hope to talk to
24 folks to at least have them understand what the

1 approaches are and where the limits are for sure.

2 ALTERNATE TRANSPORTATION FUNDING

3 MR. PRICE: I'll skip to the Alternate
4 Transportation Funding. We're continuing to move along
5 on those planning efforts. That's the money that's used
6 for a lot of our planning initiatives, our Flex bus
7 program, and those things are moving along very well.

8 OTHER CONSTRUCTION PROJECTS

9 MR. PRICE: This morning we actually had a field
10 trip up in Provincetown for members of the Commission,
11 and we went over a number of projects, including the
12 Moors Road improvements. So this is the section that
13 comes out of Provincetown and heads towards the Herring
14 Cove area. That area has to be really fixed up. The
15 road is deteriorating dramatically, and there are a lot
16 of conflicts with pedestrians, bikes, and vehicles. And
17 there have been a number of meetings with the town and
18 public meetings up in Provincetown. We believe we have
19 a solution that will be very effective. We have most of
20 the money in place. We're going to try to get plans
21 approved by the end of this year, and then we hope to
22 have construction and have it finished for next year.
23 At least that's the goal.

24 We have other planning initiatives that you'll be

1 hearing more about specifically, about the bathhouse up
2 at Herring Cove, and we'll also be working on the
3 Province Lands Visitor Center, we hope, in the off-
4 season this year. There are a lot of improvements that
5 have to be done up in there as well.

6 WIND TURBINES/CELL TOWERS

7 MR. PRICE: Wind turbines. The last time we met,
8 the Wellfleet wind turbine proposal was still on the
9 table. Since our last meeting, in fact, the proposal
10 has been withdrawn by the Wellfleet Board of Selectmen,
11 and there's been a lot of information in the press about
12 that. Obviously we still have a lot of members of the
13 public -- I know there are many here today -- who are
14 still concerned about the future eventuality, I would
15 say, about a wind turbine that might or might not be in
16 or next to the Seashore, and there are a number of
17 pieces of correspondence in your package that we've
18 received since the last meeting.

19 The National Seashore and the Department of the
20 Interior have certainly made a statement. You might
21 know that Secretary Salazar is the Secretary of the
22 Interior. The National Park Service is an agency under
23 the DOI, and they've made the determination in favor of
24 the Cape Wind proposal. The Secretary actually visited

1 the site in January. He met with townspeople. He met
2 with Native American tribes. And even against the
3 wishes of the Advisory Council on Historic Preservation,
4 he made the decision in favor of the Cape Wind proposal.

5 We're still looking for more policy discussion and
6 dialogue from the director of the National Park
7 Service's office. I mentioned at the last meeting that
8 Cape Cod National Seashore is not the only unit in the
9 National Park system affected either by projects such as
10 wind turbines but also oil exploration. I talked about
11 the Marcellus shale area from New York State to
12 Kentucky. That could potentially affect up to 36 units
13 of the National Park system.

14 So the balance here is between the future of our
15 energy supply for the United States and our protection
16 of our natural and cultural resources. Obviously it's
17 now up close and personal when it comes to what's
18 happening down in the Gulf of Mexico with the oil spill.
19 That happens to be directly affecting many both National
20 Park and Fish and Wildlife sites as well as other
21 natural areas that might be managed by the states. And,
22 in fact, the director of the National Park Service is an
23 incident commander down in Mobile, Alabama, and that's
24 where he's duty-stationed now full time helping to

1 address the concerns and see what kind of mitigation can
2 be done by our people. A lot of our people are on
3 standby, and many members of the National Park system
4 are being sent down there, as they have with other
5 emergencies, whether it was Katrina or Hurricane Rita.
6 And our people are all on standby in case they get
7 called up for that.

8 As far as the Wellfleet wind turbine proposal, if
9 you're interested, I thought it was very interesting the
10 incoming chair of the Wellfleet Board of Selectmen --
11 Beebe?

12 MR. WATTS: Yeah, Emily -- no.

13 AUDIENCE MEMBER (ERIC BIBLER): Jackie.

14 MS. AVELLAR: Jackie.

15 MR. PRICE: Jackie Beebe did an open letter in the
16 newspaper where she really worked through her thinking
17 that brought her from originally in favor of the
18 Wellfleet wind turbine to finally voting in opposition.
19 So I thought that was --

20 MS. STEPHENSON: Is that in our packet?

21 MR. PRICE: It's not in the packet per se. I can
22 get you that letter, if you'd like.

23 The other wind turbine discussion that had been
24 live, I thought, at our last meeting was the one that

1 was being discussed. I'm not sure, it's fair to say, it
2 got to a full proposal level in Eastham, and that was in
3 conjunction with the Nauset Regional High School. It's
4 my understanding in talking to Sheila, the town
5 administrator in Eastham, that that is not a viable
6 proposal at this point.

7 The only other turbine that I'm familiar with is
8 the one that we were actually proposing up at the
9 Highlands Center, the North of Highland -- the old Air
10 Force base. Most recently that has been denied, that
11 permit by the FAA, and we're in an appeal process to see
12 if it can't be mitigated somehow with the type of
13 equipment they have up there. So at some point we'll
14 have to go through the same process that we were
15 requiring of Wellfleet to see what the impacts may or
16 may not be and if that would be a viable project or not.

17 SALT POND VISITOR CENTER EXHIBIT UPDATE

18 MR. PRICE: Just a very quick update about the
19 visitor center exhibits. Sue Moynihan and the
20 interpreter of our work group is working on a couple of
21 exhibits. They'll be small, but they'll have major
22 impact.

23 Many of you remember the large map that was in the
24 visitor center lobby. That will be replaced with a

1 large graphic that will represent Cape Cod in the Gulf
2 of Maine. And then as you go into the exhibit area,
3 we're going to be replacing the natural science exhibit
4 that had the taxidermied animals with the exhibitry
5 mostly having to do with Native American history up to
6 current day. So it's not just talking about Native
7 Americans at a point in time maybe when the Europeans
8 arrived, but also the fact that we have two federally
9 recognized tribes here now, the Mashpees and, of course,
10 the Aquinnah out off of Martha's Vineyard. So that's
11 something that Sue has been working on, and we have a
12 targeted completion date of February of 2011.

13 STORM DAMAGE

14 MR. PRICE: I mentioned at the last meeting -- and
15 we actually held a press release -- we suffered a
16 tremendous amount of storm damage in the Seashore over
17 the course of this last winter. For the long-term
18 employees, they told me it was the most amount of damage
19 since the Blizzard of '78 because it was so widespread.
20 Usually we've lost the stairs at Marconi Beach, or we've
21 had damage up at Herring Cove, but this time it was
22 really across the Seashore. So we've had a lot to fix
23 up. And we really couldn't start the repairs until
24 after we felt the spring storms were really done because

1 we've had some pretty late spring storms that have done
2 a tremendous amount of damage in the past.

3 So our work crew -- we're very fortunate to have
4 some very talented people on board. They had been
5 working on the roof at the Salt Pond Visitors Center.
6 We moved them to the Nauset Light Beach stairs. They
7 were repaired about three weeks ago. They then moved to
8 the Marconi stairs. The hope was to have the Marconi
9 stairs done by Memorial Day weekend. We may or may not
10 meet that particular date. It's a very substantial
11 piece of construction. I'd encourage any of you to go
12 see the new stairs at Nauset Light Beach to see what
13 we're talking about. It looks like an engineering work
14 of art, I have to tell you.

15 The big issue or change that happened was that part
16 of the damage had to do with the bicycle bridge in
17 Eastham behind the Coast Guard Beach. There's a 400-
18 foot bridge there that was totally damaged and wrecked
19 by the storms. The storm surge actually lifted it up
20 off its foundations. So we demolished the bridge, and
21 frankly, that was on our last priority when it came to
22 storm damage, thinking in terms of health and safety of
23 the visitors. And basically we knew it was going to be
24 a major inconvenience. We knew it was going to be

1 unpopular, but we certainly thought that that would be
2 something we could put on the shelf. And, in fact, we
3 didn't even know if we'd get the money for it, and I was
4 even thinking it could be until the fall before we
5 actually were able to finish that.

6 What changed our mind was as we started to review
7 alternatives for detours for visitors to get from the
8 Salt Pond Visitors Center down to Coast Guard Beach.
9 That bike trail is very, very popular. We get over 200
10 bikes at any one time at Coast Guard Beach, so you can
11 imagine how many people that means over the course of
12 the day as they come and go. We get a tremendous amount
13 of pedestrian traffic along that bridge. So all of them
14 then were now going to be detoured out on Doane Road
15 from basically Doane Rock parking lot down to Ocean View
16 Drive. That's a very narrow road. It's very much like
17 Moors Road. There's no shoulder. In fact, there's less
18 shoulder than there is at Moors Road, to tell you the
19 truth. So we were going to have a situation where we
20 were going to have a tremendous amount of conflict of
21 bike and pedestrian traffic and vehicle traffic along
22 with our trams. So our trams are constantly moving. We
23 have as many as four trams moving at one time going from
24 Little Creek parking lot down to Coast Guard Beach. So

1 even though we tried to get it so they don't pass each
2 other, when they do, there's virtually no other room on
3 the road.

4 So we realized that the health and safety issue was
5 going to be the detour alternatives, not the elimination
6 of the bridge itself.

7 So we've been working internally on some concepts.
8 We met with the town manager and the police chief last
9 week. We're having a neighborhood meeting this coming
10 Thursday. We advertised it to all the neighbors on that
11 Doane Road section, and we're going to talk about some
12 options. Basically we're going to do a lot of signage
13 and cautionary-type information, flashing signs, et
14 cetera between, say, Memorial Day and July 1. That, we
15 believe, is a time where it's prior to the tremendous
16 pressure of bikes and pedestrians. It's from July 1,
17 July 4 weekend where the mobs really arrive. So that is
18 what's going to keep us up at night, if we don't have
19 that to be a safe way.

20 So we're going to talk about a couple of
21 alternatives. Most likely what would happen July 4
22 weekend on is that we would actually prohibit
23 pedestrians and bike riders on that section, that they
24 would be told there would be no bikes or pedestrians on

1 that section, that it would just be for vehicles.
2 They'd be able to park their bike and get on one of the
3 trams at that particular location. And we'd have to
4 enforce that at both ends, which means staffing. It
5 means saw horsing. It means all that sort of stuff.

6 The best news I heard, though, is that our chief of
7 maintenance, Karst Hoogeboom, has been scrubbing the
8 numbers and taking a look at our capacity in-house. And
9 what we've decided to do is to move the crew when
10 they're finished with the Marconi stairs to the bike
11 bridge much earlier than we thought and before we even
12 know if we're truly going to get all the funds that
13 we're going to need. And we just have to make the
14 decision that this is at the same level of health and
15 safety as the stairs, and we're just going to go ahead
16 and do the construction. And we believe that that bike
17 bridge will actually be in place fairly close after the
18 Fourth of July weekend. So we might only be talking
19 about a couple of weeks' window at worst where we'll
20 have this very intense staffing and impediment piece
21 going on as opposed to the whole summer, which was the
22 alternative.

23 MS. AVELLAR: You're not allowed to shift money
24 around within your budget for something like this, or is

1 all of your money earmarked for specific things?

2 MR. PRICE: Right. It's not -- I'm not sure I
3 would call it earmarked, but when I get money to do
4 something -- if I get money to pay lifeguards, I'm
5 required to pay the lifeguards. So now I have very
6 little latitude. We have some latitude, and that's the
7 wiggle room that I'm working with. And I'm anticipating
8 that I'm going to get some storm damage money from the
9 region to help augment this budget, but frankly, as I've
10 told -- I've had multiple conversations with the
11 regional director and deputy regional director, and
12 there's really just no alternative that I can see at
13 this end, so we'll have to figure it out, bottom line.

14 Questions on this?

15 MR. WATTS: How about moving the septic system at
16 Nauset?

17 MR. PRICE: Actually, two things on that. The
18 Nauset Light Beach area and bathhouse and septic system
19 is tied into the same planning pot of money as the
20 Herring Cove bathhouse, and the same consultants, the
21 same group of people are looking at both. We actually
22 have several years before that will actually be
23 affected. Several years is not a lot of years, so
24 that's why that plan is in place. And most likely, to

1 be simplistic about it, if we have the ability to take a
2 septic system which is basically on the ocean side now
3 -- that's why we only have a few years -- and we
4 basically swap that to the other side, then we believe
5 that will give us another 15 or 20 years. But what
6 we're going to do is to use this planning opportunity
7 now to even talk about what would it look like after
8 that, and again, we'd probably look at a similar module
9 type of structure that could be picked up and moved. We
10 know at some point both the bathhouse, the septic
11 system, and the parking area at Nauset Light Beach is
12 going to be affected.

13 That's the storm damage. Oh, that is the last
14 thing.

15 MR. DELANEY: Yeah, thank you. Thank you. Again,
16 you're covering a lot of ground for us, George.
17 Appreciate it.

18 Questions or comments on the topics that the
19 superintendent just related or other questions from the
20 Commission members?

21 MR. REINHART: I'm an alternate member. I have a
22 question.

23 MR. DELANEY: Let me take the questions from the
24 members first.

1 MR. REINHART: Yeah.

2 MR. DELANEY: Brenda?

3 MS. BOLEYN: I just heard that there is going to be
4 some kind of a celebration in July having to do with the
5 campground in North Truro and the Currier family and
6 kind of a celebration. Can you tell us anything about
7 that?

8 MR. PRICE: Well, actually, the Trust for Public
9 Lands from working with the congressman's office -- and
10 they're trying to make sure they can get all the
11 dignitaries there, and then they will make sure that
12 that becomes a public celebration. I believe I
13 announced this at the last meeting that the --

14 MS. BOLEYN: Excuse me then.

15 MR. PRICE: Well, I'm not sure, but the great news
16 was that an agreement had been reached with the Currier
17 family, Steve Currier, and the Trust for Public Lands
18 and the Park Service that they have actually signed a
19 conservation easement for the 58 acres for the North of
20 Highlands Campground area. So that's really a great
21 conservation success. That's been a long time in the
22 works.

23 I know, Brenda, you've been a supporter of this
24 forever. And we had our field trip out there a little

1 while ago. But that has happened, and, yes, I think it
2 will be the second week in July. Steve Currier wants to
3 make sure it can be scheduled so his grandchildren can
4 attend.

5 MS. BOLEYN: Yes. Yes, wonderful. Thank you.

6 MR. DELANEY: Hearing no more or seeing no more
7 questions from Commission members, I'm going to ask
8 the alternate Commission member from Wellfleet in this
9 case.

10 MR. REINHART: George, these repairs that you're
11 doing, like the stairs, you know, that you're describing
12 as sort of an architectural wonder and the bike bridge,
13 is there -- it seems like these storms could -- I mean,
14 we've been having them with more and more frequency.
15 What's your plan for building these things so that they
16 will last through the next big storm, or are you just
17 going to have matchsticks again? And the same thing
18 with the bike bridge, is there any -- it sounded like it
19 floated off its moorings. Can that be built in a way
20 that it can float up and then drop back down again? Is
21 anybody considering the fact that we might have a storm
22 just like that next year the way things are going?

23 MR. PRICE: Well, I think a couple of things, and
24 this goes to the point -- and actually, Rich attended

1 our Climate Friendly workshop the other day, and we had
2 an amazing presentation, which, Rich, maybe at some
3 point I don't know if we could do an abbreviated version
4 for the Commission members or not, but basically our
5 natural resource management team presented an hour
6 program. They were the plenary program, the guest
7 program to kick that initiative off, and they really
8 talked about all the issues having to do with climate
9 change and sea level rise that the Cape is going to, in
10 fact, be affected by over the next 20 to 50 years, and
11 it is pretty dramatic. And the scientists are
12 predicting not that we'll have any more storms, but the
13 storms that do arrive are going to have more energy and
14 more force to them.

15 So you're absolutely right. We are going to be
16 facing this. And everything we do we have to take in
17 mind the effects, and basically there are two approaches
18 that we're doing. One is, frankly, the stairs are
19 probably going to wash away at the next big set of
20 storms. So we already know that. And replacing them in
21 kind the way we've replaced them, frankly, we believe is
22 the most economic way to do it. The rising water is
23 just too, too great for temporary stairs that you could
24 withdraw, for instance. That's not really going -- we

1 don't believe at this point that that is practical.
2 That would be another way to go.

3 The other answer to the bike bridge, however, is,
4 in fact, we do believe the construction techniques that
5 we'll do next time is not going to allow it to float,
6 but it's going to be actually at a higher elevation so
7 that that will give more opportunity for the storm surge
8 to actually waft under it. One of the reasons it was
9 damaged, it was low enough so that all the salt marsh
10 hay and straw landed on it, and then the entire thing
11 became a sail so the wind was able to break it from its
12 mooring. It's not called moorings, but the couplings
13 all broke. Then it was attached to the pilings. So
14 that's what -- then the storm surge just had their way
15 with it.

16 So, yes, we believe that there will be more
17 clearance underneath the next bike bridge.

18 MR. DELANEY: Okay, thanks, George.

19 **OLD BUSINESS**

20 MR. DELANEY: This moves us to Old Business. Any
21 old business that would like to be raised by a -- a
22 member would like to raise?

23 (No response.)

24 MR. DELANEY: No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

NEW BUSINESS

MR. DELANEY: New business from Commission members?

(No response.)

DATE AND AGENDA FOR NEXT MEETING

MR. DELANEY: Okay, then let's set the date and any agenda items for our next meeting, which we're now trying for July. If we stay with Mondays, those dates -- the days in July after the 4th are the 12th, 19th, and 26th.

MR. PRICE: Right, and in our world only the 12th and the 19th are the only options for being able to host it.

MR. DELANEY: Okay, shall I suggest the 19th as a middle ground?

MS. BOLEYN: Good.

MR. DELANEY: Any objections from members?

(No response.)

MR. DELANEY: Okay, please put that in your calendar. And I think in terms of an agenda, we'll certainly have the full report from the Dune Shack Committee arriving on the 12th or earlier.

And we will have I think, George, a good idea -- we should have at least a brief update on the Climate Friendly Parks initiative. That was impressive. There

1 is a lot going on. It's germane to just about
2 everything that happens here one way or the other. So
3 let's between the two of us have that done.

4 Any other items that members of the Commission
5 would like to put on the agenda now? Brenda?

6 MS. BOLEYN: I think we should keep the July agenda
7 as tight as possible, but in the fall I'm wondering if
8 we could have something on bike path planning, you know,
9 for the Lower Cape.

10 MR. DELANEY: Okay, you mean beyond the Park, the
11 whole network --

12 MR. SABIN: To connect one end to the other.

13 MS. BOLEYN: I'm thinking about between Wellfleet
14 and PTown.

15 MR. DELANEY: Oh, okay.

16 MS. AVELLAR: We saw that today on the --

17 MR. PRICE: Or PTown and Bourne.

18 MR. SABIN: PTown and Bourne is what they really
19 want.

20 MR. PRICE: That's what the fighting's about.

21 MS. STEPHENSON: Didn't we see something going to
22 Hyannis?

23 MS. BOLEYN: PTown to Bourne, yeah.

24 MS. STEPHENSON: We saw something to Hyannis.

1 MR. DELANEY: Yeah, I think that's a nice item. We
2 should.

3 MR. PRICE: We could do an update on that.

4 MR. DELANEY: And I think we do have to look at it
5 as not just the Park but the Park as a nexus to the
6 other bike trails on the Cape.

7 MS. BOLEYN: Oh, yes, yes. Yeah, that's right.
8 Well, we know that there's statewide planning going on,
9 and I know that there's a committee down here that's
10 working on it, and I'd just like to hear how it's going.

11 MR. PRICE: Sure, we can give you an update. And
12 actually, again, some of the requested projects in the
13 transportation funds are underwriting the plan here on
14 the Cape, and we're working very closely with the Cape
15 Cod Commission, so we'd be glad to make a fall
16 presentation about that.

17 MR. DELANEY: Okay, thank you. That's set.

18 Brenda, one more thing?

19 MS. BOLEYN: One announcement. Our Department of
20 Interior neighbor, Monomoy National Wildlife Refuge, is
21 gearing up again to prepare its comprehensive
22 conservation plan, and that's going to be kind of
23 interesting. So I simply let people know to watch for
24 that kind of information. Again, it will be like what

1 the Park Service goes through. There will be scoping
2 and planning and public hearings and meetings and
3 alternative this and that and so forth. But it's a very
4 interesting -- *dynamic* is really a poor word. We
5 overuse that, but everybody knows about Chatham and
6 sandbars and the ocean. And this involves boundaries,
7 and one of the boundaries links Monomoy to the Cape Cod
8 National Seashore.

9 There's going to be a lot of very interesting
10 pieces to this conservation management plan, so I just
11 thought I'd let everybody know it's coming.

12 MR. DELANEY: Great, timely.

13 Larry?

14 MR. SPAULDING: In the fall I'd like to see the
15 experience with the shorebirds and what they did try to
16 do about it and what may have worked and what didn't
17 work so that we don't end up next winter or whatever
18 where all of a sudden we're coming back in. You know,
19 we've had some information ahead of time.

20 MR. PRICE: Actually, we've pulled back on any
21 shorebird management planning or implementation pending
22 our having to get all our documents in order. So, yes,
23 you will see us coming out again with a series of
24 opportunities for people to comment on the plans through

1 another EA process, or actually, it will be an official
2 EA process for implementing a plan which, again, we
3 would attempt to implement predator management.

4 So we haven't done anything with predator
5 management this round.

6 MR. DELANEY: I think Larry might be asking for an
7 update on what happens if you've already had fourteen --

8 MR. SPAULDING: That's really what -- you know,
9 what happened this summer and where did it happen, and
10 was there something we could have done, forgetting the
11 predator management -- could have been done better, or
12 did we do something. We closed certain trails, and it
13 was better, or we moved them or whatever.

14 MR. PRICE: Yeah, be glad to.

15 MR. DELANEY: That would help. Thank you.

16 Peter?

17 MR. WATTS: On that subject, how do they know that
18 the predators are crows?

19 MR. PRICE: They've seen them, and they see the
20 tracks. So we have other predators out there,
21 everything from the fox to the coyotes to the raccoons.
22 And in other seashores those are the predators that they
23 eliminate. So when I was down at Assateague, for
24 instance, the red fox, that happens to be the most

1 made a number of times beforehand, if you would just say
2 "I echo something else" and not repeat it, that would be
3 helpful.

4 And all topics are open. Public comment is open to
5 everything we've talked about. I know there will be a
6 couple of things that will take a lot of comment; the
7 wind turbines, I know, and the dune shacks probably.

8 So with that in mind, I would call on the first
9 public. Gail?

10 AUDIENCE MEMBER (GAIL COHEN): Yeah, Rich, I've got
11 a few brief questions.

12 MR. DELANEY: Okay, Gail, yes, and as you did
13 already, could you please identify yourself for the
14 stenographer.

15 AUDIENCE MEMBER (MS. COHEN): Gail Cohen.

16 Okay, this is the 22nd year I've been at these
17 meetings, since the day Barbara Mayo died and I became
18 interested in the dune shacks.

19 Okay, I've got some questions, but I want to make
20 one statement, and the statement is these dune shacks,
21 whatever they say, eighteen or whatever, are not owned
22 by the National Seashore. They were taken by eminent
23 domain, which is a very big difference. The only real
24 dune dwellers are those who were taken by eminent

1 domain, their heirs and their assigns, including Eugene
2 O'Neill's property. Now, Ray Wells has a deed from
3 Carlotta Monterey for 50 acres, but her shack was
4 eventually moved because it was falling down. Zara had
5 a deed, and her mother, I believe -- if I'm wrong, Joyce
6 would know -- Alice Macon had a deed from the town
7 clerk. The Vevers, Tony Vevers had a deed, and the
8 Seashore destroyed their dune shack. Ozzie Ball had
9 deeds to his property. Conrad Malicoat was allowed to
10 stay either because it was a concrete foundation or
11 because he sold a large tract of land to the Cape Cod
12 National Seashore, which is the same thing that happened
13 in Cayuga National Recreation Area that they changed to
14 a national park.

15 Anyway, this is just very briefly, but you should
16 know the truth. They were taken. And I'll tell you, I
17 really appreciate Stacie's work and Patrick's, but I was
18 offended by the comments because these people, Sally
19 Adams, Janet Armstrong, who grew up on the dunes as
20 children -- just let me finish. I came up from Florida.
21 Anyway, I was offended by Stacie's comments because, you
22 know, the maintenance, these people have maintained
23 their dune shacks. They're the ones. And the Seashore
24 always brings in outside consultants. And, no,

1 Josephine and Frenchie's shack are still off the list;
2 however, others that they rebuilt are back on. And, of
3 course, they've all been changed. Anyone who knows
4 about the shifting sand and what it takes to -- you
5 know, 50 years since Harry Kemp died in August, and Moe
6 Van Dereck, he helped Harry shovel the sand. You know,
7 Moe was going to try to come to the meeting later this
8 afternoon. The shifting sand, and that's what makes
9 these dune shacks unique. So that Josephine --
10 Frenchie, who is historic, and Grace Bessay, the oldest
11 federal litigation in the country, all proved --
12 everyone who stayed proved their property rights.

13 Sally Adams right now, her parents can mortgage it.
14 They can sell the dune shack. They have total property
15 rights. Grace Bessay proved her property rights. The
16 Armstrongs had to drop out in court because they had to
17 take care of their children, and the federal government
18 has unlimited use of the Justice Department.

19 Okay, just so all of you know, they were taken by
20 eminent domain. In the legislation there was supposed
21 to be improved properties. That's about ten shacks in
22 the dunes, and there were like thirty, and the Seashore
23 destroyed many of them, and those that are left are what
24 we have today. Just to keep the record straight. And,

1 of course, the dune dwellers have maintained their
2 shacks. I mean, they made Art dig his own sand for
3 years. They cut off the access roads.

4 Anyway, here we are today. Well, the past is still
5 present. It is uglier today than it has ever been.
6 Taking Frenchie's shack off the historic list when this
7 was done all in '89, and George telling us -- what? --
8 three or four meetings ago that Philadelphia was going
9 to pick the people who live in the dune shacks. You
10 told a meeting like three or four times. You knew last
11 year. How come people weren't told beforehand that
12 Philadelphia office was going to pick and decide who
13 lives in the dune shacks? You knew a year ago.

14 MR. PRICE: Is this a question?

15 MR. DELANEY: Yeah, is that your question?

16 AUDIENCE MEMBER (MS. COHEN): That's one question.

17 MR. DELANEY: Well, why don't you ask both
18 questions because you're already at the three-minute --

19 AUDIENCE MEMBER (MS. COHEN): The second question
20 is you couldn't chair it, so \$103,000 had to be spent to
21 hire CBI which, again, is doing a fine job. But you
22 couldn't be on it, so how come you're here? You're on
23 the subcommittee. Don't you find it a little ironic?

24 MR. DELANEY: Are those your two questions?

1 AUDIENCE MEMBER (MS. COHEN): I actually have a
2 third one, but go ahead.

3 MR. DELANEY: To be fair to everybody else, let us
4 let George respond to the question which is, I think, a
5 factual question, and we'll move on to the next speaker.

6 AUDIENCE MEMBER (MS. COHEN): You do that.

7 MR. DELANEY: Thank you.

8 MR. PRICE: Specifically the issue has to do with
9 the leasing rules and regulations of the federal
10 government. During the course of the subcommittee
11 discussion, we were talking about how the process works
12 with leasing, and specifically our leasing regulations
13 have evolved over time. I was involved directly in
14 leasing in the 1980s in Lowell. It was a very different
15 process than it is today. And at this point all the
16 primary leasing functions are taken away from the local
17 manager and is handled by the leasing office, and the
18 concept is, therefore, it would prevent favoritism. So
19 if a superintendent had developed relationships with
20 certain people in the community, there would be no
21 appearance of favoritism.

22 AUDIENCE MEMBER (MS. COHEN): That was done a year
23 ago. How come we just heard about it?

24 MR. PRICE: Because it just came up in the meetings

1 a couple of months ago. There was no intent of holding
2 anything back on that.

3 MR. DELANEY: Thank you, George.

4 All right. And I don't think I need to answer your
5 question about my personal schedule or what I'm able to
6 commit to in terms of committees.

7 AUDIENCE MEMBER (MS. COHEN): Well, I'm just
8 saying, don't you think it's a little strange that the
9 taxpayers had to commit all this money now? I'm just
10 saying it's a little bit strange. I'm glad you're on
11 it.

12 MR. PRICE: If I can, Rich.

13 Specifically we were trying to figure out a way to
14 convene a subcommittee in a way that we could actually
15 move forward in a civil way that would actually get us
16 some positive movement as far as respecting the long-
17 term dune shacks, respecting the laws of the land. And
18 we had originally developed a concept where we thought
19 we could do it internally just with the graciousness of
20 the Advisory Commission people donating their time, and
21 frankly, when Rich took over the position as the
22 executive director of the Provincetown Center for
23 Coastal Studies, it then appeared that there would be a
24 conflict of interest with the local community at that

1 time because of the intensity of emotion that was
2 wrapped around it because now he was now working in
3 Provincetown specifically whereas before he had been
4 working in a different situation. He's still obviously
5 on the Advisory Commission, and he has since been
6 selected by the Secretary of the Interior to be the
7 chair.

8 AUDIENCE MEMBER (MS. COHEN): He is always welcome.
9 Anyway, I'll ask my other questions at the meeting.

10 MR. DELANEY: Yeah, thank you. Let's be fair to
11 others.

12 Other comments or questions from anyone from the
13 public? Yes, Jim?

14 AUDIENCE MEMBER (JAMES ROGERS): Yeah, Rich, Jim
15 Rogers. I don't know if the members of the committee
16 have my letter or not.

17 MR. PRICE: Yes, they do.

18 MR. DELANEY: Yes, we do.

19 AUDIENCE MEMBER (MR. ROGERS): Well, then maybe I
20 could just make a couple of comments.

21 We're not talking about wind farms here. We're
22 talking about individual turbines that are put within a
23 mile of people's residences. And when we're talking
24 about up close and personal, I hope you've read the

1 recent reports in the *Falmouth Enterprise* and the *Cape*
2 *Cod Times* about the Falmouth turbine. This was the same
3 turbine that was destined for Wellfleet, a single
4 turbine Vestas 82, Cape Cod topography, backed by the
5 town, endorsed by the energy commission.

6 So I would just like to make that clarification, if
7 I could, and also ask Mr. Price if he would be willing
8 to respond, is the National Seashore -- is the
9 management of National Seashore going to make any
10 comment in light of the decision that Wellfleet has
11 made? My understanding was that once the political
12 process had played out, you would be weighing in on
13 their decision. So I would very much like to know
14 whether or not the Seashore is going to make any comment
15 or not.

16 MR. PRICE: I think, Jim, there are two pieces to
17 that. One is we're still dealing with the overall
18 national policies of energy, whether it's sustainable
19 energy such as wind or whether it's energy independence.
20 Obviously that's why I mentioned in my report everything
21 from the Secretary of the Interior approving the Cape
22 Wind project to the exploration that's going on in the
23 Marcellus shale. What we had said as a result of the
24 viewshed analysis study, that then each project would be

1 analyzed on its own merits, and we would analyze the
2 resource impacts on each individual project. Obviously
3 the Wellfleet wind turbine has been withdrawn. The only
4 information that we had about that project up until that
5 point was the height had evolved to the 415 feet as a
6 proposal as well as the sound information which was
7 provided, which our sound office deemed was not
8 sufficient in their testing. We sent the material to
9 our sound office out in Denver, and their return back to
10 us was that there was not sufficient data that we would
11 determine was sufficient in order to make a professional
12 judgment on what that impact may or may not be.

13 Our only commitment at this point, Jim, I'm not
14 going to go back and redo a proposal that was still
15 evolving. However, I have committed to respond to the
16 overarching questions that have been sent us by various
17 people. Mr. Bibler, for instance, has corresponded
18 regularly with the Commission and with our staff, and
19 some of these correspondence involve information even
20 outside of this office. So when we can put that
21 information together, we'll go on the record with those
22 particular responses.

23 MR. DELANEY: Thank you, George.

24 Other questions? Yes, sir? Identify yourself,

1 please.

2 AUDIENCE MEMBER (ERIC BIBLER): I know you're very
3 busy, so thanks for giving me an opportunity to comment.

4 Once, again, I am --

5 MR. DELANEY: Name, please?

6 AUDIENCE MEMBER (MR. BIBLER): I'm Eric Bibler.
7 I'm sorry. Eric Bibler from Weston, Connecticut.

8 Once again, I am coming to you with some
9 information that you don't have. A lot of this was
10 provided to the superintendent, and there is a policy
11 that he will not, that I am told -- that he will not
12 transmit anything electronically, and he will not print
13 any attachments. And just so you know, in some cases I
14 wrote a single paragraph introducing a two-page letter
15 that I wanted the commissioners to have, and the
16 response that I got was that the two-page letter was an
17 attachment, therefore, onerous to provide and it would
18 not be provided. So it's not much use to provide a
19 letter of introduction to a piece of information that I
20 think ought to be in your hands.

21 Also, initially I was advised that some of the
22 Commission members had computer problems. Ever since
23 that time I've stopped including attachments, or I've
24 duplicated them by pasting them into the body of the

1 e-mail, or I've also provided links to the information.
2 Obviously you don't want a hard copy of a 300-page
3 feasibility study where we refer to page 97 in the
4 feasibility study. The easiest way in 2010 to do that
5 is with an electronic link. So I'd like to start by
6 saying I have a formal complaint about your distribution
7 policies. I feel that it is depriving the commissioners
8 of information. I don't expect you to read every word,
9 but I can't get it to you unless I go to Staples and
10 spend 300 bucks every time to print up hard copies that
11 I can then hand out to you, and I feel that's onerous on
12 the part of the public that wants to provide you that
13 information.

14 Secondly, very briefly, it's been a very eventful
15 time since your last meeting in March for wind turbines
16 on Cape Cod. Wellfleet, Harwich, and Eastham have all
17 abandoned their projects. In each case, I believe they
18 had virtually unanimous support from the board of
19 selectmen for the initial proposal. I know Wellfleet
20 did in October. In Wellfleet's case, the selectmen
21 voted unanimously to abandon the project. The planning
22 board voted to indefinitely postpone consideration of a
23 change to the zoning bylaw that would allow for a larger
24 turbine. The vice chairman of the finance committee

1 walked into a meeting with us saying that there was
2 nothing we were going to say that was going to change
3 his mind, and he left the meeting saying, "You have to
4 visit my committee, my full committee as soon as
5 possible and explain to them what you explained to me."

6 Jim Sexton appeared here in January. Jim Sexton
7 founded this project in 2004, pulled the original
8 permit. On Tuesday the Wellfleet Energy Committee
9 meeting, Jim Sexton said he could no longer support a
10 wind turbine proposal in the Town of Wellfleet knowing
11 what he now knows about the noise from the wind
12 turbines. Griswold Draz, who was chairman of the
13 Wellfleet Energy Committee, he resigned in December. He
14 cited to me personally and also in his letter --
15 basically referred to the fact he could not in good
16 conscience support this proposal, and one of his chief
17 concerns was the effect upon the pristine woods in the
18 National Park. The selectmen, I have three letters of
19 thanks in my files to Save Our Seashore thanking us for
20 bringing to their attention this information that was
21 previously unknown to them. I have two letters from the
22 planning board along the same lines. And if you read
23 the articles that I've attempted to put into your hands
24 where the selectmen are quoted, prominent among their

1 remarks is their concern for the National Park and for
2 the pristine woods.

3 Here's another -- I'm just going to read one
4 paragraph of a letter that you don't have because Mr.
5 Price didn't forward it from Dr. Nina Pierpont to the
6 board of selectmen and the town administrator. And
7 there's some back and forth here. The town
8 administrator replied, "Oh, no, we're different." This
9 was the Wellfleet Energy Committee's contention. It's
10 just one. It's just one wind turbine. You can't
11 compare it to these other scenarios where there's more.
12 Dr. Pierpont writes: (Reading) Permit me to speak
13 plainly. This is a reckless and violent act. The
14 evidence for turbines producing substantial low
15 frequency noise and, worse, infrasound is no longer in
16 dispute. Second, the clinical evidence is unambiguous
17 that low frequency noise and infrasound profoundly
18 disturb the body's organs of balance, motion, and
19 position sense. Third, the case studies performed by me
20 and other medical doctors have demonstrated
21 unequivocally that people living within two kilometers
22 of turbines are made seriously ill, often to the point
23 of abandoning their homes. Fourth, there is no doubt
24 among scientists who have studied the evidence that wind

1 turbine low frequency noise and infrasound are seriously
2 disrupting the body's vestibular organs, resulting in a
3 constellation of illness I have called Wind Turbine
4 Syndrome (end reading).

5 There is more correspondence here in addition to
6 that. I have attempted to provide that to you. That's
7 pretty serious.

8 The Falmouth wind turbine -- I'm almost done, Mr.
9 Chairman. The Falmouth wind turbine began operation
10 just a few short weeks ago. I have articles that I have
11 attempted to provide to you that quotes the residents on
12 some of the misery there, but most important of all, I
13 forwarded to Mr. Price and Mr. Delaney a copy of a
14 letter from the National Parks Conservation Association.
15 I'm sure you all know who they are; 340,000 members, the
16 conscience of the national parks, your best friend, your
17 chief advocate in the private sector. And they write --
18 and I quote. They write: (Reading) As America's
19 leading voice in protecting and enhancing our national
20 parks and historic sites. As you know, in 1961 Congress
21 established Cape Cod National Seashore to preserve and
22 protect the nationally significant landscape of Cape
23 Cod. Congress intended to maintain the area's historic
24 way of life and scenic integrity so that Cape Cod may be

1 preserved substantially in its present condition, quote,
2 and over four and a half million people visit Cape Cod
3 each year for that very experience. Therefore, while
4 the generation of clean and green energy is an honorably
5 and extremely important goal, after much consideration,
6 the National Parks Conservation Association concluded
7 that the approximately 410-foot tall, 1.5-megawatt
8 Vestas V90 wind turbine would have significantly and
9 unalterably affected the Park's viewshed and historic
10 character and, moreover perhaps, set a precedent for
11 additional turbines in Cape Cod (end reading). That was
12 their chief concern.

13 She goes on to say: (Reading) Albeit crafted with
14 the best of intentions, the proposed turbine would have
15 been an inappropriate development, and we commend your
16 diligence in protecting Cape Cod National Seashore from
17 it. As NPCA friend and documentary filmmaker Ken Burns
18 recently said, "The story of the national parks is the
19 story of people, people from every conceivable
20 background, people who were willing to devote themselves
21 to saving some precious portion of the land they loved,
22 and in doing so, reminded their fellow citizens of the
23 full meaning of democracy." Save Our Seashore, under
24 your leadership -- (end reading) -- and this is

1 addressed to all of us and many other groups --
2 (reading) now comes to mind in such a light. Your
3 clarion call to protect Cape Cod National Seashore is a
4 reminder of that same and significant democracy, a small
5 group of individuals equipped with only courage of their
6 convictions, who love a special place and who have stood
7 up and protected the place for generations to come (end
8 reading).

9 MR. DELANEY: Thanks very much.

10 AUDIENCE MEMBER (MR. BIBLER): One more thing, if
11 you will.

12 MR. DELANEY: You've gone way beyond. I've allowed
13 you too much time, Eric, and I'll --

14 AUDIENCE MEMBER (MR. BIBLER): Mr. Chairman, I
15 drove 250 miles to try to give you information I've been
16 trying to get in your hands.

17 MR. DELANEY: There may be a second --

18 AUDIENCE MEMBER (MR. BIBLER): One more minute on
19 the second round?

20 MR. DELANEY: There may be a second go-around, yes.

21 AUDIENCE MEMBER (MR. BIBLER): Okay.

22 MR. DELANEY: And I'll just say you have provided
23 through the superintendent and myself ample information,
24 numerous documents. You've tested our distribution

1 system tremendously. I think at one point I will ask
2 the Commission members themselves if they would like to
3 revisit the protocols that we have, but I can assure you
4 we are doing our best to get all of your documents and
5 all of your attachments and everything we can through to
6 this group as much as possible.

7 AUDIENCE MEMBER (MR. BIBLER): I know that I can't
8 guarantee that they'd read it, but they should have it.

9 MR. DELANEY: And I just assured you that we're
10 doing the best we can.

11 Judy?

12 MS. STEPHENSON: I just want to say that I did get
13 this information, and I did read it all.

14 AUDIENCE MEMBER (MR. BIBLER): Well, my
15 correspondence with the superintendent when I asked him
16 to assure me that all of this information would be
17 provided, he said the attachments would not. And the
18 attachment was defined as anything not a letter.

19 MS. STEPHENSON: Well, the letter from the doctor I
20 recall reading.

21 AUDIENCE MEMBER (MR. BIBLER): Then I'm very happy
22 to hear that, but I'm not in a position to know.

23 MS. STEPHENSON: So I'm getting a distribution
24 packet like this, and I read it (indicates).

1 MR. DELANEY: Thank you, Judy.

2 Brenda, do you want to comment?

3 MS. BOLEYN: Just very briefly. Your last comment
4 that maybe it's time to review our protocol and make
5 suggestions to the superintendent, but it wasn't that
6 long ago -- it was prior to this superintendent when
7 Superintendent Burks was here we had an issue of
8 personal watercraft.

9 Do you all remember that?

10 MS. STEPHENSON: Personal what?

11 MS. BOLEYN: Watercraft. Jet skis.

12 MR. DELANEY: Jet skis.

13 MS. STEPHENSON: Okay.

14 MS. BOLEYN: And we had very passionate people who
15 came in with volumes of paper. And certain decisions
16 were made just based on volume that some materials were
17 here, and the superintendent prepared a list and invited
18 us to come and see it if we wanted to, but there was no
19 attempt to mail -- I mean, we had material coming from
20 jet ski manufacturers and so forth. It was a very large
21 volume.

22 And speaking to the world of electronics, if you
23 write a letter and then you cite a 350-page paper, I
24 don't want to see that coming through on my computer, I

1 can tell you. So there has to be some common sense way
2 of delivering information that's important, and as I
3 mentioned last time, Mr. Bibler, it does behoove the
4 presenter to highlight the important features that the
5 presenter wishes to emphasize. It helps us a great
6 deal. But I think this probably is something for
7 further discussion.

8 Thank you.

9 MR. DELANEY: Thanks.

10 George, do you want to react to that?

11 MR. PRICE: Well, it's not a reaction. It's just
12 obviously we'll do whatever you all want. However,
13 there are limits since I've been here. We've also had
14 the zoning issues. And you'll all recall someone came
15 in with a case of documents in a case, and there was an
16 assumption that the superintendent's office was going to
17 make copies for everybody. And we determined at that
18 time that wasn't going to be productive, so we
19 highlighted the cover sheets in the original
20 correspondence.

21 Since November we've received over 84 pieces of
22 correspondence just on the Wellfleet wind turbine, many
23 of them with multiple attachments. And I had checked
24 with all of you did you want me to just forward that to

1 you, and the answer was no because of the volume on your
2 machines. And there are, frankly, some members of this
3 body that we already have to send a hard copy because we
4 know the computer doesn't even get our notices at home.
5 So it has to do with what you all want. And I think
6 what we were assuming, the chairman had talked about if
7 the Wellfleet project had continued we would have had
8 another subcommittee.

9 MR. DELANEY: We would have had a subcommittee.

10 MR. PRICE: And that group would have taken more
11 opportunity to go through all the attachments and all of
12 the relevant reference material I think in more depth.

13 MR. DELANEY: Thanks, George.

14 Other comments from the public? Yes, sir?

15 AUDIENCE MEMBER (PRESTON RIBNICK): I'm Preston
16 Ribnick, and I'm a resident, full-time resident of
17 Wellfleet. This is my second meeting that I've attended
18 of your commission, and I can tell you as a resident of
19 Wellfleet, I appreciate all the hard work you put in. I
20 never realized, frankly, the complexity that the
21 Seashore confronts in maintaining the properties in the
22 Seashore, and I thank Peter for being the Wellfleet
23 representative and, Tom, for the hard work and knowledge
24 he's put in.

1 I stand today, like I did last time, speaking again
2 on the wind turbine, and I pick up where Eric -- and I
3 follow a lot of Eric's correspondence, and as I
4 appreciate the hard work you put in each month or every
5 other month, I deeply appreciate the certain amount of
6 effort and work that Eric Bibler has put in and the
7 research and to try to bring the lights up, and I think
8 it's critical not just for Wellfleet but for the whole
9 country. So I just have a few remarks to share with you
10 this afternoon.

11 I'm very alarmed with Mr. Price's comments from
12 last time where he mentioned not only the shale oil
13 exploration that may be taking place on National
14 Seashore and National Park Service land, but also you
15 mentioned that there are 17 potential wind turbine
16 projects that were under consideration. To me that
17 strikes a true panic in terms of -- as I read the
18 wonderful words here of the Park Service, to
19 industrialize our parks is a grave step. It's a
20 national treasure, as Ken Burns pointed out.

21 Actually, the reason why I'm here today is I think
22 this commission can play a real role. And I can tell
23 you I came to talk a little bit more about what happened
24 since the last meeting. As Eric said, a lot has

1 happened. But why did it happen? That's the question.
2 Why did it go from all five selectmen in Wellfleet and
3 the town in November, two-thirds plus, going to town
4 meeting and voting \$300,000 to continue the Wellfleet
5 project that would place a 415-foot industrial-grade
6 wind turbine right in the middle of the Cape Cod
7 National Seashore? What happened between November and
8 March 30 when all five selectmen said, "No, we want to
9 terminate the project. We want to stop all funding"?
10 What happened between the November town meeting and the
11 April 26 town meeting when the town in the town meeting,
12 the majority of voters who attended that voted to stop
13 the project in a straw vote and to say, "We don't want
14 to continue"? What happened? Well, I'll tell you the
15 answer. The answer is knowledge and awareness. A group
16 of environment conscious and concerned citizens in
17 Wellfleet began to, first, research industrial-sized
18 wind turbines and the impact on the environment, on
19 health and safety of humans, animals, and plants, and
20 most importantly, the impact on our Cape Cod National
21 Seashore. That's what happened in those two months.

22 What did we do? We organized walks to the proposed
23 site because most people didn't even know where it was
24 going to be placed, right in the middle of the National

1 Seashore in a small bit of land that was continued to be
2 owned by Wellfleet. We took the selectmen there. We
3 took residents there. We held meetings. We attended
4 meetings of town boards and committees. We wrote
5 letters. We spoke with people around the U.S. who have
6 and are struggling with wind energy projects. We simply
7 set about informing elected and appointed officials and
8 our neighbors and friends on the reality, the truth of
9 the industrial-grade wind turbines.

10 Now, so today the wind turbine project that the
11 Wellfleet Energy Committee spent more than five years
12 researching and supporting has stopped, but our concerns
13 have not stopped. Do you realize -- everybody in this
14 room should know this -- that our state legislature in
15 Boston is actively considering a bill entitled the *Wind*
16 *Energy Siting Reform Act* that would be the first in the
17 history of this country -- there's no legislation like
18 this in any state -- that would strip home rule? It
19 would strip away and eliminate environmental laws and
20 regulations that you and all of us here have counted on
21 for the last 50 years and the rights of citizens and
22 communities -- for the first time in history, it would
23 strip away our right to seek redress in state court. Do
24 you realize that's taking place? It was supposed to be

1 voted on in the statehouse last Wednesday afternoon.
2 And people in this state don't know this, but a group of
3 30 people, many from Wellfleet and the Cape towns and
4 other parts of the state went and stood outside the
5 halls, in the hallways. Jim Rogers and his wife were
6 there and talked to the representatives going in as they
7 were going to vote on that. And they voted to postpone
8 it, maybe till this Wednesday or the next Wednesday.

9 Here, this is my final point, and thank you for
10 your tolerance. Therefore, I come, we come today
11 imploring this body, this commission to take a firm and
12 public stand, Mr. Price. We request that this advisory
13 commission and the Cape Cod National Seashore
14 superintendent and the leadership publicly now and for
15 all time state that our seashore should not be
16 industrialized -- should not be industrialized, that
17 industrial-sized wind turbines should never be allowed
18 in Cape Cod National Seashore or in any other national
19 park or seashore. And you can do it. Whether it
20 resonates in Washington or with the Secretary of the
21 Interior, Salazar, or whoever, but you can take that
22 stand. You can do that. And there are many people in
23 Wellfleet and these other towns that you mentioned,
24 Eric, up and down Cape Cod who are saying, "We don't

1 want it in our town." The people in Harwich just two
2 weeks ago or a week ago in their town meeting said, "No,
3 we don't want it in Harwich." Eastham, Orleans,
4 Wellfleet. And so we can do the same thing. You can,
5 to make a public and firm stance.

6 Thank you, sir.

7 MR. DELANEY: Thank you.

8 Other comments? Let me go to Mr. Thomas.

9 AUDIENCE MEMBER (JOHN THOMAS): I'll be really
10 brief. I'm John Thomas. I'm on the subcommittee of the
11 dune shack, and I just wanted to repeat the invitation
12 that if anybody has any questions about the thousands of
13 hours collectively that we've done, please let us know
14 now because we want this report to be something that's
15 as good as it can be and that you are likely to approve.
16 So help us now if you have some comments in the next
17 week or so that we can have time to deal with it.

18 MR. DELANEY: Thank you, John.

19 Other people who have not spoken yet who would like
20 to comment? Lilli?

21 AUDIENCE MEMBER (LILLI GREEN): Yes. May I just
22 address one thing that Preston --

23 MR. DELANEY: Identify yourself, please.

24 AUDIENCE MEMBER (MS. GREEN): Okay, Lilli Green,

1 but not to take my time away, but Preston did ask for
2 that list of 17 parks, and you said that you were going
3 to provide that last time to us. I mean, he did raise
4 that question. Can we have that addressed before --

5 MR. DELANEY: Is there a list of 17 parks? There's
6 no reference to 17 --

7 MR. PRICE: There was. I believe that was
8 information Lauren was going to. So we'll provide that
9 as soon as we can nail it down.

10 AUDIENCE MEMBER (MS. GREEN): And how is that
11 provided?

12 MR. PRICE: Well, I understand that you all have
13 letters in the queue, and we'll provide it that way.

14 AUDIENCE MEMBER (MS. GREEN): All right, thank you.

15 Good afternoon. Thank you to Chairman Delaney, to
16 Mr. Price, and to all the members of the Advisory
17 Commission for this opportunity to speak today.

18 I'm Lilli Green, a registered voter in Wellfleet.
19 I come here today to ask Mr. Price, superintendent of
20 Cape Cod National Seashore, to make a public statement
21 that wind turbines are inappropriate to be constructed
22 within Cape Cod National Seashore. In my opinion, there
23 are several points that would sufficiently substantiate
24 such a statement.

1 Number one, today we know that wind turbines cannot
2 be built in Provincetown and Truro due to FAA
3 regulations, and the towns of Wellfleet, Eastham, and
4 Orleans, the Seashore towns, have stopped proposed wind
5 turbines in their towns. Here's the opportunity for the
6 National Park to be in sync with the Seashore towns.

7 Number two, Cape Cod National Seashore has a Park
8 purpose, and we spoke about this last time, Mr. Price.
9 And I'll summarize a lot of things just for the sake of
10 time. To preserve the nationally significant, natural
11 features and ambience that characterizes the Outer Cape
12 and to provide opportunities for current and future
13 generations to experience, enjoy, and understand these
14 features and values.

15 Number three, the March 16 correspondence from you,
16 Mr. Price, to Geoffrey Karlson, chair of the Wellfleet
17 Energy Committee, in reference to a report from the
18 energy committee on the sound states that the Wellfleet
19 wind turbine project does not address potential impacts
20 to wildlife. The highlights went into the deficiency in
21 reference to some bat species which are dying in
22 extraordinary numbers and birds, including the Northern
23 Harriers, that are listed as threatened and are found in
24 the area of the wind turbine site.

1 Number four, *The Park Science* publication, the
2 National Park publication, Winter 2009-2010, and the
3 article called *Conserving the Wild Life Therein -*
4 *Protecting Park Fauna from Anthropogenic Noise*, the
5 abstract states: (Reading) Recent studies document
6 substantial changes in behavior, breeding success,
7 density and community structure in response to noise.
8 Analysis of these data make a compelling case for
9 systematic efforts to preserve acoustic environments
10 throughout the National Park system.

11 Number five, two letters written to our town
12 administrator in Wellfleet by Nina Pierpont, M.D.,
13 Ph.D., who also wrote the book *Wind Turbine Syndrome*.

14 And I will draw your attention to two items, one
15 from the 3/12 letter where she said: (Reading) Don't
16 build these low frequency, infrasound-generating
17 machines within 1.24 miles or 2 kilometers of people's
18 homes. Governments and corporations who violate this
19 principle are guilty of gross clinical harm. Such
20 governments and corporations should be taken before
21 whatever level of court is necessary to stop this
22 outrage (end reading). She says: (Reading) Governments
23 and the wind industry stubbornly -- I would now add
24 criminally -- refuse to acknowledge that they are

1 deliberately and aggressively harming people. This must
2 stop. The evidence is overwhelming (end reading).

3 And from her letter on 3/27: (Reading) With
4 regard to the question in your letter about a single
5 wind turbine that Wellfleet proposes to build within the
6 Cape Cod National Seashore, it will be capable of
7 causing adverse health effects on both people and
8 animals (end reading).

9 And if you have any doubts, you can read the
10 reports from the neighbors in Falmouth. There's one
11 single wind turbine that was similar to the old model
12 that Wellfleet was going to propose to be built, and the
13 Wellfleet Energy Committee was trying to raise the
14 height and also the power of that wind turbine that they
15 wanted to put back there and was driving a stake into
16 the green heart of our pristine national park.

17 Nina Pierpont goes on to say: (Reading) All
18 vertebrates -- fish, amphibians, reptiles, mammals, and
19 birds -- have similar inner ear vestibular organs.
20 These organs detect motion, acceleration, orientation to
21 gravity, and changes in ambient pressure. From fish on
22 up, these organs have been evolutionarily conserved.
23 They are linked neurologically to alerting and escape
24 behaviors (end reading).

1 So, Mr. Price, if you cannot see fit to make a
2 public statement stating that Cape Cod National Seashore
3 is an inappropriate location for wind turbines -- and I
4 ask you what Dr. Pierpont asked our town administrator
5 in Wellfleet, if there were to be proposed a proposal to
6 build a wind turbine in the National Park, what measures
7 do you plan to take in this project to safeguard:
8 Number one, human health? Number two, homeowners'
9 property values; i.e., if a family or one family member
10 can no longer tolerate living in a permanent home or
11 visiting a summer home and they need to sell the
12 property? And number three, breeding and migrating
13 animal populations in Cape Cod National Seashore?

14 I, as do your local and our national communities,
15 look forward to your reply and hopefully to a public
16 statement that wind turbines are inappropriate within
17 Cape Cod National Seashore.

18 And, Mr. Delaney, I also implore this commission --
19 I do agree with Preston. I think you do have a powerful
20 voice. If you can see fit to make a statement, that
21 would be huge, especially in light of the state
22 legislation.

23 MR. DELANEY: Thank you, Lilli.

24 All right, other public comments? Yes, sir, in the

1 front.

2 AUDIENCE MEMBER (ED DOYLE): Hi, my name is Ed
3 Doyle, and I don't know if the Commission has seen this
4 *Park Science*.

5 MR. PRICE: What? The *Park* -- what's that?

6 AUDIENCE MEMBER (MR. BIBLER): It's a special issue
7 from --

8 AUDIENCE MEMBER (MR. DOYLE): It's a special issue
9 concerning soundscape in the National Park.

10 MS. STEPHENSON: I think I've seen this.

11 AUDIENCE MEMBER (MR. DOYLE): Well, it talks in
12 here about basically violating Director's Order 47,
13 which I sent a letter to Mr. Price, and he kind of
14 dismissed it as only would affect transient Park users
15 so it's really not that important, which, as far as I
16 know, the people who visit the Park are all transients,
17 to say nothing about the wildlife that will be impacted.
18 It's very well documented, and this magazine goes into
19 it in a little detail, but there are other articles, a
20 lot of it being in the letter that the soundscape people
21 in Fort Collins sent to Mr. Price. And he forwarded it
22 on to the town, but I'm not sure he ever got an answer
23 from the town on that.

24 So I have a couple questions for Mr. Price. One is

1 did he ever get an answer from the town concerning the
2 review of the soundscape people in Fort Collins? And,
3 number two, he mentioned that they're appealing the FAA
4 determination in the Highlands Center. I'd like to know
5 what mitigation efforts they have forwarded to the FAA
6 to mitigate the problem where the FAA said they would
7 not approve anything over ground level, zero above
8 ground level.

9 And I'd like to comment on the other folks who
10 spoke in opposition to the turbines. I echo that. I
11 support that. I've read a lot of this, not all of this
12 information, and the Commission should surely come out
13 against wind turbines in this park.

14 MR. DELANEY: Thank you.

15 George, do you want to respond to his questions?

16 MR. PRICE: The first question is, did we get an
17 answer on the soundscape? The answer is no. I believe
18 they believe the project is off the tracks at this
19 point, so I do not expect an answer. There is no
20 opportunity now for the consultants to do the additional
21 tests that they would require in order to get a
22 professional assessment.

23 The second thing about the FAA, this was just the
24 normal application process. There's no mitigation

1 necessary. We've worked with consultants that were
2 explaining the technical abilities to have vertical
3 structures in and around this type of equipment which
4 currently exists, in my understanding, elsewhere, and,
5 in fact, on the same property, the Coast Guard and the
6 Homeland Security just constructed an over 100-foot
7 antenna on the exact same property, and they figured out
8 how to deal with that.

9 So I am not even going to pretend to be a technical
10 person to understand these things, but, in fact, around
11 Logan Airport there obviously are the two turbines in
12 Hull. It's my understanding the City of Boston is going
13 to construct a couple on Moon Island, and there are
14 three much smaller ones on Deer Island. So there are
15 ways from a technical point of view to deal with the
16 equipment, we understand. If at the end of the day
17 we're prohibited from going any further, then we will
18 have done our due diligence, but that's the only answer
19 I have at this point.

20 AUDIENCE MEMBER (MR. DOYLE): So you don't have any
21 plans to relocate these from the original point? It was
22 1,500 feet from the radar. So you don't --

23 MR. PRICE: It's a work in progress.

24 AUDIENCE MEMBER (MR. DOYLE): Well, do you have any

1 plans to relocate --

2 MR. DELANEY: I think you asked your two questions
3 and we responded.

4 I'm not sure, George, if you need to comment any
5 further on plans.

6 I think you heard the superintendent say it's a
7 work in progress, and we'll see where that goes.

8 Other people that have not commented yet on any
9 topic besides turbines, dune shacks, birds, and other
10 controversies? I will interject. I know I'm going to
11 come back. I had promised another minute for each of
12 these fellows, but before I --

13 MR. PRICE: Does anybody need this equipment for
14 the program at Provincetown, Sandy, do you know?
15 Because you guys need to get on the road to be ready for
16 4:30.

17 MS. HAMILTON: Yeah, we do.

18 MR. DELANEY: We're at about ten minutes past
19 three. We usually try to end at three. I know you've
20 got a schedule.

21 MR. PRICE: Well, I can stay longer, but I'm just
22 concerned. I don't want the rest of the committee to --
23 they need to take the PowerPoint.

24 MR. DELANEY: Can we go five more minutes as a

1 group and then you can break for this?

2 MR. PRICE: Where's Stacie?

3 MS. SMITH: I'm back here. Five minutes is fine.

4 MR. PRICE: Okay.

5 MR. DELANEY: Okay. Then I'll withdraw my -- I'll
6 withhold my general comment and go back to -- really,
7 guys, you've all had a chance. Just if you make a final
8 point.

9 AUDIENCE MEMBER (MR. ROGERS): George, did I
10 understand you that the subcommittee no longer exists?

11 MR. DELANEY: I had never really finalized the
12 appointment of a subcommittee. We began to identify it
13 in preparation for responding to the Wellfleet sound
14 proposal. So at this point I have not gone forward to
15 appoint it further, partly generally -- well, actually,
16 what we do with our subcommittees is they're task-
17 oriented or specific project-oriented like the dune
18 shack pending decision. So there's no pending decision
19 for this group right now on that particular turbine, so
20 I have not actuated that -- activated that committee.

21 AUDIENCE MEMBER (MR. ROGERS): But activating the
22 committee as a whole, that would be a wise thing to
23 continue, to continue the subcommittee.

24 MR. SABIN: We never had -- there never was a

1 subcommittee.

2 MS. AVELLAR: We never had a subcommittee.

3 AUDIENCE MEMBER (MR. ROGERS): To continue
4 exploring the possibility then. The Wellfleet one may
5 be dead, but it certainly hasn't --

6 MR. SABIN: But there is no subcommittee.

7 AUDIENCE MEMBER (MR. ROGERS): I understand that,
8 sir, but couldn't you continue to examine the
9 possibility of creating a subcommittee?

10 MR. DELANEY: Well, I think right now we're all, as
11 the entire Commission, examining the committee. A lot
12 of information has been presented. We will continue to
13 look at it. If there is an opportunity where we need a
14 subcommittee to give us a specific recommendation on a
15 project, I'll ask if there is a proponent, but right now
16 it's a committee as a whole.

17 Eric?

18 AUDIENCE MEMBER (MR. BIBLER): I think the problem
19 here when you stand back from it is very simple. I've
20 read all your minutes. I was shocked the first meeting
21 I attended in November when Superintendent Price opened
22 the topic of wind turbines with the statement, which was
23 not the first time he made it, "You all know how I feel.
24 It's not if we should have wind turbines on Cape Cod.

1 It's where we should put them." And I think he said in
2 the National Seashore.

3 Okay, that's not any way to frame -- read the
4 minutes. That's not any way to frame the debate, first
5 of all. Secondly, the National Parks Conservation
6 Association has just sent a letter and copied it to Mr.
7 Price saying: (Reading) The National Seashore is no
8 place for an industrial wind turbine. And we were going
9 to back you in Wellfleet after much study on our own and
10 not just reading Eric's voluminous writings but after
11 much of our own study -- (end reading) -- they even said
12 they changed some of their own policies and they were
13 going to back us against the Park if the Park chose to
14 want to implement this because they said it was
15 inappropriate.

16 The wind turbine guidelines in the U.S. Fish and
17 Wildlife Service, a massive project. I can't get Mr.
18 Price to admit that they exist. It's a 150-page
19 detailed playbook about where to put wind turbines for
20 responsible wind energy development, and Rule No. 1 is
21 don't locate them in conservation areas. But all I hear
22 is global warming; rising sea levels; beach erosion;
23 Cape Wind, which is not a national park -- thank you
24 very much -- shale oil, which does not exist under Cape

1 Cod -- thank you very much. Let's stop changing the
2 subject.

3 I've written many detailed questions that are very
4 specific like, "Show me. Make a statement that Cape Cod
5 National Seashore is an appropriate location for a wind
6 -- industrial wind turbine in concurrence with your own
7 departments, Department of the Interior and U.S. Fish
8 and Wildlife Service's detailed guidelines for
9 appropriate location by their definition. Can I have
10 that?" I mean, we hear that Salazar has made a
11 statement by allowing Cape Wind offshore, which is not a
12 national park. Someone else is making a statement
13 because they want to drill for shale oil. We have
14 Lauren McKean coming in here referencing projects that
15 are phantom projects. I say show me the sources. Let
16 me know where the projects are. Refer me to what you're
17 talking about. Can't get any answers.

18 I asked how the Seashore asked about 875 feet of
19 the fall zone of a wind turbine, and you can't build one
20 anywhere in the Seashore that I'm aware of, any that
21 have been contemplated where the safety perimeter would
22 not fall on the Seashore. Can't get an answer. We
23 asked about the flicker. These are specific questions.

24 And I know you don't want to read all this

1 material, but you know something? The board of
2 selectmen didn't want to read it, neither did the
3 finance committee or the planning board, and they
4 realized, hey, we're getting into something that's a lot
5 more complicated than we thought. So if you're going to
6 sit around a table and say it's not a question of if but
7 where to put them but you're not willing to do the
8 homework that all these towns did and ultimately
9 concluded that this is a very bad idea, then you should
10 just say no. You can't say yes, or you can't frame the
11 discussion of "Of course, we want them. We just haven't
12 figured out where to put them" unless you're going to do
13 your homework.

14 Finally, there's been correspondence going back and
15 forth between the National Seashore -- and you've all
16 been copied -- since 2007. No one has ever objected to
17 the location. We always knew where the locations were
18 going to be. We had Lauren McKean leading the viewshed
19 analysis and helping choose the locations. Let's get
20 back to the fundamental question. Are they appropriate
21 in an area that's dedicated to preserve and conserve the
22 natural landscape in its original condition for all
23 future generations? Let's not talk about shale oil and
24 Cape Wind and everything else. Let's talk about your

1 department's guidelines. I'd like you to frame your
2 policy statement and justify considering that proposal.

3 MR. DELANEY: Okay, thank you.

4 Okay, I set some guidelines, and I asked the group
5 for five more minutes. We've already used up at least
6 four of those. People, really if you're going to say
7 anything that's not been said before.

8 AUDIENCE MEMBER (MS. GREEN): Yes, I am going to
9 say.

10 MR. DELANEY: Can you say it in one sentence?

11 AUDIENCE MEMBER (MS. GREEN): Yes.

12 MR. DELANEY: I'll give you one sentence, and then,
13 Gail, I'll give you one sentence. And then I have to at
14 least let the equipment go and the members.

15 AUDIENCE MEMBER (MS. GREEN): It's just a protocol
16 thing. I just wanted to be clear about the minutes of
17 the meeting. I looked online for the minutes that were
18 accepted at the last meeting to see what they were, and
19 they weren't there. When are the minutes posted online?
20 And Tom is -- is an alternate, and that's not online
21 either.

22 MR. DELANEY: If we can't answer that immediately,
23 we'll get back to you directly with when they are up
24 because we do get them up eventually.

1 Gail, please just be one -- question in one minute
2 or one sentence, if you could, please.

3 AUDIENCE MEMBER (MS. COHEN): Gail, one sentence.

4 I called everyone who's participated in the
5 obliteration of the dune dwellers before, and I just
6 want to say in the one minute that I have or one
7 question, one statement is that I will always be proud
8 that I never participated in the obliteration of the
9 dune dwellers, which is approaching fast.

10 MR. DELANEY: Thank you.

11 I think we've heard from just about everyone, and I
12 would just like to comment on -- you get one minute.

13 AUDIENCE MEMBER (MR. REINHART): This is not really
14 on the subject of wind turbines. Tom Reinhart.

15 You mentioned that Truro -- and we all know this --
16 didn't pass zoning bylaws that would protect the scale
17 of the houses in their part of the Seashore, and I
18 worked long and hard to get Wellfleet's zoning bylaws
19 changed. And I was wondering if it would -- if the
20 board of advisors is in favor if we could come out and
21 maybe say that we would really like to encourage Truro
22 to do something that corresponds to the Wellfleet
23 guidelines because they were doing something somewhat
24 similar but just expand it a bit. I mean, it has to do

1 with -- you know, it's funny because this turbine is so
2 tall, and we're talking about -- we were worried about
3 small scale in the Seashore, and this is certainly
4 inconsistent.

5 But back to the house thing. I think it's really a
6 detriment to the Seashore to allow McMansions in cases
7 like we're getting built in Wellfleet in Truro, which is
8 a big part of the Seashore. And I think it's time for
9 all of us to kind of start bugging them or something to
10 say let's get this done, you know, and maybe we get
11 pushed over the top. But we really shouldn't have
12 McMansions in the National Seashore, so that's something
13 I'd like the Commission to really think about.

14 MR. DELANEY: Thank you. And I think without
15 getting into that long topic, the Park has taken some
16 pretty strong stands -- and this commission as well --
17 about the McMansions. It's another issue of local
18 authority, state, federal.

19 And just my concluding comment, I want to thank
20 everyone for their heartfelt comments. We do hear you.
21 We do listen to the information. This group here is a
22 group of volunteers who spend a lot of time thinking
23 about this.

24 The context for these individual projects -- and

1 Eric started to do my summary. This is a national
2 debate that's going on about alternative energy, about
3 energy independence. It's framed very dramatically by
4 the Gulf of Mexico situation on one level; by the
5 President and his initiatives, another; by the National
6 Park Service wrestling with that versus global climate
7 change (indicates). Low acidification of our ocean
8 waters kill more fish than a couple of oil spills. We
9 don't know, but these are big, big questions. We're all
10 wrestling with these things.

11 So I ask everyone to continue to help us wrestle
12 with them. We appreciate the information. We
13 appreciate the fact that you are involved in the
14 dialogue. That's the most important thing. Too many
15 people in this country aren't involved in the dialogue
16 and aren't thinking about these things. But also I ask
17 you to be patient. Let us continue to educate and work
18 through these issues, and hopefully we all can come out
19 with some sustainable solutions in the end.

20 Enough of my piece. George?

21 MR. PRICE: And, Rich -- Eric, I don't know if
22 you'll still be interested in coming back, but we have
23 this presentation in the fall from our natural resource
24 management division, the issue of climate change, sea

1 level rise, and all of these other things are not
2 abstract. One of the things they did here is they have
3 been monitoring these ponds since the 1970s, and they
4 have documented history. We're not talking about a
5 fantasy in the future of what's going to happen when the
6 ice cap melts, but right now we know the accelerated
7 increase in heavy metals as well as mercuries in our
8 freshwater ponds. We know the impact of the change of
9 climate on a limited -- more and more limited ice cover
10 over the ponds. We know the change in the environment
11 that's happening here on the Cape.

12 And I went to another conference. I was surprised
13 about this. Somebody reported we're using more coal-
14 fired plants now in this country, more coal than we've
15 ever used before. And Cape Cod basically -- a couple of
16 natural resource people a ways ago said to me when I was
17 shocked when the fall came and the inversion happened so
18 you now had a clear view, and they said, "Well, what do
19 you expect? We're the tailpipe of North America." So
20 all that wafting pollutants that come across here, this
21 is where it gets deposited.

22 So the question -- and I went to another conference
23 where it talks about how Cape Cod is one of the highest
24 energy use regions in the state of Massachusetts, most

1 likely because of supporting our tourist economy in the
2 off-season. So we're at a conflict.

3 And you'll definitely recall the Park Service was
4 not pro or con on the Wellfleet turbine. That was from
5 day one, and that's still today, no matter what anybody
6 says. We hadn't made a statement yet. Any statement
7 that I make has to be vetted and qualified all the way
8 up the chain. So those are very important, significant
9 issues because then people will say, "Well, what happens
10 in one national park can be transferred to another." So
11 we have to be very careful about how we speak. So it's
12 not just this superintendent speaking, but I'm speaking
13 for the Park Service on some of these issues, and the
14 Park Service right now is concerned about all of these
15 detrimental environmental conditions.

16 We're not where we were in 1961. We've had all
17 these increased pollutions landing on our pristine land
18 here on the Cape or in our ponds, and we are sucking
19 more energy out of the system as a recreation area
20 supporting all of our millions of visitors. So it seems
21 to me it's a dialogue. So you're absolutely right.
22 There are a lot of big issue, umbrella-type dialogues to
23 deal with, and there's a lot of very smart people that
24 live here and care about the Cape, and the question is,

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 113 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 24, 2010, 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 8th day of July, 2010.

Linda M. Corcoran - Court Reporter
My commission expires:
September 13, 2013