

**CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION
TWO HUNDRED AND EIGHTY-FIRST MEETING**

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station
Area, Park Headquarters, South Wellfleet, Massachusetts, on
Monday, November 14, 2011, commencing at 1:04 p.m.

SITTING:

Richard F. Delaney, Chairman
Richard Philbrick
Ed Sabin
Ted Thomas
William Hammatt
Mary-Jo Avellar
Sheila Lyons
Judith Stephenson
Maureen Burgess

Larry Spaulding, alternate (partial)
Don Nuendel, alternate

Also present:

George Price, Superintendent
Kathy Tevyaw, Deputy Superintendent
Susan Moynihan, Chief of Interpretation & Cultural Resources
Shelley Hall, Chief of Natural Resources
Erin Der-McLeod, Planning Assistant
Mark Adams, GIS specialist
Karst Hoogeboom, Chief of Facilities and Maintenance

Audience members

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P R O C E E D I N G S

MR. DELANEY: That silence must indicate it's one o'clock. Time to start. So I will call the 281st meeting of the Cape Cod National Seashore Advisory Commission to order on November 14 at one o'clock. And welcome, all those of you in attendance.

I'd like to begin, since again we have some new faces in the crowd, by asking the members of the Commission just to quickly go around the room and introduce themselves as the member or alternate and the town they're representing.

MS. BURGESS: Maureen Burgess, recently nominated from Truro.

MS. AVELLAR: Mary-Jo Avellar, Provincetown.

MS. LYONS: Sheila Lyons, Barnstable County commissioner, representing Barnstable County.

MS. STEPHENSON: Judy Stephenson. I'm the Governor's representative, and I live in Orleans.

MR. PRICE: I'm George Price. I'm the superintendent of the National Park, and I'm the federal designated official to the Advisory Commission.

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

MR. THOMAS: Ted Thomas, Advisory -- I'm the alternate for Wellfleet.

1 MR. SABIN: Ed Sabin. I'm the Eastham
2 representative.

3 MR. PHILBRICK: Dick Philbrick, representative --
4 commissioner from Orleans.

5 MR. SPAULDING: Larry Spaulding, alternate,
6 Orleans.

7 MR. DELANEY: Yes, thank you. Other alternates
8 that are here?

9 MR. NUENDEL: Don Nuendel, Orleans -- or Eastham.
10 (Laughter.)

11 MR. DELANEY: Any other alternates in the crowd?
12 (No response.)

13 MR. DELANEY: And I'm Rich Delaney, and I'm the
14 representative of the Secretary for the Department of
15 Interior's rep. and chairman of the Commission.

16 So welcome, everyone.

17 **APPROVAL OF MINUTES OF PREVIOUS MEETING - SEPTEMBER 12, 2011**

18 MR. DELANEY: We have an agenda that was sent out
19 in advance as is our custom, and it calls now for the
20 approval of the minutes from our previous meeting, which
21 was September 12, 2011. And I would like to ask for
22 comments from our perennial hawkeyed member.

23 MS. AVELLAR: There he goes.

24 MR. DELANEY: Ed?

1 MR. SABIN: I will say that I reviewed all 136
2 pages. It took two days, and I found no problem with
3 it, and I recommend they be adopted.

4 MS. BURGESS: I did find one error. I'm following
5 in your lead.

6 MR. DELANEY: Maureen?

7 MS. BURGESS: It's just probably a typo, and I know
8 it's difficult to hear. It's page 43, line 3. It says
9 the northern part of the bridge. It probably should say
10 breach, I would guess.

11 MR. SABIN: I missed that.

12 MS. BURGESS: You're my mentor.

13 MR. DELANEY: Okay, that sounds reasonable. Let's
14 make that amendment or that modification.

15 Any other changes?

16 (No response.)

17 MR. DELANEY: We have a motion from Ed to approve
18 with now an edit.

19 MS. BURGESS: I second.

20 MR. DELANEY: Second, Maureen.

21 All those in favor, signify by saying aye.

22 BOARD MEMBERS: Aye.

23 MR. DELANEY: Those opposed?

24 (No response.)

1 MR. DELANEY: Thank you for adopting the minutes.

2 **ADOPTION OF AGENDA**

3 MR. DELANEY: We also have an agenda that was -- I
4 should have started with that actually, I guess. We
5 have an agenda that was sent to you in advance. And
6 unless members of the Commission would like to alter the
7 order of items, I would urge its adoption and explain,
8 by the way, that we do have this North Beach cottage
9 issue that got a lot of attention, and I wanted to make
10 sure that there's sufficient time -- I will make sure
11 there's sufficient time at the end of the meeting and
12 roll that into our public comment period because I know
13 there are a lot of people who are going to want to
14 comment on that particular thing. So if this is okay,
15 let's adopt this agenda as printed.

16 MS. AVELLAR: So moved.

17 MR. DELANEY: Okay, those in favor, signify by
18 saying aye.

19 BOARD MEMBERS: Aye.

20 MR. DELANEY: Those opposed?

21 (No response.)

22 MR. DELANEY: It carries. Good.

23 **REPORTS OF OFFICERS**

24 MR. DELANEY: Now, Reports of Officers.

1 I don't have any reports above and beyond what we
2 will cover today.

3 Seeing no other officers, we also have Reports of
4 Subcommittees.

5 **REPORTS OF SUBCOMMITTEES**

6 MR. DELANEY: We did have a subcommittee, called
7 the North Beach Cottage Subcommittee, meet. Its report
8 will come as part of that topic at the end of the
9 agenda.

10 Are there other subcommittees that have met in the
11 interim?

12 (No response.)

13 MR. DELANEY: No? Okay.

14 **SUPERINTENDENT'S REPORT**

15 MR. DELANEY: Then we'll go quickly, directly to
16 the Superintendent's Report.

17 Superintendent Price?

18 MR. PRICE: Sure, thank you, Mr. Chair.

19 I'd like to just report on a number of things.

20 Since we sent out the agenda, one of the notices
21 that we were made aware of that I wanted to bring to
22 your attention has to do with the state notifying us
23 through the Mass. Department of Public Health. They're
24 asking us to post three more of our freshwater ponds

1 with mercury warnings.

2 Shortly after I arrived, the first notice came in
3 for three more ponds to be listed, and I reported to the
4 Commission at the time. Coming in from outside of the
5 area, I guess I was pretty shocked because I just wasn't
6 aware of this as an issue, and I come to find out that
7 actually all of Massachusetts and most of the New
8 England states have a generic (inaudible). And that
9 basically means that people who fish in the waters,
10 they're recommending that pregnant ladies and children
11 not eat the fish that's caught, and I find that
12 particularly disturbing. This has to do with the air
13 pollution that comes across North America and the
14 deposit that's in the ponds. You are aware because of
15 reports previously that our scientists have been
16 monitoring our ponds for over 30 years, so we have a lot
17 of data related to that. But in working with the Mass.
18 Department of Public Health, it's reached this critical
19 level, and I just wanted to bring that to your
20 attention.

21 So this is actually in your package. I'm
22 particularly concerned, especially when I listen to the
23 news. And I understand there are debates about actually
24 reducing the environmental restrictions that some of the

1 plants have that actually allow these kinds of
2 pollutants to go into the environment across the nation,
3 especially when it involves cement and brick plants. So
4 I think that's particularly troubling.

5 I've just now expended the entire basis of my
6 knowledge on this topic, and I was going to ask Shelley.

7 Did you have a chance to -- any particular more
8 input on this than I've just said?

9 Shelley's our chief of natural resources
10 management.

11 MS. HALL: I think you pretty well covered it.
12 There are four new ponds that are listed for various --
13 there are very specific species that are covered under
14 each pond. And that's Horseleech, Round (East), Round
15 (West), and Spectacle are the new -- newly posted ones,
16 and that's based on testing that the state did in 2010.
17 They did some additional ponds in 2011, but we haven't
18 got the results yet on those. So I think the
19 information in your packet is pretty self-explanatory.

20 MR. PRICE: So I just wanted to bring that to your
21 attention.

22 MR. DELANEY: A question on that topic from Larry?

23 MR. SPAULDING: Yes. I'm assuming this problem is
24 not just in this seashore. Does the Park Service have

1 programs to try to deal with it in terms of ameliorating
2 the problem?

3 MR. PRICE: Well, basically this is pollutants that
4 are coming across North America.

5 MS. AVELLAR: Acid rain?

6 MR. PRICE: So this is a big, big issue nationwide
7 that through EPA and other organizations we attempt to
8 deal with it that way.

9 MR. SPAULDING: I guess my question related more --
10 and I ask this out of ignorance -- whether there's some
11 form of treatment that helps the problem and whether the
12 Park Service has ever tried to do anything.

13 MS. HALL: There really isn't. It's a regional
14 issue of mercury deposition from the atmosphere. You
15 know, it's a little bit more prevalent in the Northeast
16 and in ponds like our kettle ponds because of the
17 chemistry of the ponds themselves, but there's really
18 nothing you can do to -- you know, short of stopping
19 those pollutants getting into the air stream.

20 MR. PRICE: Right. As you will read, they're also
21 relying on the posting statewide for the entire
22 Commonwealth of Massachusetts, and it's my understanding
23 that's true in the New England states as well.

24 MR. DELANEY: Larry, you know the EPA has had

1 regulations pending for some time now to deal with that
2 added source, which is the real solution, and that's
3 what I think the superintendent is referring to is being
4 vetoed by powers in Congress that have opposed this.

5 Mary-Jo?

6 MS. AVELLAR: But if stuff comes from across the
7 border, then there's not a lot we can do about that.

8 My father fished every trout pond on Cape Cod, and
9 he was on the second round when he died. He was 86 and
10 still fishing. He was always blaming acid rain for what
11 was happening in his ponds.

12 MR. DELANEY: I mean, there's a long discussion,
13 and we want to keep going with the Superintendent's
14 Report, but these are not cross border necessarily.
15 These are midwestern United States power plants, cement
16 companies, and other factories that discharge into the
17 air, into the atmosphere.

18 George, go ahead.

19 MR. PRICE: We're certainly not immune from that.

20 UPDATE ON DUNE SHACKS

21 MR. PRICE: Just the update on the dune shacks. As
22 I reported last time, we successfully moved the
23 nomination for the National Register of the dune shacks
24 in the Historic District through the state. The State

1 Historic Preservation Office agreed that we should move
2 this to the National Register for formal listing. Up
3 until now it's been Register eligible, is what it's been
4 listed. So we can do that.

5 As far as the preservation and use plan, the EA
6 that we worked on with the Advisory Commission
7 subcommittee, we're still waiting for comment from the
8 State Historic Preservation Office. We actually just
9 today sent out another letter to ask them if they could
10 move along on their decision because that's really what
11 -- that's the next step in that process. But to have
12 the National Register listing move ahead I think was
13 quite a success.

14 IMPROVED PROPERTIES/TOWN BYLAWS

15 MR. PRICE: The improved properties item, I just
16 want to give you an update.

17 The Town of Truro Planning Board decided to develop
18 an article for the townwide zoning meeting. They had a
19 hearing in October, and I submitted a letter, which was
20 in the packet that was actually mailed to you ahead of
21 time, basically letting the town and the planning board
22 know that certainly from the Seashore perspective we
23 don't believe that this is even close to something that
24 would be considered protective zoning in that town,

1 especially in the Seashore District. The concept still
2 allows for two-story structures between 2,400 and 9,600
3 square feet. So that's quite a latitude there. We
4 don't believe that this is protective to the Seashore
5 District character, nor does it meet the concept of the
6 integrity of existing structures, which is what's in our
7 particular zoning language.

8 So we sent them a letter as we have done in the
9 past, but if the article passes, then it will be
10 interesting to see how the planning board in Truro
11 actually proceeds. As you know, this has been an
12 ongoing discussion with Truro for years and years and
13 years. Fortunately, Wellfleet a number of years ago was
14 able to put some zoning in place that we thought was
15 sufficiently protective of the Seashore District.

16 If you recall last year when this issue came up
17 with Truro, you all asked me to send you a follow-up
18 letter to let Truro know that the Advisory Commission
19 was not satisfied with their progress either. And I
20 think when I sent them the letter this time, we actually
21 added that letter as well, but it is an interesting
22 discussion that they're having.

23 MS. STEPHENSON: Did they reply to you?

24 MR. PRICE: No.

1 MR. DELANEY: A question? Yes, Maureen?

2 MS. BURGESS: Actually, just a comment. Tomorrow
3 night we're having a special town meeting, and that
4 article is on the warrant for consideration, the one
5 that you just referred to. So we'll see.

6 HERRING RIVER WETLAND RESTORATION

7 MR. PRICE: We talked about the Herring River
8 wetland restoration. We've had updates on that in the
9 past.

10 The Seashore staff continues to work with the
11 extended Herring River committee on the EIS/EIR, which
12 we hope to have ready for the spring, for the
13 (inaudible) in August. We've continued to meet with
14 town officials. We've recently met with some members of
15 the board of selectmen and some other folks in Wellfleet
16 to try to zero in on some critical decision points that
17 will have to be made ultimately, and at some point we'll
18 have larger meetings where we can talk about what those
19 decision points might be and how they'll actually appear
20 in the alternates.

21 WIND TURBINES/CELL TOWERS

22 MR. PRICE: Under the section of windmills and cell
23 turbines, we have no additional information at this
24 time.

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FLEXIBLE SHOREBIRD MANAGEMENT

MR. PRICE: And then under Flexible Shorebird Management, I was going to ask Shelley to give us an update on that progress.

MS. HALL: I think, as most of you know, we're in the process of doing a comprehensive shorebird management plan and an environmental assessment for that. So we've hired a consulting firm and contracted with them to prepare the environmental assessment and do the analysis for us. We are looking at a document to be released to the public sometime late spring, likely around April-ish, with a final decision to be made in June or July.

So that's where we are in that process right now.

HIGHLANDS CENTER UPDATE

MR. PRICE: Under the Highlands Center, we just continue to work with the agencies and the interested parties both with our Park partners as well as others. We had the presentation, as you'll recall, in September, the Department of Energy's Atmospheric Radiation Monitoring Mobile Climate Station, which we expect to have sited here in July 2012. We expect representatives will be coming out during the course of the next few months, and we'll be extending our outreach specifically

1 to places at Woods Hole as well as the Center for
2 Coastal Studies so if there are particular scientific
3 questions they might be able to be answered.

4 After the September meeting, there were a number of
5 articles in the local press, and all the comments that
6 we received related to them seemed to be very favorable.
7 People I think are very excited about this kind of a
8 scientific study actually happening in our midst, which
9 we feel very good about.

10 ALTERNATE TRANSPORTATION FUNDING

11 MR. PRICE: Under Alternate Transportation Funding
12 and also some of our Cape-wide bike planning, I'd like
13 to ask Karst Hoogeboom, our chief of facilities and
14 maintenance.

15 MR. HOOGEBOOM: In no particular order, I'll just
16 give you a broad update on some of the projects we're
17 working on.

18 As you may remember, we got a grant for \$250,000
19 from the Federal Transit Administration for a bicycle
20 shuttle, which will be two 12-passenger vans hooked up
21 to two 12-bicycle trailers. Originally our plan was to
22 shuttle from the Nickerson State Park area down to
23 Provincetown and back again, but working with the
24 Regional Transit Authority, we found that the schedule

1 was going to be so dragged out on that, that we're now
2 concentrating on the gap where the Cape Cod Rail Trail
3 ends here in South Wellfleet all the way down to
4 Provincetown. You may remember that we had a fatality
5 bicyclist last year, so we're going to focus on that
6 stretch of Cape Cod with the shuttle. We're in the
7 process of procuring the vans now. The shuttle -- the
8 trailers are sitting over in our maintenance yard, and
9 we'll be ready to go in the springtime with those.

10 We have applied to the federal Transit in Parks --
11 the Paul Sarbanes Transit in Parks Program for four
12 grants last year. The decision has not been made, but
13 it's been whispered that two of our projects are what
14 they're calling above the line, and we hope to find out
15 a little bit more about that probably before the end of
16 the year. And those two projects are what we're calling
17 the correction of life safety hazards and rehabilitation
18 at the Nauset Bike Trail. This is the bike trail that
19 goes from the Salt Pond Visitors Center out to Coast
20 Guard Beach. And for I guess tactical reasons we broke
21 that down into two phases, so the first phase for about
22 \$1.4 million is currently being considered. And we
23 would move forward with funding from a different highway
24 transportation program, the Parks Roads and Parkways

1 Program, Category 3, which allows for funding of transit
2 programs within parks for the remaining \$611,000, and we
3 expect to find out about that funding a little bit later
4 on, like probably mid-March or so. So hopefully we will
5 have all of the funding to do the reconstruction of that
6 bicycle path.

7 If you remember, the process we went through with
8 the Province Lands bike path, we hope to employ a
9 similar process using a contractor who is already on
10 contract with the federal government to do a design
11 build program out there. We were very successful with
12 that both in terms of cost and schedule, not to mention
13 quality last year. So we hope to replicate that
14 process.

15 One of the other projects that it looks like we
16 will be successful on is what we're calling the
17 Provincetown, Truro, and Wellfleet Route 6 multiuse path
18 master planning project design and construction. A
19 mouthful, I understand that. And that's for a little
20 bit over \$5 million, and that's to initiate the process
21 of getting bicycles from the Wellfleet area down to
22 Provincetown and back again through a whole network, a
23 web of bicycle routes. And so that money will pay for
24 the planning, the design work, the public process

1 effort, and the permitting, and then initial
2 construction projects.

3 We've already actually started that progress in
4 late October. We had our first workshop in Wellfleet at
5 the Council on Aging, and we had about 35 participants.
6 And it was a great progress -- project. We got a great
7 process. We got a lot of great comments from those
8 folks. So this will -- that is the first of a whole
9 series of steps on that. We'll probably be coming back
10 to you for progress updates along the way.

11 We did apply for a couple of other projects that
12 we're still waiting to find out, one of which is what
13 we're calling improving major bicycle roadways
14 crossings, which is where bicycles cross roads. If you
15 know the Brackett Road/Cape Cod Rail Trail intersection,
16 there's a flashing signal. We're looking to employ this
17 similar kind of a situation at Governor Prence Road at
18 Route 6, which leads to our Fort Hill area right out
19 here at the entrance to the Park where the Rail Trail
20 crosses and a number of other intersections, about six
21 of them altogether. We'll find out on that one later on
22 also.

23 We're also in the process of -- we've applied for
24 funding for a MacMillan Wharf to Provincetown's bike

1 path connection, and that one is for considerably less.
2 It's mostly signage, some pavement improvements, and
3 adjustments to catch basins. Working very closely with
4 the Town of Provincetown on that one.

5 We've gotten support from Truro and Provincetown on
6 the big project that I referred to earlier, the Route 6
7 project, and we've been working closely with Wellfleet's
8 committee as well.

9 We're also looking to get some funding for Head of
10 the Meadow bike path not only to improve the bike path
11 that we've got and widen it but also then to extend it
12 again to make the connections more useful. And those
13 are all, I guess, projects.

14 We also have some funding in the works for
15 continuing to maintain and expanding our shuttle/tram
16 system. We have a tram that runs from Little Creek
17 parking lot down to Coast Guard Beach. We implemented
18 that after the *Blizzard of '78*, and periodically we will
19 require a new set of shuttles, trams, and trailers for
20 that. We're also as the shoreline continues to move and
21 our parking lots are compromised by that -- we're
22 looking at ways to continue to provide service to the
23 beaches but not necessarily have the parking lots on the
24 beaches. So we're looking at Nauset Light Beach, and

1 we're looking at a few of our other beaches. Marconi is
2 another one where we might make some more tram shuttle
3 connections. So we've got some funding requests in for
4 those. This year we're submitting one next fiscal year,
5 '12, '14, and '16 and on. So it's an ongoing part of a
6 program that's been in place for some time.

7 Are there any questions?

8 MR. DELANEY: Thanks, Karst. Lots of exciting
9 projects.

10 MR. HOOGEBOOM: We hope so.

11 MR. DELANEY: That's terrific.

12 Any questions from the members of the Commission on
13 transportation issues? Dick?

14 MR. PHILBRICK: Not transportation, no. Another
15 subject.

16 MR. DELANEY: Okay, while Karst was right here, I
17 was just going to follow up on that topic. No?

18 Okay, can I let the superintendent finish his
19 report, Dick, and then I'll come back to you on another
20 topic.

21 MR. PHILBRICK: Okay, yeah.

22 CONSTRUCTION PROJECTS

23 MR. PRICE: The next one is on construction. I
24 just wanted to refresh you on an update.

1 The biggest construction project we have on the
2 horizon is the replacement of the Herring Cove bathhouse
3 up in Provincetown, and I believe I reported that Kathy
4 actually represented us at the Design Advisory Review
5 Board out in Denver over the course of the summer. We
6 received very positive comments with a couple of
7 questions. We've responded to the questions. So as far
8 as we're concerned -- and I've already reported to the
9 town manager in Provincetown that we believe we're
10 really looking very good to move ahead on this. And the
11 significant piece of it, which we've been continuing to
12 talk about, is that approval included the betterment fee
13 to hook up to the town sewer system, and this was always
14 a question for us, whether we were going to get that
15 extra support or not.

16 To be open, the questions were not related to the
17 sewer hookup as much as did our design fully integrate
18 potential sea level rise and coastal changes into the
19 future. And we believe ours does because, first of all,
20 it's movable, and that's really the advantage. These
21 are not -- it doesn't look like a trailer park facility,
22 but these are structures that, given an opportunity with
23 advance notice, we'd be able to pick them up and
24 relocate them as that area might change. So we feel

1 very good about it.

2 The ability to hook up to the sewer system even
3 gives us more flexibility. Back when that project was
4 first conceived, we thought that what we were going to
5 be doing is going to be building a brand-new Title 5
6 septic system, and I was kind of envisioning that we
7 would have movable structures that set up the septic
8 system so we could move around it so maybe we'd get
9 three moves out of the lifetime of those structures
10 perhaps but keep the septic system in place. But now
11 that we have the hookup to the water treatment plant,
12 that gives us a whole variety of opportunities. So we
13 feel very good about that. So we'll be moving ahead on
14 that.

15 Karst, what was the potential that we could get
16 design money perhaps?

17 MR. HOOGEBOOM: I guess -- excuse me.

18 MR. PRICE: 2014?

19 MR. HOOGEBOOM: Since we're ready to go, we're
20 hoping to be able to maybe get 2013 money, but right now
21 we're programmed for 2014 money.

22 MR. PRICE: So 2014 is when it's programmed for.
23 So two things could happen. Number one, some other
24 projects ahead of us could fall out and we could get

1 planning money earlier, or -- and we'd have to be
2 prepared for this in this world of budget on the federal
3 side -- other projects that would be deemed to be more
4 critical that could be put ahead of us and our project
5 could slip that way. But the piece that was most
6 important to me as a result of this summer staff meeting
7 and our response and the correspondence that we've had
8 so far is that we are on the list, and that was the
9 biggest hump that I needed to cross at this point. So
10 we feel very, very good about that.

11 There are still a lot of issues that we have to
12 take a look at up in Provincetown specifically related
13 to the macadam. For those of you that live up there,
14 you certainly know. In the wintertime during the
15 serious storms, the waves actually crash on the macadam
16 on Herring Cove North. We've had some issues with the
17 abutment where the abutment is failing, specifically
18 right in front of the current bathhouse.

19 We started a couple of years ago a community
20 dialogue education process where we talked about the
21 changes that are going to take place or that we can
22 expect to take place at Herring Cove North over time
23 and how do we working with the community, working with
24 the scientists determine what will be the best course

1 of action to actually take. So there will be time for
2 us to kind of upgrade those again, and we'll have more.
3 And Graham Giese and others in workshop-type formats is
4 the way that I actually see that being the best.

5 Similar to the bathhouse, which was built in the
6 1950s, that whole concept of the abutment and all
7 that macadam was based on establishing the beach as
8 you would have established it at that time. And
9 obviously a lot of things have changed both with the
10 environment and also with the way organizations deal
11 with coastal frontage in their building and recreational
12 facility.

13 Also, if you are driving around up at the Province
14 Lands Visitors Center, you will see construction is
15 underway. We basically waited for the visitor center to
16 close for the season. And the contractors are up there
17 doing a lot of replacement of the windows, a lot of the
18 sills having rotted out, and we're doing a lot of
19 improvements up there at the same time. So hopefully
20 that will be ready for the spring when we actually are
21 going to reopen them again.

22 LAND PROTECTION

23 MR. PRICE: Under Land Protection, one of the items
24 that we talked about at the September meeting is we did

1 a field trip to the Biddle property on that day, and
2 later in the month on September 29 we had a celebration.
3 And basically that was a wonderful gathering of folks.
4 The Trust for Public Lands invited the Biddle family to
5 come up, and we basically had a celebration where we
6 thanked Mrs. Biddle and her family for working with the
7 trust. And in this case it wasn't a total outright
8 donation. It was really just constructing a favorable
9 deal that the family would be allowed to take some
10 benefits for their estate on their end, and then we
11 applied our land acquisition funds that had originally
12 been set aside by Senator Kennedy when we were doing the
13 North of Highlands project. And we were able to secure
14 not only the ten acres but also four historic structures
15 that are on the property. So that was a really special
16 day that took place shortly after our meeting.

17 ADVISORY COMMISSION APPOINTMENTS

18 MR. PRICE: Just an update on Advisory Commission
19 Appointments. As of today, we should have all of the
20 material from the new appointees that were submitted to
21 our Washington policy office. And for those of you who
22 have submitted your material in the past, you won't be
23 shocked to know that we expect that it will be a while
24 before the final letter. So at some point in the

1 future, barring unforeseen circumstances, those of you
2 who are new and those of you who have to be reappointed
3 will actually be receiving a letter from the Secretary
4 of the Interior actually making that two-year
5 appointment effective. I think it's ironic it usually
6 takes about two years for the process to happen and then
7 we have to start all over again.

8 It's my understanding -- and Erin, you can correct
9 me if I'm wrong, but I think we actually have a full
10 slate for all of the towns now.

11 Does Truro have an alternate?

12 MS. BURGESS: No, I haven't seen them advertise for
13 an alternate. I did bring it to their attention,
14 though.

15 MS. DER-McLEOD: Chatham doesn't have an alternate
16 either.

17 MR. PRICE: Well, Bill, Chatham doesn't have an
18 alternate listed. Obviously we've gone a long time
19 without an alternate, but that's been put out there.

20 And then what about Orleans? Does Orleans have an
21 alternate?

22 MS. DER-McLEOD: Yes.

23 MR. DELANEY: Larry.

24 MR. PRICE: Oh, Larry. I'm sorry. Larry, of

1 course. That's right.

2 Dick, I think we're waiting for your resume, right?

3 MR. PHILBRICK: My bio or something like that.

4 MR. PRICE: Your bio? Did you bring that in today?

5 MR. PHILBRICK: No, I did pretty well to get myself
6 here.

7 (Laughter.)

8 MR. PRICE: So Truro and Orleans and Chatham were
9 the two, Erin, that we just need an alternate for?

10 MS. DER-McLEOD: Yeah, Chatham and Truro.

11 MR. PRICE: But that hasn't stopped us from sending
12 in all the other materials. So I appreciate everybody
13 being diligent in putting forward your material, by the
14 way. So I think that's pretty good.

15 So, Mr. Chair, going down to at least the
16 Superintendent's Report, those were all the topics I
17 wanted to cover except for the North Beach.

18 MR. DELANEY: Okay, before we move to the North
19 Beach, Dick, did you have another topic you wanted to
20 ask the superintendent about?

21 MR. PHILBRICK: Yes. A couple of years ago or more
22 there was a lot of concern about the second growth on
23 Fort Hill, and at the time it seemed that the solution
24 to that was the controlled burn process. And they were

1 doing partial pieces of controlled burning then. I
2 think now that team may have been on another schedule.
3 I'm not sure, but the last time it was cleared -- and
4 that was last year -- it was cleared beautifully. And
5 it was cleared not by controlled burning so much as by
6 physical removal of the second growth. This year we
7 seem to have about 50 percent of it so treated, and that
8 part looks great. But the other half doesn't seem to --
9 has not been treated or had the second growth removed
10 this year, and next year I expect that it's going to be
11 taller than I am unless some other plans are in process.

12 So I think we need -- I need to hear how it's going
13 to go different.

14 MR. PRICE: Sure. Well, actually, if I could
15 answer. Two things, Dick. One is you know Fort Hill is
16 one of my favorite places in the world.

17 MR. PHILBRICK: Mine too.

18 MR. PRICE: So they all know that I'm there all the
19 time. And the other thing you should know, that the
20 field grown up this high to our definition also still
21 does look great. So the fact that we have different
22 levels of growth of the grasses is not a bad thing.
23 That's part of the overall landscape that works for us.
24 The second part of the answer, though, is so what we're

1 actually doing is we're doing a rotational process where
2 we actually have equipment that goes in and cuts it
3 down, as you've seen. Part of the problem in the past
4 was we didn't have the right type of mowing equipment,
5 and now we do. So we're able to go in there, and that
6 makes a major difference when we can actually mow it.
7 But the mowed material has to be just the right length
8 in order for Dave Crary to go in there with his fire
9 crew to be able to do the controlled burn piece.

10 So basically we have a standing committee in-house
11 that consists of Bill Burke, who's our historian,
12 talking about the cultural landscape look that we're
13 trying to achieve. We also have maintenance that's
14 there, and then we have Dave Crary from the fire crew.
15 And they actually then lay out a timeline schedule over
16 the course of an entire year or two. What sometimes can
17 bollocks that up is the weather and then the timeline
18 when there's conflict of schedules. For instance, there
19 are certain times of the year when Dave Crary and his
20 fire crew can actually go out and do the controlled
21 burn, and if they get called to another fire someplace,
22 they may not be available. So, frankly, then it has to
23 pass for that season.

24 So we really take a much longer look over how and

1 when this actually gets done.

2 And I'm not remembering, Karst, because I asked
3 rather recently. I think the next mow is actually still
4 coming up, right?

5 MR. HOOGEBOOM: Correct, we're on schedule. We've
6 been mowing it on the schedule, and you're right, the
7 next one's coming up.

8 And also alluding to the comment you made about
9 Dave and his staff, right now we have someone --
10 somebody to furlough, who's on furlough right now, so
11 we're down that one person. And the plan is when they
12 come back, that's when the schedule says that we will be
13 mowing out there.

14 MR. PRICE: So I think, Dick, the answer is we
15 haven't forgotten about it, and it hasn't dropped off
16 the priority list. It's just that it's a much longer
17 lead time on the cycles of when we're actually doing
18 things because I would agree with you. We don't want it
19 to go back to be taller than us, which is what it looked
20 like five or six years ago where it hadn't been kept up,
21 where we weren't doing the mowing because we didn't have
22 the right equipment. So we believe that cycle is doing
23 pretty well.

24 So let's you and I keep an eye on it and make sure

1 that this follows through, but I'm pretty sure you'll be
2 satisfied with the results in the long term.

3 MR. PHILBRICK: I understood that the character of
4 Fort Hill in use, its use character, had been determined
5 that it was pastureland. And I do not think that growth
6 as tall as we are solid like it is now could qualify as
7 pastureland.

8 MR. PRICE: Well, I would agree with you if it was
9 as tall as we are, but on the other hand, it's also not
10 supposed to look like a golf course fairway either. So
11 it's kind of a balance, balancing act as to how we
12 actually manage that. But I think before the first snow
13 flies -- I think we're going to be out and mowing the
14 other half of that, that field area.

15 MR. PHILBRICK: I thank you very much for filling
16 me in somewhat as far as the burning process as a final
17 solution, if you excuse the expression. It leaves me a
18 little bit skeptical.

19 MR. PRICE: I think the other issue about the
20 burning and the mowing, it's also something that our
21 staff is really taking a close look at. So Steve Smith,
22 who's our plant ecologist, for instance, I know early on
23 one of the goals was to try to bring back some of the
24 natural grasses, the bluestem grass, for instance, and

1 there's an open question whether that is actually in the
2 long term going to be a viable expectation. So we might
3 have the appearance of the landscape, but we're not sure
4 that we're actually going to get to the point where
5 we'll have a truly non-invasive look to the place.

6 Shelley, am I again veering off of my knowledge
7 base here?

8 MS. HALL: I think what we've determined is we can
9 maintain the cultural landscape, but it's not feasible
10 to try to get back to the natural species composition.
11 A lot of the species will remain exotic species, but the
12 look will still be the cultural landscape objective.

13 MR. DELANEY: Okay, Dick, is that satisfactory?

14 MR. PHILBRICK: Yes.

15 MR. DELANEY: Thank you.

16 And, members of the Commission, any other topics
17 that you want to raise? Ted?

18 MR. THOMAS: I just want to go back to the Biddle
19 property. What's the big vision there?

20 MR. PRICE: The big vision was to protect ten
21 acres.

22 MR. THOMAS: There are a lot of buildings.

23 MR. PRICE: There are four.

24 MR. THOMAS: Right.

1 MR. PRICE: So specifically the initial goal was to
2 be able to act quickly in order to protect the ten
3 acres. There are four historic buildings on the
4 property. They're all at this point in pretty good
5 condition, and we're internally going through a process
6 to be able to take a look at a condition assessment to
7 see what shape they're in. We know one has structural
8 issues. One needs a new roof, but by and large it's in
9 pretty good shape. We also know that we expect that
10 it's going to be an important archeological area, so we
11 put in some requests to do an archaeological survey so
12 we have a better idea of what's out there.

13 And, frankly, it will take some time for us to come
14 to a point where we have actually developed a plan for
15 the area. We're not or at least I'm not expecting that
16 we're going to restore it to the point where it will be
17 another Atwood-Higgins House. Okay, the Atwood-Higgins
18 House, you know that's the early 17th century farmhouse
19 on the Cape. That's what that's set up to actually
20 interpret. So we're not just going to replicate that.
21 So there will be other opportunities. Ideally, if we
22 can get involved in a nonprofit organization under a
23 larger lease, I think that would be really a good thing
24 for us to do, especially if the nonprofit is compatible

1 -- not if. It has to be compatible with the Park
2 Service and National Seashore goals, but something like
3 that, and then we would have intermittent access to do
4 certain interpretive programs out there, that sort of
5 thing. But basically our number one goal is
6 preservation.

7 MR. THOMAS: Against development?

8 MR. PRICE: Against development.

9 MR. DELANEY: Sheila?

10 MS. LYONS: I, unfortunately, missed the
11 celebration that you had there. I'm familiar with the
12 Biddle property that's off of Prince Valley Road. This
13 is not it?

14 MR. THOMAS: Bound Brook.

15 MR. PRICE: This is off of Bound Brook.

16 MS. LYONS: Okay. You'll have to take me. I'll
17 have to go see it.

18 MR. PRICE: Who was it? Butch and a few others
19 came on a field trip the last time, and they just raved
20 and raved about it.

21 MS. LYONS: Yes, and I regret that I missed it.

22 MR. PRICE: And, frankly, I'd be happy to do a
23 repeat of that as one of our field trips for those of
24 you that were not able to do that. We can do that in

1 the spring.

2 MS. LYONS: You can do it anytime.

3 MR. PRICE: But it is really a treasure that we're
4 able to capture that.

5 MR. ADAMS: We have done some stabilization work
6 out there, so if you take people out, don't be surprised
7 to see some blue tarps on roofs.

8 MR. PRICE: Okay.

9 Mary-Jo, do you have a question?

10 MS. AVELLAR: Yeah, regarding the bathhouse in the
11 north parking lot in Provincetown. It's an area of real
12 concern for local people that the north parking lot in
13 particular -- that the beach is becoming more and more
14 exposed so that it's very dangerous to get onto the
15 beach from the parking lot, and the great fear that we
16 have here is that that parking lot will not be repaired
17 to the point where the shuttle -- when you start talking
18 about the shuttles, my heart starts beating very quickly
19 because there's always been this fear in the back of the
20 minds of Provincetown people that the ultimate goal of
21 the Seashore is to prevent people from having access to
22 the beach except via shuttle buses. So I hope that
23 there is some plan in the future planning to preserve
24 that, especially the north parking lot. That's the one

1 that most people like, and that's the one that we go out
2 to in this time of the year and have lunch or just to
3 read the newspaper or whatever. So that's a really
4 important feature of the Provincetown traditions and
5 culture, is being able to access the beach from that
6 parking lot.

7 And the question came to me earlier in the spring
8 that when the sand comes across it from the east, I
9 guess, why is it pushed back up instead of being pushed
10 down onto the beach to try to bolster up that exposed
11 macadam? Because it's really very -- I mean, if you
12 haven't been out there to see it, practically at the
13 most northern end and down by the bathhouse, it's I
14 swear from this table to the floor, that much exposure.
15 So it's almost impossible. My stepson brings a rope
16 from the tail end of his SUV so that his kids can go up
17 and down to the beach. That's how they have to get on
18 the beach so they don't kill themselves. So it's a real
19 concern for us.

20 MR. PRICE: And I agree, Mary-Jo. It is a real
21 concern. The future of Herring Cove is something that
22 we have to take on, and we have to work with the town
23 and take a look at the dynamics of what's actually
24 happening.

1 Interesting to me, when I first arrived, the sand
2 was virtually at the level with the macadam even in
3 front of the bathhouse, and if you were to go out there
4 recently, there was like a 15-foot drop. And we
5 actually had to install wooden stairs so people could
6 walk up and down. I thought it was fascinating, though,
7 that there were the footings from the last time there
8 were wooden stairs going all the way down to the bottom.
9 As far as the sand movement, Representative Sarah Peake
10 and others and the board of selectmen, Santos, have
11 talked to me personally about it, and they're alleging
12 that we've changed the way we move the sand on the north
13 parking lot.

14 MS. AVELLAR: That's right. That's who spoke to
15 me.

16 MR. PRICE: And, frankly, many of you know Dick
17 Ramos, who's been our long-term general foreman for the
18 Seashore. He just retired this month after 40 years,
19 and, in fact, he and Santos I guess were high school
20 classmates, and he said, "Go talk to Ramos," and I said,
21 "I did." Dick was the guy in charge of moving the sand,
22 and he said they've been moving the sand exactly the
23 same way all the time that he's been there. So
24 basically when the sand came in, sometimes they've

1 stockpiled it on the right side, but usually they've
2 pushed it over, and, frankly, it's gotten washed away.

3 MS. AVELLAR: It does tend to come back in the
4 spring. If you go out there in the winter, you'll see
5 almost like a kettle dug out, and then when you come
6 back in the summer, that's filled in a bit, but it never
7 is filled in enough to address the problem of that
8 particular strip of parking lot which we don't want to
9 lose.

10 MR. PRICE: Well, it's going to be interesting to
11 see what we do with that in the future, and it's
12 something we'll have to work on together.

13 MS. AVELLAR: Thank you.

14 MR. DELANEY: Okay, thank you, Superintendent.
15 Any other topics? Larry?

16 MR. SPAULDING: I just wanted to put on the record
17 that I'm going to recuse myself on the discussion
18 because of possible conflict.

19 MR. PRICE: Sure.

20 MR. DELANEY: Okay, thank you for that.

21 OCEAN STEWARDSHIP TOPICS - SHORELINE CHANGE

22 MR. DELANEY: And I was just going to raise one
23 more -- maybe this last conversation covers it, but you
24 did have a topic on here called Ocean Stewardship and

1 Shoreline Change. I guess that's basically what we've
2 been talking about. Was there anything else in
3 particular that you were going to raise under that one?

4 MR. PRICE: Not specifically.

5 MR. DELANEY: Okay, good, thanks.

6 Thank you, Larry, and that is so noted in the
7 record.

8 (Mr. Spaulding leaves the room.)

9 NORTH BEACH COTTAGES, CHATHAM

10 MR. DELANEY: So we will move to the North Beach
11 Cottages and thank those in the audience for being
12 patient.

13 I hope you did get a sense of the extent of issues
14 that the Commission and the superintendent have to deal
15 with every month on an ongoing basis for the Park. It's
16 a large and wide-ranging agenda, but this topic next is
17 the North Beach Cottages, and I would like to approach
18 it with first a presentation, an update from Mark Adams,
19 who has been watching, along with Graham Giese, the
20 coastal geology and the dynamic changes that are going
21 on there and then ask the subcommittee who is sort of
22 still in motion, but I think we have at least an initial
23 draft to present to the full committee. So then we will
24 discuss at least a draft recommendation that we can make

1 to the superintendent among ourselves and hopefully make
2 some progress or maybe have some unanimity there, and
3 then I will open it up. Even in advance of the official
4 public comment, I'll take public comment on this
5 particular topic first. Then we'll go back to the rest
6 of the agenda.

7 Okay, is that all right with everybody? George?

8 MR. PRICE: Thank you, Mr. Chair.

9 So just a couple of things on the updates. Since
10 the last meeting, as you know, there was concern from
11 the Town of Chatham that they believe that the cottages
12 on North Beach, in fact, deserve to be on the National
13 Register, and obviously we've had a different opinion.
14 We originally went to the State Historic Preservation
15 Officer, and there it was turned back to us because they
16 could not agree with our position. So the next step in
17 that is to actually present a package to the Keeper of
18 the National Register, and we've done that as well as
19 the Town of Chatham and others, and letters of support
20 have gone back and forth.

21 I also want you to know that we've received -- I
22 think we're up to about 60 pieces of correspondence
23 related to the North Beach cottages, and they've gone
24 every place, to the director of the Park Service to the

1 regional director, to myself directly. And in your
2 package what we've done is we've presented a number of I
3 think representative-type letters for you to see both
4 what's come in and then our kind of response that has
5 gone back so that you are apprised of that. If you're
6 interested in seeing more of the pieces of
7 correspondence, I could certainly share those with you,
8 but I didn't think that's where you wanted to go.

9 The submittal to the Keeper of the National
10 Register is online. We actually sent out a press
11 release for people to be able to access that if they
12 were particularly interested. So that process is all
13 ongoing as we speak.

14 The storm that we had a couple of weeks ago did
15 wash away one of our six structures, and that was the
16 Crowell cottage.

17 AUDIENCE MEMBER: Shed.

18 MR. HAMMATT: Shed.

19 MR. PRICE: Shed, sorry.

20 (Laughter.)

21 MR. PRICE: Talk about a slip. Sorry about that.
22 The Crowell shed.

23 Even when we went out, we -- I think in the last
24 meeting we showed some photos of the difference between

1 the shed, the shoreline in August even versus September,
2 and obviously the last storm actually took that away.
3 What's interesting about it is in the world of historic
4 preservation, when we're talking about the six
5 structures out there and whether things are historic or
6 not, in our world that would have been considered
7 historic. So basically one of those, if the designation
8 was so made -- and here it was something that's already
9 gone. I've heard comments to say that, well, that was
10 expected. Well, the reason it was expected was because
11 the erosion continued to affect the island.

12 I asked Mark Adams to go out last week to get an
13 update on the real-time conditions out there so we can
14 actually take a look. In Mark's presentation -- the
15 other thing that I did was I contacted Channel 4 to get
16 a piece of their news story because one of the things
17 that I think is misleading for those of us who are not
18 island dwellers is actually what the elements are like
19 out there actually during a storm because you see it on
20 a clear day, it's a beautiful time. That's the day it
21 was when we did the Advisory Commission field trip, and
22 some of you had been out there on that day. But I just
23 wanted to just get a sense of what it's like out there
24 when it's not a clear, beautiful day like today.

1 Mark?

2 MR. ADAMS: Thank you, George.

3 MR. DELANEY: Before we start, are there others in
4 the corridor? There's a seat here, a chair here.

5 Do you want to squeeze in a little bit to see?
6 There's another chair here.

7 (Pause.)

8 MR. DELANEY: Is everyone else set up there? Can
9 you see? Okay.

10 MR. ADAMS: I'll try to make this brief.

11 MR. PRICE: Mark Adams is our GIS specialist, and
12 he works hand in hand with Graham Giese at the Center
13 for Coastal Studies on shoreline change issues.

14 MR. ADAMS: As George mentioned, I was out there
15 last Wednesday. A couple points I want to make first
16 off is, as many of you know, the change out there is
17 weather driven, and in absence of weather, things might
18 look kind of incremental and stable, and what we've had
19 in spite of one storm is some incremental change out
20 there. So I'm just going to run through a few recent
21 pictures.

22 This is actually from February 24. There's a date
23 down in the lower right. And you'll see there is still
24 scarp on the beach. There's still some vegetation in

1 this area. This is wind and overwash sand. This is
2 looking south with the Crowell cottage in the
3 foreground, and in the distance on the left would have
4 been the shed, the Crowell shed, which was washed away.
5 This is from last Wednesday. And you can see the
6 extensive area without any vegetation, and you also see
7 a very moderate slope of beach there. And people have
8 pointed out that there is some sand on the beach. There
9 is more of a beach profile right now, and I'll point
10 that out again. This is just shifting position looking
11 south again with the Lumpkin cottage and the Crowell
12 cottage, and you can see the extent of the area affected
13 by overwash but not in the recent tide.

14 Here's a view looking at the cottage from August --
15 I mean, the cottage -- the shed in August and
16 approximately the same location last week where the shed
17 is now gone. You can see a recent tide line and
18 evidence of overwash higher up. You see a little less
19 beach in August, a little more sand in the intertidal
20 area in the beach. This is looking east, extensive
21 unvegetated area behind the cottage. And then these
22 three, just to show you this incremental change, how the
23 vegetation that is important holding the sand down is
24 changing, this is from August 1. And again, Crowell and

1 Lumpkin. And you see extensive beach grass all the way
2 up through this area, and then as we move to September,
3 we're just looking at the Lumpkin cottage now, and you
4 see the extent of vegetation to the edge of the cottage.
5 And then Lumpkin again, and the vegetation barely makes
6 it to the -- underneath the deck of the cottage and
7 evidence of overwash right up to this area, although not
8 the recent tide when that photo was taken. Bloomer
9 cottage and the tide line underneath the deck here, new
10 reinforcement under the deck holding those posts up, and
11 again, a close-up of that.

12 Then one interesting observation up there. This is
13 similar to the map I showed last time. I was showing
14 2005, 2010, early 2011 and later in 2011, and the red
15 line is the high tide line from last week. And you
16 notice a little jog in this line here, a little kink in
17 the shape of the shoreline, and that's the overwash area
18 in one of those last storms when we had the right winds
19 to create an overwash at that time, and then the wind
20 shifted. But that's evidence of overwash at that spot,
21 and what we think that indicates is a place where there
22 may be a break in the island at that spot. And just
23 close up again this time in blue. Sorry about that.
24 But there's the kink, and if that breaks through, then

1 the northern part of the island is much more exposed and
2 likely to have rapid change.

3 Again, okay, just to show the progression of
4 incremental change, this is from 2005, extensive
5 vegetation, which indicates short-term stability of the
6 landscape in those places where there is vegetation, and
7 then as we move through time, 2009, after the inlet
8 formed, you see a little less vegetation. Here is the
9 vegetation that's here now, and that's from early this
10 year. And then later this year, see that vegetation
11 there has just moved all the way down here indicating
12 the dynamic area on the north part of the island.

13 So I guess we're moving right into the -- let's go
14 back. Sorry about that. I want to turn the sound up
15 here. Let's hope you can hear it. Again, they'll
16 introduce themselves.

17 * * * * *

18 *(Video is played.)*

19 *NEWS REPORTER: The storm that sat off the*
20 *coast for days picked up some big surf. The system*
21 *produced some impressive waves. This is Scituate*
22 *just after noon when high tide rolled in and*
23 *pounded the shore.*

24 *Bill Shields is live in Chatham tonight.*

1 And, Bill, there's a stretch of land there
2 that may have been changed forever by this storm.

3 REPORTER SHIELDS: We're at Chatham Harbor
4 right now right at the fish pier. In back of me
5 just about a half mile out that way, maybe three-
6 quarters of a mile is North Beach. It's a barrier
7 beach, a barrier island, if you will.

8 Now, in 2007 it was breached just to the
9 north. Now, after these last three days,
10 they're looking at washover that could become a
11 real problem.

12 Two days ago this ocean storm was battering
13 North Beach in Chatham, threatening the remaining
14 summer cottages there. So today we went out for a
15 closer look. Handling the boat in rough seas was
16 John Rendon, a veteran of 21 years in the Coast
17 Guard. He took one look at North Beach and could
18 see this was going to be a bad winter for this
19 barrier beach.

20 JOHN RENDON: When you see some of the
21 currents and some of the surf and some of the
22 erosion that's taking place, you have to be
23 concerned, I think.

24 REPORTER SHIELDS: For three days now the

1 *storm has battered North Beach. Today there was*
2 *washover in four places, a sign the dunes that once*
3 *protected the beach are eroding.*

4 *If you think that little washover is nothing,*
5 *well, look at this. In 2007 this started as a*
6 *washover. Now it's an inlet.*

7 *TED KEON: We saw a lot of this type of*
8 *activity last year when we saw a considerable*
9 *amount of erosion, and there isn't that much to go*
10 *before, you know, those homes are much more*
11 *vulnerable, so yes, it is a concern from that*
12 *respect.*

13 *REPORTER SHIELDS: This is an aerial view*
14 *today of North Beach. That inlet to Chatham Harbor*
15 *at the top, it was just a couple of yards wide in*
16 *2007. So this washover could mean that the barrier*
17 *beach which protects Chatham Harbor is being*
18 *compromised.*

19 *(End of video.)*

20 ** * * * **

21 MR. PRICE: So again, the objective of just showing
22 that news clip is to be able to see it in real time on a
23 day when we really have storms, and that's really what
24 we're talking about. Obviously we're coming to the

1 conclusion now of the hurricane season, but if we have
2 even a regular winter, we can certainly expect a number
3 of nor'easters. A couple of years ago, I'll remind you,
4 we had about five nor'easters in a row from January
5 going to the spring, and we had about a million dollars'
6 worth of damage here as well.

7 So it really was -- when I saw that clip, I thought
8 that I at least wanted to bring that up in context.

9 Mark, did you have anything else to wrap up?

10 MR. ADAMS: Yeah, that sums it up pretty much.
11 Again, you know, we're waiting on the weather for things
12 to change, and with the moderate weather we're having,
13 we'll have incremental change. When the tides, storm
14 direction, wave runup, and winds all coincide, if they
15 happen to do that like they do, that's when we'll see
16 dramatic change, and the change will be in big events
17 rather than day-to-day changes. So that's what we
18 expect.

19 MR. PRICE: So basically, as we said, when I first
20 was given the heads-up in August that we believed a
21 couple of cottages were threatened, we basically
22 continue to stand by that statement and, in fact, the
23 Crowell shed is now gone, and we think there are as many
24 as three that are now threatened potentially this year.

1 So we do think it's still an immediate situation.
2 Obviously there are those in the community that
3 disagree. On one hand we're going through the process
4 with the Keeper of the National Register, and our intent
5 would be that if we get a determination from the Keeper
6 that they do not consider them to be historic, then
7 we'll continue with our process to still try to move
8 forward with demo.

9 If the Keeper for some reason decides in their
10 minds that these are National Register eligible, then,
11 frankly, we'll have to regroup and determine what that
12 means. I will remind you all that just because
13 something's on the Register, what it means is that if
14 public monies are going to be used to have an effect on
15 a National Register property, it doesn't mean that you
16 can't do things like proceed with the demo. What it
17 means is that you have to go through other processes,
18 especially the documentation, to see that that will
19 happen. Our position still is that we believe they're
20 threatened, and we do not believe it's a responsible
21 position on our part to allow them to be washed away,
22 even though that is something that I know there are a
23 number of people that feel that that would be a much
24 better end, I guess, to this particular experience.

1 Thank you, Mr. Chair.

2 MR. DELANEY: Thank you.

3 Let me start with asking the members of the
4 Commission if they have any questions of the
5 superintendent's report or Mark's presentation.

6 Dick?

7 MR. PHILBRICK: I think I'll finish with a
8 question. I have to introduce it because I can't help
9 but when I hear of applying for interpretation of
10 whether these are eligible for a certain kind of
11 historic recognition for preservation -- I can't help
12 but think about some of the subtleties that comes in the
13 case of the dune shacks where the thing to be preserved
14 was maybe the shacks, but particularly the purpose and
15 style and the use, the manner of use of the shacks, was
16 singled out as something to be preserved. And that was
17 not to say that the manner of use for the shacks should
18 be reenacted by actors or by others in redcoats at the
19 battleground at Lexington and Concord, reenact with old
20 muskets and so forth, *The shot heard 'round the world*.
21 That is not I think what should be preserved in a case
22 of the dune shacks. It is actual continuation of the
23 use which was recognized as being eligible but that it
24 continue for the same purposes, not by actors doing it

1 for a day or something like that, by somebody doing it
2 for a month or a week or a year. And that's a subtle
3 difference that needs to be paid attention to.

4 I'm not sure what we are vying for in this case,
5 what kind of eligibility. Is it to perpetuate the
6 process of individuals building a shack out there and
7 using it as something to be remembered and our memory be
8 refreshed on it by reenactment, or is it just plain
9 being allowed to continue in much the same way it is and
10 by the same sort of people, maybe the very same people?
11 I'm not sure I'm making this point clear.

12 MR. DELANEY: Superintendent, do you want to
13 respond?

14 MR. PHILBRICK: I'd like to see the application.

15 MR. PRICE: First, Dick, if I can help clarify for
16 the rest of the group the context that I think you're
17 mentioning and see if I'm right. It sounds to me with
18 my understanding of what you're trying to lay out is the
19 dune shacks were designated as an historic district
20 because of their association with artists and writers.
21 And when we continued with the dune shack and the
22 Historic Preservation District, that is why that was put
23 on the National Register of Historic Places, not because
24 there were shacks out there that people continued to use

1 over time. So that association with artists and writers
2 has continued through our current leasing program and
3 specifically our agreement with Oakheart and then Peaked
4 Hill Trust and the Provincetown Compact. So they all
5 have a positive obligation to have the artists and
6 writers program to present things about the dune shacks.

7 So is that the hook that you were talking about as
8 far as what the dune shacks had as to why they're
9 continuing to be preserved? And then if I could jump to
10 the other side of that. If you're asking what would be
11 the -- what would be the hook for the cottages to be
12 placed on the National Register, I would just ask you
13 maybe to take a look at what the Town of Chatham
14 submitted on their proposal because they actually
15 articulate their particular points of view having to do
16 with the traditions and the cultures as they understand
17 it. I don't think it would be fair for me to try to
18 synopsise that because I think their documents actually
19 provide that in the best way possible for you to take a
20 look at to make that decision.

21 MR. DELANEY: And the town officials may want to
22 address that in a minute anyway.

23 Yes, Judy?

24 MS. STEPHENSON: Can I ask a question of the

1 presentation?

2 MR. DELANEY: Yes, please.

3 MS. STEPHENSON: So the Crowell shed was washed
4 away. And what happened to the debris?

5 MR. ADAMS: Well, I'm told -- maybe George can
6 answer that.

7 MR. PRICE: I was told that it basically washed
8 down the beach, and there are probably people in this
9 room, as I understand it, who pulled it up to get it out
10 of there.

11 AUDIENCE MEMBER (MR. CROWELL): They were all
12 washed up onto the dunes in about four or five different
13 locations. It's all -- all there.

14 MS. STEPHENSON: And the people of Chatham cleaned
15 it up at no cost to the Seashore?

16 AUDIENCE MEMBER (MR. CROWELL): We are in the
17 process of doing it. Right, we were going to use it for
18 firewood.

19 MS. STEPHENSON: And had this shed been rebuilt in
20 '91 the way the houses have been?

21 AUDIENCE MEMBER (MR. CROWELL): No, it was built on
22 very short pilings. They were only 10-feet long. And
23 what happened to the shed was it was a very furious
24 storm with high wave action and the pilings lost their

1 embedment because the storm action --

2 MS. STEPHENSON: The shed was built differently
3 than these houses?

4 AUDIENCE MEMBER (MR. CROWELL): Yes, the pilings on
5 the camps are 24-feet long. The shed was only 10-feet
6 long, so it wasn't able to withstand the lateral forces
7 by the storm surge.

8 MS. STEPHENSON: I'm trying to make the
9 distinction, though, that the houses may well go through
10 a storm differently than the shed.

11 AUDIENCE MEMBER (MR. CROWELL): Oh, absolutely
12 because the pilings are so much longer and they're so
13 much more embedded into the ground.

14 MR. DELANEY: I think Mark should respond to your
15 question as well.

16 Is that your understanding?

17 MR. ADAMS: That's my understanding.

18 MR. DELANEY: Okay, thank you.

19 All right, Mary-Jo?

20 MS. AVELLAR: I don't mean to speak for the Town of
21 Chatham, but I think that comparing the dune shacks to
22 the camps in Chatham are like comparing apples and
23 oranges. And you may not have the historical and
24 artistic connection with the camps in Chatham that we

1 had with the dune shacks in Provincetown, but what we're
2 talking about here is a way of life issue, a cultural
3 and traditional issue that President Kennedy recognized
4 in the enabling legislation which established the Cape
5 Cod National Seashore. So I think that even though the
6 use of them may not be analogous, the idea of preserving
7 the culture and the tradition and the historical aspects
8 of these shacks I think is exactly what was envisioned
9 when the legislation was enacted back in 1961.

10 MR. DELANEY: Okay, thank you.

11 Back to Judy.

12 MS. STEPHENSON: I don't think we have to dwell on
13 whether they're going to get recognized or not right now
14 for the purpose of this meeting, do we?

15 MR. DELANEY: No, that's an ancillary issue.

16 So if there are no more questions of the
17 presentation or George, let me start our conversation by
18 a quick history. If you remember at our last meeting in
19 September, the Commission was asked by a number of
20 people, including the selectmen and others, to take a
21 position on this and to express our advice to the
22 superintendent on whether he should proceed as he
23 proposed or take some other course of action. We were
24 not prepared at that time to discuss it at any length.

1 We also felt it was important to go ourselves to Chatham
2 and have a public meeting and hear more directly from
3 those who had concerns, which we did on October --

4 MS. LYONS: 14th.

5 MR. DELANEY: -- 14th. Thank you.

6 At that point I asked for volunteers for a small
7 subcommittee, which turned out to be Mary-Jo and Sheila
8 and Judy and Bill and myself. And we all attended that
9 meeting in Chatham. Most of us, I guess, did. And we
10 were able to then meet once for a short time earlier
11 this week.

12 So like every issue, there's a wide range of
13 directions we could take. We've heard a lot of
14 different comments from the superintendent. We
15 suggested let nature take its course, do really nothing
16 extraordinary and then pick up the pieces after they are
17 on the beach to what basically the superintendent had
18 proposed in a more proactive way, orderly removal of the
19 structures because of the liability issues, the safety
20 issues, the environmental issues that would be avoided
21 in that. So there are kind of the extremes and maybe
22 even further out positions, but that's what we heard.

23 So the committee wrestled with it, and I think
24 maybe if the committee members -- some committee members

1 agree, if I distribute the document that we've kind of
2 been working over to see if we can get some comments
3 from the rest of the committee just to start the
4 discussion.

5 Dick, if you want to pass that out.

6 This is, again, just a for-members discussion only,
7 but it would help prompt it, subcommittee members and
8 alternates.

9 Is there enough down there? Has George got one?

10 MS. LYONS: I have one, yeah.

11 MR. DELANEY: You have one. Everyone have one?
12 Okay.

13 So basically we tried to after some initial
14 comments from each of the committee members identify
15 what we generally agreed upon, which are the first three
16 bullets on this; that yes, we agree the North Beach
17 cottages are threatened. It's pretty obvious to
18 everybody who has seen it or watched that video or been
19 out there, but we added the proviso that *with some are*
20 *in more jeopardy than others*, which I think is also fair
21 to say.

22 Judy?

23 MS. STEPHENSON: Are we just speaking about the
24 five -- the Seashore homes?

1 MR. DELANEY: Yes, that's all we have jurisdiction
2 to advise on.

3 MS. STEPHENSON: Okay.

4 MR. DELANEY: I think we also reviewed what the
5 superintendent had done and presented to us at our last
6 meeting; his logic, his reasoning, and why he had
7 proceeded as he did under the circumstances and that he
8 had identified reasonable issues around relevant risk
9 and potential safety factors, some degree of budgetary
10 considerations, the issues around natural resource with
11 potential for debris being of cottages eventually over
12 time washing up on different beaches in Pleasant Bay and
13 therefore made his decision. And we recognize that as
14 probably a well-reasoned management decision.

15 We also, however, in Point 3 recognize that there
16 were other concerns that maybe had not been heard or
17 vetted fully because of the fairly abbreviated process
18 that the Park Service had gone through to get to that
19 point. And we had heard that repeatedly from the
20 selectmen who said they would like to have more of an
21 opportunity to weigh in on this from some of the lessees
22 as well. And we heard at the last meeting and again at
23 the public meeting that there is a fair amount of
24 support for the historical and community value that

1 these cottages represent. There was some concern about
2 the procedure, as I just said. And so we hoped that
3 through our deliberations and the discussion right here
4 we might be able to lend some advice to the
5 superintendent that would help shape a response or at
6 least a strategy that might deal with the immediate
7 issue but also provide an opportunity for the
8 overarching management responsibilities that the Park
9 has to also be responsible to. So that's sort of the
10 preface.

11 Judy, do you want to talk about that?

12 MS. STEPHENSON: The last sentence: (Reading) The
13 goal is to develop an approach (end reading), to what?
14 An approach to?

15 MR. DELANEY: To managing the situation.

16 MS. STEPHENSON: To managing the situation, okay.

17 MR. DELANEY: The approach right now was for the
18 Park to basically make a decision that those cottages
19 were in need of being removed. We heard a lot of
20 pushback for that, so perhaps we could offer some advice
21 that maybe amends that approach slightly. I guess
22 that's a better term.

23 MS. STEPHENSON: To manage the -- well, to managing
24 the cottages on that island?

1 MR. DELANEY: Yes.

2 MS. STEPHENSON: As opposed to the decision that's
3 been made?

4 MR. DELANEY: Yes.

5 MS. STEPHENSON: Okay.

6 MR. DELANEY: Or any future actions that the Park
7 would take. Nothing has happened at this point.

8 MS. STEPHENSON: Right, okay. I just wanted to be
9 clear.

10 MR. DELANEY: Bill, do you have a comment on those
11 first three?

12 MR. HAMMATT: Yeah, on those first three. This --
13 and I'm saying for the public as well as for the
14 Commission. This is simplified. Please note it says a
15 draft recommendation. I mentioned in one of our e-mails
16 that I'm sorry we weren't able to get together for a
17 longer period of time. And I had made a couple of
18 comments on the first iteration of this which partially
19 included and simplified. So as I say and emphasize,
20 that it's a very simplified version. I think that the
21 agreement among the majority of the subcommittee was
22 agreeing on the point that some were in more jeopardy
23 than others. We stated that it's possible that one or
24 more camps may be threatened sooner than others and that

1 there is no mechanism in place to determine when the
2 remaining camps may become endangered. The purpose of
3 that, to just say this isn't a wholesale recommendation.
4 We really want to take a one-by-one review for each of
5 the camps as it goes.

6 And my second comment was that I remember what we
7 said was Superintendent Price in using science did come
8 to a reasonable conclusion using the science that he had
9 that he perceived an emergency situation. Again, I
10 think the majority of us said that we felt that the
11 emergency is not of a level of seriousness to warrant a
12 wholesale removal of all the camps at this time.
13 There's also a chance to use other methods of notice to
14 all parties concerned.

15 Those are just my basic comments on that first
16 section.

17 MR. DELANEY: I think just a quick response since I
18 drafted some of this language -- all of this -- drafted
19 this language with your help and your comments
20 incorporated. I think that your point about case by
21 case hopefully is addressed in 2(b).

22 MR. HAMMATT: I just wanted to emphasize it.

23 MR. DELANEY: Yeah, okay.

24 So given that, we then basically have two basic

1 recommendations for the full subcommittee to discuss.
2 You, the rest of us as a larger group, may have more.
3 You may agree with our two. You may want to put a
4 different set on the table, but this is our role, is to
5 bring something back to you.

6 But before I get to those two, Joanne -- Mary-Jo?
7 I'm sorry.

8 MS. AVELLAR: I don't remember in the meeting that
9 the recommendations that we made were as lengthy as the
10 two drafts that have come forward. I remember it being
11 a rather straightforward kind of discussion that a) we
12 recognize that, as Bill said, that there's a possibility
13 that some camps may be in more danger than others; 2)
14 that we would recommend that the superintendent renew
15 the leases for this year with the proviso that they may
16 never be renewed again based on what may or may not
17 occur with the weather; and 3) that an escrow account be
18 established where each camp would put up \$5,000, which,
19 as we understand it, is the cost for removal should one
20 of them become in jeopardy. That's all we agreed to. I
21 don't remember any discussion about emergencies as in
22 2(b). I don't remember plans for removal being
23 developed. I don't remember talking about that. I just
24 remember it as being sort of a 1, 2, 3, this is what we

1 think and that it was something that eventually that the
2 -- and that the subcommittee not be disbanded. Those
3 are my -- I don't know -- maybe I'm oversimplifying it,
4 but that's kind of like what I left here with.

5 MR. DELANEY: Mary-Jo, here are the notes from that
6 meeting that I took --

7 MS. LYONS: And read back.

8 MR. DELANEY: -- and read to everybody, and they
9 did include the four -- if and when the superintendent
10 reissues the subpermits -- I mean, reissues the special
11 use permits, that they include a notice that it will be
12 possible -- and that's Bill's word -- if it's possible
13 that they're renewed, an emergency provision case by
14 case -- that was Bill's recommendation -- and to offset
15 the loss potentially or the cleanup costs. So all that
16 was there.

17 MS. AVELLAR: Okay, so I forgot the emergency.

18 MR. DELANEY: I just translated it.

19 MS. LYONS: And there was discussion of an
20 emergency and maybe that the permits would pretty much
21 go throughout the year but there would be an assessment
22 taken in October because if it was critical, it gave
23 time before the winter storms.

24 MS. STEPHENSON: And that's requested in the memo.

1 All of that's in the memo.

2 MS. LYONS: But it was discussed.

3 MS. AVELLAR: But it wasn't quite -- I mean, I'm
4 concerned that this is a little more --

5 MR. DELANEY: Too wordy?

6 MS. AVELLAR: Too wordy and that it gives, with all
7 due respect -- how do I say this? -- an opportunity for
8 things to happen that we may not want to happen based on
9 the fact that we formed the subcommittee in the first
10 place. And that's the whole point of keeping the
11 subcommittee active, is to make sure that what's going
12 on out there isn't precipitous to the detriment of the
13 residents of the Town of Chatham and that what may be
14 considered -- I mean, what's been considered an
15 emergency already I think most of us agree really wasn't
16 or some of us agree really wasn't, which is the whole
17 purpose of forming the subcommittee to come up with
18 these recommendations in the first place.

19 So I'm worried about language that may make what
20 one person considers an emergency not really an
21 emergency and then that \$5,000 gets spent.

22 MR. DELANEY: Okay, well, just to address a couple
23 of things, Judy also said you should define emergency a
24 little bit further, which is slightly done a little bit

1 in No. C -- Letter C. And this kind of emergency we
2 talked about was should people be allowed to go back out
3 there this summer, but if something happens this summer,
4 an unusual storm, and a building is a hazard to
5 someone's health or to the beach, the superintendent
6 should be able to lean toward the end of that special
7 use permit to take action for these reasons. So that's
8 what that was about.

9 The other point you made, the ability for us to
10 continue as a subcommittee, is I think my decision as
11 your chair among us. It's not something we have to ask
12 the superintendent.

13 MS. AVELLAR: Oh, no, no, no. I understood that --
14 no, no, no. I understood that that was yours.

15 MR. DELANEY: Okay, Sheila?

16 MS. LYONS: There was also a comment, I believe, in
17 one of Bill's e-mails about the \$5,000, and we, if I
18 remember -- and maybe we should make this clear -- that
19 the \$5,000 was in lieu of the situation if there was
20 going to be a cottage-by-cottage or two cottages at a
21 time removal, but if at the end of next year if there is
22 enough damage and the Seashore wants to -- they decide
23 they're going to remove all of them at once, they have
24 the funds for that, and that would be applied and not

1 this \$5,000, correct?

2 MR. DELANEY: That's my interpretation.

3 MS. LYONS: Right.

4 MR. DELANEY: Hopefully that's how that reads, but
5 maybe it needs some language for clarification.

6 Bill?

7 MR. HAMMATT: Yeah, I'm the one who brought up that
8 \$5,000 fund in the first place.

9 MS. LYONS: And I agree with that.

10 MR. HAMMATT: And I think -- let me just re-read
11 what I had described originally. The \$5,000 is to be
12 paid by leaseholders whose leases extend beyond the 2012
13 lease period and only if the camps are going to be
14 removed one at a time. It's been determined that the
15 staging costs -- and that's where the number came from.
16 The \$5,000 is a per camp staging cost. If they did them
17 all at once, the staging was 5,000. If they did it one
18 at a time, the cost was 5,000 each. This was determined
19 from an estimate that was presented to the current camp
20 owners.

21 So this is to be used depending whether they are
22 done piecemeal or collectively.

23 MR. DELANEY: So on that point, Bill, I think this
24 word *additional* is -- we're not talking about making the

1 cottage owners pay for the removal ultimately, but if
2 they are given an extension and something happens before
3 they are either removed wholly or singly, this covers
4 the additional staging costs that might be necessary.

5 MR. HAMMATT: Unfortunately, I think we're getting
6 into the middle of another subcommittee meeting, and I
7 really think we need more subcommittee meetings.

8 MR. DELANEY: All right, well, that's fine too.
9 I'm hoping to hear from others.

10 Judy?

11 MS. STEPHENSON: So I want to make sure I
12 understand your position. That if it's deferred, that
13 all of them will not be removed and they will do one
14 camp at a time consideration. That camp's lessee has to
15 put \$5,000 into an escrow. And if you go -- okay, the
16 Park is going to tear down all the camps at once and pay
17 for it, but if we go camp by camp, the individual lessee
18 has to pay for it?

19 MR. HAMMATT: No, just the --

20 MS. AVELLAR: The additional.

21 MR. HAMMATT: Because there is more staging cost,
22 because each time one is taken down there is a staging
23 cost, this would be the staging cost.

24 MS. STEPHENSON: So the 5,000 only represents the

1 difference? What does it represent?

2 MR. HAMMATT: It represents the staging cost. If
3 you take down five camps at once, the estimate by the
4 contractor was it would cost them \$5,000 to stage it and
5 X number of dollars for a camp to tear them down.

6 MS. STEPHENSON: I see. So it's just the staging
7 cost.

8 MR. HAMMATT: It's still going to be X number per
9 camp to tear them down, but if you do them piecemeal,
10 each one is going to require that initial staging cost.

11 MS. STEPHENSON: Okay.

12 MR. DELANEY: Okay, so I'd like to hear from other
13 members, nonsubcommittee members to see what your
14 thoughts are, and again, this is simply a starting point
15 for a discussion. We, the subcommittee, have had all of
16 two hours and a bunch of e-mails to get to this point,
17 but we may be going down the wrong path. We may be -- I
18 think if I can speak for the subcommittee, we're open to
19 other thoughts, a totally different direction or
20 comments on this.

21 Judy, one more point?

22 MS. STEPHENSON: Well, I think that we went out of
23 order and just letting the final -- you know, No. 1 and
24 No. 2, I didn't know whether there was any explanation

1 or we would just move from everyone reading it
2 individually.

3 MR. DELANEY: Oh, I'm sorry. Thank you. No, thank
4 you. Yeah, I didn't finish going through that.

5 So based on the 1, 2, and 3 rationale, we killed
6 two basic recommendations; basically that we would
7 advise the superintendent and the National Park to delay
8 any other removal action until October 2012.

9 MS. STEPHENSON: Regardless of the Keeper's
10 findings.

11 MR. DELANEY: And the subthoughts there are that
12 during this period we would expect the Historic
13 Preservation 106 application process to be concluded.
14 We would think that that time period would allow for any
15 additional discussions with the Town of Chatham
16 officials, who had requested more consultation as this
17 goes forward. And we would also think that -- we do
18 think that this would honor the town's request to allow
19 the 300th celebration to go forward without any changes
20 to the -- at least human-engineered changes to the
21 horizon, to the shoreline, and that, therefore, that
22 would require the superintendent to reissue the special
23 use permits at least through that season. That's all
24 background for that one major point, the simple point

1 that Mary-Jo pointed out, which is we think he should
2 consider redoing the permits for this one season.

3 Second point, when they are -- if and when the
4 special use permits are reissued, we came up with five
5 -- four provisions that should be included in that, one
6 of which is to put a clear notification that it is
7 possible further permits will not be renewed after the
8 season; that, No. 2, continue plans and discussions to
9 be developed that identify and remove cottages on a
10 case-by-case basis, which recognizes that some may be in
11 more jeopardy than others, and that those individual
12 removals be done in the most environmentally sensitive
13 way each time; 3, that that emergency provision be
14 included, that even in the interim before the end of
15 2012 should something happen, the superintendent would
16 have the right and the lessees are notified that during
17 that period of the lease they might have to still be
18 notified that emergency action removal is necessary; and
19 then the fee that we just talked about. So that's it.

20 Judy?

21 MS. STEPHENSON: Was there discussion about what
22 constitutes an emergency, and is the 5,000 going into
23 escrow, and, if so, why don't we just put that in there?

24 MR. DELANEY: We could. We didn't get into that

1 level of detail.

2 MS. STEPHENSON: How about discussion of what
3 constitutes an emergency because the cottage owners
4 might view that differently?

5 MR. DELANEY: So far all it says, immediate or
6 imminent safety situation.

7 MS. STEPHENSON: Who gets to decide?

8 MR. DELANEY: The superintendent.

9 MS. STEPHENSON: That's a big issue.

10 MR. HAMMATT: I did mention that, again, in my
11 interlineations. If a camp is in physical danger and
12 it's been damaged or it will be endangered or damaged
13 more so in the immediate future, the lease can be
14 terminated with notice to the tenants. This doesn't
15 mean that if there are hurricanes forming in the
16 Caribbean there's an immediate threat.

17 MS. STEPHENSON: So there's a definition. I think
18 we should try for a definition.

19 MR. DELANEY: Okay, well, that's like that.

20 Sheila, did you have your hand up next?

21 MS. LYONS: No, I did not.

22 MR. DELANEY: Okay, so I'd like to get comments
23 from -- has the subcommittee gone off the ranch, or are
24 we okay?

1 MR. HAMMATT: We could spend another couple hours
2 probably.

3 MR. DELANEY: You've got a little sense of our
4 discussions just now, so you can kind of continue them
5 currently, but Ted or Ed or Dick?

6 MR. THOMAS: I'll start.

7 MR. DELANEY: No, Maureen had her hand up a minute
8 ago.

9 MR. THOMAS: Okay.

10 MS. BURGESS: No, actually, what I was going to say
11 is that I felt a little bit at a disadvantage because
12 you got into the meat of the matter and I was hoping to
13 go through this point by point for the rest of us who
14 are at a little bit of a disadvantage.

15 MR. DELANEY: Please do.

16 MS. BURGESS: So I just had an opportunity too. I
17 think you came up with some interesting ideas.

18 MR. DELANEY: Okay, Ted, did you want to react?

19 MR. THOMAS: Sure. First, thanks to the
20 subcommittee. I think this is a good start. I'd like
21 to remind everyone, and also due respect to the
22 superintendent and the National Park system, if they
23 hadn't looked at this or they hadn't mentioned anything,
24 it would be a disservice to all of us. I think it's

1 their job to be the steward of the Park, and so to bring
2 it up, that was a good move.

3 Mary-Jo mentioned the cultural history. I think
4 that's where I'm at here. I think it's a real important
5 part of the character of Cape Cod no matter if it's on
6 the Nauset Spit, if it's in the Peaked Hill Bars, or
7 it's in Chatham. It's part of our cultural history what
8 happened here.

9 I'd like to see pretty much what is on this paper
10 come to fruition. I think I'd like also to see the
11 owners of the cottages to prepare those shipshape so if
12 there is a propane vessel or tank that they've got
13 anchored to those pilings that you say will not
14 disappear because that is a navigational hazard. A
15 propane cylinder out in open water is not a good thing
16 to happen.

17 I also think that time is the eroding part here,
18 time. So I'd like to see -- and I think you might like
19 to see it too -- memoirs. I had a visit with Mrs.
20 Lumpkin, and she showed me photographs of the past.
21 They talked about stories when the Life Saving Station
22 was there and the gentleman who then owned it after the
23 Humane Society had it. It would be great if the cottage
24 owners got together and wrote the memoirs and create a

1 nice little book that ended up in the National Park
2 Service. It's sold here. It's sold there. Maybe some
3 -- whatever. However you do it, but I think a great
4 little book about the stories of that end of Cape Cod
5 would be an important thing, and time is the eroding
6 factor on that.

7 Thank you.

8 MR. DELANEY: No, thank you.

9 Ed, did you want to say anything?

10 MR. SABIN: Eastham is absolutely not involved in
11 this problem at all. We have no camps like this, and
12 it's not our problem at all. I think the subcommittee
13 has done a really, really good job in sorting it out and
14 trying to do justice to both the camp users and to the
15 Seashore. I have no problem of what's been done. I
16 think you've done a good job.

17 MR. DELANEY: Okay, thank you.

18 Any other member of the -- we'll go back to the
19 subcommittee. Mary-Jo, you were kind of pushing us to
20 be more succinct with the language.

21 MS. AVELLAR: Uh-huh, but I can concur.

22 MR. DELANEY: If you could capture your basic
23 points.

24 MS. AVELLAR: I can concur.

1 MR. DELANEY: Okay, all right.

2 MS. AVELLAR: Just as long as everyone understands
3 I still have a little bit of concern about the word
4 *emergency*, but I think that if three sides of the
5 building, you know, come off in a storm, you know, we've
6 got -- but if a chimney comes down or something like
7 that, I'm not going to call it -- I don't think that's
8 an emergency.

9 MR. DELANEY: Well, Judy's raised the emergency
10 thing too. Without writing a set of regulations, is
11 there another -- I hate to get into wordsmith thing, but
12 is there a phrase or two or three words that might make
13 your issue more --

14 MS. STEPHENSON: Bill read something, and I didn't
15 -- I wondered if he could read it a little bit more
16 clearly so we could hear what it said, if it's
17 acceptable.

18 MS. AVELLAR: Hurricane from the Caribbean.

19 MR. HAMMATT: I had said that the emergency
20 situation needed a less broad definition, be further
21 defined; if the camp is in physical danger and has been
22 damaged or clearly will be endangered in the immediate
23 future, the lease will be terminated with notice to the
24 tenants. And then I just put in the clarifying language

1 that it doesn't mean that if there's a hurricane forming
2 in the Caribbean there's an immediate threat. I think
3 it comes down to more of what is immediate. The
4 superintendent obviously has to look towards the next
5 year or two or five years, not just the next month or
6 so.

7 I think that there was a concurrence of opinion in
8 the subcommittee and there certainly is in the Town of
9 Chatham that this is not an immediate threat. It's a
10 threat. I don't think there's any question. We've all
11 agreed that all the camps are in danger sometime.

12 MS. STEPHENSON: But emergency is different than --

13 MR. HAMMATT: Emergency means you've got a storm
14 that's come over and has taken out a side of the
15 building.

16 MS. STEPHENSON: There's your definition.

17 MR. HAMMATT: I had added the language in earlier
18 that isn't here now, I don't think, that -- yeah, okay,
19 if a camp is destroyed by fire or natural catastrophe,
20 it can't be rebuilt.

21 MS. STEPHENSON: That's not the same as emergency.

22 MR. HAMMATT: No, it isn't.

23 MR. DELANEY: The emergency we're trying to get to
24 here is --

1 MS. LYONS: If an event or if a --

2 MR. DELANEY: An unexpected, extenuating
3 circumstance like a building inspector would go and say,
4 "Look, this house is leaning this way. That's a safety
5 hazard." And there are safety codes for what, I think,
6 probably establishes a hazard. At that point -- and
7 it's probably not going to happen, but it's a situation
8 where the superintendent would be compelled for safety
9 reasons to remove that structure, but the lessee might
10 say, "Hey, wait a minute. I've got a special use permit
11 that extends for two more months." At that point I
12 think we should advise the superintendent to take it
13 down with short notice.

14 MS. STEPHENSON: Could the new leases include
15 something like this?

16 MR. DELANEY: That's what this is for. This is to
17 put them on notice that if halfway through the summer
18 the building is listing --

19 MS. STEPHENSON: Well, it doesn't say in the lease,
20 and I was just saying includes emergency provision in
21 the lease that allows that so that the camp owners agree
22 to that, whatever that definition is.

23 MS. LYONS: May I ask a question?

24 MS. STEPHENSON: Does it say in the lease? I see.

1 Under this whole headline.

2 MS. LYONS: Yes, these are the two recommendations.
3 This is the reasoning and rationale behind those two
4 recommendations.

5 MS. STEPHENSON: No, no. It says in the beginning
6 the special use permit should include the following.

7 MS. LYONS: Right.

8 MR. DELANEY: What if we just eliminate the word
9 *emergency* from Letter C and say for a provision that
10 would allow for the immediate removal should they become
11 a safety hazard.

12 MS. STEPHENSON: I agree.

13 MS. LYONS: Okay.

14 MR. DELANEY: Thank you, alternative member.

15 MS. LYONS: That way we don't have to describe what
16 an emergency is.

17 MR. DELANEY: All right, strike one word from the
18 lengthy -- too lengthy --

19 MR. HAMMATT: We'll come back to more of a
20 definition later, but we can use it for a definition
21 here.

22 MR. DELANEY: So I think we've had our chance, and
23 I really don't want to continue a subcommittee meeting
24 for a long time. I think we've got the gist of and we

1 can express some of our basic essence, but I'll leave
2 this up to my fellow members. Would you like to have
3 some public comment before we vote on this, or are you
4 prepared now to vote and then have public comment with
5 just the traditional way we do things here?

6 MR. HAMMATT: I'm happy to get public comment.

7 MS. BURGESS: Me too. Public comment.

8 MS. AVELLAR: I like public comment.

9 MR. DELANEY: Okay.

10 MR. SABIN: What's the vote going to be on? On
11 effecting this document?

12 MR. DELANEY: Yeah, that we as a full committee
13 agree that this would be our advice to the
14 superintendent.

15 MR. SABIN: As amended.

16 MS. STEPHENSON: Oh, but did the subcom-- -- okay,
17 the subcommittee is going to hear it or the full
18 committee now is going to hear it?

19 MR. DELANEY: No, the full committee. I'm not
20 going to extend this beyond today, at least for this
21 stage.

22 So we as a full committee members could hear some
23 public comment.

24 MS. STEPHENSON: Should we hear the

1 superintendent's comments, or no, we know those?

2 MR. DELANEY: We can ask him to respond.

3 MS. STEPHENSON: Let's do public.

4 MR. DELANEY: So at this point I will take public
5 comment on the general issue of the Chatham North Beach
6 cottages and the Park's already announced plan to remove
7 them, which caused some concern at our last meeting, and
8 you've heard we've had subsequent meetings. You've seen
9 we've been thinking about this on your behalf, and
10 here's where we stand.

11 Anyone else from the public like to add something
12 new or different or additional points? I'd like to
13 recognize the chairperson of the board of selectmen to
14 speak.

15 AUDIENCE MEMBER (FLORENCE SELDIN): Thank you.
16 First of all, I want to thank the Commission for their
17 work, coming to Chatham and holding the open hearing and
18 also going out themselves to see the camps, and I want
19 to thank the subcommittee for their recommendation,
20 which from what I hear pretty much encompasses the point
21 that we sent to you. The board of selectmen sent two
22 letters recently. One was a letter dated November 9 to
23 the superintendent with copies to you, and another one
24 was on November 10 to the Commission itself with copies,

1 of course, to the superintendent.

2 In that letter of intent, we pointed out that the
3 most recent northeaster proved the point that we have
4 maintained from the beginning, that the North Beach
5 camps are not in imminent danger even though the shed
6 went in. And in that letter we also encouraged you to
7 make a recommendation -- and we know it's only a
8 recommendation -- to the superintendent to continue the
9 leases because in our November 9 letter, we said we
10 would like to thank you -- first Superintendent Price --
11 for allowing the lessees to continue to the end of the
12 calendar year, but then we pointed out that we would
13 propose the following -- and I think your recommendation
14 from the subcommittee did encompass most of this --
15 allowing the cottages to remain in place and occupied at
16 least through 2012; if possible, establish a dedicated
17 fund that would pool all future revenues from the
18 cottages for their removal if ultimately deemed
19 necessary. The second point was to develop a revised
20 removal plan with cost estimates and with the assistance
21 from the town that includes several removal options,
22 taking into consideration any detrimental effect on
23 private abutters or on the coastal system itself. And
24 then finally work with the town to establish a joint

1 monitoring program for North Beach Island because we
2 added the town stands ready to work with you in any way
3 that we can, so we hope that you will keep a
4 subcommittee in place and that we can continue
5 negotiations.

6 So again, thank you.

7 MR. DELANEY: Thank you.

8 Other comments from the public?

9 AUDIENCE MEMBER (ARTHUR BLOOMER): My name is
10 Arthur Bloomer, and I'm the Bloomer camp. And my son
11 here, Robert.

12 You were searching for a definition of emergency,
13 and my suggestion would be, because we all know those
14 camps are on 24-foot pilings that go 12 feet down into
15 the sand, you could say when the pilings are exposed
16 more than 60 percent, for example, something like that,
17 that they become unsafe and they have to be removed
18 because there is no damage going to happen to those
19 camps with a wind storm. We've already had 90-mile-an-
20 hour winds, and I've been going over there for 40 years.

21 Another thing is that because water comes
22 under a camp on the bay side does not mean it's in
23 danger because it's benign water. There's no crashing
24 surf. It comes in and then it recedes, and it does not

1 endanger the camps.

2 Thank you.

3 MR. DELANEY: Thank you.

4 The lady in back, please.

5 AUDIENCE MEMBER (DONNA LUMPKIN): Two things.

6 MR. DELANEY: You have to identify yourself,
7 please.

8 AUDIENCE MEMBER (MS. LUMPKIN): Donna Lumpkin, one
9 of the lessees. Donna Lumpkin.

10 MS. LYONS: Donna Lumpkin.

11 MR. DELANEY: Lumpkin, oh.

12 AUDIENCE MEMBER (MS. LUMPKIN): The \$5,000, is that
13 in addition to the 10,000 -- well, the \$8,000 rent we're
14 paying, the insurance, the taxes, all the upkeep, et
15 cetera?

16 MR. DELANEY: Yes, it is. Yes, it is.

17 AUDIENCE MEMBER (MS. LUMPKIN): So if we're to keep
18 these camps up as well as we can, we're spending a lot
19 of additional money to do that, and I don't know what
20 benefit we have of it. Do we let it fall apart because
21 it's costing us the 5,000 extra?

22 MR. DELANEY: The money goes into an escrow
23 account, first off. So if it's not needed at the end,
24 then it's not an expense for you. And secondly, I think

1 perhaps you, as part of this kind of package, get to
2 perhaps spend another year on the beach.

3 AUDIENCE MEMBER (MS. LUMPKIN): I understand that
4 and I appreciate that.

5 MS. LYONS: It depends on the method of removal.
6 If they go by case by case, then the escrow account is
7 tapped into, but if the determination comes at the end
8 of the next year's lease and they are all going to be
9 removed, then everybody gets their money back from the
10 escrow, that they've deposited to the escrow.

11 MR. DELANEY: This provision responds to -- part of
12 the superintendent's reasoning was that it's more cost
13 effective and it's more responsible management of his
14 budget to set up the staging once and remove all the
15 cottages.

16 AUDIENCE MEMBER (MS. LUMPKIN): I'm not questioning
17 that.

18 MR. DELANEY: And we're saying, well, we appreciate
19 that reasoning and it does make sense from a manager's
20 position, but because of all these other reasons,
21 perhaps you should consider case by case. In that
22 situation, the beneficiaries, the people who get to stay
23 longer, would help the Park or the additional setup
24 costs should that happen, should that become an issue.

1 That's the nutshell of it.

2 AUDIENCE MEMBER (MS. LUMPKIN): Okay, I agree with
3 that.

4 I'm just wondering is there any provision that,
5 okay, we see that parts of the deck should be replaced
6 for safety liability, whatever -- is there any provision
7 for us other than spending that money in addition to
8 what we're expending now?

9 MR. DELANEY: We would expect whatever relationship
10 or responsibilities and expenditures you've had in the
11 past just to continue normally as you would have in
12 years past during this extension period.

13 MR. PHILBRICK: Do I understand she's a tenant?

14 MR. DELANEY: She is. She's one of the lessees,
15 yes.

16 MR. PHILBRICK: Shouldn't the assessment cover the
17 covenant?

18 MR. DELANEY: The Park, the National Park is the
19 owner, but this lady has the lease.

20 MR. PHILBRICK: Oh, I see. I see.

21 MR. DELANEY: Other comments?

22 AUDIENCE MEMBER (MS. LUMPKIN): Yes, please.

23 MR. DELANEY: Ms. Lumpkin?

24 AUDIENCE MEMBER (MS. LUMPKIN): I'd just like to

1 disagree wholeheartedly with the fact that the
2 Provincetown camps are totally different than the ones
3 on North Beach. You received a letter I believe on
4 November 7 from Joan Anderson, who's a best-selling
5 author of five books written with underlying themes of
6 the sea. She spoke about her long-sought solitude that
7 one can find in a beach shack: (Reading) The
8 simplicity of life on North Beach availed me the
9 opportunity several times to use my senses and see,
10 feel, and hear the pulse of nature that surrounds
11 someone fortunate enough to inhabit such a pure place
12 (end reading).

13 This is done without certain camps being designated
14 just for the artists. I have listed 15 books which have
15 journals written on North Beach. Some of them were
16 written about Old Harbor Station. If you want me to
17 read them all, I will.

18 MR. DELANEY: We believe -- we believe you.

19 AUDIENCE MEMBER (MS. LUMPKIN): Okay. I think you
20 know Richard Cooper Kelsey's photos. A whole lot of
21 those air views were taken of Chatham. (Inaudible) has
22 done photography and videos. There are scores of local
23 artists and photographers that are taking pictures of
24 that landscape. You see them at every craft fair. I've

1 had people call me for pictures so they can paint a
2 picture of the camps the way they are. There are many
3 postcards that show the landscape. So I don't feel you
4 can say North Beach doesn't have any cultural connection
5 for artists.

6 MR. DELANEY: Thank you. And in response to that,
7 we're not saying that. In fact, we as a subcommittee
8 are not dealing with the historical process. That's a
9 separate process that's going on. Those will be decided
10 by someone else. And we're not talking about forever
11 out there. We're just talking about the next year.
12 Basically what we're saying is let's take a step back
13 for one year and let some of these things play out and
14 see where we stand. We don't go beyond the October of
15 2012 date in this current recommendation.

16 Other comments from the public? Yes, sir?

17 AUDIENCE MEMBER (ROBERT CROWELL): My name is
18 Robert Crowell, and I'd just like to take a little issue
19 with something that Mark said about the beach grass. He
20 showed pictures where, you know, from summer to the fall
21 you're seeing less and less beach grass. That beach
22 grass is still there. It's going to come up thicker
23 than ever in the spring. It's not disappeared. It's
24 just covered over. That's how the beach grass grows.

1 It covers over in the winter. In the spring it comes
2 up. It's a cycle that's repeated over and over and
3 over. That grass has not disappeared. It will come
4 back in the spring.

5 MR. DELANEY: I think Mark understands that
6 process, but if it was confusing, we'll --

7 AUDIENCE MEMBER (MR. CROWELL): I just wanted to
8 clarify that.

9 MR. DELANEY: Yes, sir?

10 AUDIENCE MEMBER (ROBERT LONG): I'm Bob Long. I'm
11 chairman of Chatham's North Beach Advisory Committee,
12 and I just wanted to also comment on Mark's presentation
13 just very briefly.

14 One of the slides he showed, he was concerned about
15 a little bump-out on the shoreline that showed the
16 indications from the washover, but if you look at the
17 slide that was just to the left of that one, it shows
18 the same type of bump-out from last year's storm that
19 the news coverage was from where you saw four different
20 washovers. These washovers have happened on a regular
21 basis every season since that breach formed all up and
22 down the beach. So to take a leap from a little bump on
23 the bay side as an indication that there was a washover
24 to making a prediction of a breach, I think it's kind of

1 a stretch with all due respect to Mr. Adams as we've
2 seen, you know, as really indicated by the four
3 washovers that were shown in the storm footage from the
4 news crews. So I just wanted to point that out.

5 MR. DELANEY: Okay, all right.

6 AUDIENCE MEMBER (MR. LONG): And I also, if I
7 could, please, strongly want to thank and reiterate
8 thanks to the subcommittee, and we certainly agree with
9 the recommendations that were made, and hopefully we'll
10 see the recommendations of Superintendent Price's.

11 MR. DELANEY: Thank you.

12 Other comments from the public? Yes?

13 AUDIENCE MEMBER (SUSAN CARROLL): I just have a
14 quick comment.

15 MR. DELANEY: Again, identify yourself.

16 AUDIENCE MEMBER (MS. CARROLL): Oh, I'm Susan
17 Carroll. I'm one of the camp lessees with my husband
18 Roger.

19 Mr. Thomas made a really neat point about the
20 historic aspects of the camps. And when we were
21 developing the whole going through the process of
22 getting eligibility, trying to get eligibility -- and
23 Eric Dray was the person we worked with from
24 Provincetown. He encouraged us to try and pool a lot of

1 our knowledge and a lot of the history of the camps. We
2 went through a lot, and we found out a lot, and it is a
3 really fascinating process. And I think your thought
4 about putting it together and trying to come up with
5 something was a really neat idea.

6 Thanks.

7 MR. DELANEY: Yes?

8 AUDIENCE MEMBER (ROGER CARROLL): One more just
9 quick thing. You guys were talking about --

10 MR. DELANEY: I'm sorry. Give your --

11 AUDIENCE MEMBER (MR. CARROLL): Oh, I'm sorry. My
12 name is Roger Carroll. My wife was lessee of one of the
13 cottages.

14 We had a situation numerous years ago where the
15 beach camps were sitting out on the outside beach. None
16 of them were on pilings. And you were asking the
17 question: What designates an emergency? I understand
18 the equipment coming out there. The contractor has to
19 be a little bit concerned about how far the structure is
20 going to get before he can't safely get it out, which is
21 understandable. And that discussion with a contractor
22 he was discussing about, you know, whether the camp
23 should be below this side of the berm, you know, below
24 the high tide mark, and then Mr. Bloomer made a comment

1 about the pilings. And if you've ever seen those
2 pictures that Sargent -- what was his name?

3 AUDIENCE MEMBER: Bill Sargent.

4 AUDIENCE MEMBER (MR. CARROLL): Yeah, Bill Sargent.

5 There's a picture of one of the camps, private
6 camps that were on pilings, and it was basically pretty
7 much the point Mr. Bloomer was making, but my point was
8 -- actually, my real point was that when it got to a
9 point where that cottage that was sitting on the outside
10 beach not on pilings -- and this was a few years ago --
11 what made the call, what made it an emergency, what shut
12 the deal down was the building inspector claimed -- you
13 know, the building inspector came out, "This place is
14 not safe." So whether the superintendent, the building
15 inspector, or the town can make a call and say, "These
16 tenants are not safe in this building now," that would
17 be some kind of a guideline, I would think.

18 MR. DELANEY: Thank you. I think that's along the
19 lines that we were thinking.

20 AUDIENCE MEMBER (MR. CARROLL): Yeah.

21 MR. DELANEY: Okay, any other comments from the
22 public?

23 (No response.)

24 MR. DELANEY: All right, well, I'll turn back to

1 our Commission members for another round of comments or
2 suggestions, having heard some other thoughts from the
3 general public.

4 Maureen?

5 MS. BURGESS: I guess my question would be to the
6 people of Chatham. If they had a one-year extension,
7 would that satisfy or would this continue to come up
8 year after year?

9 MR. DELANEY: Let's see how I handle that. Let's
10 treat that as a hypothetical question for the moment and
11 then discuss it a little bit further.

12 Bill?

13 MR. HAMMATT: Well, we discussed it a little bit in
14 our meeting just peripherally. I think if you look at
15 the language that I put in parenthetically in these
16 recommendations, it was we were going to take a look and
17 see in the fall of 2012. That's as far as we got on a
18 firm basis, but my understanding was that that meant
19 that we would continue at least as a subcommittee to
20 review it on an annual or semiannual basis as needed.
21 That would trigger the question of whether we do the
22 piecemeal or all at once. So my understanding is we
23 were going to keep going, and my recommendation is we
24 don't disband the subcommittee until all of them are

1 gone.

2 MR. DELANEY: As long as the subcommittee members
3 are willing to continue to focus on this, we'll soldier
4 on, as far as I'm concerned.

5 Okay, with the one motion which was to -- or one
6 amendment which was to strike the word --

7 MR. NUENDEL: Emergency.

8 MS. LYONS: Emergency.

9 MS. AVELLAR: Emergency.

10 MR. DELANEY: Strike the word *emergency*. Well,
11 let me think a minute. Well, I think we've got to talk
12 about. This one helps up here too, but this one was in
13 2(c). Strike the word *emergency* and insert (a), so it
14 reads *include a provision* that dealt with the emergency.

15 MS. STEPHENSON: And (d)? 2(d)?

16 MR. DELANEY: And (d), do we need any other
17 language for that?

18 MS. STEPHENSON: I felt that it should be explained
19 that the 5,000 represents cleanup if the cottages are
20 removed on a case-by-case basis.

21 MR. DELANEY: Okay, so is that acceptable to the
22 full committee?

23 MS. BURGESS: Perhaps you could insert *in escrow* in
24 place there.

1 MR. DELANEY: (Reading) An additional fee of
2 \$5,000 per cottage placed in escrow will be assessed to
3 fund additional cleanup and removal costs as a result of
4 this extension (end reading).

5 MR. HAMMATT: Excuse me. Staging costs.

6 MR. DELANEY: Oh, the additional staging costs,
7 how's that?

8 MS. AVELLAR: Instead of cleanup and removal?

9 MR. DELANEY: Yeah, just the staging costs.
10 What did you say? Should they be removed one by
11 one?

12 MR. HAMMATT: Yeah, or on a piecemeal basis.

13 MS. STEPHENSON: On a case-by-case.

14 MR. DELANEY: If they're removed on a case-by-case
15 basis as a result of this extension.

16 Okay? Okay, there it is. We can ask the
17 superintendent to react and offer his comments before we
18 vote, but we don't have to. That's our prerogative. We
19 are the advisory group. I know the chair has a lot of
20 issues and concerns that we talked about. I think it's
21 probably good to wrap up the subcommittee's meeting and
22 take a vote on this and let the superintendent take it
23 as advice and do what he has to do.

24 MS. LYONS: Right.

1 MR. DELANEY: And if he wants to talk about it a
2 little further with us, that's fine.

3 Are we in agreement?

4 MS. AVELLAR: Yes.

5 MS. STEPHENSON: Yes.

6 MS. BURGESS: Yes.

7 MR. DELANEY: Can I have a motion to accept the
8 draft recommendation as amended?

9 MR. HAMMATT: So moved.

10 MS. BURGESS: I so move.

11 MS. AVELLAR: Second.

12 MS. STEPHENSON: Second.

13 MR. DELANEY: Bill. Judy seconded. All those in
14 favor, signify by saying aye.

15 BOARD MEMBERS: Aye.

16 MR. DELANEY: Those opposed?

17 (No response.)

18 MR. DELANEY: Okay, it carries unanimously. Thank
19 you very much.

20 All right. Now, we will come back to the
21 superintendent in a minute.

22 Actually, George, would you like to offer any
23 observation on our deliberation now, or do you want to
24 wait till later?

1 MR. PRICE: Well, frankly, I do appreciate all the
2 focus everybody's given on this. It's particularly
3 difficult to be in a position like I am and talk to
4 these good people who have been out there for all these
5 years to have something that obviously has meant an
6 awful lot to them to be torn apart, so I don't want to
7 underestimate that. That same type of feeling has
8 happened in many of the other structures throughout the
9 Seashore outside of these cottages, and I've talked to
10 many, many people and their relatives above that.
11 Basically we've had 2,000 land transactions in order to
12 make the National Park Service. So there are a lot of
13 stories out there that are very emotional and gut-
14 wrenching, and certainly these are part of that.

15 I wanted to I guess make a couple of observations
16 and actually not actually comment directly on the
17 findings. First of all, as you all know, this is an
18 advisory council. It's not an operational fiduciary
19 body. Second of all, these are not leases. These are
20 very tentative instruments that are year-to-year special
21 use permits. So, in fact, you made a comment when they
22 extend. There's no automatic extension at all. That's
23 not what these documents are.

24 MR. HAMMATT: No, I don't think we were looking for

1 that.

2 MR. PRICE: Oh, actually, you had said -- I thought
3 you had said something that implied that.

4 MR. DELANEY: I hope we used special use permits in
5 here most often. I don't think we --

6 MR. PRICE: I think somebody talked about an
7 emergency being an unexpected event. There's nothing
8 unexpected about what we expect at North Beach. The
9 only issue is how soon will it happen. Again, I will
10 reiterate that in my use of emergency, that encompasses
11 a big emergency. So, for instance, wanting to have
12 people have time during the better weather to remove
13 their material, to have contractors or staff go out
14 there during the better weather to actually do the work.
15 When I informed one of the cottage occupants that we
16 were moving to December, the comment I got back to them,
17 "We realize the weather's really bad in September (sic)
18 to move stuff off on a boat." Exactly, which was why we
19 talked about the fall time period.

20 When we were talking about removal, once we get
21 into March or April, we're now talking about birds. So
22 we're into another whole issue as far as environmental
23 compliance and whether we can even have access out
24 there. So there's an awful lot of things that are

1 involved.

2 You're also talking about some sort of ability to
3 muster contracts on a very quick turnaround basis. That
4 does not exist within the federal government. So
5 environmental compliance, contracting ability, actually
6 going through the bidding process, which we haven't even
7 done yet, which is why we haven't gotten the financials,
8 is a very protracted process. So nothing that you all
9 talked about had any reality with the federal
10 government. It might have reality with personal
11 business or with the personal property owner but not the
12 world that I have to deal with, okay.

13 I think the only other thing that I would mention
14 -- and you all know that I basically have a history
15 background. So we talk about cultural activity out on
16 the beaches. I absolutely agree. It's a spectacular
17 opportunity.

18 The reason, Ed, Eastham doesn't have this issue is
19 because all the beach cottages in Eastham are gone.
20 They were all washed away because of the dynamic changes
21 on the barrier beaches.

22 MR. SABIN: Right.

23 MR. PRICE: So what Eastham did was there's a
24 historic beach cottage that's part of their history

1 program back when they actually were shooting ones
2 basically as part of the presentation. We also have
3 documentation of the Outermost House and the other
4 structures that had been out there.

5 If you go on the Web site in Orleans, Nauset Height
6 Association, there were a whole bunch of beach houses
7 that were on their barrier beach. That was a wonderful
8 cultural activity. It was all documented. All of those
9 structures are gone. North of the breach when we took
10 down our two cottages in '07, a number of other folks
11 had to lose theirs. That was a wonderful landscape
12 opportunity that was part of Chatham that went through a
13 transition, and none of those cottages are there
14 anymore. So we're basically talking about a very, very
15 dynamic system.

16 So if we're talking about, you know, a wall gets
17 taken out in a storm and now it's an emergency, two
18 things about it. That's actually what we're trying to
19 prevent, and I won't have the ability to respond in this
20 sort of a government situation. So actually, when you
21 take a look at that last map that Mark's showing you,
22 that's our definition of emergency. And when I talked
23 to our scientists and I said something about the
24 possibility of phasing these in, his comment to me was,

1 "You're not basing that on a science decision, are you,
2 because there is no science that will tell you that
3 definitely you have years with the other ones?" It
4 looks good to us, but it certainly isn't science-based.
5 And then it certainly isn't a reality in my world when
6 it comes to contracting.

7 So those are just some of the other elements as
8 I've heard your discussion that I wanted to throw out
9 there and reflect on because I have no doubt -- and I
10 believe and I've envied the people that have been out
11 there for all those years because it's been a wonderful
12 experience -- I have no doubt that it means a lot to
13 Chatham, even for people that have never stayed in one.
14 And I personally have enjoyed seeing the cottages when I
15 take my friends and relatives to Chatham and look out at
16 that view. So that's not the dispute or the issue. The
17 issue is how do we measure what we want versus what's
18 the actual reality of the situation.

19 Thank you, Mr. Chair.

20 MR. DELANEY: Thank you. Appreciate your comments.

21 OLD BUSINESS

22 MR. DELANEY: Okay, hearing no more discussion on
23 this topic, let's move to Old Business.

24 Do members have old business to bring up in front

1 of the Commission?

2 MS. LYONS: Well, I just was going to give an
3 update on the Ocean DCPC. I think I brought it up a few
4 times.

5 MR. DELANEY: I think we would like that.

6 MS. LYONS: Okay. And I was going to bring it up
7 under Ocean Stewardship. I probably should have since
8 I'm now losing anybody that could be informed. But you
9 know that the commission in 2009, December -- the
10 commissioners designated the Cape Cod Bay and
11 surrounding area as a DCPC so that there would be no
12 activity, and this came in response to the ocean
13 management plan that was the result of the Ocean
14 Management Act. And in the ocean management plan, there
15 was -- it was hard fought for and gained that there be
16 local control over regulating the waters, and that
17 really came -- you know, O'Leary put that act through in
18 response that there was no process in place. If people
19 wanted to do wind turbines or any other type of energy
20 renewables that will come down the line in our water, it
21 was open game. People took sides. There was no
22 process. So this was to establish a process.

23 And in the plan it designated the local regional
24 planning agency or our Cape Cod Commission, which has

1 regulatory authority, to set the standards and some
2 regulations in place so that there was something to go
3 by if somebody did want to do something, whether it's a
4 municipality or a private contractor where we deemed
5 would be the safest place to have turbines and what
6 would be the criteria and how movable would that
7 criteria be, how could you mitigate those regulations.
8 So instead of just coming up with these on their own,
9 they opened up the process to include every town. So
10 there was a selectman from every town that was part of
11 this process. And I did attend a couple of those
12 meetings, and it was quite -- quite heated discussion
13 sometimes, as you can well imagine, but people did come
14 to a consensus. I mean, it was amazing that 15 towns
15 did come to a consensus of what they could accept, and
16 it wasn't anything that would make the potential
17 renewable energies in our waters less or more. It was
18 just a process that would have to be gone through so
19 that there was some local control.

20 And that had to pass the assembly of delegates, and
21 it went through their subcommittee. And it was endorsed
22 by all the members of their subcommittee, and then it
23 went to committee, to the full delegation. And because
24 the delegate from the Town of Barnstable got up and

1 said, "I just don't like the way this map looks. You
2 don't have a circle here that basically states what is
3 written inside" and somehow he was able to get people to
4 vote against it, even those that were in favor of it and
5 actually spoke on the floor that day in favor of it,
6 then turned and voted against it.

7 So the Cape Cod Commission has the ability and the
8 authority to go ahead and put standards in place, and I
9 do think that they have very good information.

10 (Inaudible) has come from that. I mean, they're going
11 to base most of their recommendations and regulations on
12 the work that was done, but we would have liked to have
13 been able to have had this as a one voice, but that was
14 the assembly. So that is where we are, and they are in
15 the process of just updating that. And a lot of people
16 were -- you know, even on -- I was watching. I happened
17 to catch it the other day, Sunday, the commission
18 hearing about the regulations of how they're -- are they
19 changing them or not changing them, how they're going to
20 go forward, and some of them were saying, "Well, you
21 mean we can just do this now because they didn't pass
22 it?" And what it was, was really to invite that public
23 input and local control and to stay to the letter of the
24 plan, but some people don't like that. They like agita,

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DATE AND AGENDA FOR NEXT MEETING

MR. DELANEY: How about a date and a draft agenda for the next meeting, which would be --

AUDIENCE MEMBER: I'm sorry. I'm sorry. Can I --

MR. DELANEY: -- January?

MR. PRICE: Yeah, it's January. I've recommended the 9th or the 23rd.

MR. DELANEY: Okay.

AUDIENCE MEMBER (BECKY HARRIS): Sorry, I might have stepped out when you just asked about other public comment.

MR. DELANEY: Oh, well, actually, that's the next item on the agenda, so you still have time here.

AUDIENCE MEMBER (MS. HARRIS): Okay, all right. Sorry.

MS. STEPHENSON: On the date and agenda, is it possible for Martin Luther King weekend?

MR. PRICE: The 16th is a federal holiday.

MS. STEPHENSON: Oh, okay.

MR. HAMMATT: You're going to have to come two weekends in a row, Judy.

MS. STEPHENSON: Pardon?

MR. HAMMATT: You're going to have to come down to the Cape two weekends.

1 MR. PRICE: The 23rd is the Chinese New Year, I
2 realize, but it's not a federal holiday.

3 MS. STEPHENSON: I don't care. Either one is fine.

4 MR. DELANEY: Okay, anyone who cannot -- knows now
5 they cannot make one date or the other, 9 or 23?

6 (No response.)

7 MR. DELANEY: Okay.

8 MS. STEPHENSON: I prefer 9.

9 MR. DELANEY: 9. Going once. Going twice. It's
10 9. 9 it is.

11 Okay, and then an agenda. I would like to suggest
12 that the superintendent has been relatively modest about
13 a wonderful series of 50th anniversary events that we
14 have never really heard the extent of, the report on it.
15 At some point I'd like to have the commissioners hear
16 the fabulous work that this park did and its staff did
17 to really bring attention to the Park and to the history
18 and rekindled a lot of excitement and interest and
19 appreciation.

20 So, George, if you wouldn't mind, just a quick
21 update on that would be one item.

22 Anything else that's top on people's minds, or
23 should we let it evolve as it usually does?

24 (No response.)

1 MR. DELANEY: Okay. Well, there'll be continuing
2 situations obviously.

3 MS. LYONS: So did we decide on the 23rd?

4 MS. AVELLAR: No, 9th.

5 MS. LYONS: The 9th, okay. I'm sorry.

6 MR. DELANEY: You voted on it too.

7 MS. LYONS: Either one was fine with me.

8 MR. DELANEY: Okay, that's set.

9 **PUBLIC COMMENT**

10 MR. DELANEY: I'm now moving to the official public
11 comment period.

12 And would you just introduce yourself, and we
13 welcome your comments.

14 AUDIENCE MEMBER (MS. HARRIS): Thanks. My name is
15 Becky Harris. I'm the former director of Mass.
16 Audubon's Coastal Waterbird Program, and I left in March
17 to focus on my 17-month-old daughter. So I'm not
18 speaking on behalf of Mass. Audubon, but just to give
19 you my background. I'm a biologist. But just wanted to
20 throw these comments out there just to make sure that
21 the board -- that the advisory committee is aware of
22 some of the shorebird management issues as you go
23 forward with the new shorebird management EA and plan.

24 I just wanted to express my concerns. I did submit

1 comments as part of the public comment period but wanted
2 to express my concerns about current management
3 practices and just sort of remind -- remind people about
4 the need for consistent management in line with the
5 guidelines of both the state and federal Endangered
6 Species Act even while you go through this process. And
7 I know there's a lot on the table for potential changes,
8 but, for example, I think this past season is a good
9 example of some problems with the way, at least the way
10 I perceive, the shorebirds were managed. In particular,
11 least terns are of particular concern because they're
12 state listed but not federally listed. And I think the
13 fact that there were signs on the beaches saying *Caution*
14 - *Young Birds in Tracks* is a clear violation of the
15 Endangered Species Act because at the time there were
16 least tern chicks which these signs were in reference
17 to. And because least terns are a state-listed species,
18 they're listed as special concern to the state, actually
19 the fact that the beach was open to driving and there
20 were signs saying slow down because there might be birds
21 in the tracks is an indication that this is a violation
22 of the state endangered species guidelines.

23 So just keeping that type of management, you know,
24 sort of -- if that's the direction things are going, I

1 think I have major concerns about that as a biologist
2 who's worked with piping plovers and least terns and
3 recognizing, you know, the need to balance recreational
4 use. I worked on over 100 beaches in the state trying
5 to walk that fine line of managing these birds and also
6 ensuring that there is recreational vehicle use and
7 other recreational use of the beaches. And I know that
8 it's a tough balance, but I do think the state and
9 federal guidelines for managing the species have been
10 constructed over years of careful study, and I think
11 that it's very important for an agency like the National
12 Park Service to actually follow both the state and the
13 federal guidelines and making sure that that type of
14 management that really has been I think in the past held
15 up as a very strong effort on the National Seashore's --
16 you know, their management has been exemplary in the
17 past, and I think maintaining that and strengthening
18 going forward because I don't want to see it fall back.
19 So just keeping that in mind as the discussion goes
20 forward on the future EA, you know, recognizing that
21 you're not actually following your own current EA.

22 So that was something that I just wanted to just
23 draw to the attention of this body. I have submitted a
24 public comment, so that's...

1 MR. DELANEY: No, thank you. No, that's exactly
2 why we're here, to hear those comments, to be a heads-
3 up.

4 Shelley mentioned earlier -- I think you might have
5 been here -- that the draft of the plan is in progress.

6 AUDIENCE MEMBER (MS. HARRIS): Right.

7 MR. DELANEY: There will be a public comment
8 period. We will certainly have a briefing ourselves.
9 I'm sure you'll comment again at that point, or if you'd
10 like to send your comments directly to us so we can have
11 the benefit of those, that would be fine too.

12 AUDIENCE MEMBER (MS. HARRIS): Okay, thanks.

13 MR. DELANEY: Any other reaction to that? To the
14 bird comments at this point?

15 (No response.)

16 MR. DELANEY: Thank you for bringing that to our
17 attention. Appreciate it.

18 Hearing no more public comment -- Susan, yes?

19 AUDIENCE MEMBER (SUSAN MILTON): Question for
20 clarification. Susan Milton from the *Cape Cod Times*.

21 In the subcommittee's deliberations when you talked
22 about extending the special use permit for another year,
23 was the thinking to the same tenants or to anybody in
24 general?

1 MS. LYONS: Second.

2 MR. DELANEY: Second. All in favor, signify by
3 saying aye.

4 BOARD MEMBERS: Aye.

5 MR. DELANEY: Opposed?

6 (No response.)

7 MR. DELANEY: Thank you very much for your time and
8 deliberations.

9 (Whereupon, at 3:20 p.m. the proceedings were
10 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 114 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, November 14, 2011, commencing at 1:04 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 30th day of December, 2011.

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