

**CAPE COD NATIONAL SEASHORE ADVISORY
COMMISSION**

TWO HUNDRED AND SIXTIETH MEETING

HELD AT CAPE COD NATIONAL SEASHORE,
Marconi Station
Area, Park Headquarters, South Wellfleet,
Massachusetts,

on Monday, March 5, 2007, commencing at 1
p.m.

SITTING:

Brenda J. Boleyn, Vice Chairman
Richard Philbrick
Peter Watts
Ed Sabin
William R. Hammatt
Ernest Virgilio
Lance Lambros
Dr. Howard Irwin

Larry Spaulding, alternate

Also present:

George Price, Superintendent
Sue Moynihan, Chief of Interpretation and
Cultural
Resources
Scottee Nista, Assistant to the
Superintendent
Steve Prokop, Chief Ranger
David Crary, Fire Management Officer
John Portnoy, Research Biologist
Gordon Peabody, Chairman of Herring River
Restoration Project Technical
Committee
Ben Pearson, Chief of Maintenance
Matt Mincieli, Assistant to Ronald Kaufman

Audience members

LINDA M. CORCORAN

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

I N D E X

<u>Page</u>	
Adoption of Agenda	3
Approval of Minutes of Previous Meeting (12-15-06)	3
Reports of Officers.	4
Reports of Subcommittees	5
Superintendent's Report.	5
Update on Dune Shacks and Report	5
ORVs and Piping Plover Nesting Impact	9
Herring River Restoration Project	11
Hunting EIS	45
Wind Turbines/Cell Towers	47
Reauthorization of the Commission	49
Fire Management Update/Fort Hill	51
Park "Green" Practices and Flex Bus Update	76
Improved Properties/Town Bylaws	89
Budget News	99
Old Business	104
New Business	104
Date for Next Meeting	111

Agenda for Next Meeting 112

Public Comment 116

Adjournment. 117

Reporter's Certificate 118

P R O C E E D I N G S

MS. BOLEYN: Greetings, everyone. Our chairman is not able to be here today, so I'll be moderating, chairing the meeting this afternoon. We have a fairly hefty agenda, so I'll say at the outset that we'll try to move through this as expeditiously as we can.

I was prepared to open the meeting by welcoming Mary-Jo Avellar, so I'll simply announce that Provincetown has a new representative to the Advisory Commission, and should she come in during the meeting, I'll break and introduce her.

ADOPTION OF AGENDA

MS. BOLEYN: Could we have a motion for the adoption of the agenda?

DR. WATTS: So moved.

MR. SABIN: Second.

MS. BOLEYN: All in favor?

BOARD MEMBERS: Aye.

MS. BOLEYN: Thank you very much.

APPROVAL OF MINUTES OF PREVIOUS MEETING

(DECEMBER 15, 2006)

MS. BOLEYN: Motion for approval of the minutes of the previous meeting, December meeting?

MR. SABIN: I move they be approved as written.

MR. PHILBRICK: Second.

MS. BOLEYN: Second. Any suggestions or omissions?

(No response.)

MS. BOLEYN: All in favor?

BOARD MEMBERS: Aye.

MS. BOLEYN: Opposed?

(No response.)

MS. BOLEYN: Abstentions?

(No response.)

MS. BOLEYN: Thank you very much.

REPORTS OF OFFICERS

MS. BOLEYN: Reports of Officers. I do have one thing simply to announce, and that has to do with the North of Highland Campground.

I had a call from the Trust for Public Lands, TPL. That's the organization that is sort of squiring this process through Congress. And you may recall that last October Senator Kennedy and Congressman Delahunt paid a visit in October, and they were feeling very successful about having set aside \$2 million toward the purchase of the campground. The total purchase is 6.1 million. Well, alas, Congress adjourned without finalizing that budget, so all I can say is that you will be hearing a little more about that, but there's some activity now to try to get that secured.

REPORTS OF SUBCOMMITTEES

MS. BOLEYN: Are there any reports from subcommittees?

(No response.)

MS. BOLEYN: None that I know of.

SUPERINTENDENT'S REPORT

MS. BOLEYN: That brings us to the Superintendent's Report.

MR. PRICE: Thank you.

As Brenda said, we do have a very busy agenda, and we have three presentations. So we'll try to give the report as inclusively as I can, and if you have any questions, we can certainly deal with them.

UPDATE ON DUNE SHACKS AND REPORT

MR. PRICE: The first one has to do with the update on the dune shacks. If you all recall, last Advisory Commission meeting I had presented a letter to the Commission and to the chair with a recommendation of how to reconstitute the Advisory Commission Dune Shack Subcommittee, and that was accepted. The chair asked Rich Delaney to be the new chair of the subcommittee. Dick Philbrick is going to continue on the committee, and Bill Hammatt, who was the third Advisory Commission member, is also going to stay on.

You'll also recall it was really conditional as a concept with me

presenting that to the board of selectmen in Provincetown and since then also to the board of selectmen of the Town of Truro, the reason being Truro expressed their interest in the process, and it was mentioned at this meeting that they ought to be offered a seat on that new subcommittee as well.

I met with two committees in Provincetown. John Thomas chairs an oversight committee in the town to explain the nature of the reconstituted subcommittee at least as I envisioned it, which is based on a model that we used out of the Boston Harbor Islands. I then had the opportunity last Monday evening to present it to the board of selectmen in the Town of Provincetown itself, and they conditionally approved the reestablishment. And they will be sending us two names to be their official representatives. So I thought that that was a very positive event, and I have a meeting scheduled with the board of selectmen in Truro on the 13th of March, so I will then explain both the nature of the committee up till this point and then the concept of what the new reconstituted committee might look like.

You saw in your press we made a decision on our next step with the Fowler cottage. If you recall, last summer there was a lot of controversy about that. Peter Clemons had an arrangement with Mrs. Fowler to stay in that particular cottage for a period of time. Upon Mrs. Fowler's passing, I met with a number of different parties involved, and the Park came to the conclusion that the only prudent action for us to take was to ask the Clemonses to now vacate. They have no official relationship with the Park. The relationship was strictly with Mrs. Fowler. And we've now cut a deal with the PTown Compact, which has used the Cohen shack for a number of years, to basically take the Fowler cottage on as an

additional charge. They've agreed to do this. The arrangement basically is for three years. If we're lucky, the subcommittee I think is at least going to be a two-year process before we get a longer term management plan off the ground. It could potentially be longer than that. So the PTown Compact arrangement with the Fowler cottage my way of thinking is still, quote, a short-term interim way for us to competently manage that particular property to make sure it doesn't deteriorate in a way that works for us as the people that need to be responsible for that cottage. And I was very pleased and happy that the PTown Compact folks were willing to do that.

You say, "Well, why did it take so long to get a deal together?" Well, parallel to this, the world of agreements in the federal government, the National Park Service has undergone a load of transformation in the last couple of years, and frankly, there was a lot of discussion internally as to the type of instrument that we can actually use to make that happen. So that's why the time took so long.

And then also, as it's been advertised in the press, the final determination for the TCP, traditional cultural property, has been sent to the Keeper of the National Register, and they allow for a 45-day comment period, which I believe will end around March 14. And it's been recommended to those interested in inputting into that process that they send their comments in sooner than later to the National Register. And that's all been posted on the Web site, et cetera.

So that's basically an update on where we are with the dune shacks. Does anybody have any particular questions about that?

(No response.)

MS. BOLEYN: I was just going to point out that should any individuals here

wish to send a view to the Keeper, that address is in one of the -- there's a Cape Cod Times article in your handout there by Mr. Harold, and the address for those comments is in that article.

ORVs AND PIPING PLOVER NESTING IMPACT

MR. PRICE: The next topic was the ORVs and piping plover issue. If Butch were here, he probably would have made a committee report.

So if you recall, December 9 we had a public meeting on the ORVs and really a session having to do with where the Park and the committee had come down on a number of alternatives. This past Saturday morning we had a public meeting up at the Province Lands Visitor Center, and we went over those various alternatives. We had about 50 people in attendance. I'd say the discussion was actually very positive in that there were a lot of questions, a lot of concerns expressed back and forth. The Audubon Society of Massachusetts was represented by both Jack Clarke and Bob Prescott. Jack is the statewide policy director for Mass. Audubon, and he was very complimentary generally in the EA, the way it was written and the way the alternatives were laid out. If you will recall from those alternatives, the fourth alternative as we phrased as a last resort was to allow temporary use of what's known as Herring Cove North. So if you're up at Herring Cove, you go up to the end of the parking lot, there's a stretch there about four-tenths of a mile which we thought might be able to be used during this period of time. And Mass. Audubon let it be known that they're not interested in agreeing with that particular piece of the alternatives.

So I'm looking forward to get their comments as well as everybody else's. Comment period ends St. Patrick's Day, March 17. So our staff will be taking a review of all the comments that were

submitted before we come up with our final determination, which will be well before the season starts this year. So hopefully this will give us some wiggle room on management alternatives.

Any questions on that?

(No response.)

MR. PRICE: I really appreciated the way the Mashpee -- Massachusetts Beach Buggy Association and the other interested parties have allowed us to explore these different options, and if we're lucky, we won't have a total shutdown this coming season. However, I do have to say -- and we said it Saturday morning -- there's nothing that guarantees that. Depending on the nesting patterns, we might get skunked on every one of our options and we'll still have a total shutdown. And the shutdown doesn't come from just the additional numbers of nesting pairs. It has to do also with where they nest, and that's what really hit us last year, but hopefully we'll have a little bit more wiggle room.

MS. BOLEYN: Thank you.

HERRING RIVER RESTORATION PROJECT

MR. PRICE: This now brings us to the first of our three presentations. This is the Herring River restoration project. The Advisory Commission requested that we have an update and also possibly have a field trip. And in thinking about the field trip opportunities, it made sense to us to do one a little bit closer to home this morning because we just didn't know what the weather was going to be like. So we had a field trip related to our green operation of the Park, which a number of the commissioners attended. So what we thought we would do is ask the Herring River gurus to give us an update presentation this morning and then reserve a field trip for the commissioners at a later date, possibly at the spring meeting when the weather might be actually better.

So from my perspective, if I didn't have John and Gordon in the room, I would tell you what a great job they're doing working with the town and a very complex set of committees in order to move this along, but we are fortunate enough to have both John Portnoy and Gordon Peabody join us this morning to give us a quick update on the Herring River. And John is a little bit under the weather voicewise, so he tells me Gordon's going to be the lead in this.

MR. PEABODY: John loves public speaking anyway, as we all know.

MR. PRICE: Yeah. I'll turn it over to Gordon.

MR. PEABODY: Maybe I'll just stand up here so I'll be in everyone's way.

Good afternoon. I hope everyone knows John Portnoy. He's an exceptional educator, and he has the patience of a bee keeper, the courage of a surfer, and the commitment of an ecologist, and any interaction with John is going to be an educational one because I believe we all have something to learn and we may all have something to teach.

I'm very far from guru status. I'm involved in the Herring River restoration project, which encompasses a couple different towns, Truro, Wellfleet, and, of course, the National Seashore. Its ecological impacts reach through the Gulf of Maine.

John?

MR. PORTNOY: We have to wait a few seconds. There you go.

MR. PEABODY: I'm sure it knows what's best.

I'd like to make this brief presentation in a way that honors the audience. I know you have a full agenda. However, we also need to honor this project by trying to give you a sense of context of history, of what's happening at the moment, and of where we're going.

This gives you an immediate sense of history of Wellfleet. And I don't have my digital pointer here, but basically the contrast is a little difficult with the daylight that we have here, but you can see that a good part of Wellfleet going up into South Truro -- there's the old railroad station in the upper left -- was water. And that was something that was -- if you reviewed the 19th-century town meeting reports, you'll see that a good part of it dealt with the economic and social issues that revolved around waterways. Since that time, all the towns on the Outer Cape are filled; some heavily, some not so heavily.

Let's go to the next slide. You can just put these right up, John.

This is just the history. Let's stop right here, the shellfish one for a minute. The salt marsh development is all part of the geological record that I'm sure people are aware of. As the melt water rate slowed down a little bit, marshes were able to --

(Mr. Price hands to Mr. Peabody.)

MR. PEABODY: Oh, thank you. This looks a lot smarter than I am. And it's a little one. It's like vertigo. Thank you so much for being more prepared than I was.

I just want to point out in the 1960s the dike gates deteriorate and, without going into the political climate of the time, wanted to reinstitute the dike gates. It caught everyone's attention that all of a sudden there were shellfish everywhere. Wellfleet being one of those coastal towns where most people have tide tables at their homes or in their cars. They're aware of the tides, and they're very aware of shellfish. It's a community where people are deeply engaged in marine ecosystems. Everyone's attention was grabbed by the fact that suddenly there were shellfish everywhere when the dike deteriorated. However, political

considerations at the time, the dike was put back together. The shellfish disappeared a few years later.

Okay. Some of the elements we're going to take a quick look at have to do with the idea of how the water quality deteriorated. Basically one reason -- and it reflects my commitment in this project -- is that a river should never kill its fish.

Let's go ahead, John. We're going to touch on that also. Go ahead. Okay.

Here's a couple of historic pictures just before the time of diking, and this is Merrick Island up here. You can see there's some kind of device here to divert herring, possibly a walkway going across. This may be a pen, a holding pen for herring in here. And this just indicates some of the economic use of the river. Herring was huge. The herring runs were huge. Here, this is an area of marsh, and you can see how clearly defined the geological components are of this floodplain. And then if you look at your four-foot, six-foot level, and ten-foot level, they're all very, very intimate here. So you have a clearly defined basin. This is not one of those sprawling poorly defined basins.

Okay. And then we're just going to touch on some of the overall geography. Up here is South Truro and Ryder Beach.

Go ahead, John.

This shows the tributary system, and if you broke it down into all little streams, it could be as much as 30 miles of streams and whatnot, but these are your basic basins, the main basin being down here, Duck Harbor, Bound Brook tributary system.

Go ahead.

And the floodplain is clearly outlined in green with a fairly pleasant green inside. This gives you an idea. I think it could have -- in my opinion, it could have been even more than our

official total of 1,100, 1,200 acres of marsh based on evidence that we have, but this is pretty much what we had in 1908. This was a time when Utah was still being homesteaded. It wasn't even a state yet. And we had a very different view of our natural resources. They seemed endless.

Go ahead.

So what happened, this was diked over for a number of reasons, a lot of them political. And today this is our salt marsh. There's about seven acres that are located on the edges of this, and the river is running through there. That's why it seems bigger than seven acres. This gives you an overview of the different basins.

Okay, John.

And I'm trying to be brief but focused here. We're going to touch on several problems that were created by the sociopolitical decisions to dike the river. The first one is that you -- as the peat is exposed to air, you have a lot more oxygen getting involved with it, and it starts producing acids. The acids can also keep heavy metals in solution, and this is one area that causes serious problems. And if we were able to get that area flooded, that would close off that process.

Is that correct, John? Is that a good way to put that?

MR. PORTNOY: Right.

MR. PEABODY: Okay. Can everyone see that? This is the main stem of the river coming down here. There are a couple of tributaries in lighter blue, but the red basically is a warning that there's very, very little oxygen in there because we don't have any flushing because there is no back and forth. The water is just pretty much sitting there, and oxygen depletion is absolutely deadly for any kind of aquatic life.

MS. BOLEYN: Could you just read what's in that blue box? I can see it, but I don't think most people can see it.

MR. PORTNOY: Main stream subject to oxygen depletions.

MR. PEABODY: Yeah, yeah. And here's another result of the diking. This is the -- marks the dike right here (indicates). Our progression upstream is from left to right, and some people read graphs better than others, but basically this indicates diversity, species diversity. And as John mentioned to me this morning and, of course, you probably already know, the further you go up into an estuary, the greater the diversity should be. And there's sort of an inverse component here because of the diking, because of the lack of circulation, because of the low oxygen and the high acidity.

MR. SABIN: Can I ask a question right here? Why are you making that statement that the further into the estuary you go, the higher the diversity should be? Why is that?

MR. PORTNOY: Because you get to a point where you get both saltwater and freshwater species.

MR. SABIN: Okay.

MR. PORTNOY: There's a point where you get very high diversity in estuaries. Not only that but the habitat is very rich and very productive, and it's a good place for animals to feed.

MR. PEABODY: And I don't know if this really touches on a supercritical area or what I feel is supercritical, and it's something that is one of the driving forces behind trying to do this right, and that's herring, errant migrating fish, because we've lost a tremendous percentage of our herring populations in the whole eastern coast, northeast coast. No one is really sure what's going on, but giving them clear and healthy access to their breeding area is fairly critical.

Peter?

MR. WATTS: Are the factory ships still out there taking herring?

MR. PEABODY: Well, there are two populations of herring. There is an offshore herring population. There's also a population that comes inshore. I know the pair trawling has to have some impact. I'm not in the position to say what's right and wrong with that right now. I don't have enough information.

Yes?

MR. VIRGILIO: Isn't the onshore or inner harbor population much greater than the offshore?

MR. PEABODY: It isn't today.

MR. VIRGILIO: I'm sorry. Let me rephrase that. It was.

MR. PEABODY: Yeah.

MR. VIRGILIO: And this type of situation has changed that.

MR. PEABODY: Yeah. Yeah, it could be an overharvest. It could be any kind of stress. Once you put a population in a corner, it doesn't take much to send it over the edge sometimes.

Okay. Here's another -- now we're getting into some red flags that are very tangible, that everyone understands. There is a high amount of coliform bacteria that we believe is coming from mostly a mammalian source in this part of the river. Realize this is a bacteria that thrives on low oxygen. It thrives on a high acidity or low pH, and it thrives without salinity. If you change any one of those three factors, the bacteria are going to be reduced. Yet what's happening is they're building up, especially over the summertime, and when you get a pulse of rainwater coming through, they're pushed through this area, which is all closed shellfishing, and this area right here additionally gets closed (indicates). This is the largest aquaculture site for aquaculture grants in Massachusetts, and this is also threatened on an annual

basis. And it's one of the things that we've looked at very carefully.

And, John, did you want to say a word about the role that flushing would have in this?

MR. PORTNOY: Yeah, based on -- we've done hydrodynamic modeling of Herring River to predict what the increase in flushing rate would be or really the restoration of flushing rate would be with tidal restoration. And just through increased flushing we would expect the coliform concentrations to go down to a level at which these shellfish beds would be reopened to harvest. That's not even considering the water quality improvement that Gordon just mentioned. So we're looking at practically a 14 times increase in flushing rate in tidal restoration.

MR. PEABODY: This is a huge red flag, and we're looking at a way to take some pretty good pieces out of it by changing the oxygen, changing the pH, changing the salinity with one operation.

Okay. This is a really good example. One of the things that we've studied -- and the Herring River is probably the most studied river system in this part of the United States. We took a look back and said, "What's all the information that we have on restoration for salt marshes?" I was chairman of the conservation commission in Provincetown when the order of conditions were written for the Hatches Harbor restoration, and I have an interest in following what happened. And I was very happy to see that this is starting -- this is the area of the marsh, and the area back in here is the area that was being restored (indicates). And then starting in '99, finishing up in '06, you can see that we have revegetation and habitat restoration there.

There are a couple keys that are really critical to successful restoration. One of them is that sunlight has to find the marsh surface, and you'll see in a

couple of slides in the Herring River it's a slightly different situation than it was at Hatches. At Hatches there's a lot of Phragmites and a lot of brush, but I was very happy to see that there is a level of competence in this, that this is not -- we're not reinventing something here, that we're letting nature take its course but in a way that it's a win-win situation for the environment.

Okay. This is an example of part of the Herring River floodplain today. I call this a brush meadow. This is one of the areas that we're very carefully looking at as a technical committee in terms of making a transition. What do we need to do to responsibly change this site so that it will be acceptable for salt marsh restoration? Obviously there's a lot of brush and woody material there, so just to put everything in a nutshell, we're looking at possibly removing some of the taller woody vegetation, selling it as biomass for fuel; perhaps taking some of the smaller brushy vegetation, cutting it and burning it and possibly spreading some of the ash because the pH component of the ash would help offset some of the acidic constitution of the existing substrate during the process.

This is something we're looking at very carefully. We're looking at taking this area -- okay, John -- and this is what we hope to be looking at. This is a section near Fox Island that is a similar distance away from what will be the opening of the river, and this is what we believe that we're going to be moving to from a brush meadow.

Okay. We're going to touch on a couple of social considerations here. One of them is obviously roadways. We tried to simplify this by trying to be respectful of you folks and realizing you may not have seen this before. There are two types of roadways that we're looking at here. The first type of roadways are a

lot of the older dirt roads, and there's one that runs along here. That's called High Toss and then Duck Harbor Road. This road had three or four different names applied to it, but it still is what it is. It parallels the floodplain that we looked at in one of the earlier slides. This is the Old County Road that also has three or four names, but this also is what it is. It bisects the floodplain in several places, and this is Route 6. Everything but Route 6 predated the diking of the floodplain.

So we're looking at stream crossings. We're looking at possibly raising some elements of the roadway. One of the keys to this being a successful restoration is that we're going to be doing it incrementally much like Hatches Harbor was designed; to do it in small steps, to do monitoring, and to have a broad-based decision-making review policy before we proceed.

John, did I leave anything out there?

MR. PORTNOY: No.

MR. PEABODY: Okay. Here's another hot-button issue for anyone that lives in the restoration area, and that's one reason that we use this slide in every one of our presentations. Everyone's concerned with well water. As we know, in the center of the Cape, the saltwater lens is about 200 feet deep, John?

MR. PORTNOY: Two to three hundred.

MR. PEABODY: Two to three hundred feet deep in the center of Cape Cod and the Outer Cape here. However, as you approach the Herring River Basin, we're looking at about 60 feet here, and we're saying, "Well, how does that really impact anything? How do wells fit in here?" Because absolutely everyone needs to be aware of the well water situation.

Go ahead.

We have our horizontal migration of groundwater. Most wells when they're put in, one of the standards they use is they

try and get them down about 20 feet below the water table, below the top of the water table. And as you can see, this is our freshwater lens right here.

Go ahead.

That's known as the -- that's the interface. So basically from the center of the Cape we have a volume of freshwater coming in as rainwater percolating through the sand and horizontally migrating out because it's higher than the sea level, and we're thinking, well, what actually is going to happen? What are the dynamics of the change when you introduce a saltwater restoration? And what we're looking at here is a flexing of the lens, where it's going to move. Now, that doesn't mean that the volume of freshwater is going to change, but the freshwater lens is going to be shape shifted just a little bit by the pulse of salt water. And the salt and the freshwater have such a difference in viscosity that they're not really going to mix. There's going to be a blending area right at the interface.

So if you have a well that is down 20 feet below the water table, the top of the water table, you're not going to have a problem. If you have a well that is close to the river and is down 20 feet below the water table, you're not going to have a problem. If for some reason your well driller was supercharging by the foot and you had a well that was down, say, maybe 60 feet or 40 feet into the water table, that's something we're going to have to look at. Every single well in the floodplain is being looked at, and further hydrodynamic studies or hydrogeology studies are being done right now in the (inaudible) dike area and up in Truro in the Ryder Beach area.

Did you want to add anything to that, John?

MR. PORTNOY: No, that's fine.

MR. PEABODY: Okay. This is just a little bit of a current time line. We

wanted to come up with something because here you are sitting in this room, and, you know, what's really going on? What are you going to take away with you? We wanted to provide a sense of context as to what's going on now and how to tie into what's going to happen. This obviously is not something that's going to be happening next week. It's a long, careful process. Anyone who has ever worked on a committee -- and I realize this is one -- doesn't need to have committee process explained. We're also dealing with the Town of Truro, Town of Wellfleet. So every step is reviewed and approved by all -- what I refer to as the entities.

And the technical committee, as you may know, was established through the first memorandum of understanding. We began meeting in October of '05. We reviewed every single piece of information that was available technically on the river, and we had all-day meetings. We'd meet several times a month. It was brutal. But as soon as I found out that this is a river that when you put cages of clams in it to test them, then you go back in two weeks and there's no clams -- and the woman who told me that, I said -- she works for the county -- I said, "Oh, raccoons."

She said, "No, Gordon, the cage wasn't opened. They were dissolved." You know, right away we wanted to try and develop a consensus that indicated that we could do better. And the other component of that is that we had to have a strong input from stakeholder concerns and interests because any environmental project absolutely must have a social component to it, both in education and addressing concerns and being respectful of everyone's thoughts. So we made a recommendation to the selectmen in Wellfleet. They reviewed it, and we recommended that some degree of restoration on an incremental basis would

have multiple benefits for social, financial, environmental, health, recreational issues.

So this is where we stand right now that it looks like today. We're currently in the process of working with a consultant with grant money to produce the conceptual restoration plan. We thought we had done a lot of work when we went to come up with our recommendation to the selectmen in Wellfleet only to find out, if we read the second part of the first memorandum of understanding, if they approved it, then we had to come up with a plan. So now we're back meeting. There are 15 members, including representation from some of the significant granting partners, and there's a really good cross-sectional representation right now for putting together a conceptual restoration plan which is going to have all the alternatives from management and some degree of specificity in terms of which areas need to be studied. We appointed 15 subcommittees. We probably have at least half a dozen working groups. The subcommittee reports addressed every single issue we could think of. And I won't challenge anyone to deal with all those today, but this information is available on the Web site, so you can get access to through the brochure.

So the next thing that is happening is we're putting together this conceptual restoration plan for the different management alternatives, and along with that is what I refer to -- and I'll deny it if it gets repeated too far from the room -- it's kind of a prenuptial agreement between the entities because basically the towns and the National Seashore are really going to need to work very close together and mutually support each other in this project, in this endeavor. And even though they all really support, it's really important to protect the relationships to develop this

memorandum which defines the roles, the rules, and responsibilities for each party. And that's something that we're working very hard at right now.

We have a working group that goes outside of the Herring River Technical Committee to incorporate parties from each of the towns and the Seashore to work on that. So that's what's known as the Memorandum of Understanding II. That's a really critical element right now.

So once this conceptual restoration plan goes in and depending on its review and approval, then this memorandum of understanding goes in, and depending on its review and approval, if this gets a green light from the entities, the three entities, that would set up the actual detailed planning and the initial permitting stages for a restoration. One of the things we're talking about, instead of the technical committee, is perhaps to have something that's a little more broad-based with a core base of decision-making but always to incorporate public review every step of the way.

Go ahead, John.

And these stars just indicate a review of the entities. So we're coming up on the detailed restoration plan that's going to be -- the marching orders are coming out of the memorandum of understanding how the entities are all going to work together with this committee to develop a detailed restoration plan.

Okay. So at that point the final memorandum of understanding known as MOU III and project implementation -- anyone that's intimidated by this is being pretty honest with themselves because this is a lot of work, but, you know, when you walk into a buffet, you have an incredible opportunity to make choices, but also you've got to make choices as to where you're going to start. And so I like to think that we're making wise choices. I like to think that our commitment as a

committee reflects the commitment of the entities, and I have a high level of belief and confidence in this process.

There may be 18 months of permitting. A lot of it can be done in parallel. There are a lot of granting partners that have indicated a strong interest in this, but nobody is going to be writing checks until we've done our homework and until we've developed a strong social consensus that mirrors the ecological consensus.

Okay. These are some of the basic elements that would go to implementing the restoration plan. And what this demonstrates is there is no single point that really is a hinge point for the project, that it's really an interactive - - an interactive process where you'll make a slow and incremental opening in the dike. It's carefully monitored. We've got so much monitoring information already for baseline, and there are going to be more monitoring stations. We have a whole subcommittee we just set up on outreach for volunteers through the APCC that people are signing up for the APCC just because they want to volunteer to monitor some of the salinity changes.

We're looking at adaptive management, which is an intriguing issue where you've got to have responsible management, a lot of it ahead of time before the salinity changes show up. You've really got to plan ahead to figure out how you're going to deal with issues of hydrology, vegetation, sediment, possibly mosquito breeding. And everywhere we're going to have public outreach and review before any other changes are made. This is not going to be a spontaneous project. This is a project that I personally feel is not going to be ready to go forward until the people of these communities and the people involved in the National Seashore feel that it's the right time to go, that it's the right time to move forward, and that everyone's concerns have been addressed.

Okay. These are some of the restoration partners. This list is actually growing by the week, and a lot of the local town groups might not be listed here, but there's a huge groundswell of response to a lot of the information. I just had contact with someone from the Cape Hook Fishermen's Association in Chatham, and I said, "Why are you interested in this?" He said herring. So we're really looking forward to having an exchange of information and support.

Go ahead, John.

One of the things we wanted to touch on towards the end here are: Where are we going? What's really going on? Something has to happen out at Chequessett Neck where what's known as the dike is right now, and we've come up with a couple different alternatives. We're not bridge engineers, but bridge engineers have been paid to come by grant money through our consultants to come and talk with us. And we're very happy to find out that at this point that these three alternatives are all very similar in cost.

And I think we're looking at, John, about a 100-foot opening approximately overall?

MR. PORTNOY: At least 100 feet wide, yes.

MR. PEABODY: And it may be more, but realize that we're talking incremental restoration. We're talking at maintaining control. This is the choke point right here, that whatever happens at the dike is going to run the restoration project even all the way up in Ryder Hollow because this is where the water is going to be going in and out. And this is actually an engineering structure, and this is where the water is going to be controlled, right here.

And I was quite happy. One of these I might not like quite as much based on its appearance, and there's another one that I do like a lot, but going into some

of the review process, we're not really allowed to make a choice.

Is that correct, John? Going into the --

MR. PORTNOY: We can -- not at this point, no. Eventually we can state a preferred alternative, but it's always subject to public review.

MR. PEABODY: Yeah. This all has to be reviewed publicly, that it is not even the committee's decision to say, "Hey, we like this" or "We like that." Some guy can be having lunch down at the Land Ho! and get a pencil and a napkin and design something that may be a better alternative. So the process has to totally consider and be respectful of public input.

Okay. So you'll be happy to hear that this is the last slide, and this just indicates a definition of what is restoration and control removal, restrictions allowing incremental restoration of native estuarine hydrodynamics, water quality plant and animal communities with awareness of social concerns.

And we can take a few questions but, George, you're in charge of the schedule here.

MR. PRICE: We'll take some questions.

MR. PHILBRICK: Can we back up one slide?

MR. PEABODY: Sure.

MR. PHILBRICK: What are the black box --

MR. PEABODY: Those would be the tide gates that control tide.

MR. PHILBRICK: In other words, the middle one's lifted and so forth?

MR. PEABODY: This is just an example of one of the options. This actually -- to go one step further, this is just the way it appears from one side. If you look at it from the other side, this is what you would see if the gates were only on

one side, but actually, because of the way engineers present something -- and it's not intuitively obvious, but this, for instance, is only -- is a view, say, from the harbor, and this would be the view from inside Herring River, that the bridge is actually a composite of the left side and the right side so that we're looking at both sides here. That's how they express it.

MR. PHILBRICK: There would be gates across the whole span?

MR. SABIN: No, no. That's double what you're looking at really.

MR. PEABODY: Yeah, we're looking at both sides, that really you would --

MR. PORTNOY: What's actually illustrated is impossible, but that's the way the engineers like to present both sides, side by side. One is looking upstream. One is looking downstream for each of the three examples.

MR. PEABODY: Yeah.

MS. BOLEYN: It's the same opening.

MR. PEABODY: And one thing I really need to say is it's obvious that I don't -- I'm not pretending to understand engineering, but we're working with an engineer and a consulting firm that realize that engineers may not always understand ecology, and we have a very willing and committed partnership with this particular group. After interviewing several different engineering firms following a request for proposal, the reason we chose the particular group that we did is that they were very comfortable with each other. They worked well exchanging ideas, and they worked well in an informal setting, which goes miles on the Outer Cape.

MR. PHILBRICK: Thank you.

MR. PEABODY: Yes?

MR. SABIN: What is the current flow back and forth now, because I know there is some flow under that bridge today, versus what it will be at maximum flow

when this project is all done down the road?

MR. PEABODY: I should say that this is also designed because we want to try -- right now one of the things we're considering doing is blocking out storm flowage. Even though we might like storm flowage, because of social considerations, we might not be able to allow a storm flowage in there, so that's the reason for the careful engineering.

Is it seventeen, fifteen times, John?

MR. PORTNOY: Fifteen and a half times the increasing tidal volume. You know, the volume between low tide and high tide would increase fifteen and a half.

MR. SABIN: From what it will be versus what it is today?

MR. PORTNOY: Exactly, right.

MR. PEABODY: What it might be because it isn't just our decision at all. Yes?

MR. SPAULDING: Is there an issue of any species that could be displaced that may or may not affect the permitting process?

MR. PEABODY: That's always an issue. We have a subcommittee, a working group really, that's working with the Natural Heritage and Endangered Species because anything that happens in Massachusetts absolutely has to incorporate endangered species review. We've gotten some positive feedback. Obviously anytime you're making changes in an ecological arena it's incumbent on the proponent to be totally educated, aware, and communicative of what they find.

So these are things that are being looked into. There are a couple of endangered species, and we're tracking and working on projecting what might occur.

John, did you have anything to add?

John is on the working group.

MR. PORTNOY: Yeah, there are two species that are not salt tolerant, that haven't moved onto the floodplain since

1908 because of the restriction of seawater flow. There's a small mock that's actually endemic only to southeastern Massachusetts, (inaudible), and then there's a four-toed salamander which is on the state list of rare species. And those two species would be adversely affected. However, just seaward of the dike are diamondback terrapins, which are also state-listed rare species, and they would be benefitted by restoring tidal flow to Herring River.

The State Natural Heritage Program is taking, I think, a really enlightened approach on this project because they see the overall benefits.

MR. PEABODY: They're taking a deep ecology look at it, as we are.

Yes?

MR. VIRGILIO: So what would be the projected estimate of time here to make what I would call corrections? Months? Years? Decades? I mean, you've got an awful big play yard.

MR. PEABODY: That's my least favorite question because I hesitate to misrepresent either myself or what's happening, but I think we're probably -- if I were a hopeful person, I would say in a few months we're hoping to have the conceptual restoration plan at a state where it can be reviewed by all the entities in the respective process. Following that, with the second memorandum of understanding that we're working on right now, that would then key in a more competent committee to put together the details, and it would clearly spell out with specificity and clarity the roles and the responsibilities of the entities in that process.

John, am I correct in saying some permitting may be going on? Some review would be going on during the detailed plan?

MR. PORTNOY: Permitting will start with the -- once we begin the -- after we complete the NEPA and MEPA processes.

MR. PEABODY: Yeah, there's a chowder of acronyms. MR. PRICE: So it's years?

MR. PEABODY: Yes.

MR. VIRGILIO: Yeah.

MR. PRICE: We're talking years.

MR. PEABODY: Yeah, yeah.

MR. VIRGILIO: I mean, that's upsetting because there just isn't a time line that's sufficient to make a correction. It's too long.

MR. PEABODY: The permitting, I believe -- the permitting windows may be about 18 months, but we're also trying to coordinate --

MR. PRICE: We've been working on it for 20 years so far.

MR. PEABODY: Yes. We're also trying to coordinate a lot of grant money and grant cycles with the permitting cycles, and unfortunately, we had professional help, people that actually do this professionally, because this is not something a bunch of volunteers should be doing. Yes, George?

MR. LAMBROS: Kind of two and three questions kind of fold in. I know Don (inaudible) is going after a bunch of grant money for the USDA, and this is right at the top of his list to do this kind of stuff. We appreciate that. But when you had said 15 percent increase in the tidal flow, was that with the storm water or without the storm water?

MR. SABIN: Not 15 percent, 15 times.

MR. LAMBROS: I'm sorry, 15 times.

MR. PORTNOY: Actually, 15.5 times roughly. It's an estimate of the increase to tidal volume.

MR. LAMBROS: With storm or without?

MR. PORTNOY: Storm water is not a big issue in this system. Most of the freshwater discharge is by way of

groundwater to Wellfleet Bay, not down the river.

MR. LAMBROS: And then my second question is I saw that that was kind of slow and incrementally and kind of piggybacking with what Ernie had said. I mean, do we not have enough data not just at the county but throughout the USDA where Don has worked on restoration projects like this that show whether it's slow and systematic or whether we open up the dike 100 percent and review? I mean, can't we be pretty sure of a positive impact if we just open it?

MR. PEABODY: Do you want me to answer some of that, John?

MR. PORTNOY: No. No, I'll answer that.

That's actually a question we've wrestled with a lot. With respect to Herring River, we have very specific information that urges us to go slowly, and that information is the fact that the marsh has not only drained and -- dried out and drained as Gordon described with these acid sulfic soils, but it's also subsided to as much as 8 centimeters. And sea level has risen 20 centimeters over that same period, so the marsh surface is a full meter below where it should be. So we can't turn on, you know, 2007 sea level all at once.

MR. LAMBROS: I get it.

MR. PORTNOY: Because it will all go underwater and stay there.

MR. LAMBROS: I understand. Thank you.

MR. PEABODY: I also don't know if anyone is very familiar with what happened in Truro when there was a spontaneous breach of a dike. Salt water came in. It looked kind of like the hanging gardens of death, to describe an eloquent person from Truro, who's not in this room, by the way. But it really -- it's something we want to try and avoid because you've got -- the first step in actual restoration in terms

of the vegetation, you'd be elevated freshwater, followed by elevated salt water, which would have a die off. Before then we must get in to manage the vegetation in a way that the sunlight can get to the marsh surface, so that's another reason for doing it incrementally.

I'd say we're probably a couple of years away from actually doing anything, and you can never forget the critical element of the need for collective social support on this because I don't want anyone ever thinking that they're being bypassed, overlooked, or disrespected. Even when a public question comes up -- and Peter Watts has put so much time and energy into the stakeholder committee representing the Town of Wellfleet and channeled so much concern and interest that we absolutely have to keep this as part of the process, and we have to be respectful. And if it takes a little longer to do it with respect for social concerns, realize that these are the people that we need to support this, and we never want to have to apologize for doing something carefully because whatever decisions we make, our children are going to inherit them.

So thank you.

MR. LAMBROS: Nice job.

MS. BOLEYN: Thank you very much, Gordon. That was a wonderful presentation.

(Applause.)

MS. BOLEYN: And you can tell he's been a genius at bringing people together.

We're very lucky to have you on this team, Gordon, and thank you very much.

And you too, John, of course.

MR. PRICE: I would have to second that. And I've said to my staff and others, one of the reasons I personally was so excited to come and serve here at the National Seashore was because of all of these types of issues that were happening, and it is my chance to learn a

lot more about natural resources and especially restoration projects like this.

Gordon, thank you very much.

MR. PEABODY: Thank you for the opportunity to be here.

MR. LAMBROS: Gordon, I just want to add in that I sit on the Cape & Islands (inaudible) too, and I know they would love to be one of those partners in this, not just for the herring but also for the shellfish. And we're trying to bring aquaculture in more than just cranberry bogs and that kind of stuff, so if you give me some information, I'll pass on to the president of the Cape & Islands (inaudible). And I know they would love to maybe see a presentation like this or get a slide show. At least I'll pass some of these on to them, but I'm sure they'd be interested in being a partner in it.

MR. PEABODY: Yeah, I'll get your e-mail from George.

MR. LAMBROS: Great job. Thank you very much.

MR. PEABODY: Thank you.

MR. PRICE: Thanks, Gordon.

HUNTING EIS

MR. PRICE: A couple of items without a show still on my list. Just an update on the hunting EIS.

Carrie has been working diligently with our contractors and with others on the rewrite of that document. If you'll recall, we put it out last spring as a draft EIS. We received really substantial comments, so I basically held off going with a final in September, which was my original plan. I said that we would do it, quote, midwinter. So we're coming up to spring, aren't we? What I'm hoping to do is by this month have what we've done now, do an internal NPS review, and then be able to go out with a final hopefully within the next month or two. So that's my plan. And it's later than February, which is what I had thought we might fall

off, but it's certainly going to be well before the hunting season coming up.

Yes?

MR. VIRGILIO: I think there's probably a new part that needs to be known here with the Mashpee tribe, and I hope that there's a lot of respect given to them, what their concerns may be. That's all.

MR. PRICE: We actually met with the hunting and fishing committee of the Mashpee tribe last spring. They actually did comment on the draft EIS. They put forward a number of questions to us, and they actually expressed in writing their support for the alternative that we put out there. However, they did have a number of caveats that they would like to talk to us about in the future, and those are going to get very legal very quickly as far as where we are with treaties and everything else. The issue with the hunting in the Seashore is that we basically uphold state law, and we work with the various towns on how that's interpreted with our particular hunting regulations. So it's not as if we're a national park that has 100 percent land ownership and we allow hunting in a certain way and, therefore, we would deal with federally recognized tribes in a different way than we do in this particular situation.

So I expect that we will be continuing to talk with them to see what their particular concerns and issues are, and I also expect -- and I have actually had a conversation with the chief, and I expect that we'll be talking with them on other issues, especially related to our interpretation on other cultural resources.

So right now -- actually, it's probably been for the last year -- every time we do an environmental assessment or environmental impact statement we have already been required to send it to the

State Historic Preservation Officer and the Tribal Historic Preservation Officer of the Wampanoag at Aquinnah. And just as a matter of courtesy, for the last year or so, we've also been sending it to the Mashpee tribe.

MR. LAMBROS: The problem is, Ernie, it's a sovereign nation. They don't have to go by state law, at least that's their --

MR. VIRGILIO: Well, that's my concern. I certainly would want to make sure that all the cooperation is in place because they're really good people. They've been there 30 years, 31.

WIND TURBINES/CELL TOWERS

MR. PRICE: Very quickly, only because I don't have a lot to say on this topic, wind turbines. Peter Watts and I continue to participate in the Planner's Roundtable. If you'll recall, it was a year or so ago I brought up the issue of the wind turbines, especially as it had to do with viewsheds. The roundtable group that came out of the Endless Summer Conference has been meeting both on this topic and another topic we'll talk about later having to do with the zoning issues in the towns, and this commission asked that committee to continue to focus on it. And Peter has been doing that. I've been doing that. Lauren has been. And we're working with the Cape Cod Commission talking about viewsheds and that sort of thing, so it's kind of been an ongoing process. Obviously the Town of Eastham has come to the forefront most recently with their proposal, and as an abutter, the Park will actually be responding to some of those topics.

Peter, did you want to add anything?

MR. WATTS: We had been asked to submit a draft copy of proposed viewsheds in the towns of Truro, Wellfleet, and Eastham, and Eastham has already sort of jumped into the fray. In our case, we

submitted one, and Truro has submitted a draft proposal on viewsheds.

MS. BOLEYN: Thank you.

Any questions about that?

MR. LAMBROS: Just a comment that the Commission does have bylaws on both wind turbines and cell towers. And obviously when we begin, a lot of times people will take that same one that we'll create here at the Seashore and cookie cut it with the rest of the Cape. So it's very important that the first couple I think dot their i's and cross their t's because there are a lot of folks who I think will be getting on this bandwagon in the future by looking to see what happens down here first.

MS. BOLEYN: Just to clarify, Lance is referring to the Cape Cod Commission.

MR. LAMBROS: Right, I'm sorry. Correct.

REAUTHORIZATION OF THE COMMISSION

MR. PRICE: Just a quick note on the reauthorization. That was a topic of the last meeting and a vote by the commissioners in a positive way to express that they're interested in becoming reauthorized there just for the record.

Just wanted to let you know, I guess, a couple of things. Mark Forest has also talked to me about this from Congressman Delahunt's office. So we're basically working on two tasks or two paths on this. Mark is very interested from the congressional legislation side to ensure the Commission is reauthorized, and I am working internally through the National Park Service legislative offices to work on that as well.

The feeling generally is -- I think we discussed this a little bit last time. I guess you have had bumps in the road as to whether people were favorable on having the Commission reauthorized or not. As I understand it, particularly because this Commission doesn't have fiduciary responsibility per se as some other commissions do, it doesn't seem like this

will be a big issue, but it certainly doesn't mean that we can't be vigilant and continue with the process. So I have submitted some documentation through my process. I know Mark is going to start to do the same. It might be a question to ask him if the different towns that you represent might want to weigh in, frankly, with a letter to their congressman as far as expressing your particular feelings on which way it should go, but nobody's raising a cautionary flag at this point saying we have any reason to believe that there's going to be a roadblock in the future.

MS. BOLEYN: Just so I understand what you just mentioned, are you suggesting that we, the Advisory Commission, should ask Mark Forest if that's needed?

MR. PRICE: Not as a commission. It seems that the different towns that you all represent, the towns might -- this is a forum for the towns, the county, the state, and the feds all to get together, and there might be a time on Mark's side where just for the record it would be worthwhile to have an expression of opinion about the future of the Advisory Commission from the different entities you represent.

MS. BOLEYN: Thank you.

FIRE MANAGEMENT UPDATE/FORT HILL

MR. PRICE: Last meeting there was a question about specifically the vista clearing issues or the woody growth up at Fort Hill, and two things came out of that since then. Number one, we've had a lot of discussions internally about where we're going with viewsheds. Some of you are aware that we've done a lot of work already, for instance, around the Salt Pond Visitors Center. And I did ask Dave Crary to come and give us a presentation from his perspective. I understand he's addressed the Commission in the past, so we kind of look at this as a quick update.

MR. CRARY: Hello, everybody.

MS. BOLEYN: Hi, Dave.

MR. CRARY: I have a handout, so I can delay a little bit. Here's the new brochure of our research area, so I'll just briefly...

(Mr. Crary hands out to board members.)

MR. PRICE: Dave, did you need a pointer, or do you have one?

MR. CRARY: Yes, I do need your pointer.

(Pause.)

MR. WATTS: Dave, do these roads have names?

MR. CRARY: No, they have numbers.

MR. WATTS: Numbers?

MR. CRARY: Numbers.

Well, I can stand here. Or where would you like me to stand, Brenda?

MS. BOLEYN: That's fine.

MR. VIRGILIO: Do you need me to press anything? I'll press it for you.

MR. CRARY: Okay.

MR. VIRGILIO: This side? You give me the cue.

MS. BOLEYN: Wherever you're comfortable. If you're comfortable there.

MR. CRARY: If that's okay, I'll stand here, and that way I can press this.

MS. BOLEYN: Sure.

MR. CRARY: Isn't Gateway Computer Company out of business now? This is an old computer.

(Laughter.)

MR. CRARY: Here we go. Okay, so here's my update. I haven't spoken, I believe, for two years. And what I've been asked to by the superintendent to talk about is just a quick recap of some activities in 2006, talk about what's happening at Fort Hill. Then I'm going to touch on fire activity and vista clearing and Nauset Light, Salt Pond Visitors Center, and I'll finish up with the fire management plan.

The 2006 recap -- and this doesn't deal right on Seashore property, but the Seashore's fire crew goes out all over the country and fights fires. We went to two fires last year, and then other people from here went to a total of six fires. We were in Superior National Forest in Tofte, Minnesota, after lightning strikes up there. We were in the Payette National Forest in Yellow Pine. Five of those members worked here at the Seashore, and another two are from Cape Cod; one from Nantucket on our Emergency Hire Authority, and then there was an article in the paper on one of the women.

And the brochure I just handed out is the Lombard- Paradise Hollow Research Area. We've been burning the understory fuels on this 20-acre area up there since 1986. We've had fires up there every spring and every fall. As you see from the brochure, we have all these different plots, anywhere from a tenth of an acre to one acre in size, and we do repeated burning at one- through twelve-year cycles. Obviously the twelve-year hasn't gone through two yet. So we have strong monitoring protocols, and we measure the vegetation response every year. So if someone came and said, "You can't light a fire in the woods. It will destroy it," we can say, "Well, we can light seven years on a three-year basis, and this is what it would look like." We have that information in the brochures there, and I give tours up there whenever.

One of the best for some people and saddest for others is that Jeff Bouschor right here -- Jeff Bouschor left for a job with the Bureau of Land Management last year. He was an excellent engine supervisor. Much of our fire activity that we got accomplished in the last -- the previous four years was due to his presence here. Matt Kampf, who was our work leader -- he used to work in the Payette National Forest -- he got married

and took a job with the State of New York court system too. So the two best leaders we've had in a while left. I'm not in the picture because I nearly broke my leg in a skiing accident at this time last year. I'm saying this because it does come up.

(Laughter.)

MR. CRARY: One other thing that came up on a real short notice last year but it wasn't in our plan -- it was in our overall plan, but as you know, in that picture in the bicycle trail, the bicycle trail here -- and this is headquarters and our maintenance yard (indicates) -- well, we have a proposal which has been going on for six years to extend the hydrant system so we can get water for a fire hydrant to Route 6 to decrease the turnaround time of the Wellfleet Fire Department. Well, as they repaved the bike trail, we had an opportunity, so we put in this segment last year. We still have to do the compliance review and purchase the pipe for the rest of that, but there is an ongoing plan to extend the hydrant system so Wellfleet has a shorter turnaround time for structural or land fires.

That was something that happened last year. We're still in the 2006 recap, but now I'm moving on to the Fort Hill. This is Fort Hill in the 1930s, and those large mosquitoes out there are also known as cows. Here's Fort Hill in 2002 right before -- we started burning in 2002, so this is what it looked like in 2002. And the last year we burned up there was 2005, and this is the same pond from a slightly different angle, and the brush and the vegetation is the same. So basically those years of burning did not knock back the woody vegetation as I told this group here that it would.

So what are we going to do about it? Oh, we didn't do any activity in 2006 because Jeff Bouschor left, Matt Kampf left, and Dave couldn't walk. So because of some staff changes there, we didn't

have the leadership capability to burn last year, and we didn't. And that was noticed, of course. And there's a condition report that is in a draft last January, and we're reviewing it in February and this month, but we have a way to get back on track. And under this condition report, which isn't finalized yet, the Fort Hill area aerial view is broken up into six units, Unit 1, 2, 3, 4, 5, and a small unit here, 6. And there is a new calendar of events of how to treat Fort Hill and maintain it in a low shrub grassland condition. And this is just year 2007 and the start of year 2008 by unit. And basically it goes on for four or five years, and then it repeats itself, but without getting really into -- without delving into a lot, we're burning Units 1, 2, and 3 this spring, and then 1, 2, and 3 we have to continue down over here for July -- for the summer and winter months (indicates).

So we're going to burn these three units, and we're going to set the stage so that the regrowth gets herbicided. Herbicide treatments are coordinated through Steve Smith at the BioLab. After they get herbicided, they will be mowed. The area will be mowed sometime between August and October, so there should be dead woody material that's mowed, and we should have a very open landscape on Units 1, 2, and 3. Units 4, 5, and 6 -- and I'm going to do 6 first -- 6 is not going to be burned. We've never been able to burn it in the last seven years, and that's because of the wind direction with the houses. It doesn't make it work. It's too small of a unit. So we've been mowing it, and we've kept that pretty much open. And now it's on a schedule to be mowed once a year at least. Unit 6 mow and mow (indicates). Here it says mow in the spring and the fall, but I think that's in the draft.

Units 4 and 5 -- and I'll show the picture again so you know where these units are again, and I'll just recap that -- we're going to sickle mow in June. Now, a sickle mower is not a rotary mower that makes mulch. It comes along and snips just like when they do hay in most of the grain belts of the country, a sickle mower. We're going to coarsely lay that material down, and four weeks later -- four to six weeks later we're supposed to burn that sickled material. What we expect to happen is that the woody vegetation will be clipped, it will fall down, it will dry out in the sun and be available to burn within four to six weeks. In that four- to six-week period, there will be sprouts from that woody vegetation that will come up through that coarsely laid down material, and when we burn it, we'll not only consume the stuff we cut down, we will top kill the sprouting vegetation. Then Plots 4 and 5 on every other year we'll sickle mow here (indicates). And I know this gets complicated. I'm fumbling through this, but if this sickle mow doesn't happen in 2008, it will say that -- I'm going to back up here. If an activity of burn, herbicide, sickle or if a burn, sickle, or herbicide does not occur, every plot will be mowed if the treatment's missed in the fall of the following year. So we're going to mow as a contingency.

Wow, here we go. This year, 2007, Unit 1 will be burned, Unit 2 will be burned, and Unit 3 will be burned this spring, and then the herbicide crew from Delaware Water Gap will come in and treat the woody vegetation, the invasive exotics. Then it will be mowed in the fall of this year. Units 4, 5 -- 4 and 5 -- this is in two separate units here -- they will be sickled. There will be a fire there in July. The first time we'll have a growing season burn there, and then the area will be fully mowed in 2008.

There will be no treatment next growing season because there shouldn't be much material left.

Okay, Fort Hill. Those are just pictures of burning at Fort Hill in the past.

Hey, Nauset Light, Nauset Lighthouse, almost a due west view of the east side of the lighthouse. Most people know there's been a lot of growth in front. It was cleared initially to some extent when the lighthouse was moved, which was 11 years ago, I believe, and a lot of material has grown up. We came up with this plan, reviewed it with the people that it needed to be reviewed. The red dots are where we -- just the approximate locations of where we'd start burn piles, and we'd go in there, and we'd CPB, cut, pile, and burn; cut the vegetation, put it on a pile, and burn it. And we've done two activities. Units C and D have been done, and this is the result. The orange are our prescribed burn signs out there. We've cleared the area, just top clipped the vegetation, and we've piled it and burned it. Here's the pile looking a little bit more easterly. The pile's right here (indicates). These are leaf blowers. Whenever we burn a pile, in order to burn the green vegetation, we push a jet of air at the base of the pile. It burns very hot, very fast, and almost smoke-free if we get enough oxygen on it. And we left large live trees and clumps of smaller vegetation.

We do expect this to sprout up a little bit. I don't expect people will be picnicking out there because there are a lot of short stems, but phase two of the project -- excuse me -- phase three because we started last year will be to go in and clip again. At some point Steve Smith and the herbicide team may get in there and be able to stop the annual clipping of the woody sprouts. So that's Nauset Light.

Salt Pond Visitors Center in the 1960s. Salt Pond Visitors Center seven weeks ago.

MR. PHILBRICK: Same view?

MR. CRARY: Close enough. Pretty close. You want to see it?

MR. PHILBRICK: No, I see.

MR. CRARY: Not a becoming picture of one of our volunteers, but this is what it looked like up close in the area that had been cut clear. And with hand clippers and -- go to the next slide -- with chainsaws and this cut pile burned again, we went in and we started to remove vegetation. I went in there with a paint gun and marked 272 trees for removal. Now, you can see some of the paint right here. This tree has a little paint there. There's a dot of paint here, and there's a dot of paint at the base. And when people always ask -- they'll say, "Why did you paint it twice?" Sometimes when you shoot the paint gun, which is just a squirt mechanism, at a tree, if you overshoot, you hit a tree behind, and so you might want to save that. So you have to have two dots, one at breast height and one at the bottom. It's standard practice.

So we went along and cut and removed a lot of the suppressed or intermediate or dead trees, and we left a few clumps in the open area. There's a clump that's going to be left. There's a clump right here that was left just to break up that, break up the smooth landscape. We did not cut below the 100-foot. There's a 100-foot wetland boundary that's flagged. We did not cut and pile and burn that material below there, but we can, and we're going to sometime in the next few weeks. We just worked in the upland part because it was easier.

MR. SABIN: You actually are permitted to do that?

MR. CRARY: We have ConComm's permission. We have DEP file number. We have a letter from Henry Lind from the

Natural Resource in Eastham. We're ready to go. So we can do all of that. There are less trees marked within 100 feet.

Now, this is really subtle here, and of course we aren't done. We just worked one day, and I think it's going to take us three days total, but this is before and this is after. So there's no real difference that you can see. You can see that these cedars here aren't there anymore, but no biggie. Here -- and it's not the best depiction on the slide, but this is before and this is after. And you can see through the trees. There's just less understory there.

MR. PRICE: Dave, I think the goal was -- what? -- sort of a filtered view. That was the term when we talked to our cultural landscape people as to what the final objective. So we never had, especially looking here towards the left -- it was never our goal to have clear-cut. That wasn't the goal. It was solely to clean it out, filtered view, have it be a much more pleasant experience all around, all the way down near the amphitheater.

MR. CRARY: Right. Yeah, we're almost at the amphitheater area. The plans specifically said to remove between 60 and 80 percent of the standing material. We only removed about 40 percent of it here, so next year we'll have another cut. It doesn't say what species we're supposed to leave, except they have to be native. My preference -- and I think some people's -- is the cedars. So we planned and we left certain cedars and clumps of cedar, and we also left a lot of the oaks. Now, some of those oaks will come out because if we pick 20 cedars to leave there and cleared everything else, 10 of those cedars would die from sun stall. So we have to protect those over a period of time so that they get more exposure to the sun over the summers. You can see a burn pile right there.

MR. PRICE: Those that haven't been there yet, that structure that you're looking at, if you don't recognize it, it's fairly new. It was just constructed by our maintenance staff, and that actually houses the hay barge that we've had in our collection now since almost the beginning of the Park in Chatham. And now it's finally on display, and so we recommend that you stop by and take a look if you haven't seen it.

MR. CRARY: Just a few other fire activities we've been involved in this spring at the Herring River. This is AmeriCorps, Carl Breivogel, who is the herring warden from Wellfleet, who had permission to clear vegetation. He just doesn't have the personnel, and he has no way of disposing of it. We've been working for two years now, and we just cut this 20-foot -- we cleared the bank 20 feet of vegetation, cut, pile, and burn it, and do it when there is no chance of escape. When there's snow on the ground, burning brush piles is incredibly safe. So we've had two days out there. We've cleared this year over 2,600 feet, linear feet of riverbank, and that's because a lot of the trees -- as you can see in the back here, these birch trees, gray birch, are bending and falling over the river, and they're falling in, impeding the flow, stopping the fish, holding back some of that. At least Carl says it holds back some of that bad water, which doesn't help the whole fish thing.

MR. WATTS: I notice these are AmeriCorps people. Do they work with you often?

MR. CRARY: Yes. Often? We've worked with them five times this spring/winter. The Seashore -- quickly. The Seashore has donated a house to AmeriCorps, and so there is some agreement basically just to apply -- and they have group days on Mondays and Fridays, and if you apply long enough in advance, you can

get the whole group, which they have between twelve and twenty-four.

MR. PRICE: And then the ones that have chainsaws are certified, and everybody else is closely supervised.

MR. CRARY: Right, yes.

MR. WATTS: Will this be any good to you, John?

MR. PORTNOY: Oh, yeah, yeah. I've helped myself, and I think it's a really good project. There's material that shouldn't be there in the first place if it were a salt marsh, and so it makes sense to start in on removing it.

MR. LAMBROS: AmeriCorps has donated somewhere in the area of 75,000 man hours to the county over the last eight years, and a lot of times they're working with National Seashore restoring herring, you know, cranberry bogs, herring runs, whatever it may be. And actually, they're looking for new projects right now, so if it's something that's coming up quickly again this year and you need them, just let us know. We'll have them there.

MR. CRARY: We're also starting to clear up around the Doane Rock area in Eastham. We have a lot of dead and down material. There's no wetland concern there. AmeriCorps has been stopped on two other projects. Not stopped. They've either finished or some approval wasn't made. So they were available. So we brought them down there and made a bunch of piles, and they're starting to clear up that area. Here is right along Tomahawk Trail where they helped us.

Okay, the fire management plan. Finishing up, the environmental assessment was completed last year, and the FONSI, finding of no significant impact, the draft was delivered to my supervisor last Friday. So it's somewhere in this building now. I'm hoping that it's -- it's a second review of that, so hopefully it's ready for signature.

The fire management plan has been done for two years, but once the FONSI is signed, the fire management plan will be signed after that. So it will have a 2007 date on it. And it's got a lot of components in it, but the large components that I think this group would like to know about is the treatment area delineation criteria. We took a map of the Seashore, and we took 21 different themes for criteria, and we put them all on a map. So these are areas where fire management activity could and should take place; fire management activity to reduce fuels, to protect the public, protect firefighters, protect a resource. I'm not going to go through every single one of these, but grass and bird habitat is diminishing and disappearing in the Seashore. There's a reason for that. We have an overlay of where grasslands have been and where we could restore or maintain the grasslands we have for grass and bird habitat. We have the town land buffer, so wherever there are town lands within the Seashore we have a 5-chain or 100-meter area surrounding that where it might be good to reduce fuel so that a fire from the Seashore, that originates on Seashore property, does not burn into the town property and, likewise, that fire from the town side burning onto the Seashore property, kind of protecting our borders. We have all these criteria, and we mapped those all out. I'm going to go right through this -- sorry -- to the map. Click. So this is the -- here's a road, all the roads, woods roads within the Seashore. If we put that buffer on it, this is the to scale area where -- not where we will burn but where we could burn if there's a need. So there's a reason for reducing fuels along the roads, and it's mapped out here.

When we combine that with the other buffers, including the firefighter resident safety zones, we decided in the

fire management planning process that wherever roads intersected, woods roads primarily, that that's an area where vehicles, fire vehicles going in, residents coming out, police going in -- there's just a lot of gathering of vehicles at these road intersections -- it would be a good idea to have reduced fuels around those. Currently a lot of those are totally overgrown, and fire will burn through that intersection almost as if there was no clearing there. So we have these zones.

We mapped all of those criteria, and I don't have the slide here, but the slide covers 15,000 acres of the Seashore where prescribed fire activity could and should take place. The environmental assessment states that the Seashore will clear or treat either by mowing or cut, pile, and burning or prescribed burning 3 to 500 acres a year. The prescribed burning -- this is out of the fire management plan, so this is the whole prescribed burn thing. The cut, pile, and burning, they don't see any problems with that. We've been burning for 21 years, if I do that math correctly, up in Truro. We've been burning Fort Hill for 7 years with the exception of last year. When we start burning in other places -- this is surface burning where we might burn 1, 2, 3, or 4 acres at a time. These are the reasons outlined in the plan, why we're planning to do that, based on those overlay criteria.

Brenda, that concludes mine. I can answer questions or just...

MS. BOLEYN: Any questions for Dave?

MR. PHILBRICK: Yes.

MS. BOLEYN: Dick?

MR. PHILBRICK: Do you have sickle bar equipment that will handle the mature thorns, the woody growth, three-quarter inch stocks?

MR. CRARY: Right, we don't have -- we do not have it now. There's a plan to

try to purchase. However, Seth Wilkinson does have, and we're planning on contracting him for at least 10 acres this year. Seth Wilkinson is a consultant from Brewster who has sickled, and he has sickled on -- I'm going to get an argument here -- Pochet or Pochet Island, depending if you live on the island or not. We burned 4 acres over there that he sickled during the summer of 2004. We burned in 2005 and basically eliminated the woody regrowth. That was a spring -- spring sickle and a summer burn. And the same activity happened, although the work was done with a Gravelly mower, and it wasn't quite as effective. Wings Island in Brewster also had summer mow treatment and then a summer burn treatment, and that really knocked back the woody vegetation there.

Yes?

MR. WATTS: Did Native Americans burn the underbrush before the Pilgrims arrived? I always read that.

MR. CRARY: I don't know, but I would think so. Either --

MR. SABIN: You weren't there? You weren't there?

MR. CRARY: I wasn't there, but I would think, yes.

MR. WATTS: For hunting purposes.

MR. CRARY: For hunting purposes, accidental ignitions, or keeping the area open. Mosquitoes are horrible in the summer, as people know. I would want to have the most open environment I could to take advantage of any breeze. There have been pollen cores taken of lakes. Lakes. Ponds here on the Seashore. Twenty-five years ago on Gull Pond and Great Pond you'd see some scientist types out there on the ice with sleds and pipes, and they were using a sledgehammer to bang a pipe down through a hole in the ice, and they actually went down all the way to the settlement at the bottom of the pond, pulled that out, cut the pipe in half,

took every inch or centimeter. So took it, built a vegetation assemblage, and there's indication that fires burned between every 30 and 70 years in the Wellfleet ponds area. Some fires were so intense that there's actually a layer of charcoal in the sediment, which meant that either there was a lot of campfire on the shore or on top of the ice or probably more -- more probable is that there was a large-scale wildland fire that burned in the area and then that wind blew the ash and sediment in. And just to follow up on that, the Atlantic White Cedar Swamp, which is a very wet area, pollen core of that -- it's 4,000 years old -- showed that even that wet area has been drying up and has burned every 300 years the last 4,000 years. There's actually a layer of charcoal which probably was a hurricane that came through and blew everything down and cooked there until there was an ignition, which was probably human caused, which would be the Native Americans.

MR. WATTS: I also heard that the railroad started a lot of fires.

MR. CRARY: Right, yeah, there are -- there is sediment in Gull or Great -- I forget which one it is. There was a large fire that was started by the -- there was a 2,000-acre fire around each of those ponds, I believe, in 1937 or 1938, and there is charcoal in the sediment from that. Of course, there is also two years of sediment below there way before European settlement that shows there has been a history of repeated -- repeated fires.

MR. SPAULDING: Some of the reasons in your burn plan, ecological, have you noticed some positive effects in terms of habitat? I'm just curious in some of those areas where you have burned where it's affected more hawks or whatever.

MR. CRARY: Okay. Well, in the environmental assessment, if we continued what we were doing now based on the 1994

fire management plan, we would only burn in these 20 acres in Truro and we'd only burn Fort Hill. So the new plan is to burn more areas of the Seashore. The Lombard-Paradise Hollow Area is too small to really have any ecological differences. However, we do have a lot of deer stands in the trees because it is open. There's that new growth there. So deer frequent in the area more often because we have much younger growth. Fort Hill has got so much visitor use and everything else. We do see northern harrier isn't nesting there, but it's foraging there, which hadn't been seen for many years.

MS. BOLEYN: Lance has a question.

MR. LAMBROS: It's not a question.

It's just a comment to bring people up to speed. In 2002 the county received a letter from the federal government identifying Cape Cod as the second most vulnerable place to have a tragic burn behind California, and at that time the county responded by working with each town. Now each town does have a fire management plan. The Lower Cape towns have obviously been working with the National Seashore on theirs. I think seven of the eight towns have received grants to actually do some work cutting past and clearing brush, things like that.

Our emergency response team, when we look at a regional basis, next to terrorism a fire on Cape Cod is one of the biggest things that we're afraid of. Quite honestly, you match a couple of dry years with some pitch pine and a nice breeze coming off the water, and I think very quickly certainly the Lower Cape could have an emergency situation. So we continue to work closely, more on a transportation, emergency-wise, how we would get everybody out of here. So we have been working with that.

The one thing I did want to just make clear is a lot of people don't know the county has a fire training academy. All

the firemen, EMTs from your towns are trained free at that fire training academy. We charge people off Cape. That allows us to give that service to the towns to come there free.

I don't know, Dave, if you guys have taken advantage of that, but I'll open up to say if there is any interest, we have training in Barnstable. We're glad to incorporate you or any of the crew that come in from different areas of the country for training at any time.

MR. CRARY: Thank you.

MS. BOLEYN: I have a question. Speaking of burning for other reasons, I have been informed by an old Eastham resident that when Fort Hill was still a farm, that the farmer did burn to keep the ticks off his cows. And seeing the names on this folder reminds me -- when I see Lombard Hollow and Paradise Hollow, I think those are real tick-infested areas, and of course, the ticks are in the ground cover. So my question is, do you have any sort of hunch about whether or not your people have been picking up fewer ticks after ground cover areas have been burned?

MR. CRARY: I would say no. Once again, the areas are too small to have a significant impact, and you know Dr. Joe Moran did tick counts -- Fort Hill was burned prior to my employment at the Seashore. Yes, there was a time before I was employed here. It was burned -- and I can't remember the dates, but one's going to come to me right now. In 1976 it was burned by the Seashore as an experiment, and Dr. Moran did these tick checks by dragging a flannel shirt across with a stick, and he counted ticks before and after. And deer ticks weren't a significant problem back then, or they were misidentified. And immediately there was a reduction in the amount of wood or dog ticks, but it rebounded right back. And the deer tick populations I think during most of our burning times in the

early spring, they're on the mice. The mice are underneath. We don't burn and impact down far enough. We don't kill mice in our burns is what I'm saying, so the deer ticks usually survive spring burns.

DR. IRWIN: You mentioned that you use herbicide as a controlling agent. Is it Roundup that you use? Is it a systemic herbicide or not?

MR. CRARY: Yes, yes.

DR. IRWIN: It is.

MR. CRARY: And it's painted on -- it's either foliar sprayed or painted on a stump. If the stump is calloused over, the stump is cut again. Now, Steve Smith is the one who applies and directs that.

DR. IRWIN: All right, I'll talk with him.

MS. BOLEYN: Thank you. Great report. Thank you.

MR. PRICE: Thank you very much.

(Applause.)

MR. PRICE: I certainly appreciate Dave and his crew. Two things. One is Dave is fully aware that Fort Hill is one of my favorite places in the world. So we're not going to screw that up. The second thing is that once our hunting EIS goes out for review and final acceptance, a piece of that is the habitat restoration area. When we talk about cultural landscapes, especially out here in the Marconi area, the whole heathland sections have generally been growing up and grown over. And as someone with more of a cultural background, I think that's important to be able to have these variety. So we'll certainly be relying on Dave's crew and approach to restore a lot of that acreage, and I can see that being a whole workshop and/or field trip with this group down the road.

MS. BOLEYN: Yes, yes. I agree. That habitat is really crucial, and Truro, of course, is one town that's totally been taken over by the weed pine trees, and the

old rolling hills and heathland and grasslands are almost all gone.

MR. PRICE: Right.

PARK "GREEN" PRACTICES AND FLEX BUS UPDATE

MR. PRICE: The next topic has to do with green issues. And the way that this was described wasn't just -- when we talk about green, a lot of people these days are really just talking about wind turbines and PV panels. In fact, this park has undertaken a major role towards institutionalizing its green activities in the way that it manages the Park. You ought to know that Ben Pearson, who is going to give this presentation, is well respected among other park managers and chiefs of maintenance for what he's done here at the Cape, and it's something that I think we ought to take a little pride in actually what happens.

Four of you joined us on our field trip this morning up at the maintenance shop where we talked about some of this stuff. Ben's going to give a quick PowerPoint here to fill you in on his program. Well, he's going to fill you in on our program.

MR. PEARSON: And I was going to say pretty much for the whole Lower and Outer Cape we're going to give some details on.

I've got a quick handout here. I didn't make a whole lot of copies. It's just some of the stuff that we're doing here at the Seashore.

And Nicole, who is our safety and environmental officer, had training. She's not here, but she made up some posters of some of the things that we're also doing here at the Seashore.

(Mr. Pearson hands out.)

MR. PEARSON: Again, talking about AmeriCorps, AmeriCorps put this program together a few weeks ago. We do get a lot of assistance and help from them in a number of things.

This is just a quick table of contents of some of the things I'll be

discussing here and talking about that we do here at the Seashore and on the Outer Cape.

One of the first things we started doing -- and we've been doing this since back -- in about 1999 we actually started this. We switched almost all of our old cleaning chemicals that we used here at the Seashore over to green cleaners or to an orange-based cleaner both for the environment as well as for the safety of our employees. And it has been one of those things where at first I thought the staff was going to say, "No way. We're never going to use this stuff" to now they wouldn't use anything but this stuff. We also use and make sure we use recycled toilet paper, recycled paper towels, and try to do the cleaning chemicals to help the environment and the groundwater here on the Seashore.

We also have what I would consider one of the -- probably the leaders in the Park Service, maybe one of the leaders in the country on a green auto shop. And we actually have been using biodiesel in our diesel vehicles for the last three years. We've been using the stuff that you see there at the top, which is a bean oil, a soybean oil product that we've been using in our hydraulics of all of our equipment. We've been using in our transmissions. We've been using it as -- it has been a gas mixture for our chainsaws and for motor oil that we've been using.

We have a major recycling program here in the Park we've been doing for a number of years. We've tried to recycle, as you can see, pretty much everything that we possibly can working with the local towns and the transfer stations on what we take to them and how we are perceived at that. We also work with the capeAbilities. It used to be Nauset, Inc. We have a contract with them where they come and they sort our cans and bottles and different things for us so that we can

get them separated. We take the five-cent cans and cash them in and take the rest of the stuff as sorted, again, to the transfer stations.

We use a lot of green building products here in the Seashore, including, as most of you who have been out on the boardwalks and the trails here in the Seashore have seen, recycled plastic lumber, Trex type of a product. The one that we use the most here is a Choice Deck, which is a 60 percent cedar and 40 percent plastic mixture, the 40 percent being recycled plastic bottles and milk cartons, milk jugs. We also make sure that we use -- when we have to use wood products, that they are sustainable wood products, and we use a lot of cedar and stuff like that where we don't have to paint it and just let it weather.

Again, you can see that in our housing program we make sure that we use, again, very green products from cedar shakes where we don't have to do any painting to the decking that we use, on the porches that we do, that we use the recycled lumber. Red maple swamp we have done. We did a few years ago. White cedar swamp we did just a couple of years ago. Our oldest boardwalk or one of our oldest boardwalks in the Seashore is the one at Buttonbush Trail down at Salt Pond, and that's actually been in there now close to 15 years and holding up very well even with the flooding that happens every spring. So we've had, again, very, very little maintenance that we have to do to these boardwalks once we have them in. were shown this morning, part washer that is actually just a big fancy dishwasher kind of a thing that uses steam, and it steams the parts so there's no solvent, there's no real stuff that we had left over that we have to get rid of except for the oils and the greases from the unit that we clean off.

Again, in our gree

A picture of the electric trams that the Seashore had, and we're still planning on having one of those back this summer. And it's been rehabbed at Wentworth College for the last couple of years. They're planning on bringing it back, and we're going to be demonstrating the electric tram again this summer.

We've been, of course -- for about five years now, six years now, we've been running our Toyota Prius here. We've got about 80,000 miles on the car now, and we've had absolutely no problems with that vehicle. We've had it in the shop once for a small sending unit that went out. Besides that it's only been in the shop just for maintenance on it.

MR. PRICE: I think Ben and I are the only two that really fight over that on a regular basis.

MR. PEARSON: Yeah, it's a tough car to keep in the back parking lot for some reason. Everybody wants to drive it.

Of course, the other thing that we're doing here at the Seashore -- and we call it the flex resolution for a reason, because we feel like it has really helped in a number of ways here on the Outer Cape, but it's the transportation system that we're doing with the Cape Cod Regional Transit Authority up in Provincetown and Truro that we started back in 2000. And the flex, that got started this last summer. We're also, of course, running this shuttle, I think we said, back and forth to Coast Guard Beach. We have been doing that for over 20 years now.

Again, the flex, we're using it as being year-round public transportation for the Lower and Outer Cape. We purchased the twelve new diesel buses last year to be able to start the flex system. We will be in the process of hopefully this summer putting in bus shelters and bus stops in some of the permanent stops that we have, and we will be working with the Cape Cod

Regional Transit in the towns on that. We have just recently put in for a grant, and we're hoping to be able to get it to replace the buses up at Provincetown and Truro, the propane buses up there. They're now getting to the time frame that we can no longer keep them maintained very well. And we're looking at getting a study done also for parking problems that we have out here on the Outer Cape, including a lot of the beach parking lots.

MR. PRICE: One of the things that Keith mentioned -- he said he thought this was one of the best collaborative programs the Park has done since the Park was established with the communities on the Outer Cape, and I think Clay Schofield from the Commission and Ben are kind of credited as really being the technical guys behind making this actually happen, and of course, the (inaudible) committee. So I think it's really -- talk about the success of a collaborative project.

MR. PEARSON: One of the things that we have also put in for and hoping to be able to do is working with Monomoy Wildlife Area, expand the system into Chatham next -- it won't be this summer but the next summer after that, we're hoping, and be able to have the flex service go all the way down to Chatham.

In pretty much every place that we now do any type of remodeling or fixing up, we make sure that we do water-saving devices. As you've noticed if you've been in the restaurants at the Salt Pond Visitors Center, you see the waterless urinals that we're using, low-flow showerheads and toilets and fixtures throughout the Park. We stopped irrigating our lawns and fertilizing our lawns here on the Seashore, again, back in the late 1900s (sic), and we only mow where we absolutely have to for fire protection, tick protection, or for the historic value. Again, a two-cycle engine lawn mower can put out as much pollution

or more pollution than most cars, so that's one of the things that we've tried to cut down on as much as we can.

We worked with Cape Light Compact and Rise Engineering and have done an energy study on all of our facilities, all of our buildings throughout the Seashore. They helped us in a number of ways, including in this building, to get all new lighting, very efficient lighting here in the building along with some of the other things that they've helped us with.

We're working on a few renewable energy projects right now. One of them is at Herring Cove Beach. We have an underground power line up there that is running from Provincetown out to Herring Cove that is getting to the point that it needs to be replaced. Instead of paying probably about \$200,000 to replace that, we have some funding and some money that we're going to use this summer that we're actually going to put in some solar panels and possibly some small wind generators to furnish the power for our restroom and for the concession and for the fee booth out there, and we'll be working on that this summer to come up with that contract and have those put in.

We're also working at the Highlands Center. Right now we've got a MET tower up, a testing tower up right now at the Highlands Center that will be telling us all we can do as far as wind generation and wind generator at the Highlands Center.

We were discussing a little bit this morning as we were walking around about our inspection we had from the Environmental Protection Agency back in 2001. And as you can see by the picture on the right there, that was our boneyard. The Park Service is famous for boneyards, and we were no different here. And it was a collection of all the metal and stuff that we've had throughout the year that we stacked up there, and then once a year we

would have a contractor come in and crush all that and take it away for us. But the Environmental Protection Agency didn't think that was the best practice in the world, so they told us that we really needed to clean up our act. And so with that, and a number of other things, we have taken on for the last six years a real push to improve both our environmental program and our safety program here at the Park, and now we're considered leaders in the National Park Service in both of these areas.

We've also -- Nicole, who did the posters, was hired, and she's been a great team member here for the Park to be able to give us both our safety and environmental program.

We, as you can see, went from these looking what our storage, hazardous storage bins looked like with things stacked up, way more volume than we should have had and have now cleaned it up to the point that this is how our area looks down there now, as the ones that went along with us this morning saw, very little in those sheds. We have a contractor come in every 90 days and take what we have from us, and we also make sure that we don't accumulate much to begin with. We really have cut down on the amount of stuff that we have, that we'd have to get rid of that we use here in the Seashore. Pretty much now we're down to just a few little items or stuff that washed up on the shores from -- on our beaches that we have to take care of.

The other thing that some of you were able to see was the rehab of the Salt Pond Visitors Center. We did a bunch of -- a number of green practices in the process of that rehab work, including probably one of the biggest ones, which was the top right picture there, which is the alternative septic system that we put in to be able to try to get more nitrates out of the wastewater that we're producing

there at Salt Pond and came up with some system there for that along with a lot of energy savings and, again, greener products in some of our building products that we used there.

We're still working on doing some of the landscaping around the building, and we're working very close to make sure we get native species and getting things that need very little watering.

What can you do to help? This is one of the things that, again, we're hoping to start doing more of and get out into the neighborhoods more and working with people to be able to show that there are things that other people can do here on the Cape to help preserve and make it a better place to live, and that's some of the things there that you can do to help.

And that's the slide show.

MS. BOLEYN: Excellent. Thank you.

MR. SABIN: Well done.

(Applause.)

MR. PRICE: Any questions?

MS. BOLEYN: Does anyone have any questions for Ben?

MR. SPAULDING: I have a general one. In all the National Park Service -- the things you've done have obviously been terrific -- is there a standard for this kind of thing, or are you sort of doing it individually in each separate unit?

MR. PEARSON: We do have what the EPA has requested of most federal agencies, which is to have an environmental assessment plan done for all their units. We were a pilot project for that. We're considered, again, one of the leads in the Park Service and the federal government in doing that. Just recently the President put out a Presidential order making it kind of mandatory for all agencies now to do that and also -- and making sure that things, recycled products are being used to recycling and stuff like that. So he just recently did that a couple of months

ago. So other agencies, other parks will start doing more of it as time goes on.

MR. LAMBROS: Good report.

MR. PRICE: You'll be able to see from the pictures up there some of the before and after. I think it's really commendable that the Park Service took this on. I don't know if you recall. I'm assuming that Maria passed the story along when the EPA was threatening her with personal jail time and a fine if the Park didn't start to comply, and that's really what began this initiative. And now we've really I think jumped ahead of what a lot of other places have done.

MR. PEARSON: There is one other thing, George, I forgot to mention too.

One of the new initiatives that the Seashore is starting to work with right now with Congressman Delahunt and with Senator O'Leary and a bunch of people out here on the Cape is we're trying to get E85 fuel and biodiesel available more out here. We're working with the towns and working with some of the oil distributors and gas stations to be able to get some gas pumps and stations set up so that that's available out here on the Cape and try to be a leader in that also. It's a real initiative that the congressman is really pushing right now, and he wants us to be a leader in the country in essence. So he's got a big initiative that he's working with us, and a few others are doing that.

MS. BOLEYN: Thank you.

IMPROVED PROPERTIES/TOWN BYLAWS

MR. PRICE: Really two more things. One is on the list, and one didn't make the list, but this had to do with the improved properties.

If you recall at the last meeting, I was asked about this, and it's come up before. I think it was in the late summer or early fall there was an article by The New York Times about some of the issues on the Seashore with McMansions. And I

expressed -- this was another serious topic that has been taken up by the roundtable, and I thought, Peter, that's something you might be able to say a few words about, your discussion, and then I'd just like to say just a couple of words about a particular issue happening in Truro right now.

MR. WATTS: In 2005 the Endless Summer Conference took place in Provincetown, and planners from all over the country came to that meeting. And it lasted, I believe, two or three days. And we agreed that cooperation between the Outer Cape towns, Truro, Wellfleet, and Eastham, where the majority of improved properties exist, would be an advantageous thing to do, and so we started this roundtable. And we meet here in this room, and for a year and a half, we actually discussed zoning bylaws for these three towns and tried to come up with some common ground.

As it stands, all three towns have different bylaws, zoning bylaws. Truro and Eastham depend on site plan review boards, which are the planning boards in those towns. Wellfleet has a five percent coverage bylaw. Now, we're talking about three-acre zoning in the Park. Three-acre zoning, five percent coverage means that you can build 6,000 square feet, and that's by right. That means that you go to the building inspector and you say, "I want to build 6,000 square feet," and he looks at the setbacks, the frontage, the height, and he can issue a building permit. And it doesn't go in front of the zoning board of appeals at all. And it just seemed to me that this isn't exactly what the Park had in mind when they talked about problems like McMansions at this conference.

And one of the problems is that Wellfleet deals with coverage, and if we dealt with floor area rather than coverage, I think we'd be much better off.

We've made a number of suggestions to the planning board in Wellfleet, and they've turned it down. And this is the argument. What do you have against big houses? Big houses pay a lot of taxes. Big houses are owned by wealthy people who are usually here for two weeks in the summertime. Therefore, they don't use town services. What do you have against them? And I think the towns are looking at things economically, and that isn't the way the Park is looking at it. So we have two different entities, and they're not in sync at all.

And we thought after a year and a half that actually Eastham was really going to come in with a sliding scale, which made sense, and a site plan review. And I don't know what happened, but it never went to town meeting, and it never went through. I think that's probably what we need, and the roundtable will continue taking this up because this problem is going to only grow. Unless we do something about it, we're going to be into McMansions in the Park.

MR. SABIN: Are you talking homes within the Park rather than --

MR. WATTS: That's right. There are 600 improved properties in the Park. Wellfleet has 254 improved properties, and 60 of those are three acres or over.

MR. PRICE: Just to build on that, a couple of things. One is that I've participated in a number of these discussions at the roundtable, and it truly is a dialogue opportunity, but it doesn't have the force of moving anything forward. I think we ducked a potential serious misstep in my opinion at the last Eastham town meeting where there was a proposal to really gut the existing bylaws, and the town decided to vote that down because that's not how they wanted to be represented next to and involved with the National Seashore, which we certainly appreciated.

Dealing with the Town of Truro right now, we actually have a case study on the table which is I think potentially very serious, and it has to do not just with an improved property. This is a property that does not qualify for a certificate of condemnation from the National Park because it clearly postdates the September 1, 1959, date. And this particular developer is looking for a teardown and a rebuild. And the Park also believes that this is totally against the Truro bylaws the way that we read them.

So I've actually included in your package two pieces of correspondence that the Park has sent to the town. One's actually dated today because we're looking for the town council in Truro to truly give it a review as we've laid it out. We think it's that serious. And I will be meeting -- well, we've talked to the chair of the planning board, and Lauren and I will be meeting with them in the future, but I'm having different parties from the town come in and talk to us about what we're doing, what we're not doing. And what I'm concerned about is -- my hunch is that there's a lot of people looking at this particular piece as a test case, and if there are no ramifications, then who knows what will happen next. And it's something that I'm very concerned about.

My observation is that things have changed. Back in the day in the late '50s, early '60s when the towns were helping to craft the Park legislation, they didn't want the federal government telling all the towns exactly what to do. And they said, "No, no, no. We're going to take care of our own town character. We know how we want to see it." Well, I think what's happened is -- I think there's been an evolution both of thought and of people, and the people today aren't seeing it exactly the same way. And Peter's right in what he's saying as far as there's a different look and a

different set of issues. So you're saying, well, what does this have to do with you all? Well, as I've done my research on the reauthorization of the Commission, do you know the number one reason the Commission exists? Because of all the private inholdings, that it was because of the private property in the boundary of this park, which was unique for 1961 in the National Park system. The whole issue of what we do with everything else, the recreational opportunities, was an additional opportunity for you to advise, but the feeling was that this was such a complex park with all these six towns, with all the private property involved that having a commission that was made up with representatives from the towns was, in fact, the best way to work with the federal government.

So I'm going to ask your all help on some of the next steps that we're going to take. You know, where do we go with this? I don't want to be reverted back to the heavy-handed federal government. People have said things. Well, if the Park Service cares, then condemn the property, pay them off, and take the property. Well, that's a pretty lousy way to be, and that's not what we do in 2008, 2007. So I think what we'll have to do is be preparing more of this as a topic in the future, is what I'm projecting.

MR. SPAULDING: I think the problem, though, is that if you don't have a bankroll, you don't have any kind of a weapon or a threat. If somebody has a lot of money and they don't really care if they get a mortgage and they are willing to improve their three-acre lot knowing that you don't have the funds to condemn it, that's going to start happening. And probably one thing you need to do, if it's feasible, is to get some kind of a bankroll so you've got a nest egg there so that somebody knows that if they do go ahead, you do have the funds to condemn

it, so they're not going to go ahead because it's a waste of time and effort.

MR. PHILBRICK: Absolutely.

DR. IRWIN: I couldn't agree more.

MR. WATTS: Do you know if this house has been lived in and they've paid taxes all these years?

MR. PRICE: I assume it has. It's my understanding that it was a fairly recent sale to this developer on the particular property we're talking about.

And the only thing is, this park wasn't established as only the federal government being the monitor. This park was established as working with the six towns, of helping to define what the Outer and Lower Cape was going to look like. So if one other partner or the other either abdicates or decides to become a unilateral decision-maker, then that's not in my opinion the concept of what the legislation was about. So we have to try to work together a little bit more.

I hear -- what I heard in Eastham I thought was amazing; that it was the people in Eastham helping to define what they wanted Eastham to look like in relationship to being near a national park.

MR. SABIN: Who's speaking that, George? Who was talking --

MR. PRICE: That was at town meeting.

MR. SABIN: At town meeting?

MR. PRICE: Yeah. I read it -- well, I read it in the paper and some of the minutes.

MR. PEARSON: The town meeting in May.

MR. PRICE: The town meeting in May.

MR. SPAULDING: Where the towns have to be careful, though, is if they make it too restrictive, then they face an eminent domain situation by taking away the person's right to use their property. So there is some balance in these areas that are in the Park where people want to make improvements.

MR. PRICE: Right, but I think also what we're seeing -- we're seeing a reinterpretation of the same zoning law language by different people, and I think that's very dangerous. I think that language was set up in a spirit and a context that now is being interpreted differently, and that has to do with just the nature of people changing. And people that understood that language and understood what everybody was trying to do 25 years ago, other people are looking at that same language with different pressures and coming up with a different resolve. So I do think it's a multiparty issue.

MR. WATTS: One of the key issues is, why do we have three-acre zoning in the Park? Three-acre zoning in the rest of the country is called snob zoning, so it's a real question, why do we have that?

And the other thing is that I think Wellfleet, for instance, is now suburbanized, and it's not -- there is no Wellfleet character there. It's suburban character. And developments have gone in, and they've suburbanized the town. And to say we should maintain a Cape Cod character in the Park in a way doesn't make sense because the rest of the town is gone. It doesn't exist.

MS. BOLEYN: I have a question about the planning roundtable. Are there representatives from each of the six towns?

MR. WATTS: No, from the three Outer Cape towns, and we've invited Provincetown on the wind generation issue.

MS. BOLEYN: I see. I see.

MR. PRICE: And again, it goes back to the inholdings.

MS. BOLEYN: Well, I can't speak in detail about the subject you raised, but I can say that in Truro it's a very tough sell in town meeting to stiffen up the bylaws, very tough sell.

Yes, Dick?

MR. PHILBRICK: You mentioned a sliding scale --

MR. WATTS: Right.

MR. PHILBRICK: -- which they didn't want or adopt.

MR. WATTS: Right.

MR. PHILBRICK: I've always felt or hoped that they could arrange to let us, a town, have a sliding scale on real estate taxation like the Internal Revenue Service taxes incomes in a sliding scale. Was that the kind --

MR. WATTS: Yeah, but this sliding scale would have to do with lot coverage or floor area on a particular size lot.

MR. PHILBRICK: So it did not have to do with taxation?

MR. WATTS: No, no.

BUDGET NEWS

MR. PRICE: And finally, Madame Chair, even though it wasn't listed, just I want to take the prerogative and mention, a lot of people have asked me about the budget news that's been in the newspapers, specifically about the '08 budget. And I know that Chairman Ron Kaufman had sent out a notice, including a press release about the National Park's centennial initiative. This was quite welcome and surprising, frankly, for the '08 budget. The President's proposal really would potentially be a tremendous shot in the arm to parks across the country and here at Cape Cod, and that would be to try to bolster up our basic budgets. I think I've described to you in the past how we've had an incremental slide, specifically with the lack of additional funds needed to keep up with the cost of living for the last ten years. So every year if you don't get the money you need for the cost of living, after several years it's real money. It's several -- you know, it's a lot of dollars, and the Park has had to absorb it in different ways. So this particular

initiative would be very welcome if, in fact, it passes.

On top of that, the year 2016 will be the hundredth anniversary of the National Park system, and the President is looking forward to trying to put in place projects which actually would benefit parks across the country. So I know our particular region is working on a lot of initiatives towards that effect, and here in this park we hope that we're going to see some fruition from that. For instance, we put in a project to jumpstart the Old Harbor rehabilitation, for example, and we have some other ideas that we have on the table as well.

So I just wanted to recognize that, number one, it's good news, but it is for '08. We don't have '08 yet. We're going to be on a continual resolution for the rest of this year, for 2007. We think we're going to get some relief for the cost of living charges that we've had to put in place for this year, but we're not exactly sure.

So that's really the update on the budget unless anybody has any questions.

(No response.)

MR. PRICE: Okay.

MS. BOLEYN: Thank you.

MR. PRICE: Thank you.

MR. SABIN: I don't know whether this is New Business. It's really a question to you, George, while you're still on. I got this publication in the mail in the past week or so, "Living 50 Plus for Retired People." There's an article in here that talks about the Friends of the National Seashore doing an upgrade job on the bog house. And I know we did the exterior a few years ago. Is there a project coming up to renew the interior of that?

MR. PRICE: Are you sure that wasn't retroactive? That that was one of the examples of something they've done?

MR. SABIN: I thought it was something they were going to do.

MR. PEARSON: Maybe it sounds like -- it sounds like it's recent, but I think they've just mis-- --

MR. SABIN: That's nothing that's in the plan for the future?

MR. PRICE: No, the plan was the life-saving station, Old Harbor.

MR. SABIN: This is clearly the bog house they're talking about here.

MR. PRICE: I believe that must be misstated.

MR. WATTS: That's your neighbor, Howard.

DR. IRWIN: I know. My ear's hanging out because I worked very hard on that bog house, and we did a lot of restoration three or four years ago.

MR. SABIN: The exterior but not the interior?

DR. IRWIN: Well, some propping up of the interior too.

MR. PRICE: Well, the structure was stabilized so it wouldn't collapse.

MR. SABIN: Okay.

MS. BOLEYN: Dick?

MR. PHILBRICK: Thinking about the presentation, the first one about the Herring River, Mr. Price just mentioned East Harbor. I wondered if we couldn't -- in the case of East Harbor, the rather aggressive affirmative nature of the Herring River project, which I mean really goes at it tooth and nail, couldn't be considered for East Harbor restoration.

MR. PRICE: Well, one of the -- actually, as I took a look at last meeting's minutes, there were a lot of topics you all asked for updates on.

MS. BOLEYN: Yes.

MR. PRICE: So one of the things that actually was mentioned last time was an update on East Harbor. Perhaps, John, we could do that at the next meeting to let you know. They have a whole different set of challenges out there, but they also

have some success that they can point to, and then we've also had some issues, especially with the macro algae last summer, which created an unpleasant odor. So if you would like, we could put that on the agenda for a future meeting.

MR. PHILBRICK: I would like to see it as a permanent agenda item.

MS. BOLEYN: A permanent update?

MR. WATTS: I'd like to ask John.

Are you dealing with adequate flushing on East Harbor?

MR. PORTNOY: Well, that project, especially as it regards adequate flushing, was dealt a setback this year because the Army Corps of Engineers wasn't really ready to take on a comprehensive feasibility study and come up with a plan for restoration, including flushing. They didn't get funded in '07, so their work stopped. They wouldn't even attend a meeting at that point. So we're waiting to see if they get funded in '08 and we can restart that process. But in the meantime, we continue to do things out there, and we continue to do our science and can report on that.

MS. BOLEYN: I think that would be a very good thing to put on for the next agenda, one of the next agenda items.

Are we ready to move to that topic?

THE COURT REPORTER: Can I have a quick break here?

MS. BOLEYN: Sure.

OLD BUSINESS

MS. BOLEYN: I'm at Old Business. Are we in sync on that? Does anybody know if there was any old business to be brought before the Commission?

(No response.)

NEW BUSINESS

MS. BOLEYN: Any new business?

DR. IRWIN: Well, this may be old. It may be new. I don't know which. But going back to the bog house and the area there, as I live right adjacent to it, in the summer I'm pretty much aware of the

public approaching the parking lot that's near the NEEDS Center, and people are repeatedly disappointed to find there's no way to get to the bog house from that vantage unless they walk down the road. And I don't know that we really want to encourage that route. So I bring up again, is there any possibility of restoring the boardwalk that was taken out across the wetlands connecting the parking lot to the bog house?

MR. SABIN: Good point.

DR. IRWIN: It keeps coming up again and again, and it hasn't been resolved.

MR. PRICE: Howard, so that you know, we actually had a rather extensive in-house field trip out there fairly recently. Were you on that trip?

DR. IRWIN: No, I wasn't.

MR. PRICE: But you knew that we had the Friends and a number of other people come up with a wayside plan, and we've talked about some other things. As you probably are aware, we actually tried to get some parking right off the road there so that people would be able to walk down, and it was denied by the town. So we're pretty stuck as to what our particular options are, but for a variety of reasons, the Park was not going to restore that boardwalk. And I think those reasons have all been talked about in the past, but it's a frustrating situation because I know you and the Friends put a lot of effort into that bog house piece a while ago. But in walking around within the most recent time, at least we're moving ahead now. In fact, we have our waysides in order to try to make the place be a lot more presentable. MR. SABIN: Even though you can't get to it, right?

MR. PRICE: Even though you can't get to it from that way.

DR. IRWIN: I don't know if that's going to help very much.

MS. BOLEYN: So the two ways to get to it are to walk down the road and go in

at the entrance at the other side or to go all the way around on the --

DR. IRWIN: Which nobody does.

MS. BOLEYN: -- on the Long Trail.

MS. BOLEYN: Okay, well, I guess there's no reason to put that on the agenda next time unless there's something to discuss.

Yes?

MR. WATTS: I wondered if the (inaudible) will be resolved by the next meeting.

MR. PRICE: Well, there certainly will have been planning meetings by then. There's a planning meeting that's going to take it up -- I'm not sure of the status -- actually on March 13, and that will be before we've had a chance to meet with the planning board. And we've sent another letter to the town asking for their town council to put on some of the specifics.

MR. WATTS: I find these challenges to the Park really frightening, and there have been a number of cases in Wellfleet where people have applied to bulldoze perfectly good houses and put up bigger houses.

MS. BOLEYN: Yes.

MR. WATTS: And it's an ongoing fight, and I think we have to tighten up on the zoning bylaws somehow.

MS. BOLEYN: Do you have any thoughts about -- I guess this is what George is asking also -- the conversations that go on at the planning roundtable and George's thoughts about, you know, asking the help of town representatives to get back to their own towns how we can do anything meaningful to get that message? I know that Superintendent Burks tried to meet with some of the towns during the year before she left and tried to spur some activity. And she tried to do that in Truro, and nothing came of it.

MR. PRICE: Well, do you think for the next meeting -- one of the things that I think we can do, Peter -- and I'd like

to work with you, maybe Lauren on presenting a better presentation about the discussion with maybe some of the issues and parameters at least as I see them unless you just think it's a case of coming up with blame and there's nothing to talk about.

MR. WATTS: I'm saying just what Brenda said. Maybe what we have to do is make a presentation to the planning board. I mean, those people really have to change. I mean, they're the ones that are resisting any change, and they are controlled by the building service industries, developers, and that's it. And those people look at it as a bread and butter issue, and they don't want any restrictions.

MS. BOLEYN: Yes, I wonder if we could develop some kind of a traveling program that could be done with your help since you've been discussing this and so on, and the town reps and any other interested people could try to join you for a presentation to the planning board, request to get on the agenda for each town.

MR. WATTS: The chairman of the Wellfleet Planning Board sat in on two of the roundtable discussions, and he was the one that asked me what I had against big buildings.

MR. SABIN: Is it not still true that the individual towns have full control over all the zoning problems even within the Park even though the Park does give them guidelines? Is that not true?

MR. WATTS: The guidelines were looked at and were ruled unfair and illegal, and so the guidelines were just that, guidelines. They weren't rules. They weren't laws.

MR. SABIN: I've always understood them to be guidelines and not laws.

MR. WATTS: Right.

MR. PRICE: The Park Service had guidelines. Also, the towns theoretically

got an approval from the Park Service, i.e., the Secretary of the Interior, for the previous zoning laws. So there is some -- there was an agreement when the Park legislation came about that the town was going to evolve zoning bylaws that would be approved by the Secretary of the Interior as compatible, that we were both going to agree on the direction. This is what I meant by it appears that some of the same language that was approved 45 years ago is just being interpreted very differently now.

MR. VIRGILIO: Brenda, can I say something?

MS. BOLEYN: Yes, please.

MR. VIRGILIO: I appreciate the conversation here, but I really think, in order for all of us to have an understanding of exactly what you're talking about, maybe you should make it an agenda item.

MS. BOLEYN: Yes.

MR. VIRGILIO: Just a prepared presentation.

MS. BOLEYN: Yes, I think that's a good idea.

MR. VIRGILIO: I would really appreciate that.

MS. BOLEYN: We'll put that down for the next time.

MR. PRICE: Okay.

MS. BOLEYN: It's coming up on 3:30, so --

MR. PRICE: And then do we want to ask John and Gordon to follow up on their great presentation today with a field trip before the next meeting?

MR. SABIN: Is your health going to allow that the next meeting two months from now?

MR. PORTNOY: I have high hopes for my health.

MR. SABIN: You'll be better then.

MS. BOLEYN: If they're going to do a presentation or if John's going to do a presentation about East Harbor, would we

prefer to take that field trip on that day? A field trip up there?

(No response.)

MS. BOLEYN: We don't have to decide right now.

MR. PRICE: Okay.

MS. BOLEYN: Let's, as a tentative plan, propose to do a field site visit to one of them. Is that okay?

MR. SABIN: Date of next meeting?

MS. BOLEYN: I'm coming to that.

DATE FOR NEXT MEETING

MS. BOLEYN: Okay, proposed date for next meeting. Two months from today would bring us to Monday, April 30. MR.

PRICE: In talking to Ron, we had two proposed.

MS. NISTA: May 14 or the 21st.

MS. BOLEYN: May 14 or the 21st?

MR. PRICE: Right.

MR. MINCIELI: I think the first weekend in May is a holiday.

MS. BOLEYN: Okay, we're down to May 14 or 21. Yeah, those are both Mondays.

MR. PRICE: Yes.

MS. BOLEYN: That probably is better than Fridays as we go into --

MR. SPAULDING: Yes.

MS. BOLEYN: -- as we go into the -- yes, okay.

(Laughter.)

MR. VIRGILIO: Yeah, much better.

MS. BOLEYN: Do you have any comment, Matt, about Ron's schedule?

MR. MINCIELI: Both of those dates, the 14th and the 21st.

MS. BOLEYN: Will work?

MR. MINCIELI: Yes.

MR. SABIN: Let's go the earlier since we're pushing it anyway.

MS. BOLEYN: Good. Any problem with May 14?

(No response.)

MS. BOLEYN: I think we have some consensus.

AGENDA FOR NEXT MEETING

MS. BOLEYN: Okay. And for agenda items, two things we just talked about, East Harbor and the bylaw challenge.

Have I missed anything?

MR. PHILBRICK: Will we have anything to report about burning at Fort Hill?

MS. BOLEYN: A burning update on Fort Hill?

MR. PHILBRICK: Not if nothing happens.

MS. BOLEYN: Right, right.

MR. PRICE: Well, we can just report out. It doesn't have to be a whole presentation.

MS. BOLEYN: That's right. No, we wouldn't ask for a whole presentation.

MR. PHILBRICK: Update.

MS. BOLEYN: And I suppose there might be some kind of dune shack update.

MR. PRICE: I think the dune shacks are probably going to stay on our list for a while.

MS. BOLEYN: Yes, I would imagine so. Yes, Larry?

MR. SPAULDING: Is it likely that the hunting EIS would be completed by then?

MR. PRICE: I hope so.

MR. SPAULDING: Because I think it would be informative, particularly if it's been completed. I suppose then it goes to the solicitor to be filed in court. The judge has got to make some decision about what happens.

No?

MR. PRICE: No. The final record of decision would be the record of decision. Well, actually, to tell you the truth, I don't know.

MR. SPAULDING: My question is really relating to finding out the process, which I'm not sure what happens when an EIS is done.

MR. PRICE: Well, what we have to do is we prepare a final EIS, okay, that gets signed either by the regional director or the director, and then there's a so-called cooling down period of 30 days before it

actually becomes law, if you will, or policy and it gets published in the Federal Register. So it wouldn't actually go back to the court or the judge unless one of the parties decided to sue again.

MR. SPAULDING: So the judge's decision is, once that thing is filed, whatever prohibition is currently there is off.

MR. PRICE: Correct.

MR. SPAULDING: I didn't understand that. My question was more to understand what happens.

MR. PRICE: No, we are under the judge's prohibitions now until we do the EIS -- so the prohibition was in effect until the EIS was completed, and nobody has a basis to take us back to court until we have a final decision.

MR. SPAULDING: So if somebody doesn't like it once it's done, then they'd go back to the judge for whatever reasons?

MR. PRICE: Yes, right. And it could very well be that both sides would still want to go back to the judge based on what we've got out there. What we have to have, which is why I had the delay, is to make sure that our decision-making process in our final document met all the various criteria so that the agency has made a competent decision that could be demonstrated, it's science based, there was public input, there's a rationale behind the management decisions, and then theoretically that would stand up.

MS. BOLEYN: Okay. Might there be anything to report about the Highlands Center? Summer plans status?

MR. PRICE: Hopefully the laboratory will be fully activated by then.

MS. BOLEYN: That's what I'm keen to hear about.

MR. PRICE: Right, and that could be yet another field trip at another time. I know we had a field trip there last year -

MS. BOLEYN: Yes, yes.

MR. PRICE: -- looking at the facilities, but Heritage staff has actually been moving material in. So there are two things -- three things happening at the BioLab, just so that you know. The two buildings at the Highlands Center are being activated as we speak. We still don't have occupancy of those structures yet, but as soon as we get water and electricity, boom, they're up and running.

MS. BOLEYN: Septic is done?

MR. PRICE: The septic is done, but again, you have to have that final sign-off.

MS. BOLEYN: Yes, yes.

MR. PRICE: There's a new structure that's been constructed behind the existing lab that's also in the process of being finalized, and that will be a lot more of the dirtier-type work that the scientists do up there. And then what had been the actual laboratory itself is being renovated as an administrative support area. So there are a lot of changes up there right now.

MS. BOLEYN: Is all of this that you're talking about the Learning Center, or are you talking about the North Atlantic Laboratory?

MR. PRICE: Both.

MS. BOLEYN: Both, okay.

MR. PRICE: All of the above.

So I think when we're ready for prime time, we'll have to do another invite and have you up there.

MS. BOLEYN: Yes, yes. Okay, let's put that on the agenda also.

MS. BOLEYN: Anything else?

(No response.)

PUBLIC COMMENT

MS. BOLEYN: I don't think we have any public comment this afternoon.

But before we leave, I would really like to thank you, Mr. Superintendent, for the excellent program you put together

today and your staff members for their really terrific reports. I think this has been one of the most informative meetings we've had in a long time.

DR. IRWIN: It is indeed.

MR. VIRGILIO: Nice job.

MR. PRICE: You're welcome. Thank you.

ADJOURNMENT

MS. BOLEYN: And I think we're ready to adjourn.

MR. VIRGILIO: So moved.

MR. LAMBROS: I second it.

(Whereupon, at 3:35 p.m. the proceedings were adjourned.)

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 117 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, Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, March 5, 2007, commencing at 1 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 11th day of April, 2007.

Linda M. Corcoran - Court Reporter

My commission expires:
September 13, 2013