

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

TWO HUNDRED AND SEVENTY-FOURTH MEETING

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station
Area, Park Headquarters, South Wellfleet, Massachusetts, on
Monday, July 19, 2010, commencing at 1:07 p.m.

SITTING:

Richard F. Delaney, Chairman
Brenda Boleyn, Vice Chairman
Richard Philbrick
Don Nuendel
Peter Watts
William Hammatt
Judith Stephenson
Edgar Francis
Sharon Lynn

Larry Spaulding, alternate
Tom Reinhart, alternate
Dr. Howard Irwin, 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
Sandy Hamilton, Environmental Protection Specialist

Audience members

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

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MR. DELANEY: Okay, good afternoon. I'd like to bring the 274th meeting of the Cape Cod National Seashore Advisory Commission together. I always like saying that number. It's really impressive.

We right at the outset have some fans going and a little bit of noise, so I'd like to ask everyone to speak loudly and clearly today for our stenographer.

And I'd like to continue what we started last week with introducing ourselves to the audience. Not everyone knows who we are.

I'm Richard Delaney. I'm the chairman of the Commission.

MS. BOLEYN: Brenda Boleyn, vice chair.

MR. FRANCIS: Butch Francis, representing Truro.

MS. STEPHENSON: Judy Stephenson, the Governor's representative.

MR. PRICE: I'm George Price. I'm the superintendent and the federally designated official, which means I'm a nonvoting participant.

MR. HAMMATT: Bill Hammatt, Chatham's representative.

MR. WATTS: Peter Watts, representing Wellfleet.

MR. NUENDEL: Don Nuendel, representing Eastham,

1 sitting in for Ed Sabin.

2 MR. PHILBRICK: Dick Philbrick, Orleans for the
3 Commission.

4 MR. DELANEY: Welcome.

5 **ADOPTION OF AGENDA**

6 MR. DELANEY: And we do have an agenda that was
7 sent out in advance.

8 Any members of the Commission like to amend or
9 suggest changes to the agenda before we start?

10 (No response.)

11 MR. DELANEY: Okay, we'll adopt the agenda and
12 draft as printed.

13 **APPROVAL OF MINUTES OF PREVIOUS MEETING (MAY 24, 2010)**

14 MR. DELANEY: You also have received the minutes
15 from our last meeting, which was May 24.

16 Are there suggestions -- suggested edits, changes,
17 deletions, or comment on the minutes?

18 MS. BOLEYN: I move approval.

19 MR. DELANEY: Brenda moves approval.

20 MR. PHILBRICK: Second.

21 MS. STEPHENSON: Second.

22 MR. DELANEY: There's a second from Dick.

23 Any discussion, changes?

24 (No response.)

1 *for the Peaked Hill Bars Historic District.* That's the
2 document that the subcommittee is now sending up to us,
3 and our mission today, our goal today hopefully is to
4 endorse the report and the recommendations contained
5 therein and send it on up with our recommendations to
6 the superintendent. Theoretically, they could reject
7 the entire document if they found it fatally flawed.

8 (Laughter.)

9 AUDIENCE MEMBER: I'll catch you if you fall.

10 MR. DELANEY: Or we certainly have the standing and
11 every right to add our own thoughts, comments, ideas to
12 it. Now, it's complicated. There's a lot to this. And
13 I'm not sure that it's going to serve us well if we
14 start to have a motion to approve, then amend that with
15 an idea to amend it again and amend it. We might not
16 ever get through that. The subcommittee did that for I
17 don't know how many dozen meetings. But I see perhaps
18 at the end of our discussion of either hopefully a
19 strong consensus -- if we have to vote, we will, but at
20 least a strong consensus saying we accept the
21 recommendations with any caveats or notes or statements
22 of additional emphasis or the emphasis that we want to
23 add.

24 And maybe we will find it such a brilliant piece of

1 work that we just say great as is, boom, right up to
2 George. That would be wonderful. But I think, as we
3 have our input -- and I hope you've read it all
4 thoroughly -- we might want to add a little bit of
5 emphasis to our comment or note to help the
6 superintendent take it to the next steps.

7 And I'm going to ask Sandy Hamilton --

8 MS. HAMILTON: Back here in the corner.

9 MR. DELANEY: -- in a couple minutes to describe
10 some of the next steps. Before we do that, let me
11 continue to outline how I think we should approach our
12 discussion of the report today.

13 All of the Commission members have a document
14 entitled *Summary of Recommendations*.

15 MS. BOLEYN: There are extra copies right there.

16 MR. DELANEY: And if you didn't bring yours, we
17 have some extra copies up here.

18 This is I think an excellent summation of the much
19 more extensive full report, and this was put together by
20 Sandy Hamilton, who you'll know in a minute, who is
21 going to be key in going to the next step of the
22 environmental assessment, and Stacie Smith, who was one
23 of the lead people from Consensus Building Institute,
24 the group that facilitated the discussions. So those

1 are two of the people that put this together at George's
2 staff.

3 And I suggest that since there are about I think --
4 they're not lettered, but there are eight bold-faced
5 sections, bold-faced letter sections. I'd like to
6 suggest we take it section by section. Some sections
7 only have a couple comments. Some have 15 or 20
8 different recommendations, but I would take it section
9 by section.

10 And I would ask first before we plunge into
11 discussion that any member of the Commission who served
12 on the subcommittee, namely Brenda, Phil, or Dick, if
13 they would like to highlight one or two of the
14 recommendations in that section to do so to help get the
15 discussion started. And also I would like to ask the
16 superintendent on a section-by-section basis is there
17 any major take-home point that he saw that was
18 particularly helpful or needs more work. Then I will
19 open it up to this whole group for discussion. We can
20 comment on it.

21 And Brenda's going to make a suggestion.

22 MS. BOLEYN: I just wanted to comment on the
23 process for the people in the room that understand that
24 there were long meetings and extensive discussions and

1 that this report was all done by consensus, which means
2 lots of compromises. So probably, as we joked at the
3 end, there was probably nobody in the room who was happy
4 with everything in the report. So understand that we
5 had to wrestle some things to the ground and agree on
6 what we could, quote, live with in the report and so
7 forth. And that's the way consensus works.

8 And there will be further opportunity for people to
9 comment in the fall too. This is all part of a long
10 process, and I wonder if this is the time to mention
11 that paragraph that we talked about, or are you going to
12 ask Sandy to do that?

13 MR. DELANEY: I was going to ask Sandy to do that
14 in a minute.

15 MS. BOLEYN: Anyway, I thought that it was a very
16 rewarding experience to have worked with this
17 subcommittee, and I too extend my thanks on behalf of
18 the Advisory Commission for the output and commitment
19 and loyalty to the attendance. It really was a pretty
20 amazing series of meetings. I do think we have produced
21 a document that the superintendent will be able to work
22 with or at least the start of something he'll be able to
23 work with.

24 Thank you.

1 MR. DELANEY: No, thank you.

2 So if we go section by section. Then there are
3 other people here today who are members of the
4 subcommittee but they're not members of the Commission,
5 and from time to time, I think I may need to call on
6 them for a clarification or for a comment. When we go
7 through this document, I'll ask them to comment further
8 to give them a chance, and then we have reserved at the
9 end of the meeting, like we do all the time, general
10 comment from the public so we can go back and revisit it
11 at that point. But if we take each section and move
12 deliberately, I think we can get in before 3 o'clock,
13 our adjournment time, our position.

14 Judy, are you going to ask a question on process?

15 MS. STEPHENSON: Is this considered a final report
16 of your group, or is the group a standing committee
17 that's going to get back together for more work where
18 there were some unresolved issues?

19 MR. DELANEY: This is a final committee -- final
20 report from the subcommittee as it's constituted now.
21 It's on our table to accept it, reject it, and pass it
22 up to the superintendent. You'll see one of the
23 recommendations of the existing committee now is to have
24 me presumably form or us form a standing subcommittee

1 later on to guide the process.

2 MS. STEPHENSON: So this committee's come to an end
3 and there may be something else?

4 MR. DELANEY: Yeah.

5 And just in terms of the next steps, Sandy, if you
6 would -- I've taken us through what we're going to do
7 today. The superintendent will have a set of
8 recommendations. And take it from there as to what
9 happens in the next few months, please. And identify
10 yourself in a little bit more detail.

11 MS. HAMILTON: I'm Sandy Hamilton. I'm the project
12 manager for the dune shack preservation and use plan,
13 environmental assessment. I'm part of the Washington
14 office of the National Park Service. I work with parks
15 around the country on planning projects.

16 And what will happen if we -- we're hoping today
17 that the Commission will give us a set of
18 recommendations for analysis and evaluation in the
19 planned environmental assessment that the Park Service
20 is going to be putting together. We will be looking at
21 the recommendations from the Commission, and also we
22 have to -- we're required to look at continuing
23 management the way we have been without anything new,
24 kind of an ad-hoc arrangement that we have in place

1 right now that the Seashore is going on with. And we
2 may be looking to see also if there are any other
3 alternatives that also should be examined in the planned
4 environmental assessment. So it may turn out that
5 there'll be three -- two to three, whatever, but
6 definitely the one that we're most interested in today
7 is the one coming from the Commission.

8 When this is all packaged together in a planned
9 environmental assessment -- and in there not only will
10 we have a description of the alternatives, but we'll
11 also have the impacts of each of them and some
12 background descriptions and a description of those
13 resources that could be affected, and that will all be
14 put together and go out to the public.

15 (Discussion off the record.)

16 MR. DELANEY: Sandy, could you step right up to the
17 table.

18 MS. HAMILTON: Sure.

19 MR. DELANEY: This is important. And I know we
20 have a distraction, but just so you make sure we
21 understand.

22 MS. HAMILTON: So we will have a document that will
23 look at the effects of several alternatives, including
24 the one that we hope to get from you today. And there

1 will be a public review period of that. It will go out
2 to the public for review and comment. There will be a
3 public meeting. We will get all the comments back and
4 take a look at them, analyze and consider them, and then
5 the Seashore will make a recommendation to the regional
6 director for what to implement, what actions to
7 implement, which alternatives to implement. Sometimes
8 we will change the alternative a little bit based on
9 public comment maybe. Occasionally we even pick a
10 different one based on public comment. That usually
11 doesn't happen, but sometimes it could.

12 And the superintendent will make the recommendation
13 to the regional director what to implement. The
14 regional director will sign a decision document, and
15 that will include not just the decision document that
16 describes what we're going to be doing and why but also
17 the original planned EA that's gone out for public
18 review, a list of what we call errata that are any
19 changes that have been made to that document based on
20 public comment or things that the Park Service has
21 discovered needed to be changed, and a response to all
22 the public comments. So we will take the public
23 comments and group them by topic or issue, and then we
24 will write a response to each of those and explain how

1 we've dealt with that, if we've made a change or not
2 and, if so, why and, if not, why. That whole package is
3 what goes to the decision maker, the regional director,
4 for the decision for him to consider.

5 Then once we have a decision, the Park has talked
6 about pulling out the plan, the description of what the
7 Park is actually going to implement for preservation and
8 use of the dune shacks and republishing that in its own
9 cover as its own kind of little presentation document
10 that can be handed out to people who are dwelling in the
11 dunes or who are coming to stay or to the Commission or
12 to whoever is interested. So there will be a short,
13 brief little plan that won't be as big as the entire
14 planned environmental assessment at the very end likely.
15 That part's optional, but we've talked about it just as
16 an easy way for people to see what the plan is.

17 MR. DELANEY: Okay, thank you, Sandy.

18 Any questions on the process from here on out and
19 also today's suggested process? George?

20 MR. PRICE: I just want to add one footnote to what
21 Sandy said, and that is, as we ponder the next step --
22 and the participants in the meeting are aware of this,
23 but there are a lot of elements in here about specific
24 technical issues related to leasing. And once we have a

1 plan that says this is the approach for the leasing,
2 then I just want you to know in full disclosure here I
3 still have to sell that to our regional leasing people.
4 So there are things like a 20-year lease, for instance,
5 I've talked over with many of the members. So I still
6 have some work to do to actually get to the objectives
7 in the plan, which I feel very confident about, but I
8 just want you to know that that's also a next step. And
9 then that will be rolled up in the final EA language.
10 So that is another piece that the subcommittee was aware
11 of, but I just wanted you to know that that's also in
12 this interim period.

13 MR. DELANEY: Okay, thanks.

14 So unless commissioners have a thought or a
15 question, again, we're going to work off this small
16 abbreviated six-page document. All these bullets and
17 comments are references to more detailed backup
18 information in the larger report, and Brenda has been
19 good enough to actually track the pages in the large --
20 the full report that relate to each one of these small
21 bullets. So if we do get to a point in our discussion
22 where we want a little bit more background, Brenda will
23 hopefully be able to direct us to whichever page is most
24 pertinent. Thank you.

1 All right, so let's just start with this first one.
2 The first section is in bold print. It's called
3 *Stewardship and Occupancy of the Dune Shacks*. It has a
4 page -- almost two pages of comments and bullets.

5 And, Brenda, could I start to ask you to maybe
6 highlight the ones you think are most relevant to draw
7 attention to?

8 MS. BOLEYN: Well, first I'd like to alert people
9 that this is a summary of the recommendations that are
10 in the report. The background information is not here.
11 So you will find that the information that's listed here
12 all comes from Chapters 4 through 9. So, for instance,
13 on the first page, we're talking about Chapter 4. So
14 these are like action items, the actual recommendations
15 that come out of the report.

16 And I really do want to thank Sandy Hamilton for
17 extracting these and preparing this in such a concise
18 fashion and so clearly that we can use this. So we're
19 going to use this as a discussion paper. And I hope you
20 have had an opportunity to read the background chapters
21 because they're very interesting and there's a lot of, I
22 think, important information in those. And, of course,
23 we can go back to those too, I mean, if you have
24 questions about those chapters certainly. But we

1 thought that it would be efficient to focus on these
2 specific recommendations that are in the report.

3 So starting with that, Chapters 4 and 5, I think
4 we're aware that the subcommittee spent most of its time
5 sort of wrestling with substantive issues. So most of
6 what you see here is from Chapters 4 and 5. The
7 stewardship and occupancy of the dune shacks, of course,
8 is key. So the first set of bullets, for instance, you
9 will find those expanded on page 23 in your major
10 report. So as we go through this, I'll let you know
11 what page we're on so that you can quickly reference
12 that if you want, and if it brings up any questions or
13 whatever, it will help us go through this, I think.

14 On this first page there's a little piece that's
15 out of order in terms of the chronology of the report,
16 and that is the bullets towards the bottom of the page
17 are examples of programmatic use. That's actually found
18 in Chapter 5 and on page 33, if you want to work with
19 that, but I think maybe the best thing to do is just
20 give you a minute to sort of scan that page and see if
21 there's anything you would like us to comment on.

22 MR. DELANEY: And, Bill or Dick as well, chime in
23 if you see something that is from your longer and more
24 extensive discussions on any of this section.

1 MS. BOLEYN: In the middle of the page is a
2 paragraph that says: (Reading) Distribute shack
3 stewardship as approximately 40 percent long-term
4 residential, 20 percent medium-term residential or
5 nonprofit, and 40 percent nonprofit (end reading).

6 One of the sort of themes that we worked around on
7 the committee was trying to maintain this mix out in the
8 dune shack district that's similar to what's there now,
9 and we talked about how rigid should our suggestions be
10 and how much flexibility. So we think we've got that
11 pretty well worked out in a way that assures continuity
12 of what people recognize as desirable at this time and
13 still allowing flexibility for change over time. We'll
14 come back to that theme periodically too. That has
15 something to do with the suggestion that we have a
16 standing committee for dune shacks in the future because
17 it will allow -- it will allow the Advisory Commission
18 then to have an important committee that's keeping an
19 eye on things out there and can respond and report as
20 changes take place over time, as they always will.

21 MR. DELANEY: Bill?

22 MR. HAMMATT: I think -- and Brenda mentioned it
23 early on -- that consensus was a major factor of this
24 whole development of the plan or the proposals. We kept

1 working through some of the members, many of the
2 members, all of the members to try to decide what points
3 to accept, what points to broaden, what points to go
4 into in more depth. We were guided by the Consensus
5 Building Institute, the professional group that was
6 retained by the Seashore, which really helped guide us
7 in this and focus us, I think, perhaps better than we
8 might have had we been totally independent of them. And
9 I think because of that the consensus should be kept in
10 mind all the way through this, the full report, the
11 summary and so on.

12 MR. DELANEY: Thank you. True.

13 Ed (sic)?

14 MR. WATTS: One question that I have is, what is
15 the procedure for picking leasees?

16 MS. BOLEYN: Okay, that brings us to the next page
17 actually, Chapter 4, *Mechanisms and Selected Stewards*.
18 You actually see that at the bottom of the first page,
19 and then it goes on to the next page. And it mentions
20 leasing and --

21 AUDIENCE MEMBER: Could you speak up, please?

22 MS. BOLEYN: Yes. It mentions leasing and criteria
23 for making such selections. There is actually quite a
24 bit here on page 2. So if you would just take a minute,

1 you will see three sets of bullets here. The first has
2 to do with long-term residential stewardship and
3 occupancy, the second set has to do with programmatic
4 and public stewardship in occupancy, and the third set
5 has to do with medium-term stewardship and occupancy.
6 And these are all to meet different -- I don't want to
7 really say demand, but different interests of people who
8 might spend varying amounts of time out there.

9 And always in this you will see -- it comes up in
10 every one of these -- is the ability to maintain these
11 shacks because that is a huge responsibility of those
12 who hold these shacks for whatever period of time it is.
13 So it might be worth just having a quick look at those
14 to refresh your memory, and then if you have any
15 questions --

16 MR. WATTS: Well, specifically I'm looking at the
17 history of the shacks, and at the bottom of page 15, the
18 Jones shack in particular was leased in 2010 to John and
19 Marsha Dunn. How did that happen?

20 MS. BOLEYN: I don't think the committee can answer
21 that.

22 MR. DELANEY: George, do you want to respond to
23 that?

24 MR. PRICE: I think two things, Peter, and to

1 everybody, what this document does, is this lays out a
2 framework and, you know, an SOP or, in my language,
3 standard operating procedure. Prior to this point,
4 there hasn't been any. So prior to this point, the
5 superintendent was managing in order to protect this
6 historic district after the designation of lease
7 eligible. So we went through this history of first
8 engaging the nonprofit organizations, and then some
9 individual leases were made at the time. So I can't
10 speak to how an individual lease went out to the Dunns,
11 for example, but that was what they decided to do.

12 What we're trying to do with this document is to
13 provide a framework from hereon out basically. So the
14 40/20/40, for example, when a shack becomes available,
15 then the superintendent would take a review of the
16 inventory of what is the inventory of the shacks at the
17 time and, therefore, should this next one go into one or
18 the other category. And in order to keep this -- now,
19 one of the things also on page 25, there is a graph
20 that's been put together or a chart. And you'll notice
21 -- I think it's important -- it talks about approximate
22 percentage. So we're not getting down -- you know,
23 we're not dragging out a ruler and a pencil here, but
24 knowing that there are vagaries involving people,

1 involving shacks, involving turnovers, but approximately
2 this percentage is what we believe works best for the
3 district out there with the goals that we're all looking
4 for. So, therefore, if a shack became available, then
5 the superintendent would do an inventory with the staff
6 and would determine, all right, this ought to stay in
7 the long-term category, this ought to stay with the
8 nonprofit category, or this ought to move to the interim
9 category. And then you would then depend on what
10 process that was, Peter. So, for example, the nonprofit
11 category, we have the abilities to deal with the
12 nonprofits one on one. The short-term leases we have an
13 ability to do it in one direction, and the longer term
14 leases we have to do it in another direction.

15 You asked the question who makes the decision.
16 Well, what we've done here is we've outlined the
17 criteria for those decisions. Remember, I said part of
18 my job in the next couple of months is to work with our
19 leasing office, and that's to codify what type of
20 criteria the leasing instruments would have. And,
21 therefore, the long-term one, we believe the previous
22 relationship with the shacks are important. So then
23 basically a bid would go out or an offer would go out
24 for X shack is available. People would then apply

1 according to the criteria, and then there would be a
2 committee that would be put together.

3 We learned during the process of the subcommittee
4 that actually the responsibility for making the
5 selection actually belongs with our leasing office in
6 Philadelphia, and then the Park would have a technical
7 advisor as part of that process. So that's actually the
8 mechanics of how that would actually happen.

9 What I'm looking for -- and it's already been
10 mentioned that there be a standing subcommittee -- is
11 that over time as we took a look at how this is working,
12 is this plan actually still making the objectives of the
13 district happen?

14 MR. WATTS: There's no list of people who want to
15 lease shacks at this point?

16 MR. PRICE: There's a list of people who are in
17 shacks at this point, but we wouldn't compile such a
18 list until a shack was available.

19 MR. DELANEY: Judy?

20 MS. STEPHENSON: So the *who* had been you or had
21 been the regional office?

22 MR. PRICE: For previous -- the very first decision
23 point is the superintendent, so that would have been
24 myself.

1 MS. STEPHENSON: Okay.

2 MR. PRICE: The mechanics of leasing have evolved
3 over time. So at one point the leasing decisions could
4 have been made locally. Now it's being made at the
5 regional office.

6 MS. STEPHENSON: Okay.

7 MR. DELANEY: Brenda?

8 MS. BOLEYN: Just going back to Peter's question
9 about lists, there are lists of people held by the
10 organizations like Peaked Hill Trust, correct? There
11 are lists of people, rather extensive, I think, who are
12 hoping to be able to have an opportunity to hold a shack
13 at some point. So those lists exist.

14 AUDIENCE MEMBER: To cut to the chase, are we
15 saying here -- I think I've heard it a couple of times.

16 MR. DELANEY: Hold on, please. This is a
17 discussion of the Commission here.

18 Commission members, other comments on this
19 discussion, on this point, or anything else in the first
20 category? Yes?

21 MR. NUENDEL: I'm a little -- I'm trying to learn
22 as I go here, and I always had the understanding when a
23 piece of property prior to the establishment of the
24 Seashore, if a person could prove they owned a piece of

1 property and had developed it before August 7, '59 --

2 MR. PRICE: September 1.

3 MR. NUENDEL: -- September 1, that that would
4 become private land and they could do -- sell it to one
5 person or the other.

6 Now, I've read the background, and I thought the
7 background -- in fact, this document is fantastic. I
8 read the background, and that's one element that's not
9 in the background, or at least I didn't see it, is what
10 happened --

11 MR. PRICE: Out of all the shacks, only one was
12 determined to be able to meet that standard, and that
13 was the Malicoat shack.

14 MR. NUENDEL: Oh, really?

15 MR. PRICE: So they have that as private property.
16 So the shacks we're talking about are the eighteen that
17 did not meet that criterion to the lands people at the
18 time. So over time there were negotiations with each
19 one of those families, and basically in a number of
20 cases it ended up (inaudible) and stipulations and
21 everything else. And it was not necessarily a willing
22 buyer, sort of willing sellers.

23 MR. NUENDEL: Now, I see these dates go way back.

24 MR. PRICE: Yes.

1 MR. NUENDEL: That answers my question. Thank you,
2 George.

3 MR. PRICE: Remember, we've had over 2,000 land
4 transactions in the establishment of the National
5 Seashore since '61. And many of them were willing
6 sellers or donations, and many of them were not. And it
7 all had to do with that September 1, 1959, proving that
8 it was an improved property and that you owned both the
9 structure and the underlying grounds.

10 MR. NUENDEL: Thank you.

11 MR. DELANEY: Okay, so are people generally -- oh,
12 by the way, Sharon Lynn joined us. I just wanted to
13 recognize Sharon, the town manager of Provincetown.

14 Thank you.

15 MS. LYNN: Thank you.

16 MR. DELANEY: Sharon, we're going to go section by
17 section through this summary document -- I don't know if
18 you heard me say that at the beginning -- and see if
19 there are any particular things that need highlighting
20 and emphasis as we send it on to the superintendent or
21 if there are additional points or comments that we want
22 to add as Commission members to the report. And then at
23 the end of going through all eight sections, hopefully
24 we'll have a consensus with some comments and some

1 caveats perhaps. Maybe nothing earth shattering.

2 So under *Stewardship and Occupancy of the Dunes*,
3 you see the points, basically the definition of
4 stewardship, some points about both individual and
5 nonprofit stewards and their constituents are expected
6 to contribute to the district, and as it means that we
7 set up a framework of 40 percent long-term residential,
8 20 percent medium-term, and 40 percent nonprofits as a
9 way to start to guide the future uses of the shacks as
10 they become available.

11 We talked about on page 2 some more detailed
12 guidance, we're calling this, that would be considered
13 by the National Park Service as they entertain decisions
14 about which shack might go into which of those four
15 categories -- three categories.

16 And is there anything else to highlight on that
17 section before we move on? Brenda?

18 MS. BOLEYN: Just a couple things. First of all,
19 the pages in the report that are referenced on page 2 of
20 the summary are pages 26 through 28 in your report, if
21 you want to look at that. And you will see then on page
22 29 there is a chart which talks about, you know, the
23 categorization of the shacks as we know them having to
24 do with size, condition, amenities and so forth. So you

1 may find that interesting to look at.

2 MR. DELANEY: You will also, as you've read
3 through, see that the committee back on the first page
4 halfway down acknowledge that there should be
5 opportunities for new individuals or groups to engage in
6 the district. This is not just status quo. This is a
7 living district that has a lot of its value through
8 cultural contributions over time, and so that's that 20
9 percent category, certain to show off some of that kind
10 of change. And it also emphasizes that this framework
11 would allow for some hybrid uses, like private -- in the
12 bullet that's just below that that starts: (Reading) A
13 mix of uses for the dune shacks, both across shacks and
14 within each shack is supported (end reading), and hybrid
15 uses where shack stewards who occupy their shacks for
16 residential use for a portion of the year and then
17 provide opportunities for the public and programmatic
18 uses, that's encouraged.

19 So there are a lot of opportunities that are
20 presented for some pretty, I think, advanced management
21 of these shacks into the future.

22 Okay, seeing no other questions or comments, I'm
23 going to say at this point that the Commission is
24 generally satisfied with the set of recommendations. I

1 didn't hear anyone say they wanted additional emphasis
2 or less emphasis, and I didn't hear any new
3 recommendations to be added to this group under the
4 first chapter called *Stewardship and Occupancy*.

5 George?

6 MR. PRICE: I just wanted to mention, Rich, to me
7 these are very important words because up until now
8 basically -- not that all superintendents aren't
9 infallible, but basically it very much was the
10 responsibility of the superintendent to do this
11 interpretation. And now what we're doing is we're
12 putting down and defining how we think this district
13 ought to look and what's important about it and then to
14 say both residential and nonprofit stewardship are
15 important for the NPS to accomplish these goals. We
16 talk about the division in percentages. We talk about
17 the mixed uses. So it's fine and dandy to say, all
18 right, myself and three more superintendents from now
19 might just try to keep the status quo, but there's
20 nothing that would require that. And what I'm hoping is
21 at the end of the day when we have a signed policy that
22 this then will define that. So that's why I said before
23 the mix, the definition, the public presentation, all of
24 those things I think are very important. So you might

1 all think, well, of course it makes sense to me now.
2 From where I sit, I think it's very important.

3 And what we're doing is we're basically taking away
4 some of the, say, decision-making in the future because
5 we're defining the parameters of how we think this place
6 ought to look in the future. So I think it's an
7 important piece. So what you're deciding now and what
8 we're going to do through the EA I think is significant.
9 Thanks.

10 MR. DELANEY: Thank you, George.

11 All right, let's move to the next boldfaced section
12 entitled *Categorization of Shacks*. It's on the bottom
13 of page 2. And this starts by saying: (Reading)
14 Beyond the allocation of shacks to uses by percentages,
15 decisions -- future decisions about the use of
16 particular shacks would be guided by recognition of what
17 is most suitable given their history, size, location,
18 and condition (end reading). Again, here is some
19 guidance that we're offering, and you can see each of
20 those three -- four criteria have a simple sentence of
21 elaboration.

22 Brenda, Bill, or, Dick, are there any additional
23 comments to be added to this section?

24 MS. BOLEYN: Again, the pages for that are 28 and

1 29.

2 MR. HAMMATT: It's pretty straightforward, but I
3 think there should be consideration that the outline was
4 guided by people who were very familiar with the
5 district, not just by people who knew that the district
6 existed, people that have had long-term access to it and
7 residence there.

8 MR. DELANEY: True, true.

9 Okay, Ed?

10 MR. FRANCIS: I think it's very important that this
11 history paragraph that you have in there be included
12 because it gives people who have been there for a long
13 period of time and families that have managed a
14 particular property -- it kind of gives them an edge as
15 far as being able to continue managing that property.
16 They've invested a lot of time and effort and love into
17 these properties. They should be getting some
18 recognition for it, and I think this does that.

19 MR. DELANEY: Okay, good. That's part of the
20 emphasis that's in here.

21 Other comments? Dick?

22 MR. PHILBRICK: I don't because I can't read it.

23 MR. DELANEY: I understand.

24 MR. PHILBRICK: But it seems in looking at the

1 numbers and the percentages that if I were looking for
2 some way that I could hope that a major use of the
3 shacks would be of the kind which had been granted by
4 the nonprofits. We found that was closest to the
5 intention of the preservation statement, what was
6 important about this (inaudible), and we hoped that we
7 would have a breakdown in case you're going to give
8 percentages to various purposes that in this case is
9 terms. And when the terms -- a very large percentage
10 could be a year or so. That is hard for us to recognize
11 as a perpetuation of the most valuable kind of uses of
12 the shacks that had been going on over the past several
13 decades.

14 MS. BOLEYN: Yes, I agree.

15 MR. PHILBRICK: Artist in residence, writer in
16 residence, maybe it would all become that. It does not
17 fit my -- when I say *my*, my feeling of the committee
18 image of what would be the most faithful perpetuation of
19 the usage which was most precious to be perpetuated and
20 protected.

21 MR. DELANEY: Brenda, I think you're going to add,
22 but I think, Dick, correct me so everyone can hear -- I
23 think you're suggesting that we or you personally and
24 maybe the rest of the Commission members would like to

1 be sure that there is some emphasis placed on a use of
2 the shacks that's best symbolized and represented by the
3 not-for-profits over the past several decades where the
4 emphasis there was artist in residence, writers in
5 residence, and the kind of cultural historical --

6 MR. PHILBRICK: Yes.

7 MS. BOLEYN: Could be interpreted as that and that
8 you did not want this report or future decisions to lose
9 that aspect of the district.

10 MR. PHILBRICK: You said it very well, yes.

11 MR. DELANEY: I think if that's something that the
12 committee -- the Commission would like to emphasize, I
13 think we should note that.

14 Ed?

15 MR. FRANCIS: On page 25 the categories and
16 description section, right down to the 40 percent, 20
17 percent, 40 percent, 60 percent of use according to this
18 approximate -- 60 percent of those shacks are going to
19 be available to nonprofits using this formula, so there
20 is a large portion being made available or would be made
21 available to the nonprofits.

22 MR. DELANEY: Yeah, I think that would give -- is a
23 proper response. At least 40 percent is designated in
24 this category, and the 20 percent could be moved in

1 either direction. So I think that's part of the
2 ingenious part of this framework, is that it does set
3 up, at least in the framework stage, some protection or
4 some ways to guarantee or at least to try to guarantee
5 the vision you just expressed, and I think we all seem
6 to share, of the district, but yet acknowledge that
7 there are some other dimensions too, the private long-
8 term families. So that's, again, I think representing
9 this delicate balance we've come out at.

10 Are Dick's sentiments echoed by the Commission?

11 MS. BOLEYN: Yes.

12 MS. STEPHENSON: Yes.

13 MR. PHILBRICK: (Inaudible).

14 MR. DELANEY: Good. Can I say maybe on this
15 section we want to as a group be sure to emphasize
16 Dick's point that we do not want, nor do we think this
17 topic does, but just as a reminder, as a little caveat,
18 as this thing moves forward, the recent decades of use
19 that is represented by the not-for-profits is certainly
20 a very major, important aspect to protect and preserve
21 and push forward in the future.

22 MS. BOLEYN: Yes, indeed.

23 MR. DELANEY: Is that okay with everybody here?

24 MS. BOLEYN: Yes, yes.

1 MR. WATTS: It just seemed to me that Butch said
2 one thing and Dick said another thing.

3 MR. DELANEY: Well, if I understood it right, Dick
4 expressed some values and Butch said, "Yeah, I think
5 some of those values are protected in the way that
6 40/20/40 is set up."

7 Correct, Butch?

8 MR. FRANCIS: I think they are very well protected
9 by this 20/40 --

10 MR. WATTS: I thought Butch emphasized the
11 individual owner -- individual --

12 MS. STEPHENSON: I didn't hear that.

13 MR. DELANEY: Let me back up. His comment before
14 -- his earlier comment before, he expressed the value
15 that the long-term families have brought value, and Dick
16 could have said to Butch, "Yeah, you've got your point
17 covered with the 40 percent that's long-term residents."
18 And Dick expressed his concern about the not-for-profit
19 value, and Butch responded by saying that's covered
20 under the other 40 percent. So this is balanced
21 beautifully so far, I think, as long as we're hearing
22 each other correctly.

23 MS. STEPHENSON: And was Dick's point that it was
24 because of the history of the Seashore as it was

1 originally established that the nonprofits are part of
2 what is significant for him to be protected?

3 MR. DELANEY: Yes.

4 MS. STEPHENSON: Because it was part of the
5 original setup of the Seashore; is that right? Did I
6 hear that correctly or not?

7 MR. DELANEY: Say that again, Judy. I wasn't sure.

8 MS. STEPHENSON: I understood Dick to say -- but
9 I'm looking for clarity here -- that what was important
10 to him was what the Seashore was originally set up for
11 and that the nonprofits represent that piece of the
12 origination of the Seashore, and that's why he was
13 emphasizing it as part of the original history of the
14 Seashore. Was that correct?

15 MR. DELANEY: I think you may be adding a little
16 bit more to it than he said, but I think he clearly
17 said, and I think we all agree, that the kind of mixed
18 use activity that the not-for-profits have perpetuated
19 -- and some of the examples we have in this report are
20 the artists in residence and writers in residence and
21 the culturally important activities that made this an
22 historic district to begin with -- was something he
23 didn't want to lose.

24 Does that align with the goals of the National Park

1 more or less than the others? Perhaps it does, but
2 that's a point you're adding on.

3 Brenda, did I interpret that correctly?

4 MS. BOLEYN: Oh, yeah, that's good. You did a good
5 job with that.

6 (Laughter.)

7 MR. DELANEY: Thanks, vice chair.

8 Butch?

9 MR. FRANCIS: Correct me if I'm wrong, but the not-
10 for-profits were not original dune shack dwellers. They
11 came in later after the Park came into being and had the
12 dune shacks and was trying to find a way of how to
13 manage them, and the not-for-profits stepped -- like the
14 Peaked Hill Trust stepped in and said, "Okay, here is a
15 proposal. This is what we can do, and we can take care
16 of them and keep things going." And they've done a very
17 good job at it.

18 MR. DELANEY: I think that's the correct
19 chronology.

20 Dick, on this point?

21 MR. PHILBRICK: You're right on the history of when
22 the not-for-profits came on scene, but what I was
23 referring to was the manner of selecting occupants of
24 the dune shacks as had been performed by the Peaked Hill

1 Trust not-for-profit and the other one, who actually did
2 a more accurate job of representing what was precious
3 about the early use of the dune shacks.

4 So there have been all kinds of precious things,
5 lifesaving and so forth, but the thing that was really
6 glorified in the write-up by Josephine Del Deo, who we
7 (inaudible), we felt and I feel today was best
8 exemplified by the selection process of the not-for-
9 profits because it was a short-term thing. They were
10 chosen by a very careful examination by members of the
11 not-for-profit who were all dune shack affiliated and
12 admirers and so forth in the first cut and then were
13 chosen from that group of candidates by taking a number
14 out of a hat, which made it -- to make it completely
15 fair. I think that's different from the process --
16 possibly different from the process of selecting an
17 owner to be an artist in residence. And we never have
18 felt that an artist in residence truly exemplifies this
19 spirit of the original memorialized dune shacks.

20 MR. DELANEY: I think what we've heard from Dick in
21 his conversation has added a little emphasis to the
22 discussion but still has been handled by that 40/20/40
23 framework. I think it fits in, and the reminder is from
24 Dick -- I hope I'm not putting too many words in your

1 mouth -- let's not lose that value that's expressed or
2 has the underpinning of the 40 percent for not-for-
3 profits and the possible 20 percent going that way as
4 well because that is the sort of thing some people
5 envision here, and I think the committee agrees.

6 Other? Yes, Ed (sic)?

7 MR. WATTS: In the breakdown in the 40/20/40
8 duration of time, the long-term leases go twenty years,
9 and for the nonprofits it's five years plus five
10 renewal. It doesn't seem long enough to me.

11 MR. DELANEY: I think there's a technical reason
12 for that.

13 Superintendent Price, do you want to --

14 MR. PRICE: Then the assumption is that then you --
15 that five plus five is for the single instrument, and
16 then you would renegotiate a new instrument with the
17 nonprofit. It doesn't mean you start over with a
18 different organization.

19 MR. DELANEY: So I think what we said here are the
20 agreements are renewable.

21 MR. PRICE: Yes.

22 MR. DELANEY: Leases are not automatically
23 renewable.

24 MR. PRICE: Right.

1 MR. DELANEY: Just the way the system works
2 apparently in the Park Service.

3 MR. PRICE: Currently.

4 MR. DELANEY: Is that an explanation?

5 MR. WATTS: He's talking about he had to work out
6 the lease arrangements, and that's the way lease
7 arrangements are done at this time.

8 MR. PRICE: And that's also the way agreements are
9 done with nonprofits at this time.

10 MR. DELANEY: Dick?

11 MR. PHILBRICK: You're mentioning the longer terms,
12 20 years and so forth. It sort of emphasizes my point
13 about those in-residence users. Over periods of time
14 like that, it is going to tend to drift away from the
15 simplicity of the original classical dune shack with
16 possibly no heat, only a fireplace. You're lucky if you
17 get well water and all the rest of it. The closest to
18 nature aspect will not tend to be perpetuated in a 20-
19 year occupancy, I insist.

20 MR. DELANEY: Does the Commission understand that
21 point?

22 MS. BOLEYN: I do.

23 MR. DELANEY: Noted.

24 Ed, do you want to respond to that?

1 MR. FRANCIS: Yeah. I was not a member of the
2 subcommittee, but I am familiar with the shacks. And I
3 was impressed with -- and I can't put my fingers on it
4 now.

5 MS. STEPHENSON: Can you talk a little louder?

6 MR. FRANCIS: I was impressed with part of the
7 document that dealt with any improvements that were to
8 be made on the shack, had to -- if they fell into
9 certain categories, they had to be approved by the Park
10 Service before they could go ahead. So that the idea of
11 maintaining the simplicity is built into this document.

12 MS. BOLEYN: It's Chapter 7, I think.

13 MR. FRANCIS: Thank you.

14 MS. BOLEYN: We'll be coming to that. It's on page
15 5 of the summary.

16 MR. DELANEY: Let's not forget this point, but it's
17 a great example of this fine-tuned balance that we've
18 been wrestling with, the simplicity, the history, and
19 yet there are owners who have the responsibility for
20 financially maintaining the shacks. That simplicity, if
21 it were only the thing happening, could end up with all
22 these shacks falling down over time. So this is, again,
23 where we try to balance the two, but I think Dick,
24 again, makes a point about the values and the underlying

1 uniqueness of this that we all agree with and we want to
2 make sure is emphasized as we go forward.

3 Any other comments for that short section?

4 (No response.)

5 MR. DELANEY: Let's move to a little bit longer
6 section, which is *Public Access*.

7 MS. BOLEYN: This is Chapter 5 starting on page 32.

8 MR. DELANEY: Okay, Brenda, go ahead.

9 MS. BOLEYN: Public access turns out to be a very
10 inclusive topic because it includes how the Seashore
11 provides for understanding interpretation of the
12 district. So you will see here on your outline or your
13 summary on page 3 most of that is referenced on page 32
14 in your report. So, for instance, intellectual access
15 is an interesting rubric, and it involves
16 interpretation, education, and outreach, and there were
17 a series of ways that the committee discussed whereby
18 that might be implemented. So there are several bullets
19 there that address that.

20 And what kind of materials might be made available
21 not only by the Seashore itself but by those holding the
22 shacks, individuals and nonprofits, as you can see in
23 the middle of the page says: (Reading) All stewards of
24 the dune shacks, both individuals and nonprofit

1 organizations, are expected to contribute to enhancing
2 intellectual access to the district by undertaking one
3 or more of the following by way of example but not
4 limited to (end reading), and there are a couple of
5 bullets there. And then *Experiential Access*, actually
6 being able to experience the district. And you will see
7 there are several suggestions there.

8 And again, you know how it is with a special place
9 that gets discovered. It gets discovered, then it gets
10 visited, then it gets overvisited, and several times in
11 the course of our discussion it was brought up that this
12 is a very special ecosystem out there with the dunes and
13 the grasses and the special wetlands, as you will read
14 about in the report, and it is subject to trampling by
15 too many people. When there are too many people in one
16 place at the same time, the impacts can certainly be
17 negative. So we addressed that. It was not really --
18 we didn't focus on that. That wasn't part of our
19 charge, but it's something that's in the back of our
20 minds and the fact that part of public access is to
21 protect a place from too much public access. I think
22 that's the best way to summarize it.

23 MR. DELANEY: So again, we've got a statement in
24 the first paragraph about the broad interpretation of

1 public access by the Park Service both physical and
2 intellectual. That first paragraph goes on to express
3 the subcommittee's expectations that all stewards,
4 including the leaseholders -- that's long-term people as
5 well as agreement holders -- that's not-for-profits
6 -- are encouraged -- not mandated, but encouraged to
7 contribute to the public understanding and access. Then
8 we break out some categories of access, the
9 intellectual, the experiential, and the interactive.
10 And I think that's the essence of this.

11 Bill, is there anything else that needs
12 highlighting in this particular?

13 MR. HAMMATT: No.

14 MR. DELANEY: Or Dick?

15 (No response.)

16 MR. DELANEY: Then how about questions or comments
17 from the full Commission? Any?

18 As an alternate? Larry, alternate, yeah?

19 MR. SPAULDING: Is it anticipated that someone with
20 a long-term lease would provide on a limited basis
21 public access to their dune shack?

22 MR. DELANEY: Again, at this point this encourages
23 that and gives people a range of opportunities. It's
24 built into the document, but it doesn't mandate physical

1 access to a private lease, long-term lease.

2 MR. FRANCIS: There are also any number of places
3 where it was emphasized that the privacy of these
4 individuals who are in residence in these properties --
5 that their privacy should be protected as much as
6 possible. There's one whole section that dealt with
7 signage and so forth.

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

9 MR. DELANEY: Did I answer that correctly to the
10 members?

11 MS. BOLEYN: I believe so.

12 MR. DELANEY: Okay, George, anything else in this
13 that jumps out at you?

14 MR. PRICE: Well, again, I appreciate the fact that
15 it was defined because, again, up until this point it
16 would be the staff defining it, and now we've written it
17 down in a way that we think is important.

18 One of the things that also helps define into a
19 document is that people make all kinds of assumptions
20 about public property. And I've experienced this before
21 at other National Park units in that somehow, if it's
22 public property, some people believe that it should be
23 all access all the time. And, in fact, you have to take
24 a look at the particular values of that property. The

1 backcountry of Yellowstone, you can't just go out
2 without a special permit, and that has limits on how
3 many people can get out there at any one time. Even
4 here with the off-road vehicle corridor we have limits
5 on how many passes we would give on any one day, and
6 that was arrived through a process to try to figure out
7 the best use of the carrying capacity. So similarly
8 here we not only have, as Brenda pointed out, the
9 resource impacts, which are very real, and Peter Clemons
10 mentioned to me a couple of weeks ago that apparently
11 Snail Road Beach was highlighted in *Boston Magazine* as a
12 great beach to go to. And, you know, our hearts fell
13 out of our chests like, oh, my God, we can't -- that's
14 not a public beach where we're going to advertise that
15 kind of access because it can't handle it. It isn't
16 designed to handle that kind of impact.

17 And, Butch, you're absolutely right. When
18 someone's out there, whether they're there as a family
19 lease or they're there as a nonprofit, part of the
20 benefit is the solitude experience, which is quantified
21 in here and described in detail. So what we're saying
22 in this national park is there are different places
23 where you can go for different things, and in this
24 particular historic district, we tried to define. And

1 therefore, this would be the go to document. If anybody
2 questions us this in the future, we'd be able to say,
3 "Well, this is how the definition is. This is how we
4 think we're protecting this part of this public property
5 in the best possible way."

6 MR. DELANEY: Larry, is that a satisfactory answer?

7 MR. SPAULDING: Uh-huh.

8 MR. DELANEY: So other comments on this section
9 about public access?

10 Judy?

11 MS. STEPHENSON: I'm just noting that you're
12 recommending that the continuing committee, subcommittee
13 work on the carrying -- what do you call that?

14 MS. BOLEYN: Oh, the carrying capacity?

15 MS. STEPHENSON: Carrying capacity. Is that on
16 page 33?

17 MR. DELANEY: Oh, in the full report? Yeah.

18 MS. STEPHENSON: Yes. We make a recommendation,
19 right?

20 MR. DELANEY: I guess that did not make it to the
21 summary, but if you want to highlight that one, that's
22 probably worth us bringing up.

23 MS. BOLEYN: Well, we did discuss that, and I think
24 that the staff pointed out that we don't have any

1 baseline data regarding carrying capacity. Carrying
2 capacity is an ecological term that refers to how much
3 can a given ecosystem absorb in terms of -- it could be
4 deer feeding on the plants. You know, how many deer can
5 the forest maintain and still hold its integrity and so
6 forth? So what the report recommends is that as
7 resources are available, that it would be very valuable
8 for the Seashore to gather data regarding what the
9 status of the carrying capacity is, and, of course,
10 first it has to be defined for a particular system, and
11 that's a challenge in itself. It's academically fun to
12 do that.

13 MR. PRICE: I think it was six years at Harbor
14 Island to do the whole project.

15 MS. BOLEYN: And then as the years go by one can
16 look at that. But it's clear to those who have been out
17 there that there are places that are over --
18 overtrampled -- I'll use that word -- by foot traffic,
19 all focused in one place and not focused in one place,
20 spreading out and getting into the fringe areas of some
21 of the special sort of sub-biological units there like
22 the dune slack wetlands and so forth. So we didn't try
23 to make recommendations about that except to say that
24 this is a good thing to look into in the future.

1 MS. STEPHENSON: I was just emphasizing, yes, I
2 think it's a good thing to do.

3 MR. DELANEY: Yeah, and I'm glad you did. And I
4 think we do. I didn't see this initially, but the
5 bottom of page 3, the second point from the bottom, we
6 -- this report does encourage the Seashore to monitor
7 access, to obtain a baseline database. So that is the
8 right step in the right direction.

9 And if this committee agrees, Judy, that should be
10 an emphasis we'd like to add to our report. I see some
11 people shaking your heads correct.

12 Okay, Dick?

13 MR. PHILBRICK: I think we lost the thought about
14 the continuing group that watches over dune shacks.
15 That was part of the original comment, and I couldn't
16 find it in the recommendations. Is it in there?

17 MR. DELANEY: The original group? Subcommittee
18 group?

19 MR. PHILBRICK: A group that -- well, not too long
20 ago the subcommittee closed and a new one got built. I
21 assume this one will be put to bed at some point, and I
22 think that's wrong. I think we should always have a
23 group of people whose job it is to keep their eye on the
24 dune shacks.

1 MR. DELANEY: If I could interrupt right now
2 because your point is well taken, and at the end of this
3 paper, we are going to accept a recommendation that
4 there be a standing dune shack subcommittee appointed.

5 MR. PHILBRICK: Thank you.

6 MR. DELANEY: That will be dealt with, I'm sure.

7 Okay, let's move to the next section, which is
8 entitled *Transitions*. It's halfway down page 4.

9 And, Brenda, what is the essence of this one?

10 MS. BOLEYN: That's Chapter 6, and it has to do
11 with making changes in the occupancy of a dune shack
12 under predictable situations as when an agreement or
13 contract expires and in unpredictable transitions as
14 when there may be a death of a family member, depending
15 on how the contract is written. Again, that's Chapter
16 6, and there is a flowchart on page 39. I'm a little
17 reluctant to highlight that because when I look at that,
18 it's not all that easy for me to explain it. So I think
19 I might need some help here from staff members who can
20 discuss this in a little more -- with a little more
21 clarity than I can.

22 MR. DELANEY: My understanding, this chapter really
23 in essence is trying to help the Park have some
24 procedures and some methodologies in place to make the

1 transition. It's a lot of nuts and bolts and detailed
2 stuff, but I don't think it really affects values or the
3 major emphasis that we've had. I think it's just like a
4 nuts and bolts how to get from one place to the next
5 when there is an opportunity. If there is more to it
6 than that, maybe we should discuss it.

7 But, Sue and George, am I interpreting this
8 correctly? It's just to help you figure out --

9 MS. BOLEYN: It's pages 36 and 37 for those who are
10 looking for expanded language.

11 MR. PRICE: Brenda, I think that one of the things
12 that I made clear is that it's still the job of the Park
13 Service to do the implementation of this and that we're
14 working with the Commission on overall policy things.
15 So the Commission is not an operational organization.
16 So we're not doing a "Mother, may I?" on every single
17 step. We're certainly working together on how this
18 thing works into the future.

19 So that's how I will accept that, and I mentioned
20 that at the subcommittee meetings as well.

21 MR. DELANEY: Okay, we could come back -- Ed (sic)?
22 Sorry.

23 MR. WATTS: Peter.

24 MS. BOLEYN: Peter.

1 MR. DELANEY: Peter, yeah, I knew I was wrong. I'm
2 looking at this one (indicates).

3 MR. WATTS: This goes back to my original question,
4 and I see that row of applicants across the bottom of
5 that flowchart. That's exactly what I was talking
6 about.

7 MR. DELANEY: Where are you?

8 MR. WATTS: On page 39, the flowchart.

9 MS. BOLEYN: Page 39.

10 MR. PRICE: Well, what would happen in a lease
11 basically is that if there was a -- say someone passed
12 away and it was a life right tenancy, well, then we
13 would have to work on getting that structure ready to go
14 out for a lease, and we would have to make the
15 determination if it was one of the shorter term
16 occupancies or longer term occupancies. And then it
17 would be described that way, and it would basically be
18 advertised. And then people would apply. And as I
19 described before, if it's that kind of a lease, then I'd
20 be working with this group down in Philadelphia that
21 would actually be selecting the successful applicants,
22 and we'd be providing technical advice. On the other
23 side, the nonprofits have their organizational
24 structures as to how they make selections and how they

1 assemble a list of applicants.

2 MR. DELANEY: Larry?

3 MR. SPAULDING: Maybe I couldn't find it. Is there
4 any recommendation for either a nonprofit or a family
5 where this transition time -- where they would be given
6 any consideration, or is it -- there is? Is that in
7 here?

8 MR. PRICE: Well, what we do is we'll roll over --
9 we'd give you a permit until -- right now that's what
10 we've done.

11 MR. SPAULDING: Right. I was thinking --

12 MR. PRICE: So everybody's gotten a permit
13 depending upon this. And what we talked about in here
14 is if they have an existing lease up to so many years,
15 then we talked about starting this process about three
16 years ahead of time.

17 MR. SPAULDING: Right, my question was more related
18 to that's happened, and now time is up and you've rolled
19 it over to the extent that you can. And my question
20 was, does the person or the organization that, in fact,
21 has either resided there or the nonprofit organization
22 sort of operated it -- do they have any consideration
23 over everybody else that would apply?

24 MR. PRICE: No.

1 MR. SPAULDING: That's fine.

2 MR. PRICE: The answer is no with the exception of
3 the long-term -- anybody that has a long-term
4 relationship, if under the long-term, say 20-year
5 category, we put in there these are the factors that we
6 are looking for for long-term leases, then obviously
7 those people can fill that out in an appropriate way,
8 and that's their leg up.

9 MS. STEPHENSON: You did do that?

10 MR. PRICE: Yes. Remember, we're trying to get a
11 mix. So we're trying to get a mix of long-term
12 families, short-term opportunities, and the nonprofits.
13 So for the 20-year, yes, that would be a positive
14 requirement.

15 So, Larry, that would be the goal, but there's no
16 quid pro quo of the person that just left automatically
17 getting a leg up over anybody else.

18 MR. SPAULDING: Okay.

19 MR. DELANEY: Other comments on that section?
20 General acceptance and understanding of its intent?

21 (No response.)

22 MR. DELANEY: Let's move to the next one that's
23 called *Physical Structures*. It's on page 5 halfway
24 down. And this is more nuts and bolts.

1 Brenda, do you want to address this one, please?

2 MS. BOLEYN: Yeah, and I'd especially like to cite
3 the work of a special sub subcommittee that took on the
4 details of this. And their experience was extremely
5 valuable and their contributions to this chapter. This
6 is Chapter 7 beginning on page 40 of your paper. Having
7 no expertise myself in any of this, I found it very
8 interesting, and I think this is going to be very, very
9 useful to the Seashore in implementing these
10 recommendations. So the pages here are pages 40 and 41,
11 and you will see that when we were talking about
12 amenities earlier on page 41, that some of the detail
13 comes up here, as Ed was talking about, the rustic
14 nature of the dune shacks.

15 So I don't see anything to want to highlight there
16 at the moment, I don't think. You'll notice there's a
17 recommendation for catastrophic loss.

18 MR. DELANEY: Okay, thanks.

19 Open it up to the committee. Ed? Butch?

20 MR. FRANCIS: I was just going to point out this
21 recommendation, the statement on catastrophic loss.
22 Obviously the Park is committed to maintaining these
23 structures and seeing that they are maintained, not the
24 Park doing it themselves. And if they are destroyed,

1 having provisions in there where they can be
2 reconstructed. So it's not a matter of these shacks are
3 going to be disappearing by attrition.

4 MS. BOLEYN: And I'd call your attention also to
5 the quick user's guide in your report from pages 42 to
6 44. Very, very useful to people who are faced with
7 maintenance decisions.

8 MR. DELANEY: Peter?

9 MR. WATTS: Reconstruction and maintenance would be
10 at the leasee's expense; is that correct?

11 MR. DELANEY: Yes.

12 MR. FRANCIS: Yes.

13 MR. DELANEY: Yes.

14 Don?

15 MR. NUENDEL: Just for your information, there's a
16 typo in the middle of 40, No. 3. You've got *with the*
17 twice. You might want to strike one of them.

18 MR. DELANEY: Okay, thank you.

19 MR. NUENDEL: One more typo since I'm on typo
20 watch. Page 14, I believe, there is a typo -- yeah,
21 page 14. I think the letters just got switched around.

22 MR. PHILBRICK: *Form*, is that --

23 MR. NUENDEL: Yes, exactly. I figured if we're
24 going to polish this up.

1 MS. BOLEYN: Sure.

2 MR. DELANEY: Okay, thank you for those comments,
3 corrections, and discussion on physical structures, and
4 we're moving to the last three sections now. On the
5 last page, page 6, the top of the page, *Cultural*
6 *Landscape*.

7 MS. BOLEYN: This is Chapter 8.

8 MR. DELANEY: Chapter 8, Brenda says.

9 MS. BOLEYN: Yeah, pages 45 and 46.

10 Some valuable information in there about introduced
11 species and how to protect from bringing in unwanted
12 seeds, et cetera and trying to keep the natural
13 landscape and the native plants dominant.

14 MR. DELANEY: Any other thoughts, Bill or Dick, on
15 this particular section?

16 MR. PHILBRICK: I'm not sure that absolute
17 prohibition to changing anything is -- really typifies
18 the kind of dune shack landscape that would come to be
19 preserved and memorialized. At one point they were
20 going to do an inventory of every nail and pleat and
21 whatever, and that didn't last very long because there
22 wasn't any preservation rule or custom operating in the
23 thing that we were trying to perpetuate. If there was,
24 then correct me. I'm not sure about prohibiting the

1 introduction of new seeds if that would have happened
2 30, 40 years ago as part of the pattern that we're
3 protecting.

4 MR. DELANEY: Peter?

5 MR. WATTS: I think nature has its way of bringing
6 in unwanted plants. I mean, I remember Howard talking
7 about how the Phragmites got into the Head of the Pamet
8 River, and it was wind. The wind brought it in.

9 DR. IRWIN: That's right.

10 MR. DELANEY: Yeah, good point.

11 Brenda?

12 MS. BOLEYN: I think this is recognized by
13 everyone. It's just that it's mentioned here so that we
14 don't inadvertently bring in hay bales that are loaded
15 with seeds and so forth that came from somewhere else.
16 If it's brought in by birds migrating, that's going to
17 happen.

18 DR. IRWIN: No matter what.

19 MS. BOLEYN: Yes, exactly. So generally speaking,
20 I think this is just a little cautionary statement about
21 the value of the native plants out there.

22 MR. PHILBRICK: If it were good practice then, it
23 would be good practice now would be my reaction.

24 MR. DELANEY: Okay, other thoughts on this

1 particular point or a comment or comments?

2 (No response.)

3 MR. DELANEY: And hearing Dick saying let's leave
4 that flexibility in, that dynamic emphasis in place, if
5 nothing else on cultural landscapes, let's move to the
6 last two.

7 *Natural Resources* is the one sentence --

8 MS. BOLEYN: Yeah, Chapter 9.

9 MR. DELANEY: -- chapter summary. Someone was
10 getting tired at the end of putting this document
11 together.

12 (Laughter.)

13 MS. BOLEYN: Well, there are some nice kind of
14 philosophical statements in there about the dynamic and
15 expansion of the dune system and so forth. So I'd
16 suggest people not skip over that. It's kind of
17 interesting, but it may be that's my own personal bias.
18 The highlighted statement refers to the fact that we're
19 protecting the land and the groundwater from pollution.

20 MR. DELANEY: Yes, and this reflects the
21 conversation that reoccurred several times during the
22 subcommittee meetings, that "Don't forget. This is a
23 beautiful, pristine, natural area that needs to be
24 respected and protected, and it is why it is a national

1 park." So that was an underlying theme that we
2 revisited, and it's captured here in this Chapter 9.

3 I assume that doesn't meet with anyone's objection,
4 so if we want to keep that in there, we will go to the
5 last recommendation. And we talked about this several
6 times, which is that there should be established a dune
7 shack subcommittee --

8 MS. BOLEYN: (Inaudible).

9 MR. DELANEY: I just wanted to read this one,
10 Brenda.

11 -- to ensure an ongoing dialogue among the dune
12 shack stakeholders in the Cape Cod National Seashore and
13 to facilitate monitoring, assessment, and implementation
14 of the recommendations of this report and the plan that
15 will follow.

16 Brenda, do you want to highlight anything in that?

17 MS. BOLEYN: No, I would just point out that that
18 piece actually is back at the end of Chapter 4, and it's
19 on page 30. And there's not much to add to that. It
20 just starts out by saying: (Reading) The subcommittee
21 recognizes that federal laws, NPC policies and
22 regulations evolve over time. It therefore recommends
23 that the Cape Cod National Seashore Advisory Commission
24 establish a standing dune shack subcommittee (end

1 reading), as you have explained.

2 MR. DELANEY: And unless I hear objections from my
3 fellow commissioners, that will be done in due course
4 probably before we get to the fall meeting.

5 MS. BOLEYN: We have two other standing committees,
6 just to remind everybody. We have an ORV standing
7 committee that responds to the reports of how the ORV
8 management plan is working, and our chairman for that
9 has been Ed Francis. And we have a standing
10 subcommittee on the Nickerson Fellowship -- Nickerson
11 Conservation Fellowship chaired by Peter Watts. So this
12 would be the third standing committee proposed for the
13 Advisory Commission.

14 MR. FRANCIS: I might point out that the standing
15 committees do not necessarily meet at a specific time.
16 It's as needed.

17 MR. DELANEY: Good point.

18 MR. SPAULDING: Rich?

19 MR. DELANEY: Yes.

20 MR. SPAULDING: Do you want to say should be
21 appointed by the chairman?

22 MR. DELANEY: Excuse me?

23 MR. SPAULDING: It doesn't really say, but how they
24 get appointed.

1 MS. BOLEYN: They are appointed by the chairman.

2 MR. DELANEY: Yeah, this should say appointed by
3 the chairman. Thank you.

4 If it's okay with everybody, commissioners, let's
5 add that.

6 Okay, so if this concludes the first round of
7 discussions among the Commission members and if I can
8 just try to recap a little bit, I think we -- I sense a
9 pretty strong consensus among the commissioners at this
10 table endorsing most -- endorsing the recommendations in
11 this report. I did hear us pause a couple times and add
12 a little bit of emphasis around a thought that I would
13 characterize as don't forget to respect the essence of
14 the origins of this district; the simplistic, flexible,
15 dynamic existence that happened out there; and to make
16 sure that we don't lose track of that. I also heard
17 some emphasis on let's respect, however, the privacy and
18 the solitude of families and other visitors because
19 that, in fact, is part of the essence of what the dune
20 shack community is all about. I also heard -- and we
21 dwelled on this for quite a bit -- that public access in
22 its various management forms and range of activities is
23 something that we would endorse because it's consistent
24 with it being a national park, and that exclusivity in a

1 national park isn't exactly what we're here for. So we
2 added some emphasis on some public access activities,
3 and then we also emphasized the need to be mindful of
4 the natural ecosystem which underlies all this and
5 respect for that through proper management and basic
6 carrying capacity assessment baseline.

7 Did I articulate that as perhaps caveats or notes
8 to our original motion which hasn't been made yet, but
9 I'm going to ask for someone to make one, which would be
10 to accept the subcommittee's report and endorse it with
11 those caveats or those points of emphasis?

12 Judy?

13 MS. STEPHENSON: With the points of emphasis, but
14 the caveats I think are on page 30 in which the standing
15 committee is discussed, but then it's kind of like a
16 minority report within this report. *Gaps between vision*
17 *and available mechanisms*, I just wondered if you could
18 discuss what seem to be qualifiers to me.

19 MR. DELANEY: Let's just go back and refresh our
20 memories.

21 Committee members, what was this *gaps between*
22 *vision and available mechanisms*?

23 MS. STEPHENSON: Some members of the subcommittee
24 feel X in each paragraph. There were like three that

1 were qualifiers, but I don't feel comfortable voting on
2 them. It's like a minority opinion rather than -- and I
3 know they'd like to have their voices heard, but I don't
4 know whether things are being recommended or not being
5 recommended.

6 MS. BOLEYN: Good question.

7 MR. DELANEY: I'm glad you raised it. Let's focus
8 on this.

9 Did the rest of it -- could you turn to this? This
10 is worth reviewing. There are four paragraphs here.
11 Let's just take a second and re-read those so we're up
12 to speed.

13 (Pause.)

14 MS. STEPHENSON: There seem to be conversations
15 that came up in your discussions, and they wanted to be
16 heard, but I don't know whether that's what we're voting
17 on.

18 MR. DELANEY: Well, this is contained in the final
19 report, and it does represent the point where we
20 probably didn't quite get as together as we could have.
21 There was some feeling among the subcommittee that
22 encouraged the longer term leases, more stability for
23 long-term leaseholders, and since we kind of came to a
24 consensus for maybe a 20-year lease instead of a 40- or

1 60- or 80-year lease, which I think some members of the
2 committee would have preferred for long-term families,
3 this language was sort of put in there as a caveat.

4 MS. STEPHENSON: I think we'd rather have it at the
5 end or something.

6 MR. DELANEY: It's a caveat.

7 MS. STEPHENSON: It's a caveat.

8 MR. DELANEY: It's definitely a caveat.

9 MS. STEPHENSON: We're voting on a caveat.

10 MR. DELANEY: Yeah, definitely a caveat, and it
11 does sort of reflect a little bit of (inaudible) to
12 reserve legal judgment about this. At least some
13 members of the committee are.

14 How about other members of the Commission, would
15 you feel more comfortable if we set up this one
16 paragraph and, in fact, made it a caveat at the end of
17 the report?

18 MR. FRANCIS: Four paragraphs.

19 MR. DELANEY: That whole section, *Gaps between*
20 *vision* --

21 MS. STEPHENSON: That's a subcommittee one. The
22 last one is about the subcommittee.

23 MS. BOLEYN: The subcommittee one at the bottom,
24 that's separate.

1 MR. DELANEY: Just the subcommittee one?

2 MS. BOLEYN: No.

3 MS. STEPHENSON: That's fine, but the other three

4 --

5 MR. DELANEY: Okay.

6 MS. BOLEYN: The other three are a caveat.

7 MS. STEPHENSON: The first three seem to be
8 qualifiers.

9 MR. DELANEY: Yeah.

10 MR. FRANCIS: Actually, it would make much more
11 sense to have all of these at the end of the report.

12 MS. STEPHENSON: But not maybe part of the vote
13 because I would be voting to take this whole document,
14 which would include a couple of members' caveat that I
15 might not agree with.

16 MR. FRANCIS: By voting in favor of it, we're just
17 accepting -- we're accepting the report.

18 MR. DELANEY: But by endorsing it as accepting it.

19 MS. STEPHENSON: Endorsing it as our
20 recommendation.

21 MR. FRANCIS: Okay, all right, yeah.

22 MR. DELANEY: Yeah.

23 MS. STEPHENSON: And I may not agree with these
24 caveats that are representing a few people's voices that

1 I think should be heard, but kind of like --

2 MR. DELANEY: Okay, you raised a good point.

3 Larry, how can we deal with this?

4 MR. SPAULDING: I think it's fine, but is there
5 anywhere in here that the recommendation is that the
6 leases not be more than 20 years?

7 MR. DELANEY: The question is, is anyone injured or
8 --

9 MR. SPAULDING: No, is there anywhere in the
10 recommendations that the leases be limited to 20 years
11 for the longer term leases, or is it recommended for
12 that?

13 MR. DELANEY: George, do you want to respond to
14 that?

15 MR. PRICE: On two points, I guess, I can step in.
16 First of all, we had long discussions and, in fact, some
17 contradictory information provided by our leasing office
18 during the history of this subcommittee, it's fair to
19 say. And one of the things that is a reality is that
20 over the last 20 years the whole way the Park Service
21 does leasing has changed and evolved. And right now I'm
22 only -- the longest lease that I would successfully be
23 able to get would be 20 years. There is a very specific
24 contradictory piece of law from GSA that says agencies

1 could lease up to 60 years. So that's part of what
2 became contradictory and confusing during the whole
3 dialogue.

4 So, yes, it is on the books that theoretically you
5 could do up to 60 years, but in practical aspect I'm
6 limited to 20.

7 MS. STEPHENSON: And what are we voting on?

8 MR. PRICE: Well, I'm trying to respond to Larry's
9 point.

10 MS. STEPHENSON: I'm sorry.

11 MR. PRICE: So several things. There were
12 definitely some members of the subcommittee that would
13 have liked to have pushed for the 60 years no matter
14 what. And people like myself believe 20 years is all
15 we're going to get, and from a management point of view,
16 that makes sense. It never got to a vote up or down,
17 but I think that's part of where that came from.

18 So I think it's fair to say what this is trying to
19 do is, especially through the CBI folks -- they were
20 trying to document the feelings that were in the
21 committee. And certainly everything wasn't unanimous.
22 Brenda already talked about that. These were a couple
23 of specific examples of that.

24 I think it's also fair to say that the first

1 sentence of the subcommittee recommendation is that
2 federal laws and policies evolve over time. It's true.
3 I mean, I just described that having to do with leasing.
4 So there might be opportunities in the future as other
5 things evolve, and the superintendent at the time or the
6 subcommittee at the time might want to be flexible over
7 it. So I think that's also true.

8 So, Larry, going back to your specific, that's
9 where the 20 years came from. And I already know that
10 I'm going to have to have specific dialogue with our
11 leasing offices in Philadelphia and Washington to make
12 sure we get the 20-year in place.

13 MR. SPAULDING: The reason for my question was I
14 don't have as much trouble with this paragraph because
15 it's not a recommendation. I think it just says that
16 some members -- you may put it somewhere else, but as to
17 the paragraph itself, we haven't recommended that it be
18 20 years. So this is not inconsistent. It just says
19 some members of the subcommittee would like to have had
20 it longer. I guess I have less trouble with that
21 paragraph being somewhere in this report. If we had
22 recommended that leases not exceed 20 years, then I
23 would have some trouble with it being in there.

24 MR. DELANEY: Sharon, do you have a suggestion?

1 MS. LYNN: Rich, just a comment and also a motion
2 made by the Provincetown Board of Selectmen at their
3 July 12 meeting to accept this report of the
4 subcommittee without any deletion or any additions,
5 mentioning some of the limitations of the report and
6 their concern about them. But I wanted to throw it in
7 that the governing body of Provincetown, the selectmen,
8 did vote unanimously to accept this.

9 MR. DELANEY: Okay, thank you. That's helpful.
10 Brenda?

11 MS. BOLEYN: Yes, there was not agreement, as you
12 can tell by the language here, but the group did agree
13 that it could be kept in the report. I think it's
14 possible it might better be located somewhere else. I
15 don't know. Maybe -- are there any people here who have
16 experience with this kind of thing? We all agree that
17 this is a caveat. Maybe that's not the best place to
18 put it in the report. Is that important?

19 MR. PRICE: Well, I think the other thing is
20 something like this is going to be history and
21 informational for informing the plan, but this kind of
22 dialogue is not going to end up in the EA in any case.

23 MS. BOLEYN: Yes.

24 MR. DELANEY: Well, how about other members of the

1 committee? Bill?

2 MR. HAMMATT: I'd just point out there obviously
3 are any number of other members of the subcommittee
4 here, and I didn't know whether before we vote on
5 anything we might want to hear from them.

6 MR. DELANEY: Okay. In fact, thank you for
7 reminding me. I said that at the outset, that we were
8 going to do that.

9 We're not going to call for the vote. I was trying
10 to basically summarize what the consensus might be, and
11 I basically said we have a consensus, strong consensus
12 on a lot of the document with those four notes that I
13 had made or areas of emphasis; the origins of the area,
14 the respect for privacy, the emphasis on public access,
15 and the carrying capacity. Now we're at the point where
16 we do find that there are three paragraphs that don't
17 reflect the consensus of the subcommittee, that we're
18 looking to get the full consensus of the full
19 Commission, and our options would be to have our
20 amendment not recognize these. We agree with everything
21 else, but we don't -- we're not going to vote on these.
22 They're just there. Or we can move them to another part
23 of the report and call them a caveat and vote on that.

24 So there are two options, and I'm going to come

1 back to that right now. Let's open up the discussion a
2 little further, and maybe that will help resolve the
3 issues.

4 Is that fair, Judy? Because I think you've raised
5 an interesting point.

6 MS. STEPHENSON: Yes.

7 MR. DELANEY: Okay, so that's where we stand right
8 at this point.

9 So there are other members who are here present who
10 served on the subcommittee but were not members -- are
11 not members of the Commission, and I would like to give
12 them a chance to be heard. They participated for a long
13 time in the original discussions. They've heard this
14 discussion.

15 Would any of those people like to be recognized and
16 add a comment or two? I don't know if we have time to
17 repeat a lot, but if there is someplace you could help
18 elucidate things or add or subtract, we would.

19 All right, starting with Sally.

20 AUDIENCE MEMBER (SALLY ADAMS): Sally Adams. I'm a
21 member of one of the representatives with Janet
22 Armstrong of the long-term families, and I want to thank
23 this group for the opportunity to serve on the
24 subcommittee and also recognize and thank the Park

1 Service staff and the other subcommittee members for the
2 incredible amount of time and effort that went into
3 discussing and negotiating and reaching consensus and
4 compromise and other such things.

5 Starting with these four particular paragraphs,
6 this actually did result in a lot of discussion amongst
7 the subcommittee members. And in our view, my own
8 viewpoint, on the length of the terms of the lease
9 mechanism, there was actually a little secret ballot
10 done: Do you want this paragraph in or not?

11 My own concern is that the superintendent has said
12 that he doesn't have the 20 years in his pocket even,
13 and so there's also a concern that we don't know what
14 lease terms may be available. And so, yes, I do have a
15 concern about the length of the term. That doesn't mean
16 I'm saying, yes, we should do the whole 60 necessarily,
17 but there was a limited amount of time available, which
18 isn't to say that there weren't a tremendous amount of
19 resources devoted. Again, Park Service staff and
20 expertise up and down the road, CBI and so forth, but
21 there was limited time.

22 There were limits on resources. There are still
23 open questions, and the one comment I heard repeated
24 several times in your group is this is a very delicate

1 balance. The entire document was a very delicate
2 balance bringing together a lot of people who started at
3 many different extremes, not just two polar extremes.
4 We had about as many points around the compass as you
5 might like to find, and we were able to come to some
6 level of comfort or discomfort but to provide our
7 recommendations to you. And it is a very delicate
8 balance.

9 I would urge -- I wasn't at the selectmen's
10 meeting, but I'm pleased to hear the report that they're
11 asking that this be accepted without addition or
12 deletion. Your understanding is that you have the four
13 points of emphasis, but there is a lot built in here
14 that wasn't expressly said. This was very heavily
15 negotiated language that means a lot of different things
16 to a lot of different people on the subcommittee and
17 members of the public who were there very persistently
18 throughout. And so I would ask and urge this group to
19 support even the caveats because I think they are an
20 important part of the history of the discussion and the
21 subcommittee's work. And whether or not you endorse
22 them, I understand that that is a different issue, but I
23 would certainly urge and ask that they be included.

24 MR. DELANEY: Okay, thank you.

1 Other members of the -- John? Please identify
2 yourself. John Thomas?

3 AUDIENCE MEMBER (JOHN THOMAS): Hi, my name is John
4 Thomas. I'm one of the Town of Provincetown seats on
5 the Dune Shack Subcommittee.

6 I feel extremely passionate about this section for
7 these reasons. The dune shack district that we all are
8 charged with stewarding and caring about is a very
9 unique part of America. The current expression of
10 diversity of nonprofit groups and long-term families is
11 very -- is just as sensitive as the environment itself.
12 Policies change over time. Just as George said, earlier
13 the superintendent used to be able to make decisions on
14 local levels, and now that's been taken away, for some
15 very good generic reasons because they want to not play
16 favorites across the board of all National Park units,
17 of which there's 380 something.

18 It doesn't take a stretch of the imagination to
19 imagine the people in Philadelphia who've never seen a
20 dune shack are going to need a lot of help in making
21 decisions that are appropriate to keep the diversity of
22 this dune shack -- this district going right. Having a
23 technical advisor is a bit of a help from the local
24 Seashore staff, but really, assuming that local staff

1 would not be playing favorites, which I have every
2 belief of this current group, the best deciders would be
3 people on a more local level to understand this
4 district. Otherwise you do end up with a district that
5 you lose all of its historical connections, all of its
6 use via writers in residence because of nonprofits or
7 just a lottery system where it's just maybe you or me
8 get to go there and we're not writing and long-term
9 families.

10 These caveats are not saying change the law or this
11 or that. They're saying there are elements of what we
12 have been told, through the research that George and
13 others did, that currently 2010 it seems not to be the
14 best possible approach, and that given the future of the
15 laws and policies, especially ethnographic policies --
16 ethnographic policies changed radically since 1990.
17 When this district was declared a historic district in
18 1989, the only categories that existed were if somebody
19 famous did something there. One year later Bulletin 38
20 came out, which created the whole science of
21 ethnographic values in the National Park Service units
22 which would have protected nonprofits and long-term
23 families more had it been in place perhaps in 1990 even
24 though we went through that, the whole thing of it,

1 recently (inaudible) report. So these things are only
2 talking about keeping the door open to be thoughtful.

3 I was at every single meeting, and I do know for a
4 fact that at the last meeting when we took the poll
5 vote, half of the members -- not one or two or a team
6 minority -- half thought that the lease time was
7 insufficient of those present, and more than half of
8 those present -- I think it was seven to five or seven
9 to six -- encouraged keeping an open mind about thinking
10 about future things. So this is not a team minority,
11 and it's not a call to revolution. And to have this
12 disemboweled from the report that's been thoughtfully
13 done by fourteen people and hundreds of constituents and
14 thought about, I think would be really not -- not a good
15 step. It's not asking you to endorse. It's asking to
16 note it. As George said, it's a historical record of
17 what we've come through and what's possible.

18 So these two things basically talk about regional
19 decisions. And also, with all due respect, I don't
20 think anybody said more than 60 years no matter what.
21 The issue was if 60 years is the outer end of the law
22 and 20 years is what you've been told is all there is,
23 maybe 25, maybe 30 down the road as values change, as
24 nonprofit use changes, it might be a good thing. It's

1 not doing anything other than saying we did our homework
2 and the local Seashore staff did their homework and we
3 all worked together to put something in here, and I
4 think it's in exactly the appropriate place because it's
5 in the section that talks about, you know, the
6 mechanisms (inaudible). And we were very careful about
7 not making a huge elephant in the room but just getting
8 in a report which has been, you know -- it's what? I
9 don't even know how many pages it is. But, you know,
10 this was word for word carefully worked out, and I would
11 hope that the Commission would respect the work and not
12 be concerned. We're not trying to sneak one by them.

13 MR. DELANEY: Okay, thanks, John.

14 Joyce? Joyce Johnson?

15 AUDIENCE MEMBER (JOYCE JOHNSON): This page seems
16 to be in support of a standing committee. Couldn't it
17 go in as footnotes or something, something similar when
18 we're talking about a standing committee; in other
19 words, that the issues -- still there are issues still
20 we need resolving?

21 MR. DELANEY: In fact, as we were talking, I was
22 kind of thinking like you, that maybe the last paragraph
23 says there's a standing committee and among its issues
24 should be to monitor the length of changing regulations

1 and just change the emphasis within this. So this
2 doesn't sound like it's a dissident group that's going
3 --

4 MS. STEPHENSON: I would agree.

5 MR. DELANEY: -- you know, withholding its right to
6 sue and change legislation in the future, but it's
7 intended to work with the subcommittee. That may be a
8 good option.

9 MS. STEPHENSON: I would agree with that, but how
10 do you feel?

11 AUDIENCE MEMBER (MR. THOMAS): Well, the fact that
12 Rich is characterizing this as some kind of a
13 (inaudible), that's not what this was about.

14 MS. STEPHENSON: I don't think he said that.

15 AUDIENCE MEMBER (MR. THOMAS): And also it's not
16 the subcommittee. It's not a standing subcommittee
17 itself that would be monitoring this. It leaves
18 internally National Seashore staff and National Park
19 Service staff without guidelines down the road. It lets
20 the Advisory Commission look at it if they care to. It
21 just makes it more open. I think to put it into a
22 standing subcommittee that may or may not conform, it
23 kind of puts it in a dark little corner.

24 This is not going to the main -- I'm not thinking

1 it's the main aspect of what's going to go on. The main
2 aspect is going to be making this plan work as it
3 exists, but also in 2015 if the National Park Service
4 comes up with a different program -- different leasing
5 options, then at least we put the awareness that that
6 might change into the document. Otherwise you can have
7 the other situations. You could have a document that
8 gets locked in, that gets locked in in 2010, and then
9 it's 2015 and the National Park Service has different
10 regs, but then they might feel they'd have to be stuck
11 with a certain thing.

12 MR. DELANEY: Judy? Do you have a comment?

13 MS. STEPHENSON: Are we going to take a vote before
14 three?

15 MR. DELANEY: Yeah, we have to conclude for three.

16 MS. STEPHENSON: I don't want to be argumentative,
17 but I think that since we are voting on something as it
18 exists today, not -- so, therefore, putting the
19 paragraphs under the standing committee for the future
20 consideration is not unreasonable to me because today
21 I'm voting on something that's in front of me for today.

22 MR. DELANEY: Yeah, okay. Well, I still have
23 outside people to get to too.

24 On this point? Germane to this point, Larry?

1 MR. SPAULDING: Well, I'm now persuaded that this
2 ought to be a separate vote because there are some
3 statements in here which I don't necessarily disagree
4 with, but there's going to be a recommendation to the
5 Commission that we approve this.

6 MR. DELANEY: Yeah.

7 MR. SPAULDING: And if you look at the first
8 paragraph, it is noted they do not forego their right
9 to approve such changes (inaudible). Who is *they*? Are
10 we talking about us? And in the second sentence of the
11 second paragraph, did the subcommittee actually make a
12 determination that the regional office isn't serving in
13 the best interest of the cultural values of the
14 district? That seems pretty strong. And then the last
15 one says many subcommittee members encourage the
16 Advisory Commission and Cape Cod -- well, this is our
17 report, so the Advisory Commission should not be in
18 there. So I think if we're working with a limited
19 amount of time period and we're going to approve this, I
20 personally would rather see this in some kind of another
21 session. And I understand why the long-term residents
22 want this in here as an expression, and I don't have a
23 problem with it being somewhere in this report.

24 MR. DELANEY: Okay, thank you. I just want to

1 continue with the other members of the committee.

2 Ginny, did you want to comment?

3 AUDIENCE MEMBER (GINNY BINDER): Well, we have a
4 statement we can just hand out, but it was from the
5 nonprofit -- I'm Ginny Binder. I represent the
6 Provincetown Community Compact --

7 THE COURT REPORTER: I can't hear her.

8 MR. DELANEY: Ginny, you've got to stand up,
9 identify yourself, and start again for the stenographer.

10 AUDIENCE MEMBER (MS. BINDER): I'm Ginny Binder. I
11 represent the Provincetown Community Compact, and as a
12 member of the nonprofit constituency on this, it was our
13 privilege to be involved in this effort. We have a
14 statement that I can just give you. It's two
15 paragraphs. And we'd very much like to be involved in
16 the standing subcommittee and the ongoing work to
17 support the Park Service and their commission.

18 MR. DELANEY: Okay, thank you.

19 Carole Carlson?

20 AUDIENCE MEMBER (CAROLE CARLSON): I'm Carole
21 Carlson. I represent Peaked Hill Trust. I was on the
22 Dune Shack Subcommittee.

23 I just wanted to explain a little bit about the
24 categorization of the shacks, this spreadsheet that we

1 came up with. And like other parts of the report, we
2 were very limited by time. The concept here was to
3 create a spreadsheet where you could look at each one of
4 these variables independently and therefore sort by one
5 or two variables without us having to say what the
6 priority were. Sadly, because of time constraints --
7 and that really is dealt with in our statement on the
8 quantitative aspect of the report -- we really didn't
9 have time to look at other variables, and we didn't have
10 time to develop it further either with definitions. So
11 I think that in future steps being able to look at some
12 of this report, taking the narrative and making it more
13 quantitative will make it much more effective for
14 decision-makers.

15 MR. DELANEY: Okay.

16 AUDIENCE MEMBER (MS. CARLSON): Yeah, I have a
17 statement.

18 MR. DELANEY: You have a statement to submit?

19 AUDIENCE MEMBER (MS. CARLSON): Yeah, and it's more
20 about the next steps of this.

21 MR. DELANEY: So just to try to bring us back to
22 this one last point, I think if we can get to some --
23 get to yes on this one, we can accept the entire report.

24 And Judy and then Larry both have -- two of our

1 lawyers, by the way -- have noted this is probably not
2 quite representative of us as a commission. So I think
3 we have -- and I'm looking for options from my fellow
4 commissioners, but we could set this section aside and
5 call it a caveat and just vote acceptance of everything
6 else. We could restructure this and say since the last
7 paragraph that says we need to have a standing
8 subcommittee -- and just say the three first paragraphs
9 are the issues that they should track and monitor and
10 note that there was not a consensus among the
11 subcommittee and therefore we want to put this mechanism
12 in place, a standing subcommittee that will continue to
13 follow these issues and maybe work to some consensus, or
14 I'm open to another option.

15 Judy, do you have another way to approach this?

16 No.

17 George?

18 MR. PRICE: Well, I just wanted to say again
19 there's a lot of material in the report, especially the
20 history sections, which I anticipate are going to be
21 part of the final documents. Part of what we're asking
22 for today is a vote from the Advisory Commission as to a
23 recommendation which is going to be analyzed in the
24 environmental assessment. So this piece as well as a

1 lot of the history is not going to be part of that
2 analysis but is going to be part of the final
3 preservation and use plan.

4 And as I said, I think that documents to people who
5 are going to be reading the use and preservation plan --
6 they should understand that, no matter how it's
7 presented in the final report.

8 So not that it's all about us, but I think, Sandy,
9 in getting to the EA requires a lot of the technical
10 stuff that we've just reviewed in the summary sheet
11 because that's what gets quantified, that's what's going
12 to be put into alternatives. A lot of the other
13 information that's going to be part of the report
14 unedited, as far as I'm concerned.

15 MS. STEPHENSON: We've been asked to vote on this.

16 MR. PRICE: Well, I understand that, but I just
17 wanted to try to clarify, I guess, the two different
18 things, and I'm looking at John, frankly, who gave us
19 his recommendation, and now he's also an attorney, and
20 he's also heard some of the other responses. So for
21 what it's worth.

22 MR. DELANEY: All right, Sharon and then Judy.

23 MS. LYNN: Just a quick point, I think, from what
24 I've heard. I was not part of the meetings of the folks

1 who assembled this, but what I've heard is that there
2 have been numerous discussions made about these points,
3 and although they might stick out, if you will, or
4 become a caveat for this group, I think the long-term
5 concerns that will be expanded on and thought about as
6 productively as before. So my recommendation would just
7 be to keep them as they are.

8 MR. DELANEY: Okay, Brenda -- oh, I'm sorry. Judy
9 was next.

10 MS. STEPHENSON: I only wanted to -- I'm sorry. I
11 don't know your name.

12 MR. DELANEY: Joyce.

13 MS. STEPHENSON: I like the idea -- we lawyers like
14 things in footnotes, and they don't have the same weight
15 maybe necessarily, but they're there, and they're there
16 for history. And so I would support your suggestion.

17 MR. DELANEY: Okay, that's a third option; keep
18 them in the report but move them to footnotes under --

19 MS. STEPHENSON: Under a standing committee.

20 MR. DELANEY: -- a standing subcommittee.

21 MS. STEPHENSON: Yes.

22 MR. DELANEY: Yes, Brenda.

23 MS. BOLYEN: And maybe later a caveat since that's
24 what it's been identified as what it is.

1 MR. DELANEY: Okay, maybe labeling them as caveats
2 on the footnote. And then they stay in the report. We
3 accept them.

4 MS. STEPHENSON: Right.

5 MR. DELANEY: They become part of our endorsement,
6 moving up the line to George, but they're properly
7 placed, and they don't -- and they're still in there as
8 the selectmen recognize them. Not as, but they're still
9 there but not in the same format.

10 How does that feel to other members of the
11 Commission?

12 MR. WATTS: Fine.

13 MS. BOLEYN: I think that's a good way of
14 compromising.

15 MR. DELANEY: So now we have a motion on the table
16 to accept the subcommittee's report endorsing it with
17 the four prior notes of emphasis that I've already
18 articulated and one change of format, which is to in the
19 section that establishes or recommends the establishment
20 of a standing subcommittee have a footnote that
21 references the three paragraphs above that as caveats
22 and issues that need to be tracked by the subcommittee
23 on behalf of us.

24 MS. STEPHENSON: Is that a motion?

1 MR. DELANEY: That's a motion.

2 MS. STEPHENSON: I second that.

3 MR. DELANEY: That's a second.

4 Discussion?

5 MR. SPAULDING: I have two minor --

6 MR. DELANEY: Larry?

7 MR. SPAULDING: Just the ones I mentioned in that
8 first paragraph, that as noted there, I think you want
9 to say the public.

10 MR. DELANEY: Okay, the first paragraph?

11 MS. STEPHENSON: Which page?

12 MR. SPAULDING: We're going through those three
13 footnotes. *They* doesn't really reference unless it's
14 just the subcommittee members, but I think we want to
15 say the public.

16 And then the other one is many subcommittee members
17 encourage the Advisory Commission. I would just take
18 out the words *the Advisory Commission* since it's our
19 report.

20 MR. DELANEY: Okay. That's in?

21 MR. SPAULDING: In the third paragraph.

22 MS. BOLEYN: Right here (indicates).

23 MR. SPAULDING: I think it's a good idea to
24 footnote them, and I think if that was part of the

1 compromise, they ought to be in the report.

2 MR. DELANEY: Okay, so with those two grammatical
3 changes, changing in paragraph 1 the word *they* to *the*
4 *public* and in paragraph 3 encourage not the
5 subcommittee, because that's us and we are making a
6 statement, but the National Park Service to consider and
7 explore longer term leases.

8 MR. FRANCIS: We don't have to go into the exact
9 wording, but the changing of the word from *they* to
10 *public* is going to mean other grammatical changes in
11 that sense along the line.

12 MR. DELANEY: Perhaps. We will just take a look at
13 that final, yeah.

14 MS. BOLEYN: Good point.

15 MR. DELANEY: Good point.

16 MR. FRANCIS: And probably the same thing with that
17 other change. There may be grammatical changes that
18 have to be made. They don't change the essence, don't
19 change the thought --

20 MR. DELANEY: Yeah, they'll need a good revisiting.

21 Okay, we have a motion. It's been seconded. Any
22 further discussion?

23 (No response.)

24 MR. DELANEY: All those members who are in favor of

1 the motion as stated with caveats and notes signify by
2 saying aye.

3 BOARD MEMBERS: Aye.

4 MR. DELANEY: Those opposed?

5 (No response.)

6 MR. DELANEY: Any abstentions?

7 (No response.)

8 MR. DELANEY: It carries unanimously.

9 George, it's on to you.

10 MR. PRICE: Thank you.

11 MR. PHILBRICK: He can use it.

12 (Laughter.)

13 MR. DELANEY: Okay, thank you very much. Those are
14 all very helpful, and again, as I said at the outset,
15 thank you to the subcommittee. The subcommittee really,
16 really worked hard at this, and I think our vote today
17 -- and I think we captured the same spirit of
18 cooperation and consensus building and consensus that
19 the subcommittee had and a lot of strong feeling, as you
20 can imagine, a lot of people who have a long history and
21 short histories and all kinds of perspective on this,
22 and we all try to work, come together. And we did the
23 same thing here, so I think we reflected -- and
24 hopefully that feeling, that spirit goes right up the

1 line as George deals with Washington and Philadelphia
2 and the moon and whoever else you have to deal with to
3 get there.

4 Can we move through the last couple of items on the
5 agenda? I know a few people have targets, and, George,
6 you do too. You've got to catch a plane actually.

7 MR. PRICE: Well, Sandy and I both have to leave.
8 Well, you're leaving now. I'm leaving shortly because I
9 have a plane to catch, meetings in Philadelphia for the
10 next couple of days. I have to get to Providence.

11 MR. SPAULDING: I've got to leave also.

12 MR. DELANEY: Let's jump right into the next
13 meeting.

14 MR. PRICE: Okay.

15 **DATE AND AGENDA FOR NEXT MEETING**

16 MR. PRICE: Taking a look at Mondays in September,
17 we're looking at either September 13 or the 20th.

18 MR. DELANEY: For me it would have to be the 13th.

19 MR. FRANCIS: The 13th, I would say --

20 MR. DELANEY: I'm traveling. I'm in New York on
21 the 20th. I know that.

22 MR. PRICE: Okay.

23 MR. SPAULDING: I can't do the 20th. I can't do
24 the 13th also.

1 MR. DELANEY: Is the 13th bad for anyone else?

2 (No response.)

3 MR. DELANEY: So let's target September 13.

4 MR. PRICE: Any hot topics you'd like for the
5 agenda?

6 MR. DELANEY: Brenda?

7 MS. BOLEYN: We mentioned a couple the last time.
8 One was the report on the bicycle planning for the Lower
9 Cape.

10 MR. DELANEY: September 13.

11 MR. FRANCIS: Could we have some kind of a report
12 on Herring Cove?

13 (Ms. Stephenson leaves the room.)

14 MR. DELANEY: Report on Herring Cove?

15 MR. PRICE: Sure.

16 MR. PRICE: You had asked me, Mr. Chair, for
17 kind of a recap on the Climate Friendly Park report of
18 that.

19 MR. DELANEY: Yes, please.

20 MR. PRICE: And obviously we're still going to be
21 talking about wind turbines.

22 (Mr. Spaulding leaves the room.)

23 **NEW BUSINESS**

24 MR. DELANEY: Now, just working back up, any new

1 business for members?

2 (No response.)

3 **OLD BUSINESS**

4 MR. DELANEY: Any old business from the members of
5 the Commission?

6 (No response.)

7 MR. DELANEY: And back to you, George, the last
8 five minutes before we give these people a --

9 **SUPERINTENDENT'S REPORT**

10 MR. PRICE: Sure. Just a couple of things very
11 quickly.

12 Brenda mentioned the Souza gas station. That was a
13 long-term project, and we finally had a recommendation
14 from Keeper of the National Register and discussions
15 with the SHIPO, and it's already down. And you ought to
16 know I called Maria to let her know because she was
17 working on that for nine years. I've been working on it
18 for five and a half.

19 All the storm damage repairs have been completed
20 with the bike bridge being finished up last week. Now
21 they're working on some of the roofs that were also
22 destroyed or damaged during the winter storms.

23 I also then want to bring your attention to
24 correspondence. In your packages are a number of

1 packages of correspondence, most of it related to the
2 wind turbine projects. Since the last meeting, we've
3 received additional correspondence from Mr. Bibler with
4 both an index and the information that's provided both
5 from him and to him. We've also had recent
6 correspondence from Lilli Green and meetings with her
7 again about wind turbine projects, specifically her
8 concerns as it relates to our continued effort to
9 explore a possible wind turbine up at the Highland
10 Center. I just wanted to give you -- make sure you all
11 understand exactly where we are. We've been working on
12 that project for many years. In fact, we've had field
13 trips up there. We've talked about green power and the
14 possibility of wind turbines and solar panels, et
15 cetera.

16 We've been working with the MET, the Massachusetts
17 Energy -- MEC -- Collaborative, and we did the met tower
18 and all that sort of thing. We had actually finally got
19 to the point where we applied to the FAA because of
20 their radar dome. The FAA initial response was a
21 negative one, and we continue to work with an engineer
22 to have them revisit their decision, and that's still
23 pending. I just want to let you know that it's still --
24 we're still a long term from even deciding if we have a

1 real project or not.

2 So what we would be taking a look at, first of all,
3 the FAA decision, if it's a real project. Then we'd
4 have to discuss viability, and we'd have to talk about
5 heights and volume and all that sort of thing, along
6 with solar power, along with other options up there.
7 Eventually this would roll up into a planning effort,
8 and eventually there would be an EA, which would include
9 public comment period. So it's a continuing process.
10 We've been working on it for the five and a half years
11 that I've been here, and I expect we're going to be
12 working on it some more before if and when you'd
13 actually see anything up there.

14 So I do want to point out the correspondence from
15 Lilli and a lot of the references. She also had a lot
16 of attached documents. If anybody's interested, they'd
17 be provided to you, but again, following the protocol of
18 how we do the correspondence here at the meetings,
19 that's how we're actually doing it.

20 And I would say that's probably the hottest issues.
21 We intended to keep this primarily a single agenda
22 meeting, and I have to tell you, I certainly appreciate
23 all of your time and energy.

24 And, Rich, I know you thanked the other members of

1 the committee, but I really appreciate everybody showing
2 up, Bill and Brenda and Dick and, Rich, you too.

3 I had a conversation with Pat Field, who's the head
4 of the Consensus Building Institute, and this is a real
5 case study in trying to work together. The long-term
6 families really appreciated your patience and
7 attendance. The folks that came on a regular basis and
8 added input and observed. This has been a long
9 contractual issue, and I think it's really something
10 that we've gotten to this stage. Now it's up to us.
11 The fact that we came across Consensus Building
12 Institute with Pat, Stacie, and Meredith is just
13 amazing. I can't tell everybody how terrific that was
14 to have their professional expertise help guide us
15 through.

16 So basically we'll be working with Sandy's office.
17 We'll be coming out with a potential schedule for the
18 fall. It's my expectation that we will have the EA
19 actually presented for another round of public comment,
20 and then we would go from there.

21 Thank you.

22 MR. DELANEY: Thanks.

23 Now we'd like to move to Public Comment.

24 (Mr. Price leaves the room.)

1 quality of this document as we go along.

2 Yes, please?

3 AUDIENCE MEMBER (MILDRED CHAMPLIN): I'm Mildred
4 Champlin. I have one of the dune shacks out there at
5 Mission Bell.

6 And I don't know how many people have been to every
7 of the 17 houses maybe, but the thing about that
8 district is the tremendous variety of people. We're not
9 all artists and writers. We're insurance people, car
10 dealership people, carpenters, all kinds of -- a factory
11 worker, and they range -- the houses range from the
12 Tasha shack to the cute little Margo and the (inaudible)
13 and so forth. We visited with her and him, and they
14 visited our house, which is a 1,200 square-foot two-
15 story home on the farther west end that 75 years ago
16 when it was built had a diesel generator and BX cable
17 all the way to the house and indoor plumbing.

18 So if you envision 75 years ago just the cute
19 little shacks where people were writing and painting,
20 you don't have a full vision of what it is out there.
21 You really should go out and take a look at the
22 different kinds of lifestyles, which, of course, it was
23 promised to -- the legislation promised to preserve, but
24 it's not just a romantic vision of getting out and

1 communing with nature. People just lived there. They
2 raised their families. And Conrad Malicoat talks about
3 when he was a child he used to walk by our house and it
4 was rocking with sound and blazing with light, electric
5 light, and it's not a cute little shack. It was a home.
6 The house was a party house. So you should really have
7 a complete -- then the Adams' house had electricity.
8 They had the diesel generator. They had the running
9 water. They had the whole thing. And it goes all the
10 way in different increments to what most people envision
11 when they say, "Oh, dune shack. It must be a cute
12 little one-room place where I can go and sleep on a cot
13 and write poetry." Well, it's not. It's everything and
14 all kinds of people, interesting people.

15 MR. DELANEY: Thank you for that perspective. We
16 appreciate it.

17 Other public comments? Lilli?

18 AUDIENCE MEMBER (LILLI GREEN): I do have packets
19 of information for the Advisory Commission members that
20 have the correspondence with George Price, and it also
21 has your correspondence with the attachments.

22 MR. DELANEY: I'm sorry. Start again with your
23 name, please.

24 AUDIENCE MEMBER (MS. GREEN): Oh, I'm sorry. Lilli

1 Green, Wellfleet.

2 Thank you to Chairman Delaney and thank you,
3 Commission members, for the opportunity to speak today.
4 I, as many other United States citizens, am very
5 concerned that wind turbines could be constructed in
6 national parks, and we firmly believe that they're not
7 appropriate for national parks. I'm alarmed that our
8 superintendent of parks would be the main force and
9 driver of constructing wind turbines here.

10 What I heard at the last advisory committee meeting
11 was the following: George Price stated that the
12 proposal that he on behalf of the National Park made for
13 wind turbines in Truro at the Highlands Center was
14 denied by the FAA. He later stated the following when
15 speaking about turbines, "Everything I say has to be
16 vetted and qualified up the chain. I have to be careful
17 about how I speak. I speak for the National Park
18 Service. I have to be concerned about what I say
19 because it has ramifications for all national parks."

20 I wanted clarification after that meeting, and I
21 asked for a meeting with him. And these packets of
22 information that I sent to Chairman Delaney include some
23 of the information that I sent to him. And basically
24 I'm appalled that George Price could push forward with

1 this project full well knowing the following: One, the
2 construction of wind turbines in one national park could
3 open the floodgates for wind turbines throughout all
4 national parks. Number two, the mission of the national
5 parks and the purpose of this park brings with it a
6 responsibility to the people of the U.S. and the globe
7 to preserve and protect our national park today and into
8 the future. Three, there are many adverse effects of
9 wind turbines to humans and the environment.
10 Furthermore, even though the FAA denied the proposal,
11 George Price is using our taxpayer dollars to hire a
12 consulting firm to find a way to circumvent the ruling
13 of the FAA and also put U.S. citizens at risk of attack
14 by compromising the radar system in Truro.

15 I want George Price to be put on notice -- and I'm
16 sure that you'll convey this publicly -- and all the
17 Advisory Commission members -- I want you to be aware of
18 the health risks to humans as a result of wind turbines
19 being sited within 1.24 miles of human habitation. The
20 Truro location is one-quarter mile from human
21 habitation. And in there you'll see Nina Pierpont,
22 M.D., Ph.D.'s letter to the town administrator in
23 Wellfleet, and I draw your attention to the following
24 quote: (Reading) Don't build these low

1 frequency/infrasound-generating machines within two
2 kilometers of people's homes (end reading). That's 1.24
3 miles. (Reading) Governments and corporations who
4 violate this principle are guilty of gross clinical
5 harm. Such governments and corporations should be taken
6 before whatever level court is necessary to stop this
7 outrage (end reading). She says: (Reading) I would
8 now add that you are deliberately and aggressively
9 harming people. This must stop. The evidence is
10 overwhelming (end reading).

11 I believe it's an outrage to think that the
12 National Park Service would put its citizens of the U.S.
13 at serious risk of health issues with full knowledge
14 that you are jeopardizing the health and safety of U.S.
15 citizens. I really thought it was your job to protect
16 all citizens of the U.S. in our national parks.

17 I'm asking George Price -- you know, I guess I'm
18 not today, but I was hoping that he would retract what
19 he's doing, moving forward with this proposal in Truro,
20 but I will ask Chairman Delaney to honor the requests
21 from citizens in the Seashore towns for the Advisory
22 Commission members to vote to oppose the wind turbines
23 proposed for Truro by CCNS and to request that George
24 Price and the CCNS withdraw the letter to the FAA and to

1 cease and desist with any proposal for wind turbines in
2 the Truro location. This vote is especially important
3 given the date of the letter, April 12, to the FAA and
4 the urgency for the Advisory Commission to act today
5 because your next meeting isn't until September. I
6 further request a discussion to oppose any and all wind
7 turbines in the National Park of CCNS.

8 I maintain that wind turbines are not a part of the
9 mission statement of the National Park. I will restate
10 that the Truro location is perfect for using the man-
11 made structures already in place and retrofitting these
12 structures so they become energy efficient, utilize
13 passive solar applications, and utilize active solar
14 applications.

15 I ask the chair to formally appoint a subcommittee
16 of the Advisory Commission and ask for volunteers from
17 the community to work together with the Commission and
18 the NPS to find responsible solutions for the site.
19 Let's use this issue to bring the communities together
20 and to work with the National Park and not a wedge that
21 drives us all apart.

22 MR. DELANEY: Thank you, Lilli. Kathy Tevyaw is
23 here in front of you. She's the deputy superintendent.
24 You can be assured that this goes right through to

1 George. It's on the record. Some of the comments you
2 just made are already in our minutes from the last, so
3 we are in this thing. We're hearing the information,
4 and thank you for your concern.

5 AUDIENCE MEMBER (MS. GREEN): Will this be on --

6 MR. DELANEY: I've got to move on to the next
7 speaker.

8 AUDIENCE MEMBER (MS. GREEN): Will this be on the
9 agenda for next time?

10 MR. DELANEY: Yes.

11 AUDIENCE MEMBER (MS. GREEN): Wind turbines, okay.
12 Okay, thank you.

13 MR. DELANEY: Okay, Eric?

14 AUDIENCE MEMBER (ERIC BIBLER): I'm Eric Bibler,
15 and it's very hot in here. I know you've all worked
16 really hard today.

17 I have some handouts too, but I think the first one
18 is pretty painless. It's a postcard of Cape Cod. I saw
19 this map in downtown Wellfleet this weekend, and I
20 thought it was really remarkable. I couldn't get a copy
21 of the map. I wanted to get a larger copy of the map,
22 but the best I could do was to get these postcards.
23 I'll pass them around. But the reason I'm handing it
24 around is because it's really remarkable. I don't know

1 whether it was taken from a plane or a satellite, but it
2 shows really how fragile the Cape is and what a unique
3 geological feature it is. And if you look at that map,
4 you'll see that it's completely studded with blue.
5 There's a lot of blue, a lot of ponds, a lot of water.
6 There are a lot of dunes and a lot of wild areas, and
7 what you really notice -- or at least what I noticed --
8 is absolutely how narrow that strip of land is in the
9 Outer Cape, which is the section that's covered by the
10 National Seashore. So I just pass that along for
11 everyone to sort of keep in mind.

12 The superintendent mentioned that -- I think he
13 mentioned that he sent -- you have a packet that
14 includes correspondence with Mr. Bibler. If so, it's
15 news to me. I haven't received any correspondence.
16 Normally the superintendent has been in the habit of
17 responding to any letters from me at the last minute
18 before the meeting. Typically on Friday he usually
19 e-mails me a copy. If he sent me a hard copy letter in
20 response, I'm not sure. I thought he said something
21 about that. If, in fact, he didn't, I would just like
22 to note for the record that I've sent a series of
23 letters, and the purpose of those letters was to pose
24 questions, not just for the superintendent for

1 questions, that I thought were relevant for all of the
2 Advisory Commission members, including the chairman and
3 the National Park Service. I have not -- I have not had
4 an answer from the superintendent or anybody at the Park
5 Service since January, okay. So this is an awfully long
6 time to wait for a response.

7 MS. TEVYAW: I think they do have a copy, Eric. I
8 think they do have a copy of the correspondence that
9 went out of the Park on Thursday.

10 MR. DELANEY: We have them.

11 AUDIENCE MEMBER (MR. BIBLER): Well, I don't know
12 why I didn't get that in electronic form. Probably
13 because I would have been able to address it today, but
14 I typically do and I didn't.

15 Just in terms of these meetings -- and I know how
16 hard it is and what an imposition it is I know for
17 everyone to continue to sit here. I'd also just like to
18 mention that this is my fifth consecutive Advisory
19 Commission meeting that I've attended to being able to
20 speak two or three minutes. One time I asked for ten
21 minutes. I got ten minutes to speak. I've driven 2,500
22 miles now to attend five meetings. That's how important
23 this is to me. And I know that Lilli and lots of other
24 people have put themselves out for an opportunity to get

1 in front of you, and I hope you understand that this
2 list of questions in these letters were not produced as
3 a form of harassment. There are a lot of people that
4 really want the answers to these questions.

5 Now, I'd just like to take a minute and read a
6 couple of passages. I have one topic that really is the
7 same topic that we've had from the beginning. It has
8 not been addressed. It has not -- the fundamental
9 question has not been answered. Our fundamental
10 question to this commission, to the superintendent, to
11 the chairman, who is the appointee for the Department of
12 the Interior, has been and continues to be whether or
13 not Cape Cod National Seashore specifically and the
14 national parks are appropriate areas for the
15 installation of industrial wind turbines.

16 In this long history now, we have noted that the
17 Department of Interior has convened a blue-ribbon
18 federal advisory commission that includes members of
19 every national conservation organization. They've
20 published guidelines. We've gone through this chapter
21 and verse. Maybe I got a reply on Thursday that
22 addresses it. I wouldn't know that. But fundamentally
23 their process and their guidelines state that the very
24 first thing to determine, whether or not a site for

1 responsible siting of wind energy -- whether or not a
2 site is an appropriate location. And the very first
3 thing they say is that conservation areas should be
4 ruled out as inappropriate locations because people
5 fight them, because it makes no sense to destroy habitat
6 to save the planet. So the Department I have -- to this
7 date, I have never heard on the record the opinion of a
8 single Commission member. I have not heard the opinion
9 of the chairman, who is the representative of the
10 Department of Interior, eyes and ears. I've only heard
11 one opinion that until recently has not been that
12 directly expressed, and that's been the superintendent.
13 So that's the Department of Interior.

14 Every national conservation agency has a document,
15 a policy document, that says that conservation areas
16 should not be -- are not really appropriate areas for
17 industrial wind turbines. At the Wellfleet forum, Dick
18 Elkin took me to task and George Carlson and put up on
19 the overhead that I had misrepresented the position of
20 the Nature Conservancy and the Mass. Audubon Society
21 because they didn't have an opinion on Wellfleet. I
22 never said that they looked at the Wellfleet project. I
23 only said that their methodology was to say let's stay
24 out of conservation areas with these industrial

1 machines. The Wellfleet Board of Selectmen recently
2 abandoned their proposal after unanimous agreement --
3 unanimous sentiment to build it. In fact, they did that
4 over less than a 30-day period, and several of the
5 selectmen came around to the view saying that "This
6 woods is precious. We really didn't understand that.
7 We didn't understand the issues as they impact the
8 Park." Several of the selectmen who were the developers
9 who stood, they thought, to profit from this project
10 said this is an inappropriate thing to do, to ruin this
11 pristine woods, and to introduce these turbines into a
12 national park. Even Jim Sexton who pulled the first
13 permit in 19-- -- sorry -- 2004 for this project for all
14 the wind feasibility studies and everything else, a wind
15 turbine industry guide, has recently publicly on two
16 separate occasions stated that Wellfleet is not an
17 appropriate area for an industrial wind turbine. You
18 have in your possession a letter from the National Parks
19 Conservation Association, which Mr. Price is copied on
20 that, that states unequivocally that they were concerned
21 about this example that wind turbines do not belong in
22 national parks, and they used the words *inappropriate*
23 *location*, okay.

24 And I just want to tell you with respect to the

1 National Park Conservation Association I took the
2 trouble of meeting with them recently, and I sat down
3 with the regional director, whose counterpart is Dennis
4 Reidenbach, also silent on this whole question, and I
5 asked -- you know, I sat down with them. The first
6 words out of their mouth were, "You know, all we needed
7 to know was that it was a 400-foot tall machine in the
8 center of the Park. Why did you even bother making all
9 of these other arguments? That there was nothing else
10 that need be known. It was out of character. It was
11 out of place." My response to them was, "With all due
12 respect, there are at least 50 to 100 people who are
13 pretty angry that they had to exercise themselves to
14 make all those additional arguments since your argument
15 didn't work, and you need to spend more time with the
16 superintendent of the National Seashore, and you need to
17 spend more time talking to the Advisory Commission
18 because none of them has yet voiced any opposition to
19 this idea."

20 I'm just going to read --

21 MR. DELANEY: Is that your last point?

22 AUDIENCE MEMBER (MR. BIBLER): I'd like to read a
23 passage here. I wish I could read more than one
24 passage. This is from the -- I'd like to read a passage

1 from 2010 also. This is in 2009, National Seashore
2 news, the superintendent's message. It begins talking
3 about *America's Best Idea*, Ken Burns, and (inaudible)
4 sort of -- the idea of other people wanting to be park
5 rangers and George Price having the best job in the
6 world. It says: (Reading) The truth is you don't have
7 to (end reading) -- this is the superintendent's
8 message. (Reading) The truth is you don't have to work
9 for the NPS to protect the environment or save cultural
10 landscapes or recreational opportunities for future
11 generations. This year I witnessed a number of
12 community heroes in the Town of Wellfleet rally to the
13 cause as they felt their community was threatened by
14 industrial wind turbines taking over the landscape.
15 They believed that this could change the Cape Cod
16 character within the Seashore District and they thought
17 -- they thought was preserved by the establishment of
18 the National Seashore in 1961. Procedural legislation
19 envisioned a collaborative partnership between the NPS
20 and local communities to manage zoning to achieve
21 protection goals. In practice, however, structures were
22 being built well beyond what Seashore supporters and
23 community representatives believe should be allowed.
24 Community members spent countless hours drafting

1 arguments, communicating their thoughts, attending
2 meetings, hosting forums, and participating on town
3 boards. The result of their effort was an overwhelming
4 vote by the board of selectmen to reject the wind
5 turbine proposal. This success was due to the tireless
6 work of citizens who felt a deep commitment to their
7 community and a responsibility to protect the boundaries
8 of the National Seashore. Cape Cod is indeed fortunate
9 to have citizens who come forward with their time,
10 energy, and convictions to support the basic mission of
11 national parks by preserving and protecting our natural
12 and cultural resources for future generations while
13 providing for the enjoyment of the same for current
14 residents and visitors (end reading).

15 MR. DELANEY: Thank you.

16 AUDIENCE MEMBER (MR. BIBLER): Well, I changed one
17 word. I changed *McMansions* to *wind turbines*. That was
18 a statement on McMansions in 2009. I changed the word
19 *McMansions* to *wind turbines* discussing the heroes of
20 Wellfleet. I heard you all discuss them here. I've
21 heard you decide not to have a wind turbine committee,
22 it's not necessary, and I haven't heard one person
23 object to this idea.

24 Thank you.

1 MR. DELANEY: Thank you.

2 Yes?

3 AUDIENCE MEMBER (JAMES ROGERS): I'll be very
4 brief. Jim Rogers, Wellfleet.

5 I was so impressed with all the work that people
6 did on the dune shack committee. I wonder will you
7 please include that in your agenda for the next session,
8 a wind turbine subcommittee. Please. Would you
9 strongly consider that?

10 MR. DELANEY: We'll certainly consider that.

11 Any other public comments on any topics? Just be
12 brief. On a different topic?

13 AUDIENCE MEMBER: Oh, I'm sorry, not on the wind
14 turbine.

15 MR. DELANEY: Just for the three last speakers on
16 the wind turbine, I know Lilli and Eric and Jim have
17 commented here, and this is not going to go away. The
18 questions aren't exactly ripe for decisions in front of
19 this committee, but it's an ongoing discussion that we
20 are paying attention to. And in the larger context of
21 energy, renewable energy, the Gulf of Mexico, there's a
22 lot of stuff involved in this. So we appreciate your
23 bringing things to our attention. We also ask you for
24 your patience and understanding that we need to -- when

1 issues are ripe, we'll deal with them and we'll make
2 recommendations. And we also are interested when we
3 have the chance to talk about the larger philosophical
4 issues, but those are when you have -- get into lots of
5 other iterations.

6 So I just want to let you know we're listening, and
7 we appreciate you driving the mileage and doing the
8 research.

9 Kathy, do you want to add to that?

10 MS. TEVYAW: I just need to go on record saying
11 that I think that was a very inappropriate and unethical
12 way to represent George's remarks from 2009.

13 MR. DELANEY: Yeah, I mean, as I said, we're being
14 patient with you guys because we know the issues are
15 important, but I think that's -- well, you heard the
16 point.

17 Let me get to the next person.

18 AUDIENCE MEMBER (ANDREA CHAMPLIN): I'm Andrea
19 Champlin, and I'm a lifelong seasonal resident of the
20 Champlin "Mission Bell" dune shack. And there was a
21 comment that was made at some point during the meeting
22 by -- I think it was by George Price about where the
23 dune shack owners/residents were characterized as
24 willing sellers to the federal government, and I just

1 wanted to say -- go on record to say that we don't think
2 of ourselves as willing sellers. We were under
3 tremendous political and economic pressure and, in fact,
4 told that the federal government has much deeper pockets
5 than we do.

6 I also wanted to say that regarding the section of
7 the recommendations called *Physical Structures*,
8 subheading *Amenities*, experience of the shacks implied a
9 simpler, rustic lifestyle, and I agree with that and
10 want to reiterate my mother's point that in 1936 when
11 our dune shack was built there was a structure that
12 housed a huge generator, a diesel generator that powered
13 electric lights in the house and other electric
14 appliances. And, of course, we're not interested in
15 having a giant diesel generator associated with our dune
16 shack, but we do use a small generator to run power
17 tools and to every few days create water pressure so
18 that we can have water flowing in our house.

19 In 1936 the combustion engine did exist, and we did
20 have -- you know, there was one out there. They didn't
21 know what the combustion engine's impact would be on the
22 environment at the time, and since then now we know, of
23 course, that it has a detrimental effect on the
24 environment. So alternative energy sources like, for

1 example, solar panels I think are a good alternative use
2 of alternative source of energy that would be in keeping
3 with the original way of life that has been stated is of
4 value to be preserved.

5 Oh, I also wanted to find out what are the criteria
6 that are going to be used to choose the standing dune
7 shack committee and will they be the same kind of
8 criteria used to choose the current dune shack
9 subcommittee.

10 MR. DELANEY: I honestly cannot -- I have not
11 thought that through yet, Andrea. Sorry. But I think
12 the last combination worked quite nicely, and I think
13 that certainly should be considered. But it will be a
14 standing committee, so it will go on in perpetuity. And
15 I think that might mean it should probably be members
16 who are officially appointed, but I honestly would have
17 to think about this.

18 AUDIENCE MEMBER (MS. CHAMPLIN): The diversity of
19 the current committee I think worked well, and I would
20 like to publicly voice my support and my encouragement
21 of the process of choosing committee members that would
22 parallel or echo the process that was used to choose the
23 current committee where all parties are represented.

24 MR. DELANEY: Thank you. Those are good points.

1 MR. REINHART: I would like to --

2 MR. DELANEY: Name, please.

3 MR. REINHART: Tom Reinhart.

4 MR. DELANEY: Tom Reinhart.

5 MR. REINHART: I would like to echo her sentiments
6 about having some criteria just like we're having
7 criteria for a lot of the decision-making that's going
8 to be done in this -- you know, with the dune shacks by
9 the Seashore and others. I think the committee part is
10 also an important -- to have certain criteria because
11 they're going to be an important interface between the
12 Seashore and the way the decisions are made so they're
13 not just arbitrary.

14 MR. DELANEY: Thanks. Thanks, Tom. Good point.
15 Someone else who has not spoken?

16 (No response.)

17 **ADJOURNMENT**

18 MR. PHILBRICK: I move we adjourn.

19 MR. DELANEY: Okay. Everyone's had a chance to
20 speak. I know you're going to want to speak, but I
21 don't want to get into what we do every time, the back
22 and forth. I think you had ample time, and I think we
23 need to -- and I've heard a motion to adjourn.

24 MR. FRANCIS: Second.

1 MR. DELANEY: Seconded. All those in favor?

2 BOARD MEMBERS: Aye.

3 MR. DELANEY: Those opposed?

4 (No response.)

5 MR. DELANEY: Thank you for your patience and
6 accomplishment on a long, hot afternoon, summer
7 afternoon.

8 (Whereupon, at 3:34 p.m. the proceedings were
9 adjourned.)

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REPORTER'S CERTIFICATE

PLYMOUTH, SS

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

The foregoing 119 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, July 19, 2010, commencing at 1:07 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 10th day of September, 2010.

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