

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

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station
Area, Park Headquarters, South Wellfleet, Massachusetts, on
Wednesday, November 14, 2012, commencing at 1:06 p.m.

SITTING:

Mark Robinson, Acting Chairman
Richard Philbrick
Donald Nuendel
Tom Reinhart
Mary-Jo Avellar
Maureen Burgess

Larry Spaulding, alternate

Also present:

George Price, Superintendent
Kathy Tevyaw, Deputy Superintendent
Lauren McKean, Management Assistant
Leslie Reynolds, Chief Ranger
Tim Smith, Restoration Ecologist
Lindsay Crouch, AmeriCorps member
Stefanie Coxe, Congressman Keating's representative

Audience members

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

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P R O C E E D I N G S

MR. ROBINSON: Well, I think we're all here now, so I'll bring this meeting to order of the 286th meeting of the Cape Cod National Seashore Advisory Commission.

My name is Mark Robinson. I'll be filling in at the request of Rich Delaney as a poor substitute for his chairmanship today.

I'd like to recognize a few people in the audience. We have Stefanie Coxe from Representative Keating's office has joined us.

MS. COXE: Hi.

MR. ROBINSON: We have Lindsay from AmeriCorps, who's here a couple days a week working with Lauren primarily.

Glad to have you here. Hope you have a good tenure. Two years? One year?

MS. CROUCH: One year.

MR. ROBINSON: One year. So we appreciate that help.

I should note that we, as we always do, will take public comment at the end of our agenda, and I would ask people to recognize themselves and their address and make their comments brief during public comment.

There are a lot of things to cover. We have a

1 number of reports, including Tim Smith who's going to
2 give us an update on the Herring River environmental
3 impact statement process.

4 **ADOPTION OF AGENDA**

5 MR. ROBINSON: But before we begin, I'd like to
6 just make sure everybody's comfortable with the agenda
7 which has been distributed to the committee.

8 MR. PHILBRICK: I move we adopt it.

9 MR. ROBINSON: Okay, it's been moved. Is there a
10 second?

11 MS. BURGESS: Second.

12 MR. ROBINSON: All those in favor, say aye.

13 BOARD MEMBERS: Aye.

14 MR. ROBINSON: Opposed?

15 (No response.)

16 MR. ROBINSON: It's unanimous.

17 **APPROVAL OF MINUTES OF PREVIOUS MEETING (SEPTEMBER 10, 2012)**

18 MR. ROBINSON: We also have minutes from the
19 previous meeting which were distributed through the
20 mail. Those of you that have had a chance to go over it
21 with a fine-tooth comb, if you would like to make some
22 comments now or any changes.

23 Maureen?

24 MS. BURGESS: Just on page 42, line 3, they're

1 quoting Mr. Price, and I wondered -- it said: (Reading)
2 We had meetings in Provincetown prior to the spring, and
3 we are planning on marching upon a process (end
4 reading).

5 Could it be marshalling a process?

6 MS. AVELLAR: Embarking?

7 MS. BURGESS: Embarking?

8 MR. PRICE: It could have been. I think *embarking*
9 would have made more sense. Obviously that's out of
10 context.

11 MS. BURGESS: Embarking. That was really just --
12 and there was just one other that I thought might be
13 relevant. I think it was page 15, 11. Yeah, that
14 should read *gray seal*, not *great seal*.

15 MR. ROBINSON: Gray seals are the topic of a lot of
16 discussion nowadays, aren't they?

17 MS. AVELLAR: Yeah.

18 MR. ROBINSON: Are there any other suggested
19 changes to the minutes of the last meeting?

20 (No response.)

21 MR. ROBINSON: With those suggested changes, may I
22 have a motion to adopt those minutes?

23 MS. AVELLAR: So moved.

24 MS. BURGESS: Second.

1 MR. ROBINSON: It's been moved and seconded to
2 approve the minutes of the September 10, 2012, meeting
3 of the Commission. All those in favor, say aye.

4 BOARD MEMBERS: Aye.

5 MR. ROBINSON: Opposed?

6 (No response.)

7 MR. ROBINSON: It's unanimous.

8 **REPORTS OF OFFICERS AND REPORTS OF SUBCOMMITTEES**

9 MR. ROBINSON: I'd like to move on now to *Reports*
10 *of Officers*, and I think I would combine that with
11 *Reports of Subcommittees*.

12 Are there any reports from officers or
13 subcommittees?

14 (No response.)

15 MR. ROBINSON: I can report on the Herring Cove
16 Subcommittee, which I'm one of the members. We had a
17 meeting October 30 in Provincetown coordinated by the
18 Consensus Building Institute. And I know Mary-Jo was
19 there.

20 MS. AVELLAR: Rich was there.

21 MR. ROBINSON: Superintendent Price was there.

22 The purpose of this meeting was to elicit some
23 initial concerns and comments from the public. There
24 were probably about at least a dozen or so mostly

1 Provincetowners that showed up.

2 Mary-Jo, would you like to comment on that?

3 MS. AVELLAR: Yeah, mostly the chairman of the
4 board of selectmen was there. The assistant town
5 manager was there. Rich was there. Carole was there, I
6 think.

7 AUDIENCE MEMBER (CAROLE CARLSON): No.

8 MS. AVELLAR: No, you weren't?

9 AUDIENCE MEMBER (MS. CARLSON): No, I was away.

10 MS. AVELLAR: Mostly people spoke about the
11 importance of that beach to, you know, residents and, of
12 course, to tourism alike.

13 I think -- did you report on how many -- how much
14 -- what the revenue was, or is that in my imagination?

15 MR. PRICE: No, we just introduced the general
16 topic of what the need and --

17 MS. AVELLAR: Right. Mark Adams spoke.

18 MR. PRICE: And Representative Peake.

19 MS. AVELLAR: Yeah, Sarah was there.

20 So it was a good meeting, and I think it laid the
21 groundwork for what I know Provincetown residents want
22 to see happen out there. And the next couple of
23 meetings have been scheduled for December and January.

24 I was kind of hoping that even though they're at

1 the Center for Coastal Studies, that maybe they could be
2 moved into the town hall if the town would allow it
3 because PTV can broadcast those, those meetings, and I
4 think it would be really important. PTV -- I don't know
5 what public television is like on the rest of the Cape,
6 but people in Provincetown love it. I mean, they watch
7 those meetings. People would say to me, "Gee, what
8 happened at the selectman's meeting last night? Boy,
9 you guys --" -- and I'd say, "You really watch?" And
10 they really watch it.

11 So I think, given the importance of that beach,
12 that it might be a good idea to move them to the Judge
13 Welsh Hearing Room, if we could. That would be my only
14 comment.

15 MR. ROBINSON: That was discussed at the meeting as
16 well and trying to get the word out more and get more
17 public involvement.

18 MS. AVELLAR: Yeah, but people do watch PTV. It's
19 quite amazing to me.

20 MR. ROBINSON: We had a very -- couple of
21 interesting presentations by Mark Borrelli from the
22 Center of Coastal Studies as well as Mark Adams of the
23 Park staff here and looking at historical changes in the
24 beach over time. I was fascinated. I never realized

1 that the parking lot was actually a road at one point.

2 MS. AVELLAR: It was the road to Race Point.

3 MR. ROBINSON: So that was news to me.

4 In any case, there's an initial meeting of the
5 committee itself in Provincetown. I think it's December
6 17.

7 MS. AVELLAR: December 17 from nine to one and
8 January 16 from nine to one. Those are the first two.
9 I think there are supposed to be four.

10 People from the Consensus Institute -- I personally
11 don't care for PowerPoint presentations because they
12 just basically read off to you what's up on the thing,
13 but I think that they -- I think they seem to be really
14 interested in the process and being helpful to us in
15 getting some kind of a resolution to it. And her name
16 is Stacie, I think, and they impressed me as being on
17 the case, so we're optimistic that it's going to have a
18 good result.

19 And the committee that Carole is on, the big long
20 initial committee, they're going to meet tomorrow night
21 to discuss this too. And the selectmen are going to
22 meet on the 26th of this month in order to get their
23 comments in by the end of the month.

24 MR. ROBINSON: I know George has more to say when

1 his part of the agenda comes up on this, but any
2 Commission members who would like to attend these
3 meetings, whether or not you're on the subcommittee,
4 you're certainly welcome to attend.

5 We don't have any report from the Nickerson
6 Scholarship Committee?

7 MS. BURGESS: We don't. I had hoped to have the
8 recipient speak with us, and I think it's going to be
9 happening probably later in the year when she's ready.

10 Lauren, has she finished her --

11 MS. McKEAN: I'm not aware of her progress.

12 MS. BURGESS: Okay, so I will find out. I'll be in
13 touch with her, and if you all would like, we could have
14 a little presentation on her research.

15 MR. ROBINSON: That would be fine.

16 Any other committees that I'm not aware of need to
17 report?

18 (No response.)

19 **SUPERINTENDENT'S REPORT**

20 MR. ROBINSON: At this point I'd like to ask the
21 superintendent to proceed with his part of the agenda.
22 And as you can see, there are a lot of things going on
23 as usual out here.

24 MR. PRICE: Sure.

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HERRING COVE BEACH/REVETMENT

MR. PRICE: I think what I'll do is I'll jump right to wrap up the Herring Cove Beach discussion because I had that later and just to flush out a little bit of what was already said.

So basically what we're doing is a combination of the subcommittee work of the Advisory Commission and having it match our EA or environmental assessment process under NEPA. That was part of what we explained at the meeting. So a scoping is really a requirement of that process.

We'll have a number of meetings coming up, so in addition to the actual subcommittee, we've contracted with the Center for Coastal Studies, with Consensus Building Institute. Stacie Smith is the principal who will be working with us on that. We've contracted with an outfit that actually will write the EA itself. So we feel that we have a number of different pieces in place. Also, we'll be joined by our chief scientist for the National Park Service from this region, Mary Foley, and she as well as with Mark Borrelli and Mark Adams will be aware of the policy issues. We're also having on the group somebody from the state CZM.

So we really have a lot of bases covered as we move

1 forward in the discussions. So the next four meetings
2 really are intended to be a series of workshops where
3 that group will take a look at all the pieces of it.
4 They still would be open to the public, and then the
5 conclusion would be similar to what we did with the dune
6 shacks where that would come back to the full Advisory
7 Commission and then be a formal recommendation to me.
8 My job then is to work with the outfit that will
9 actually write the EA, and during that process there
10 will be another public comment opportunity.

11 So there's really front-end and back-end
12 discussions about the public comment piece, and then we
13 try to determine what's going to be the best path for
14 trying to actually get funding from whatever project
15 that we actually have envisioned. So that's actually
16 the process with us, but I think coming to this process
17 to discuss alternatives, our preferred alternative down
18 the road I think is pretty important, especially in this
19 project. How quickly we'll get funding we don't really
20 know, but that's at least focusing in on something I
21 think is very important.

22 UPDATE ON HURRICANE SANDY

23 MR. PRICE: That also sort of brings me to my next
24 piece. I did want to give a quick update about

1 Hurricane Sandy both locally and outside of the area.

2 Outside of the area, the issue is one of the
3 reasons this has risen to such a high level of focus,
4 especially in the National Park Service, is the National
5 Park Service has facilities all around the country and
6 on every coast you could think of. And all the issues
7 related to storm damage, sea level rise, climate change
8 affect our resources all over the place. So the
9 question is, what should we do with these resources in
10 the future as to how they can be sustainable? So one of
11 the things the Park Service is dealing with right now is
12 really the extensive damage that Sandy caused to all the
13 facilities in and around New York Harbor. And I'm
14 talking about the Statue of Liberty, Ellis Island, Sandy
15 Hook in New Jersey, a number of places in Long Island
16 that were all part of Gateway National Recreation Area
17 as well as Battery Park and some other areas. I'm not
18 even talking then about Assateague Seashore -- National
19 Seashore, Assateague Island National Seashore, but these
20 are places that we really have to take a look at and
21 what is the planning responsibility of the National Park
22 Service for the long term for these places.

23 The Statue of Liberty -- I don't know if you
24 realize it -- had only just been reopened like the week

1 before the storm hit, and they had gone through a
2 multimillion dollars' worth of repairs. And in the
3 basement of the Statue of Liberty were all the new HVAC
4 systems and all the new generators and all the new
5 equipment that had just been installed in order to get
6 the Statue reopened. All of that was ruined. They had
7 a 12- to 17-foot storm surge. I just was talking to one
8 of our employees who came back and said the
9 superintendent's house -- there's actually Park housing
10 on the island for Park Service personnel. They said you
11 walked in the first floor and the waves had just knocked
12 everything to one corner in every room, and it was just
13 all destroyed, much less what was in the basement.

14 So that's one of my challenges, is going to be
15 helping to craft something that then is going to be
16 agreed upon at the national level, something that makes
17 sense.

18 To give you another very specific example -- I
19 don't know if I mentioned this at the scoping meeting or
20 not, but a friend of mine was superintendent at Gateway,
21 and in New Jersey there is a turn of the last century
22 fort -- Endicott Period Fort it's called -- and it had a
23 series of officers' houses on Officers' Row, and they
24 were challenged, as we are with a lot of our vacant

1 buildings, as to how to fix them up, how to maintain
2 them without them just crumbling in place. And they
3 spent a million some dollars on one of the houses that
4 they thought was in the best shape already in order to
5 adapt it or reuse it. Well, as they went through the
6 wave scenarios of the various storms, they found out
7 only then that that was at the lowest end of the slope
8 on Sandy Hook in that particular area, so that was going
9 to be the most vulnerable to these storm surges. And
10 sure enough that's one that suffered a lot of damage.
11 So they had been thinking about that into the future as
12 to what would be effective, these things. Are we going
13 to spend a million dollars' worth of tax money? Then we
14 might be looking at a different scenario.

15 So I just read a note from the director of the Park
16 Service who just was touring some of the damaged sites,
17 and that's the first thing he said, is that we really
18 have to take sustainability for the long term into
19 account as we take a look at these. So even before
20 Sandy, I knew the Herring Cove Beach facility was going
21 to be looked at nationally as far as what we do with our
22 beach facilities in the future.

23 MR. ROBINSON: Mary-Jo?

24 MS. AVELLAR: Well, we were lucky with Sandy

1 because it was a Northeast storm. So we went out there.
2 My husband and I went out there the day of the storm,
3 and there wasn't even a wave. You know, we had just
4 come from MacMillan Pier where the waves were
5 practically crashing over the pier. So we were
6 fortunate, but what still is of concern to us in
7 Provincetown is what is going to be done this winter to
8 try to mitigate any storm damage. And I mentioned at
9 the last meeting and I found the article about what
10 Gordon Peabody did at Ballston Beach. And, you know, I
11 don't know whether or not there are any plans -- and I
12 think there should be some plan -- to at least put storm
13 fencing up or something up to try to mitigate what might
14 possibly happen. We were lucky to get emergency funding
15 this year. If anything happens this winter, we might
16 not get any more emergency funding. And we cannot
17 underestimate the importance of that beach not only to
18 year-round people like myself but to our tourism
19 industry, which is our major -- our major revenue source
20 in Provincetown.

21 So I really feel that something has to be done.
22 You know, whether it's with AmeriCorps or whether it's
23 with Park Service personnel to do something to try to
24 mitigate the possibility of further breaks in the

1 revetment for this coming winter. We're all worried
2 sick about it, and I don't know -- I keep waiting to
3 hear if there's a plan.

4 MR. PRICE: Well, Gordon's plan on Ballston Beach
5 was all about beach grass planting.

6 MS. AVELLAR: Right.

7 MR. PRICE: And that area is not in the intertidal
8 zone, which is what our beach at Herring Cove is.

9 MS. AVELLAR: But there are things that can be
10 done.

11 MR. PRICE: So it's a very different facility in a
12 different place.

13 MS. AVELLAR: Yeah.

14 MR. PRICE: So we'll have to take a look. I would
15 not be surprised if we have additional storm damage up
16 there.

17 MS. AVELLAR: I mean, it's already the middle of
18 November, you know, and there doesn't seem to be
19 anything in the pipeline to try to mitigate any
20 potential damage that might occur this winter.

21 Well, it's a big revenue source for you all too,
22 but the importance of that beach -- you cannot walk --
23 if we're in the lifeguard section -- and of course you
24 have to walk over miles of pavement to get to the beach.

1 You cannot bring your dog. You cannot bring an inner
2 tube. You cannot bring a raft. You know, you're not
3 allowed to have the simple pleasures of life on the
4 lifeguarded beach. You know, you can bring your cooler
5 and your umbrella and your chair, and that's about it.
6 But if you've got kids, grandchildren or whatever that
7 like to have their little beach rafts and things, you
8 can't have those on the lifeguard section of the beach.
9 You can't have your dog on the lifeguard section of the
10 beach. You can't bring a boat up, you know, and drop
11 people off on the lifeguard section of the beach.

12 And not to mention the views from that section of
13 the beach and how important they are. Race Point, you
14 used to be able to sit in the parking lot at Race Point
15 and see the water. You cannot see the water anymore at
16 Race Point because the Park Service redid the parking
17 lot and ruined the view. No offense. It wasn't your
18 fault. Somebody else did it. And Race Point has always
19 been a difficult beach anyway because you have to go
20 down. You know, you have to go down stairs. It's not
21 been an easy beach to access.

22 The North parking lot at New Beach is easily
23 accessible for handicapped people, for elderly people,
24 for people with kids. I mean, this is the most

1 important beach in Provincetown, and it has to be
2 preserved somehow. And it's got to be protected this
3 winter, and I really don't get any response about what's
4 going to happen to protect it this winter if it can be
5 protected this winter. We're not going to meet again
6 now until January, and God knows what's going to happen
7 between now and January.

8 MR. REINHART: Why don't you ask him?

9 MS. AVELLAR: Huh?

10 MR. REINHART: Why don't you ask George?

11 MS. AVELLAR: I have asked. I asked at the last
12 meeting.

13 MR. REINHART: It sounds like -- Mr. Chairman, it
14 sounds like there aren't any plans for protection this
15 year. I was wondering if you guys sort of have a bias
16 for letting things go.

17 MS. AVELLAR: I think they do.

18 MR. REINHART: Would you say? I know you're
19 dealing in studies. I'm just kind of curious.

20 MR. PRICE: It's not just that. No, as will be
21 discussed, the whole policy of certainly the Park
22 Service is that we're not in the business of parking
23 shorelines, and certainly what is there now is untenable
24 to the future.

1 MS. AVELLAR: But --

2 MR. PRICE: So the question is, you know, what do
3 we do in the short term? What do we do in the long
4 term? We were able to obtain storm damage money last
5 year, and not only did it hold the whole summer, which
6 we were very thrilled about, but we ended up with a
7 sandy beach in front of the bathhouse, which is amazing
8 if you have a chance to see it.

9 So part of this will all be discussed in the
10 workshops.

11 MR. ROBINSON: Mary-Jo, what I'd like to do is
12 maybe hold some of this if we have time at the end.
13 There are a lot of things to go through first.

14 MS. AVELLAR: Because it really is important. And
15 what you said -- what Tom said is probably what's
16 basically in my heart, that they want to let it go. And
17 when Sarah Peake convened that meeting in March with all
18 the interested parties, people from CZM, people from
19 DEP, you know, from all the state agencies, and the
20 Senator, and Bill Keating's office, what we learned was
21 that if it was a new structure, they'd say, "No, we're
22 talking about repair or replacement," and the state
23 indicated that they would be amenable to that. And this
24 is where we're butting up against it. This is what the

1 Park Service does not want to do, and this is what we
2 want done. And this is what was promised us, to
3 preserve and protect our traditional and historic
4 rights. And that view and that parking lot and that
5 access to the beach is one of our traditional and
6 historic rights, and we're going to fight for it. And I
7 think the Park Service should too. It was promised to
8 us 51 years ago.

9 MR. ROBINSON: Thank you.

10 George, would you like to continue?

11 MR. PRICE: Well, I just wanted to talk a little
12 bit more about the storm -- the storm specifically.
13 Number one, we were very lucky. Mary-Jo talked about
14 how mild it was up at Herring Cove, and even though it
15 was much windier and stormier on the eastern face of the
16 beaches, especially not only during the hurricane but
17 also during this other nor'easter, which was even
18 stronger out here, we didn't really suffer any major
19 damage at all. And if you think about it, about three
20 years ago, we had about a million dollars' worth of
21 damage with the wiping out of the stairs and roofs and
22 all kinds of other things. So we were very fortunate.

23 Also, just so that you know, our staff had really
24 gone into an emergency preparedness mode where we were

1 really doing a lot of advanced planning as far as what
2 we would do from a personal safety point of view both
3 with our visitors and our resources, and I appreciate
4 that. It was fortunate that we didn't have to implement
5 a lot of those things because we didn't, in fact, have
6 the hurricane land here, but those are the concerns I
7 have. And we really appreciated working with the county
8 and the state resources and the other towns in the
9 eventuality that we have one that does land on our
10 shores like Bob back in '91 and some of the other
11 storms.

12 I also want you to know that our staff has
13 participated in a number of ways down with our
14 colleagues to the south. At this point we've dispatched
15 about 18 members of the staff, including six members of
16 AmeriCorps that have gone down. AmeriCorps was part of
17 the fire crew that went down with some of our members,
18 so we had people that were actually doing cleanups at
19 the Statue of Liberty and Ellis Island. We had folks
20 working at Fort Wadsworth today. We have people that
21 are out at Fire Island and down at Assateague. So
22 that's part of what our staff does when called upon to
23 assist. Some of them have been reporting some really
24 devastating scenes that they've observed down there, and

1 that's really heartrending.

2 It's my understanding that one of your AmeriCorps
3 colleagues was the first to turn the lights back on at
4 the Statue, by the way. Justin was telling me that I
5 guess a rock band or a rock band studio donated lights
6 to relight the Statue of Liberty, and they had one of
7 our AmeriCorps kids flip the switch. So I hope someone
8 took a picture of that.

9 At this point they're really pie-in-the-sky
10 estimates, but just for Park Service facilities down
11 there, they're expecting between \$350 and \$950 million
12 of damage that they'll be having to deal with, so it's
13 going to be pretty --

14 MR. PHILBRICK: The Statue of Liberty?

15 MR. PRICE: All of the New York Park areas, New
16 York, New Jersey, and Park Service damage totals up to
17 that.

18 MS. AVELLAR: They were supposed to open the Statue
19 of Liberty just before that storm.

20 MR. PRICE: Well, they did. A week before.

21 MS. AVELLAR: Yeah.

22 MR. REINHART: That's what he said.

23 FIELD TRIP

24 MR. PRICE: Moving on, just a wrap-up on the field

1 trip this morning. I appreciate those that came out.
2 Bill Burke, who's our Park historian, and Hope Morrill,
3 who's our curator, talked a bit about our cultural
4 resources responsibilities and specifically our
5 collection. We have over 500,000 pieces in our
6 collection that we're responsible for, so it's a real
7 substantial part of the Park that most people don't
8 actually get to see.

9 UPDATE ON GREAT WHITE SHARKS

10 MR. PRICE: Another update that I wanted to talk a
11 little bit about was about the great white sharks. I
12 know at the last meeting I asked Leslie to say a couple
13 of words. And since that time the Harbormasters
14 Association has assembled a group. There was a large
15 meeting down in Chatham, and now they have a working
16 group. And she's represented us on a couple of those
17 meetings, and I was going to ask her to say a couple of
18 words about it.

19 MS. REYNOLDS: Sure. I attended the first working
20 group meeting a few days ago, and representatives from
21 at least ten communities were there. It was successful.
22 The focus of that particular workshop was brainstorming
23 thoughts for what they call a community intervention
24 grant. It's a state grant, and they're looking to, if

1 Advisory Commission. We have notified all the folks
2 that have the one-year use permits that they will be
3 offered another one year because it's going to take us a
4 while to actually move forward with implementation. So
5 they were given a heads-up a couple of months ago that
6 they'd be given another year, and I just sent out the
7 yearly permits for this year. So that pretty much is
8 the status quo, which is really what it's been for a
9 long time.

10 During this period, our staff will be doing what we
11 call condition assessments, and we'll also be doing
12 property appraisals, which are pieces that we need to
13 actually understand the condition of the shacks
14 themselves. It's a real balancing act because the
15 delicate nature of the shacks are part of the cultural
16 charm, but when you take a look at some of them that are
17 very delicate and in really rough shape, the question
18 is, how do we maintain them and not make them new things
19 and yet keep the character and yet not have them fall in
20 on themselves? So a couple of them are in pretty rough
21 shape. They already did one walk-out out there, and
22 that was what came back. So that's part of what our
23 staff is trying to figure out for the next steps on
24 that.

1 IMPROVED PROPERTIES/TOWN BYLAWS

2 MR. PRICE: I have nothing -- we have actually a
3 couple of standing items under the *Superintendent's*
4 *Report* that I'm not sure we'll need to keep into the
5 future, but improved properties and town bylaws was one
6 of them. As you know, we're still at an impasse with
7 the Town of Truro frankly as far as they're changing the
8 bylaws that might be beneficial certainly for the
9 Seashore District.

10 HERRING RIVER WETLAND RESTORATION

11 MR. PRICE: I do want to spend a little bit of time
12 talking about the Herring River wetland restoration
13 project.

14 We had a meeting last Thursday that was an
15 extraordinary opportunity. This was still in the middle
16 of the last nor'easter. The place was packed at the
17 Wellfleet Senior Center. Tim Smith, who's our staff
18 person on the committee, did I think a masterful job
19 presenting the overview. A number of other committee
20 members were there and presented it, and then members
21 from the County Commission talked about some of the
22 specifics with their requirements for their overview.

23 We then had people from the audience get up and
24 speak. Different from what you read in the paper, there

1 were about a dozen folks I think that actually spoke,
2 and almost all of them were just in total glowing terms
3 about the project, the benefits of the future, and their
4 support. There were certainly a number of people for
5 private property owners that talked about the issues
6 that they face since this project will affect them, and
7 those are very real concerns. They're not to be
8 dismissed at all but as part of the overall package with
9 this project as we move along. And obviously the
10 private property owners would have to be addressed as
11 well as all the other issues.

12 So it was certainly a big meeting. A lot of things
13 were spoken about. I came away with a very positive
14 feeling in general about the way that's been received.
15 I did ask Tim to join us and just give us a very quick
16 update as to where we are.

17 So again, this is the draft environmental impact
18 statement process asking for public comments at this
19 point, and then the committee will take that back and
20 address that and come out with a final proposal.

21 (Discussion off the record.)

22 MR. SMITH: I'll be very brief here, just a little
23 quick update. I'll try not to read the slides either.

24 (Laughter.)

1 MR. SMITH: I know most of you have heard most of
2 the details here before, so this is just really a quick
3 update, just a reminder of where the project is.

4 We're just on the northern part of Wellfleet
5 Harbor, which is down here (indicates). The project
6 area is pretty much the entire historic estuary or
7 floodplain for the Herring River, which is shown as the
8 wetland symbol, the wetland area on this USGS map
9 extending from the harbor all the way out past Route 6
10 into Truro in the Bound Brook area. And it's just
11 important to note that there are two major subbasins
12 that are very important to the project at Mill Creek
13 here and up at Pole Dike Creek here that are both
14 outside of the Seashore boundary (indicates). And
15 that's where most of the private development is that is
16 providing a lot of the constraint and the need to limit
17 the project to control the tides. So most of those
18 potential adverse effects are outside the Seashore
19 boundary in those two areas.

20 And just an overview of the condition. The dike at
21 the mouth of the river here was built around 1910 to
22 drain the salt marsh ostensibly to control mosquitoes
23 (indicates). Historically this is a map from the 1880s.
24 The estuary was completely open to Wellfleet Harbor, and

1 Cape Cod Bay received full tidal flow, about a 10-foot
2 tide range, from Wellfleet Harbor that pushed salt water
3 well up into the system east of the current Route 6.

4 The primary function or the benefit of the river
5 historically, given the namesake of the Herring River,
6 was the passage of herring through the system up to the
7 spawning ponds here, one of the major herring runs on
8 the Outer Cape (indicates). And since the dike has been
9 constructed, that's been very diminished along with a
10 lot of other problems.

11 So this is just a rough indication of what we'd be
12 looking to achieve by reconstructing the dike at the
13 mouth of the river and allowing more water in. This is
14 a computerized simulation of the hydrology. So the red
15 color here is fuller strength seawater or saltier
16 seawater going from about 30 parts per thousand. So the
17 ocean is about 32 to 35 parts per thousand. So from the
18 red to the yellow to -- red to orange to yellow is the
19 higher saline. As it gets toward blue, it's fresher
20 water. So apparently salt water only penetrates a few
21 -- maybe about a quarter of a mile upstream of the dike
22 because of a very small opening at the mouth of the
23 river. Below is the computer simulation of what would
24 happen with a larger opening, and you can just see the

1 extent of red throughout the floodplain is much more
2 extensive. So this begins to give us an idea of the
3 effect of tidal flow, and importantly, we also see a lot
4 of salt water in the two subbasins I mentioned, Mill
5 Creek and Pole Dike Creek, where lots of properties lie
6 outside of the Seashore.

7 The preferred alternative that's identified within
8 the EIS here -- so in an environmental impact statement,
9 we need to present a range of alternatives for achieving
10 objectives and then identify the preferred alternative,
11 the one that most -- that maximizes the objectives that
12 we're trying to achieve. So we have three action
13 alternatives that are based on the degree of tide range
14 that would result from controlling tides at the dike
15 with an adjustable water control structure. So what
16 this calls for is to rebuild the dike at the mouth of
17 the system here with a much, much larger opening
18 (indicates). So currently the culverts equal about 18
19 feet. The new dike would be 165 feet. So about eight
20 times larger or wider than it is now with adjustable
21 sluice gates. So there would be -- each one of those
22 culverts would have a culvert bay with an adjustable
23 sluice gate that can go up and down. It would be opened
24 incrementally over a period of time to gradually raise

1 the tide range.

2 This sort of represents the long-term -- the
3 endpoint. The ultimate goal here would be to get those
4 gates as far open as they could be, which is about 10
5 feet high. Once you got to that point, we would -- the
6 tide range would be increased from -- currently the mean
7 tide is about Elevation 2. It will go to about -- a
8 little bit above 4, 4.3 feet, and this would inundate an
9 acre of -- an area of about 190 acres would become
10 intertidal. So during the monthly spring tides, about
11 880 acres of the thousand plus-acre floodplain would be
12 affected by daily tidal flow.

13 So where we are with this, the document was just
14 completed. About a month ago we had a meeting, last
15 week. There is a 60-day comment period that ends on
16 December 12. We expect to spend the next six to nine
17 months dealing with comments as they come in, produce a
18 final document, which we hope to be out in approximately
19 a year from now. That would move to the record of
20 decision to document the decision by the Park Service to
21 move ahead with the preferred alternative based on the
22 public input.

23 There are a number of obvious things that aren't in
24 the draft version that will be in the final, which will

1 include some preliminary designs for the new water
2 control structure that's currently being worked on right
3 now. Along with that will be a cost estimate, a very
4 important element. We've already had comments from the
5 public about what this is going to cost, and we really
6 don't have good information on that, so we're developing
7 that now.

8 More details about the flood prevention plans that
9 George mentioned, especially for low-lying -- these low-
10 laying properties. We have a parallel process to the
11 NEPA process. We have reached out to over 300
12 landowners that abut the project area to inform them of
13 what could potentially happen to their property and
14 begin to work with them to find a solution or various
15 solutions to deal with their situations. So more
16 information about that will be presented in the final.

17 Another really important part is some sort of MOU
18 between the parties about how this project is going to
19 be implemented. As you heard before, may remember, the
20 dike itself is outside of the Seashore boundary. We
21 have important areas that would be affected outside the
22 Seashore boundary. But the majority of the project is
23 inside the Seashore boundary, so this whole partnership
24 approach needs to be formalized and institutionalized in

1 some sort of formal agreement between the parties. We
2 expect to have some progress on that and present that in
3 the final report as well.

4 So hopefully by the end of calendar '13 we would
5 have the NEPA process wrapped up and then move forward
6 beyond there with permitting and design and hopefully
7 fund-raising. Based on this, the earliest we could
8 begin work on the project, contingent on fund-raising,
9 would be 2015-2016 time frame, so there's still a lot of
10 work to do, a lot of steps to jump through.

11 If you're interested, we do have several hard
12 copies available. We also have CDs. If you'd like an
13 electronic version, it's also online. It can be read
14 online at this Web site, and then comments can also be
15 provided through the PEPC Web site shown here or by
16 mail.

17 MR. NUENDEL: Can I have a question?

18 MR. ROBINSON: Sure.

19 MR. NUENDEL: Just to make sure I understand
20 exactly what you had in your presentation. So you're
21 saying that we're not going to try to open this and have
22 one big huge wide opening?

23 MR. SMITH: Right.

24 MR. NUENDEL: You're going to have several 10-foot

1 openings with gates.

2 Now, that computer representation before this
3 slide, the first one, is that assuming you're going to
4 have like 160 whatever it is?

5 MR. SMITH: Well, actually, the model -- the
6 computer model simulated a whole range of different
7 conditions.

8 MR. NUENDEL: Right, but this one right there
9 (indicates)?

10 MR. SMITH: To tell you the truth, I'm not exactly
11 sure what those dimensions are for this one. To figure
12 out the 165 feet, what the model was, every 10-meter
13 increment in width. So going from 10 meters to 20
14 meters all the way to 100 meters, and we found that 50
15 meters, which is 165 feet, is the optimal. Beyond that
16 you don't get much more benefit. So this is probably
17 within that range. So, right, it's a 50-meter wide
18 compared to three meters currently or as much as six
19 meters.

20 MR. NUENDEL: Thanks.

21 MR. PRICE: I asked Tim to give a very abbreviated
22 presentation for today basically to just put a benchmark
23 in the meeting we had Thursday night in Wellfleet, and
24 his presentation there was much more extensive, which

1 that was a summary of the full-blown one.

2 MR. NUENDEL: No, I just want to understand. I
3 think that's very -- that's a very good approach to kind
4 of separate instead of one big thing to try to...

5 MR. PRICE: Right. And, of course, that would have
6 been an option, especially with the private property
7 with the golf course, which is under consideration.
8 This is a much more measured approach. And you ought to
9 know the golf course representatives got up and were
10 very complimentary.

11 MR. REINHART: Oh, they were?

12 MR. PRICE: Yes, they were, and they really
13 endorsed the planned alternative, and that was very
14 good.

15 Tim, just do me a favor. Show the back of that
16 book and list off the active participants on the
17 committee.

18 MR. SMITH: All these logos represent the Herring
19 River Restoration Committee, represented by myself from
20 the Seashore, Fish and Wildlife, towns of Wellfleet and
21 Truro, National Oceanic and Atmospheric Organization,
22 the State Division of Ecological Restoration, and
23 Natural Resource Conservation Service. So seven members
24 of that committee. We meet at least monthly, sometimes

1 a couple times a month, and they've all had a hand in
2 preparing this and will continue as we move forward.

3 MR. PRICE: It's a very impressive group, and I
4 hope they took some satisfaction in the positive
5 comments that were mentioned at the meeting and measured
6 the comments that were in the paper the next day because
7 if you just read that article, it sounded like it was an
8 overall negative meeting. Even three out of the four
9 property owners commended the concept. I mean, they
10 admitted that it's in bad shape and needs to be fixed,
11 but they were still very uncertain as to where the
12 future of the private property would stand. And one
13 gentleman even said that, you know, "I shouldn't have
14 been given a permit to build property here in 1990."
15 He's right.

16 MS. BURGESS: Right, yeah.

17 MR. PRICE: That, again, goes back to what we do
18 with our zoning and our land preservation in the various
19 towns because obviously a lot of people would have
20 known, but that happens all over the place. I mean,
21 there are people flooded out of the town I grew up in
22 now where -- there were never any problems when I was a
23 kid, and now all of a sudden there are a couple of
24 neighborhoods that are underwater. Well, everybody knew

1 that.

2 MS. AVELLAR: Stop & Shop in Provincetown should
3 never have been built. That road never should have been
4 put through.

5 MR. PRICE: Yeah.

6 MS. AVELLAR: That was always wet.

7 MR. PRICE: And usually it's the out-of-towners
8 that buy that, and the locals know better, but it's
9 unfortunate. Anyway, I think it's really a good -- I
10 was really overwhelmed. I told my staff this, but I was
11 just so caught up in the evening and felt that it was
12 such a significant piece because we do a lot of things
13 day to day for our visitors, for our resources, but if
14 we are able to pull this off -- and I mean that
15 collectively, everybody on the committee and all the
16 supporters -- a restoration of this amount is really
17 significant, and the exponential value is just amazing.
18 Whether it's for the fisheries, whether it's for the
19 environment, whether it's a storm surge sponge, which is
20 what wetlands do, it just seems to be a very worthwhile
21 project.

22 So thank you, Tim. Appreciate it.

23 MR. SMITH: Sure.

24 MS. AVELLAR: So if I wanted to see this area in

1 Wellfleet, I'm not quite sure. I'd go into Wellfleet
2 Center and go down towards the harbor and then take a
3 right towards the golf course?

4 MR. PRICE: Yes.

5 MS. AVELLAR: And that's the area?

6 MR. REINHART: Past the golf course.

7 MS. BURGESS: Past the golf course.

8 MR. REINHART: Go to the dike. You'll recognize
9 the dike.

10 MS. BURGESS: Chequessett Neck.

11 MR. REINHART: It'll be up to your right.

12 MS. AVELLAR: I never went past the golf course.

13 MR. PRICE: And there's not a lot of traffic there,
14 so you can usually stop on the dike itself and look
15 upstream. You don't get to see very much, but there's a
16 Friends group, Friends of the Herring River Restoration
17 Project, and then there's the Wellfleet Conservation
18 Trust. And both of those groups, and probably others,
19 have special programs and walks and talks over the
20 course of the year, so it's definitely a worthwhile
21 experience.

22 MR. REINHART: I'll take you around. It goes up
23 into Truro too.

24 MS. AVELLAR: That's what I was thinking.

1 MR. REINHART: Across Route 6.

2 MS. AVELLAR: Along the old road?

3 MR. REINHART: Yeah, yeah, the back road. Some of
4 that will be underwater at high tide. That's part of
5 the project.

6 MS. AVELLAR: And the tide is high today, I'll tell
7 you. I've never seen boats riding so high up along the
8 pier.

9 MR. REINHART: It's supposed to be the highest tide
10 of the year.

11 MR. PRICE: When we went up and saw the marsh, it
12 was pretty close.

13 MR. REINHART: Yeah.

14 WIND TURBINES/CELL TOWERS

15 MR. PRICE: Just a couple of things to move along.
16 We have nothing to report on wind turbines and cell
17 towers.

18 SHOREBIRD MANAGEMENT PLANNING

19 MR. PRICE: On the shorebird management, I've
20 reported that Shelley Hall, who was our previous chief
21 of natural resources has moved on. We're in the process
22 of selecting a new chief. Kathy and I are undertaking
23 interviews.

24 So we'll be coming to a closure with our current

1 contractor on developing an EA, but we're really looking
2 for a new division chief to come on board and help us
3 with that into the future.

4 But we don't expect any other public meetings on
5 that till when, Kath? The fall?

6 MS. TEVYAW: Probably the fall. We're operating
7 under a new action (inaudible) for the season.

8 MR. PRICE: Right.

9 HIGHLANDS CENTER UPDATE

10 MR. PRICE: Just very quickly on the *Highlands*
11 *Center Update*. Mark Watson, who you met at this meeting
12 I think last year, he and his board have been working on
13 a new approach to kind of revitalize the effort up
14 there, and I'm very optimistic and impressed with what
15 they've done so far. And I'm actually going to be
16 meeting with the regional office soon, and he's going to
17 be meeting with Mr. Bialecki's office in the state to
18 try to see if we can get some additional support for
19 that project.

20 ALTERNATE TRANSPORTATION FUNDING

21 MR. PRICE: Under alternate transportation, the
22 biggest issues we're dealing with have to do with the
23 bike trail as they're in several different pieces.
24 We've been working with the Provincetown Bike Trail

1 Committee and the Truro Bike Trail Committee and others.
2 Obviously we're still trying to make a safe connection
3 between the National Park bike trail that's in the
4 Province Lands and into getting into downtown for safe
5 access to MacMillan Wharf and Safe Crossings.

6 We did the archaeological work on the Nauset Bike
7 Trail.

8 And when is that work supposed to start?

9 MS. TEVYAW: I only know that (inaudible).

10 MS. McKEAN: It's design build, so it's already
11 begun, and the information from the archaeology report,
12 botanical report, and wetland delineation report are
13 being put into the design phase right now.

14 MR. PRICE: Okay.

15 MS. McKEAN: We don't have a construction time
16 frame either yet.

17 MR. REINHART: Where is that bike trail, George?

18 MR. PRICE: That goes from the Salt Pond Visitors
19 Center parking lot all the way to Coast Guard Beach in
20 Eastham.

21 MR. REINHART: Isn't there a trail already?

22 MR. PRICE: Yes.

23 MR. REINHART: Is that a walking trail?

24 MR. PRICE: No, it's a bike and walking trail.

1 MR. REINHART: You're redoing it?

2 MR. PRICE: Yes, similar to what we did at the
3 Province Lands Bike Trail. That means redoing and
4 straightening out a few other things.

5 HERRING COVE BEACH/REVETMENT (CONT'D.)

6 MR. PRICE: The other item that I didn't mention in
7 my previous discussion about Herring Cove, the bathhouse
8 project has been proceeding. Several of you might have
9 had a chance to see the artwork that was done by Jay
10 Critchley.

11 MS. AVELLAR: You weren't there opening night.

12 MR. PRICE: Correct.

13 MS. AVELLAR: We missed you.

14 MR. PRICE: I was there several other nights.

15 MS. BURGESS: They had a bad stretch of weather,
16 though. I kept wanting to go to things, and it was bad
17 weather.

18 MS. AVELLAR: It was too much fun that opening
19 night.

20 MS. BURGESS: But I didn't get out there.

21 MR. PRICE: Oh, yes, I had a personal activity I
22 had to attend to, unfortunately, but Leslie was there
23 for the opening night.

24 MS. AVELLAR: They had a steel band. It was so

1 much fun.

2 MS. BURGESS: Oh, too bad.

3 MR. PRICE: But I went several times, and Karst and
4 I gave a presentation on that Tuesday. So I asked Jay
5 does that mean I counted as part of the installation
6 because I gave a presentation, but I thought it was
7 terrific too. It was a lot of fun. I think they did a
8 wonderful job. Jay did everything he said he was going
9 to do. There was a lot of community participation.
10 They had I don't know how many students come down. They
11 had senior citizens come down just to have
12 conversations.

13 When I was there, I met a gentleman who was a
14 lifeguard there in the 1960s, and he came with his
15 family from the Springfield area. I met a woman who was
16 one of the first fee collectors for the Seashore that
17 came back to see the building. I spoke with a woman
18 whose father built the original one. It was the Roach
19 family here, I guess, here in Eastham actually did the
20 work. And she remembered when it was under
21 construction, so she wanted to know when to go up and
22 take pictures of the demo.

23 So they're in demolition mode right now. There's a
24 tremendous amount of rebar and all kinds of things

1 they're dealing with. And they started with the testing
2 for the pilings for the new facility, but at this point
3 it's still scheduled for early -- like a mid-June
4 opening. So that's what we're targeting.

5 MR. REINHART: Are the plans changing at all, or is
6 it all set in stone with this Hurricane Sandy? I mean,
7 what if there was a storm surge there of ten feet? I
8 mean, where does that leave our new building?

9 MR. PRICE: Well, specifically the whole package
10 was taking storm surges, sea level rise, erosion rates
11 into account. So, for instance, that will be built on
12 pilings that would allow the storm surge that we can
13 estimate to actually go under the buildings, if you
14 will, because of the pilings. The other issue is these,
15 remember, are basically modular structures. So say in
16 20, 30 years from now if the shoreline changes
17 dramatically enough, then the people that are here at
18 that time could theoretically literally lift these
19 structures and relocate them on the site. So that's
20 part of the built-in sustainability because we don't --
21 Herring Cove is its own environment.

22 When you listen to Graham Giese and Mark Borrelli
23 talk, right off of Race Point is the most turbulent area
24 on the Cape, and here Herring Cove is the back side of

1 that. So how that's going to change over time we can
2 take our best informed view of, and that's what this
3 facility has taken into consideration.

4 MR. REINHART: So they feel like they've allowed
5 for -- after going through Hurricane Sandy, they still
6 allowed for these possible storm surges?

7 MS. TEVYAW: They were designed to 150-mile-an-hour
8 winds and a 14-foot elevation, I believe.

9 MR. REINHART: 14 feet?

10 MS. McKEAN: 16.

11 MR. REINHART: 16 feet?

12 MS. TEVYAW: I think that a lot of the buildings
13 (inaudible).

14 MR. REINHART: Okay, it's really going to be up
15 there then. Do you need an elevator to get into it?

16 MR. PRICE: No, there'll be boardwalk ramps. And,
17 you know, we're taking our best shot at it.

18 MR. REINHART: Yeah, it's kind of crazy.

19 MR. PRICE: I mean, frankly, there are people in
20 the Park Service -- Mary-Jo will tell you. Her worst
21 fear I think is to put a remote parking lot someplace or
22 bathhouse someplace and then just shuttle people.
23 That's another option. At Assateague Island National
24 Seashore, they have -- their structures are so small

1 that they can be picked up by a forklift. So they bring
2 them out in the spring, and they take them back in the
3 winter. And it might be acceptable out there. And you
4 have to realize Assateague Island, if you've ever been
5 there, that truly is the beach on the barrier island.
6 So it's not attached to the mainland. So it's a
7 different place. It's a different type of environment
8 is my argument, but people on the national scale say,
9 "Well, why can't you do that? Assateague's doing that."
10 But that's not -- that's not what Herring Cove is about.
11 So we were successful getting the current design in
12 place.

13 MR. REINHART: So let's give them some credit for
14 that.

15 MR. PRICE: Sounds good.

16 CLIMATE FRIENDLY PARKS

17 MR. PRICE: *Climate Friendly Parks.*

18 Actually, Lauren, do you want to just say anything
19 on that?

20 MS. McKEAN: Sure, just a short report on Climate
21 Friendly Parks. We have a green team that meets
22 monthly. We have energy, transportation, waste, and
23 education goals that we're working on. So we've got our
24 fiscal year 2013 goals that are set out. Maybe we'll

1 have a report in a few months.

2 This winter one of the next things Lindsay and I
3 need to start working on is the emissions inventory
4 converting our fuel use into greenhouse gas emissions so
5 we can compare it to our baseline of five years ago. So
6 that's the plan.

7 MR. PRICE: One of the things that a contractor
8 came up with was an estimate of something like 35
9 percent of the visitor material that gets thrown away
10 could be recycled, so I had to ask the question, how did
11 they figure that out? And yes, they did go Dumpster
12 diving --

13 MS. AVELLAR: Really?

14 MR. PRICE: -- and dragged it out and took some
15 estimates and all that sort of thing. But that's a
16 substantial amount of material, if you think about it.

17 MS. AVELLAR: There are only trash receptacles at
18 certain areas. I don't know if that's because you don't
19 want somebody to drop a bomb in one or whatever, but I
20 mean, when we leave the North parking lot, there's only
21 one place. There's a big Dumpster. And I don't
22 remember. We don't use it because we take everything
23 home and dump it, but whether or not there's a separate
24 place for recyclables or if it's just a great big

1 Dumpster, I don't remember.

2 MR. PRICE: We have recycle stations at a number of
3 locations. They wouldn't be distributed all over, but
4 in certain places we do.

5 MS. AVELLAR: I couldn't remember. But I know the
6 Dumpster, you used to be able to drive right up to it
7 and the passenger could just reach in and slide and drop
8 the trash in, but they put it on an angle this summer so
9 you couldn't do it. You had to get out of your car.

10 I don't know. Why did they move that, George? It
11 was so much easier when it was perpendicular, when it
12 was parallel to your car instead of being on an angle
13 where you had to -- so we never bothered anymore. We
14 had to take it home.

15 MR. PRICE: It probably had to do with the driver
16 that day that dropped it, I guess. I don't know.

17 OCEAN STEWARDSHIP TOPICS - SHORELINE CHANGE

18 MR. PRICE: I skipped over *Ocean Stewardship*
19 *Topics*. I alluded to a number of things having to do
20 with shoreline change, and I just want you to know that
21 we're part of the national dialogue on this when it
22 comes to what happens on our shoreline. We recently had
23 a group that came in to take a look at facilities and
24 take a look at what was vulnerable and not vulnerable.

1 So I kind of said -- my bumper sticker was we're at
2 ground zero when it comes to climate change and sea
3 level rise, and I think we are. Our science group is
4 working on the science of it and trying to figure out
5 indicators and what does that mean over time, but we're
6 also dealing with the real world of facilities as well.
7 And there are a lot of places that we're vulnerable, and
8 things change on the Seashore. That's what happens. So
9 what's our best shot for planning for it for the longer
10 term? That's one of the things that we're doing. We're
11 fortunate to be able to partner with the Center for
12 Coastal Studies up in Provincetown because that gives us
13 a great partnership to figure this stuff out for sure.

14 MR. ROBINSON: George?

15 MR. PRICE: And I think that's it for my overall
16 report.

17 MR. SPAULDING: Will part of that study include the
18 area on the ocean side of Pleasant Bay, which I think is
19 part of the Seashore?

20 MR. PRICE: Well, it's all on the boundary of the
21 Seashore.

22 MR. SPAULDING: Right.

23 MR. PRICE: But those areas are managed by the
24 towns. We still work with the towns when Mark Adams is

1 NATIONAL SEASHORE LAW ENFORCEMENT POLICIES

2 MR. ROBINSON: I know George distributed some
3 statistics on the resource and visitor protection
4 division.

5 I don't know if you'd like to discuss that, George.

6 MR. PRICE: Well, actually, Mary-Jo is the one that
7 brought it up at the last meeting, and we put it on the
8 *New Business* -- or *Old Business* section in order to
9 continue the dialogue.

10 MS. AVELLAR: Thank you. I raised it because of
11 the issue of the stealth ranger that came out in -- I
12 think it was in September where -- and I should have
13 reread the article before I came here, but apparently
14 the Seashore has people in plainclothes out there
15 looking to arrest people or cite them for violations.
16 As I understand the story, some guy spotted them and
17 warned somebody that the rangers were coming, and he got
18 arrested and got a \$150 ticket. Now, if I know there's
19 a speed trap coming -- you know, if I'm speeding and I
20 know there's a police officer up there giving tickets, I
21 might flash my lights at somebody, which means, you
22 know, slow down, the police are coming. Am I going to
23 get arrested for interfering with the officer trying to
24 do tickets? Is that what it's all about?

1 MR. PRICE: Actually, you could get a ticket, not
2 arrested.

3 MS. AVELLAR: Well, you know, anyway, but the thing
4 that bothers me about all these citations and the thing
5 that's bothering people in Provincetown in general are
6 the guns, the guns that the rangers carry patrolling the
7 beach.

8 Now, 500 in 2011 -- 584 citations were issued, but
9 we've only got examples. And when I added up the
10 examples, excluding EMS and visitor contact, it only
11 came up to 242, and it looks like 584 citations were
12 issued. So I'm trying to figure out what the others
13 were, the other 242 citations that aren't mentioned
14 here.

15 I just don't think that a) we should have people
16 out there in plainclothes when people are trying to go
17 to the beach. I have no problem with the Park Service
18 doing their job and issuing citations if people are
19 breaking the law. I don't have any problem with that.
20 But I do have a problem with plainclothes, and I
21 certainly object to the guns because these don't look
22 like the kinds of activities that warrant people out
23 there with guns on their hips. I mean, we're having
24 this problem with MacMillan Pier because now instead of

1 harbormasters we've got people carrying guns. It's the
2 first thing you see when you step off the Boston boat is
3 somebody with a big old, you know, bulletproof vest and
4 all kinds of stuff on their shoulders and guns on their
5 hips. I mean, I think it's ridiculous.

6 So I don't know what the other 342 citations were
7 issued for in 2011 because it's not listed here. I
8 mean, it seems like emergency and talking to the public
9 are the most prevalent activities that the rangers
10 engage in. You know, if you're responding to almost 800
11 emergency medical responses, that doesn't warrant a gun.
12 If you're talking to people and giving them directions
13 and information, I don't think that warrants a gun.

14 I'm very concerned about this, and I'm very
15 concerned about people hiding out in the dunes in
16 plainclothes looking to nab people. It's one thing if
17 they're on patrol and they find somebody breaking the
18 law, but if they're actually lying in wait in
19 plainclothes, I really don't like it. It doesn't seem
20 that these are the kinds of crimes or misdemeanors that
21 require that kind of activity.

22 So what are the other 342 citations for that
23 weren't mentioned here in 2011?

24 MR. PRICE: Do you want me to respond?

1 MS. AVELLAR: Yeah.

2 MR. ROBINSON: I'd like you to respond. I would
3 note that these are examples that were given, so --

4 MS. AVELLAR: I mean, is this a high crime zone out
5 there? I mean, is there murder going on out in the
6 dunes? I mean, 584 citations, but for sex and drugs and
7 nudity? I don't know. It doesn't seem like a lot to
8 me.

9 MR. ROBINSON: George, maybe you could describe
10 what citations there are in terms of the ranking of
11 criminal offenses.

12 MR. PRICE: Well, first of all, I just want to say
13 that the bottom line is a number of years ago the Park
14 Service decided that our law enforcement function was
15 going to be elevated and become a professional law
16 enforcement organization when it comes to all the
17 training and all the responsibilities. All along in the
18 boundaries of the National Seashore and any unit of the
19 National Park Service, basically we're involved with
20 enforcing the federal and state laws.

21 One of the things that I mentioned at the last
22 meeting was that our people are federal law enforcement
23 officers, and I think, frankly, that was a surprise to
24 some folks because we think of them as rangers. And

1 that's what they are. They are rangers, but federal law
2 enforcement rangers, federal officers, and they go
3 through an extensive training and extensive requirements
4 and supervision. So we have all the tools and practices
5 of any professional law enforcement agency to actually
6 perform those duties. That's number one. Number two,
7 our people also have all the gear necessary in order to
8 protect themselves and to actually do their job. So
9 that's why you see people with all the gear they have.

10 I'm sure Mary-Jo's harking back to the days when
11 the Seashore was first established. Those were times,
12 especially in the Northeast, where frankly our law
13 enforcement rangers didn't carry all the protective gear
14 that you see today. And when I started with the
15 National Park Service in New Jersey in 1973, that was
16 the case then as well. And in those days basically law
17 enforcement rangers kept their revolvers in an attaché
18 case in the trunk of the car, and they only were
19 authorized to strip it on if they were going to do a
20 building search in the evening. We realized very
21 quickly that was certainly not a responsible,
22 professional, or competent way to do things.

23 So what I've learned as a non-law enforcement
24 person is that you either have a law enforcement

1 operation or you don't, and as a manager, I'm
2 responsible to make sure that they have all the training
3 and all the gear and all the support that they need in
4 order to do their job. So what we see is how that's
5 defined, and we may not care for all of it, but that's
6 really what the job is, and that's what our people do.
7 And the sad truth is, especially considering my son was
8 a police officer for four years, you have no inkling
9 when you come upon an incident as to what's actually
10 going to happen and how someone's going to respond.
11 This doesn't talk about a situation where somebody might
12 be belligerent or there might be an altercation between
13 people on the beach that our folks have to walk into.
14 So there's an awful lot of things that a non-law
15 enforcement person really wouldn't have an idea of
16 what's happening.

17 I address the law enforcement folks every spring
18 when they come on, and I might sound like a broken
19 record to some of them, but I truly believe this. They
20 actually have the toughest job in the Seashore because,
21 yes, they're supposed to be the friendly ranger when it
22 comes to a visitor contact and they're supposed to be
23 the person that can give directions and even give an
24 interpretive assessment of something that the people are

1 looking at, but then they're also the person that
2 becomes the emergency response person, handles the lost
3 child, or deals with a legitimate law enforcement
4 incident, situation, and that's what we're involved
5 with.

6 In this particular Seashore, because of the nature
7 of where we are, in some cases many of them have to do
8 with either disorderly sex or has to do with nudity or
9 has to do with drugs, and that's something that our
10 folks are involved with on a weekly basis. So it's
11 basically an all or nothing type of thing. It's not as
12 if anybody can say to our folks, "Well, why don't you go
13 out there and do this, but don't do these five things.
14 Only do those six things" or something like that. So
15 that's basically where we are.

16 Mary-Jo had asked for kind of just an idea of the
17 number of tickets and the number of arrests, and then
18 what we did was just give you a serving suggestion of
19 some of the things that I thought you might be
20 interested in. We do have a much thicker, whole law
21 enforcement report, which is public document, which
22 anybody can get. If you'd like, there's the folder with
23 everything. We thought we just wanted to give the
24 highlights.

1 I also have to say when it comes to the folks at
2 the North -- so we have divided ourselves into what's
3 called the North District and the South District from a
4 law enforcement point of view. Craig Thatcher has been
5 the North District ranger now for many years. Mike
6 Minnerath, the frontline supervisor for many years. So
7 from a manager's point of view, what I know is that
8 there has been a consistency in approach with having the
9 same people in place for a long period of time. So it's
10 not like we've had a revolving door and people have
11 gotten different approaches from different people, and
12 that approach has been reviewed by our regional law
13 enforcement specialists and by others, including myself.
14 And we really feel gratified that we have the people we
15 do representing us and actually take on these actions
16 and do all the things that I think are very important.

17 Besides articles in the paper that talk about
18 somebody that's unhappy with the ticket that they've
19 gotten, you should know that we regularly get letters of
20 compliments about these very same people that have
21 helped them out either looking for and finding lost kids
22 or helped them with other situations when they're here
23 for a visit, or even rescuing people when they have an
24 airplane accident. And those letters have come in.

1 And not to be totally emotional about the whole
2 thing, but when we talk about what may or may not
3 happen, one of the things that I just wanted to remind
4 you all about is what happened last January in a park
5 where they didn't expect a bad incident, and Margaret
6 Anderson was gunned down by someone that obviously had a
7 lot of issues, also had an automatic weapon. She was
8 just trying to do a car stop because things didn't look
9 right. And here she was even with all the training she
10 had -- this was just a horrific thing that happened to
11 her, her family. She left two children. And in this
12 particular case, my son personally knew her and her
13 husband when he lived in the D.C. area, so it really
14 struck close to home.

15 So the fact that we ask people to be park rangers
16 and we put them in these situations, we're certainly not
17 going to hobble them. Her partner that day was also
18 shot at. Fortunately, he was able to escape, and later
19 on that particular perpetrator was found dead. But this
20 is not -- in our society today, unfortunately, this is
21 really what it comes down to, and whether I'm the
22 manager for a group of law enforcement rangers or if I
23 was the town manager in Provincetown and I have police
24 officers or if I was the harbormaster with harbormaster

1 duties, which has the same as police enforcement duties,
2 this is -- I look at it you're either in for a penny and
3 in for a pound or you don't do it. There's really not
4 an in between. Those are my thoughts on it.

5 MR. ROBINSON: Maureen?

6 MS. BURGESS: Just a question. So for people
7 living in the towns within the Seashore, where can they
8 go to find out just exactly what you are allowed to do
9 and not do? What would be the best source for that?

10 MR. PRICE: The *Superintendent's Compendium* is one
11 thing. We have rules and regulations posted all over
12 the place.

13 What are you particularly referring to?

14 MS. BURGESS: Oh, I was thinking about the incident
15 in Truro that Mary-Jo brought up the last time --

16 MS. AVELLAR: Fish wraps.

17 MS. BURGESS: -- about the person dumping in the
18 woods.

19 MR. PRICE: So illegal dumping?

20 MS. BURGESS: Right, but I just was wondering about
21 an overview. I mean, I understand that definitely.

22 MS. AVELLAR: Well, the thing about the guy in the
23 woods was that obviously there was either a hidden
24 camera somewhere or somebody saw him. So if somebody

1 saw him and the guy did this, "Obviously," he said, "I
2 wouldn't have done it if I thought I was doing something
3 wrong." But instead of getting a call and a warning, he
4 got a call and a \$350 ticket right away for doing
5 something that he's been doing his entire life.

6 MS. BURGESS: Well, see, that was my question.

7 MS. AVELLAR: Yeah, and didn't know. This is what
8 I mean. You don't get a ticket the first time you get
9 caught speeding. You get a warning.

10 MR. PRICE: Not by the Massachusetts State Police.
11 I'll tell you that.

12 MS. AVELLAR: Well, you know, I mean, I've never
13 been stopped by a statie, but you usually get a warning.
14 And to get slammed with a \$350 ticket for doing
15 something that local people have been doing for
16 centuries, and people spend a fortune to go buy fish
17 meal to fertilize their gardens. I mean, it's not that
18 I -- I understand that there are going to be guns on the
19 rangers even though I don't think it's necessary, but
20 what I'm objecting to is spying on people in
21 plainclothes. We see plenty of rangers. They come up
22 and down the beach in those little -- those little one-
23 man --

24 MS. BURGESS: ATVs.

1 MS. AVELLAR: What are they called?

2 MS. BURGESS: ATVs.

3 MS. AVELLAR: Yeah. They come up and down the
4 beach. We know they're out there.

5 And I'll tell you what I always told people. Don't
6 take ID to the beach. That's what I always told people
7 to do. Don't take an ID to the beach. Then they have
8 to figure out what to do with you. But the thing is if
9 somebody's sitting on a dune and all of a sudden gets
10 nabbed by two people in plainclothes, do we really have
11 to have plainclothes stealth rangers? Aren't the guys
12 with the guns enough, George?

13 MR. PRICE: No.

14 MS. AVELLAR: Oh, please. Provincetown is not a
15 high crime district. It's just not.

16 MR. PRICE: If you recall, several years ago we
17 worked with the town because the whole public sex issue
18 was literally out of control.

19 MS. AVELLAR: Well, we know that, but that's not --
20 that's not -- when I'm talking about crime, when I'm
21 talking about criminal activity, there are levels of
22 criminal activity. There's sex on the beach, and then
23 there's murder. Do you know what I mean? There are
24 drugs. That might be a higher kind of a crime than

1 people having sex on the beach, not that I think they
2 should be doing it. But the point is, is that spying on
3 people because they're having sex on the beach I don't
4 think warrants plainclothes. Spying on people when you
5 think they're making a million dollar drug run, fine.
6 Where do you draw the line on this stuff? I mean,
7 people feel like they're living in a police state out
8 there now that they know that people are running around
9 in plainclothes. It could be the guy sitting next to me
10 on the beach, and I'm not doing anything wrong except
11 maybe I forgot to put the leash on my dog or something.
12 I mean, it's ridiculous.

13 MS. BURGESS: I guess my question was, how staying
14 within the boundaries of the law, how do folks know what
15 those boundaries are? And maybe there is some way to
16 have each town have an overview of these things. You
17 said there's a *Superintendent's Compendium*. Maybe there
18 could be something for the town so that at least the
19 selectmen would know.

20 MS. AVELLAR: Or a forum or something at the
21 beginning of the summer. You know, something with the
22 business organization so that they can pass this word on
23 to their customers.

24 MR. PRICE: Actually, I believe with the public sex

1 we do communication with all the public facilities in
2 Provincetown and guesthouses.

3 MS. AVELLAR: But plainclothes rangers for public
4 sex?

5 MR. PRICE: And that was done in conjunction with
6 the Chamber of Commerce and the Business Guild.

7 MS. AVELLAR: Every year?

8 MR. PRICE: I'm not sure the last time we did it.

9 MS. BURGESS: I guess I wasn't even asking for
10 that. I was just wondering how we could get the
11 information to folks.

12 MR. ROBINSON: Are the rules that much different,
13 though?

14 MR. PRICE: How do you know what you can do in your
15 own town?

16 MS. BURGESS: How do I know what I can do in my own
17 town?

18 MR. PRICE: Do you get a notification every year?

19 MS. BURGESS: No, you have to go and look at the
20 bylaws.

21 MR. ROBINSON: But a lot of the rules are posted at
22 different facilities; you know, no dumping, no parking
23 in unauthorized places. People know what the laws of
24 society are for the most part. It doesn't seem like you

1 need to be constantly harped on each particular little
2 thing. It seems to me that part of law enforcement is
3 patrolling, but some of it also is deterrence. It seems
4 to me that if the ranger corps decides that part of
5 deterrence is using plainclothes occasionally, that's a
6 policy decision.

7 MR. REINHART: Why do you use the word
8 *occasionally*?

9 MR. ROBINSON: I don't know how often plainclothes
10 are used.

11 MR. REINHART: Yeah, but it might be every day.
12 You shouldn't put that word in there.

13 MS. AVELLAR: I bet it is every day.

14 MR. REINHART: Yeah.

15 MR. ROBINSON: Okay, well, I don't know what the
16 policy is.

17 MR. REINHART: That changes the way -- it minimizes
18 it because I think the issue is the enthusiasm with
19 which some of this is being enforced and maybe the
20 overenthusiasm from the town's point of view. And I
21 guess I would like to know what goes into the decision
22 to why would you use plainclothes people, and are the
23 rangers kind of rough on the people that they're
24 arresting or accosting? You know, that was some of the

1 complaints here. What do you do when you get these
2 kinds of feedback from people who are accosted by the
3 rangers? Do you guys look into that?

4 MR. PRICE: We look into every contact that we make
5 that involves a -- whether it's a contact that ends up
6 with just a citation or something more. And then, as I
7 said at the last meeting, if the citizen is objecting to
8 a particular citation or approach, then they have the
9 right both to appeal that and to present their case
10 before the magistrate.

11 MR. REINHART: Do you feel your officers are sort
12 of connected to the kind of community and the people
13 they're doing -- you know, they're working with in terms
14 of their approach? Like they're aware of that?

15 MR. PRICE: I think they are, and anecdotally I've
16 got to tell you, as a result of some of the articles,
17 some of them have been praised by people in town and
18 appreciate that they're still pursuing the enforcement
19 of some of these issues.

20 MR. REINHART: Well, they probably need to be --
21 some of it definitely needs to be enforced. It's just
22 the sense of how it's being done in order to sort of
23 feel it's like a police state.

24 MR. PRICE: I'm sure when somebody gets a ticket

1 they don't appreciate it.

2 MR. REINHART: Well, it's not that simple.

3 MR. PRICE: Yes, it is.

4 MR. REINHART: You can't just write it off like
5 that.

6 MR. PRICE: Well, part of why I was explaining how
7 I feel encouraged by our approach is that we basically
8 had the good fortune of having the same supervisory
9 management staff and police for an extended period of
10 time. So I have a confidence in how those people
11 actually are approaching the job and how they supervise
12 the frontline people, whether they be frontline
13 permanents or frontline temporaries because we take on a
14 lot of temporaries for the season. And if there was a
15 situation where we had a new frontline supervisor and we
16 didn't know their philosophy or their approach or their
17 understanding of the community, then I would have cause
18 to raise it as a question, but we regularly, whether
19 it's the situations that we have here -- a number of
20 years ago there was a thing in the paper about car stops
21 for people that were suspected of driving under the
22 influence. We've had other instances when people don't
23 like the fact they're approached the way that they're
24 approached if their dog's off leash, so we spend a lot

1 of time looking into the circumstances. And as you
2 cannot be surprised, there are multiple conclusions you
3 can draw depending on which side of the party you're on.

4 MR. REINHART: I know in the towns, like the local
5 police departments don't seem to have too many issues
6 like this. They're pretty sensitive to just being
7 respectful, and people should respect them back. Now, I
8 don't know if people come here as visitors, if they --
9 maybe they're not respectful because they don't have a
10 stake in the towns and living here, but there isn't too
11 much of that kind of community discord between the law
12 enforcement people. It's a really nice relationship.
13 And I think that maybe that's what you're referring to.
14 And you guys are part of the community too, as you know.
15 So I think people want that same feeling.

16 MS. AVELLAR: I think it was the stealth ranger
17 thing that really was the issue. I mean, we know
18 they're out there. You know, they're supposed to --
19 people should know they're not supposed to have sex on
20 the beach and whatever.

21 MR. REINHART: Right.

22 MS. AVELLAR: But the whole notion of people in
23 plainclothes -- I mean, the drug arrests, 584 citations
24 in 2011, and only 105 of them were drugs. To me, drugs

1 is the most -- other than driving under the influence,
2 drugs is like the most serious thing that I'm seeing on
3 the sheet. And it's probably just grass. It's probably
4 just marijuana, but, you know, it's not like I'm reading
5 about, hearing about a big drug bust like there's a
6 coordinated effort between the Provincetown Police
7 Department and the National Seashore Park Rangers that
8 broke up a drug ring or something like that. Fine, if
9 you want to have plainclothes for that, I can understand
10 that. You know, that's important. But I bet you the
11 drugs they got on the beach were stuff like poppers and
12 grass. But it's the idea that you've got plainclothes
13 out there on top of the guys with the guns. That was
14 the whole thing. It was the plainclothes. I just don't
15 think it's necessary. There are enough of them out
16 there driving up and down the beach in their little one-
17 man vehicles and standing at the -- I mean, everywhere
18 you go, you never go anywhere without seeing a ranger.
19 They're all over the beach.

20 MS. BURGESS: Well, I do think, Mary-Jo, that the
21 Park in their law enforcement has to be bound by the
22 same current practices that other law enforcement
23 agencies have. I think my concern was just that the
24 public knew more about what they could do or what plants

1 they could pick within the Seashore. Can you pick
2 cranberries but you can't touch certain vegetation?
3 Those kind of specific things.

4 MS. AVELLAR: It was the plainclothes. It was the
5 plainclothes. I mean, I know there's nothing we can do
6 about the guns, but I've been to -- like when I went to
7 Fort Sumter, I always say national monument, nobody had
8 a gun. Not one. Didn't see one gun at Fort Sumter on a
9 ranger. But plainclothes for nudity? Plainclothes for
10 -- that's -- I'm sorry. I just think it's...

11 MR. REINHART: What's the reason for that, George?

12 MR. PRICE: It's part of our law enforcement
13 practice to ensure that we have a safe and a hospitable
14 place for our visitors.

15 MR. REINHART: And they decided that the
16 plainclothes is appropriate?

17 MR. PRICE: Yes.

18 MR. REINHART: Maybe the way to do it is everybody
19 --

20 MR. PRICE: How about people not have sex on the
21 beach or nude sunbathing in places where they're not
22 supposed to be?

23 MR. REINHART: Do you think you need a plainclothes
24 person to go after that?

1 MR. PRICE: That's part of our processes that we do
2 as a law enforcement outfit.

3 MR. REINHART: Yeah.

4 MS. AVELLAR: My husband got stopped once on the
5 beach for nudity, and the guy came up and said, "Put
6 some clothes on," the ranger. He said okay, and that
7 was it. You know, he was driving down -- it was out at
8 Long Point, I think.

9 MR. REINHART: Is he a serial offender, though?

10 MS. AVELLAR: He would be if he could be.

11 (Laughter.)

12 MR. ROBINSON: Well, I think this discussion has
13 been useful, and it expands on -- we brought the subject
14 up last time. I think that these statistics are useful.
15 I certainly understand that any law enforcement needs to
16 worry about protection of themselves as well as the
17 public, but they also need to realize that they have to
18 have some sensitivity when dealing with large amounts of
19 public and particularly visitors who are here on
20 vacation. So I'm sure that's part of the training as
21 well.

22 I'd like to ask if there was any other old
23 business? Yes, Richard?

24 MR. PHILBRICK: Well, we've had the issue of the

1 Plymouth nuclear plant come up several times in the last
2 year or two, and I remember one time it came up we had a
3 copy of a letter that Rich Delaney had written as
4 chairman to the chairman of the hearing committee.

5 MR. ROBINSON: For the relicensing?

6 MR. PHILBRICK: Relicense hearing. And coupled
7 with that is the concern about a real problem at
8 Plymouth like happened in Japan. The installations are
9 very similar. And the evacuation procedure what with
10 the bridges -- and I really think it has blown over for
11 no reason. I think the dangers that were cited there
12 are still there. And it's dropped off our agenda, and
13 I'm not quite sure why.

14 MR. ROBINSON: So it might be something that you'd
15 like to see as a continuing item until there's more
16 action been taken on it?

17 MR. PHILBRICK: Or else why I shouldn't feel that
18 way, yes, yes.

19 MR. ROBINSON: We'll make a note for that for the
20 next meeting, keep it on the agenda.

21 MR. PHILBRICK: Thank you.

22 MS. BURGESS: Actually, Mr. Chairman, I'm glad Mr.
23 Philbrick brought it up. I was going to ask the
24 superintendent -- I could not attend, but there was an

1 emergency planning session. I think it was in October
2 through Barnstable County, and I was wondering if you
3 knew if either the county commissioners or anybody from
4 the Park Service had attended that.

5 MS. McKEAN: I think we called (inaudible).

6 MR. PRICE: She's not there.

7 MS. BURGESS: It was before the storms too.

8 MR. PRICE: Yeah. Well, there have been several
9 different county meetings on emergency preparedness.
10 I'm not sure that there was one specifically on the
11 nuclear plant issue.

12 MS. BURGESS: No, it was just the broad agenda of
13 emergency management, and I thought maybe that this
14 might have come up.

15 MR. ROBINSON: We do participate in those.

16 I think what I was thinking of, Dick, was -- was it
17 Harwich or Brewster that just with their town was
18 focused on evacuation plans relative to the nuclear
19 plant? Does that sound familiar to anyone else? That
20 was in the paper over the last couple -- since our last
21 meeting.

22 MS. COXE: I believe what it was, was that the
23 Barnstable Regional Emergency Planning Committee had a
24 meeting in Harwich.

1 MS. BURGESS: That was it.

2 MS. COXE: And the focus of it was on Pilgrim.

3 MR. PRICE: Oh, it was?

4 MS. COXE: Yeah. (Inaudible).

5 MR. PRICE: Okay. Well, then you're right.

6 MS. BURGESS: And I couldn't go. I'm sorry. I
7 wanted to go.

8 MS. AVELLAR: There's also a power plant in
9 Newport, around the Newport, Rhode Island, area that I
10 just saw when we went down a couple of weeks ago. There
11 were two big things. It looked like Chernobyl.

12 MR. ROBINSON: I don't think that's nuclear.

13 MS. AVELLAR: It's not nuclear?

14 MR. ROBINSON: No.

15 MR. PRICE: The cooling towers have -- there's
16 another one in Fall River that's across the bridge that
17 has the same look.

18 MS. AVELLAR: It has exactly the same look.

19 MR. PRICE: Yeah.

20 MR. ROBINSON: Somerset.

21 MR. PRICE: I understand that that plant was being
22 sued because the water they were releasing back into the
23 river was too high a temperature, so that's what those
24 --

1 MS. BURGESS: That's happening here too.

2 MR. PRICE: Those are cooling towers, right.

3 But I'm not sure if one of our staff people
4 attended that county meeting. Obviously we don't have
5 Sheila here to talk to us about that, but I know that
6 now that the election is over perhaps we can try to get
7 back on that case. But the issue is, of course, that
8 the new license was given to the plant. I don't know if
9 there were any hooks put in successfully by the state or
10 the feds on some rehab stuff, but as I shared with you,
11 and the reason that I wrote the positive cover letter,
12 was I had a conversation with Dan Wolf, who had taken a
13 tour of the plant. From his perspective it was enough
14 to give me some grave concern, and I've passed that on
15 to our management in the Park Service as well. Because
16 here it's one federal agency sticking their nose into
17 the business of yet another federal agency, but we both
18 have serious responsibilities for our resources and the
19 people that we are involved with.

20 So I don't know with Dan Wolf, the state senator,
21 what continuing efforts maybe can be made with that or
22 not. I do know that there was -- I think Rich has been
23 approached a couple of times to either write articles
24 and/or address some groups because the Advisory

1 Commission letter is on file. And they appreciated
2 having that kind of larger support pointing out these
3 issues. So if Rich were here, he would be able to tell
4 us what that was about, but I don't recall the details.

5 MR. ROBINSON: I've always thought it the height of
6 irony that the State Highway Department has put the
7 arrows for the evacuation route to have everybody here
8 drive towards Plymouth.

9 MS. AVELLAR: I know. They should have boats
10 coming our way.

11 MR. ROBINSON: Is there any other old business?

12 MR. PHILBRICK: Just to wrap that up to my
13 satisfaction, if the county has dealt with this and come
14 to some conclusions that are useful, it would be good if
15 they'd communicate with this body.

16 MS. BURGESS: I agree.

17 MR. PRICE: We could ask that for an agenda item
18 for next meeting.

19 Any other agenda items you'd like to see for next
20 year -- for the next week?

21 MS. AVELLAR: It is next year.

22 MR. PRICE: It is next year, yeah.

23 MR. ROBINSON: We'll be coming to ask for the next
24 meeting agenda and date in just a second.

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NEW BUSINESS

MR. ROBINSON: Is there any new business to come before the Commission?

(No response.)

MR. ROBINSON: I recognize Stefanie from Representative Keating's office.

Congratulations on the win.

MS. COXE: Thank you.

MR. ROBINSON: Is there anything that you'd like to report to us?

MS. COXE: We're back to business. The Congressman is back to D.C. I think, like all of us, he is hoping and praying that we don't end up going off the fiscal cliff and dealing with sequestration, but it is a distinct possibility given that -- what's the number? -- something like 400 -- no, more than that. Quite a lot of money was spent, and we're pretty much in the exact same situation we were ten months ago.

We are still dealing with some of the same dynamics, so funding is not a rosy picture at the moment. But that being said, we will do what we can to facilitate conversations and advocate for things within the administration that we are able to do, the behind-the-scenes work rather than the out-in-front earmarked

1 type of advocacy that was the previous paradigm. But we
2 live in an era of diminishing public resources. I think
3 that's something we all need to get used to it,
4 unfortunately.

5 MR. ROBINSON: I hope that the Congressman can
6 bring to our new senator-elect all of our Cape Cod
7 concerns, particularly as it relates to the National
8 Seashore, the major federal facility here on the Cape.

9 MS. COXE: Absolutely, absolutely. And I think
10 she'll -- she knows that Cape Cod is important. It was
11 important to her success, and I think that she will be
12 listening very closely to the concerns we have.

13 MR. ROBINSON: Thank you.

14 Is there any other new business?

15 (No response.)

16 **PUBLIC COMMENT**

17 MR. ROBINSON: Public comment?

18 (No response.)

19 MR. ROBINSON: Hearing none, I would like to ask
20 the Commission for some suggestions on a meeting date.

21 **DATE AND AGENDA FOR NEXT MEETING**

22 MR. ROBINSON: I think the next one would be
23 January.

24 MR. PRICE: Right, we'd be looking at either

1 January 14 or 28.

2 MR. ROBINSON: Are there any preferences of the
3 Commission? Those are back to Mondays. You realize
4 that we moved to Wednesday this month because of the
5 holidays.

6 MS. BURGESS: I like the 14th.

7 MS. AVELLAR: I like the 14th.

8 MR. ROBINSON: There are a couple of votes for the
9 14th. I'm fine with that.

10 MR. REINHART: I like the 14th for me too.

11 MR. ROBINSON: 14th is good?

12 MR. REINHART: Yeah.

13 MR. ROBINSON: It sounds like we have a consensus.
14 We didn't even need an institute.

15 MR. SPAULDING: When is Martin Luther King?

16 MR. ROBINSON: Martin Luther King Day is the 21st.
17 So we will meet here on Monday, January 14, at 1
18 p.m.

19 Are there additional agenda items besides the
20 relicensing and the emergency preparedness?

21 (No response.)

22 MR. PRICE: Any other field trip options people
23 might be interested in, especially for the hardy that
24 have made most of the field trips?

1 MR. NUENDEL: Well, when you're all done with the
2 Visitors Center up in PTown, is there anything to see
3 that we would --

4 MS. BURGESS: They're closed now. They're closed.

5 MR. NUENDEL: Oh, that's right. They're closed.

6 MR. PRICE: All the structural activity at the
7 Visitor Center has been completed, so there's no
8 material changes that you actually get to see at this
9 point.

10 MR. NUENDEL: It's more superficial or --

11 MR. PRICE: Well, structural.

12 MR. NUENDEL: More structural?

13 MR. PRICE: Yes.

14 Lauren, did you have a comment?

15 MS. McKEAN: Well, we were talking about actually
16 having land protection planning to be put on the agenda
17 with a presentation by Mark. He's assisting us on that
18 effort. And ponds, that could go to the next meeting if
19 we want to do land protection for January.

20 MR. PRICE: I'll have to see how the agenda works
21 out. We're working very closely with people in
22 Wellfleet on the ponds. There are about three different
23 committees in town that are interested in the ponds.
24 We're working with the town, and we have a number of

1 things going on with the ponds that we manage. So
2 whether that's appropriate for January or further into
3 the spring, I'm not sure.

4 MR. REINHART: Maybe one question. What's the
5 policy on paths in the Seashore that get really
6 overgrown for people to walk on? Is it you guys -- I
7 know you do some of the fire roads, although some of
8 them are kind of abandoned and they get grown over, but
9 then they turn into paths. I know the one from High
10 Toss out to like at Pole Dike out to Duck Harbor gets
11 really overgrown with rosebushes and stuff. Can --

12 MR. PRICE: Sometimes that's on purpose. It
13 depends on what's the established right-of-way path, and
14 in some cases one of the issues with the ponds is
15 they're being really overused. And Duck Pond
16 specifically is really getting killed. So some of those
17 paths have tremendous erosion. I was out there.
18 There's gullies that are steep where the paths are now,
19 so I know we're actively working with the town on trying
20 to mitigate some of that. So in some cases we will
21 actually actively try to close up an area to prevent
22 access down a particular path and allow access in other
23 ways.

24 MR. REINHART: What about -- this one I'm referring

1 to just sort of walks along the Herring River and ends
2 up -- it's a back way around Griffin Island out to Duck
3 Harbor. It used to be an open road that got cut off,
4 but then it was always a nice -- it's a beautiful walk,
5 and then it gets, you know, those rosebushes that grow
6 over.

7 MR. PRICE: Do you happen to know --

8 MR. REINHART: Do you have any problem with people
9 -- I mean, keeping those open so you can walk down them
10 or anything? You know, they have these wild roses that
11 just come over. Do you know which one I mean?

12 MS. McKEAN: Yes, I sure do. I'm recalling -- I
13 don't know -- maybe a dozen years ago there was a joint
14 decision of the Wellfleet Conservation Commission and
15 the Seashore --

16 MR. REINHART: To close the road.

17 MS. McKEAN: Yeah. Well, and to keep it closed.
18 There's turtle nesting and other issues up there.

19 MR. REINHART: What about like a walking thing? I
20 know behind my house there's a lot of paths and they get
21 really overgrown. Are you against having people keep
22 those open or have a group that would clip them once in
23 a while so that people can walk on them?

24 MR. PRICE: I think it's not an easy question, and

1 that is, it depends on where it is. Is it a Park
2 Service piece? Is it a conservation responsibility?
3 Was it allowed to be overgrown and cut off, or is it one
4 that just isn't a regular -- one of our established
5 trails that we would regularly maintain?

6 So I don't know. Maybe we could talk to Lauren
7 more about it and maybe actually when we have the ponds
8 discussion because access to the ponds and the paths are
9 intertwined.

10 MR. REINHART: These are not even necessarily next
11 to the ponds, just through the woods.

12 MR. PRICE: So the answer is typically no, people
13 are not authorized to go out and to cut brush and to
14 keep paths open on their own. If it's one you can come
15 and talk to us about, we can find out what the situation
16 is. That's one of the main activities that the Friends
17 of the National Seashore actually does.

18 MR. REINHART: Okay, well, that's what I was trying
19 to say.

20 MR. PRICE: They have a trail contingent that
21 actually helps keep these open in some cases, and others
22 we do.

23 MR. REINHART: Okay, I was just wondering if there
24 was somebody to do that.

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ADJOURNMENT

MR. ROBINSON: Okay, if nothing else is coming before the Commission meeting today, I would ask for a motion to adjourn.

MR. PHILBRICK: So moved.

MR. REINHART: So moved.

MR. NUENDEL: Second.

MR. ROBINSON: All those in favor, say aye.

BOARD MEMBERS: Aye.

MR. ROBINSON: Opposed?

(No response.)

MR. ROBINSON: It's unanimous. I hereby conclude the 286th meeting of the Cape Cod National Seashore.

(Whereupon, at 2:47 p.m. the proceedings were adjourned.)

1

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 85 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 Wednesday, November 14, 2012, commencing at 1:06 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 20th day of December, 2012.

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