

**CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION
THREE HUNDRED AND THIRD MEETING**

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, June 6, 2016, commencing at 1:03 p.m.

SITTING:

Richard Delaney, Chairman
Bob Summersgill
Don Nuendel
Lilli Green
Joseph Craig
Sheila Lyons
Maureen Burgess

Bill Clark, alternate

Also present:

George Price, Superintendent
Lauren McKean, Park Planner
David Crary, Fire Management Officer
Nicole Taylor, Safety and Environmental Officer
Steve Smith, Plant Ecologist
Courtney Butler, Centennial Volunteer Ambassador
Scott Greene, Army Corps of Engineers Project Engineer,
New England District
Heather Sullivan (via telephone), Army Corps of Engineers
FUDS Program Manager, New England District

Audience members

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P R O C E E D I N G S

MR. DELANEY: Good afternoon, everyone. And it is a good afternoon. It's beautiful out there. It's a Cape Cod National Seashore kind of day.

MS. LYONS: It is indeed.

MR. DELANEY: I'm happy to see all of you again here for the 303rd meeting of the Cape Cod National Seashore Advisory Commission. And I'd like to let the record show that one of our former members, Bill Clark, has retired, but he just can't leave us alone. He's happy to join us.

Thank you, Bill. Good to see you.

MR. CLARK: I have my position. I'm still holding --

MR. DELANEY: Oh, you're still officially. That's right.

MS. LYONS: That's right. He is our alternate.

MR. DELANEY: Oh, I'm sorry. The record should stand corrected. He's still officially part of us, and I'm glad to see you.

MR. CLARK: Yes.

ADOPTION OF AGENDA

MR. DELANEY: Okay, so there is, as always, some materials sent out in advance, and that includes the

1 agenda. Unless I hear a motion to amend the agenda, I
2 would ask for an adoption to -- a motion to adopt the
3 agenda.

4 MS. BURGESS: So moved.

5 MR. DELANEY: So moved. Second?

6 MS. GREEN: Second.

7 MR. DELANEY: All those in favor.

8 BOARD MEMBERS: Aye.

9 MR. DELANEY: Good.

10 **APPROVAL OF MINUTES OF PREVIOUS MEETING (MARCH 14, 2016)**

11 MR. DELANEY: You also have the minutes from our
12 previous meeting, which was March 14.

13 I look to our trusty scribe from Eastham to let us
14 know if he's found any discrepancies.

15 MR. NUENDEL: I read them all, and it all seems
16 fine to me. I didn't see anything stand out, so I
17 recommend we adopt them.

18 MR. DELANEY: Anyone else with a correction or
19 addition?

20 (No response.)

21 MR. DELANEY: Good. So that's a motion to adopt
22 the minutes as printed.

23 MS. GREEN: Second.

24 MR. DELANEY: All those in favor, signify by saying

1 aye.

2 BOARD MEMBERS: Aye.

3 MR. DELANEY: Opposed?

4 (No response.)

5 MR. DELANEY: Then it carries.

6 **REPORTS OF OFFICERS**

7 MR. DELANEY: Reports of Officers. None
8 immediately.

9 **REPORTS OF SUBCOMMITTEES**

10 MR. DELANEY: So we'll go to reports from
11 subcommittees and ask Maureen to update us on the
12 Pilgrim Nuclear Plant Emergency Planning Subcommittee
13 and, in addition to the agenda, the Nickerson Fellowship
14 award.

15 So, Maureen, thank you.

16 MS. BURGESS: Thank you, Mr. Chairman.

17 **UPDATE OF PILGRIM NUCLEAR PLANT**

18 **EMERGENCY PLANNING SUBCOMMITTEE**

19 MS. BURGESS: So I've handed out just some updates
20 relative to the subcommittee on Pilgrim Nuclear Plant
21 Emergency Planning, our subcommittee. You can look at
22 those with me.

23 Some significant events. May 23rd *Cape Cod Times*
24 reported Pilgrim fails again. Pilgrim failed the second

1 Nuclear Regulatory Commission inspection of the three
2 required based on its demotion to being one of the three
3 worst reactors in the country. In the report the
4 federal regulators cited Entergy for a lack of follow-
5 through on maintenance of important systems. This was
6 also an issue during the first inspection in January,
7 and the infraction involved the breakdown of bearings on
8 one of the pumps used to draw millions of gallons of
9 seawater from Cape Cod Bay into the plant to cool the
10 reactor through a closed system which in turn cools
11 other emergency equipment, safety-related systems.

12 Unfortunatly, there is no fine or penalty beyond
13 the violation issued. Four federal inspectors from the
14 NRC handled the first two inspections. For the third
15 one, there will be twenty, but it's not really -- in
16 other words, they have time. They're allowed to tell
17 the federal regulators when they're ready to be
18 inspected for thorough scrutiny the third time.

19 I think one of the concerning things especially was
20 that the federal report noted that control room
21 temperatures in the facility could climb to 114 degrees
22 Fahrenheit with a loss of normal ventilation and air-
23 conditioning due to a leak in the system that cools the
24 reactor and after a sudden shutdown. So you can see

1 that if that were to occur, people couldn't tolerate
2 being in the reactor room.

3 A good thing. May 24 Congressman William Keating
4 -- and I have a copy of this amendment. If you'd like,
5 you can get it from me later. But our congressman,
6 William Keating, a member of the Homeland Security and
7 Foreign Affairs Committee, introduced an amendment to
8 provide funding to the NRC to ensure safe and effective
9 decommissioning of nuclear power plants along with
10 Congressman Peter Welch of Vermont. And you know that
11 Vermont Yankee is in the process of decommissioning.
12 The amendment was included in the Energy and Water
13 Development and Related Appropriations Act, which is
14 currently being debated in the U.S. House of
15 Representatives.

16 Following Entergy's announcement in October that
17 Pilgrim would be decommissioned, Keating also sent a
18 letter to the NRC requesting that the NRC ensure that
19 there was adequate decommissioning funds for Pilgrim to
20 support the inclusion of state and local officials in
21 the process of decommissioning. I recently spoke with
22 Representative Peake, and she said that there's work
23 being done in the general court, in the legislature
24 about actually having something in the budget, as I

1 understand it, to form a decommissioning committee, you
2 know, of local state representatives to be part of this
3 decommissioning process as we move towards 2019 when
4 Pilgrim is slated to be decommissioned.

5 So I have Congressman Keating's bill here if you'd
6 like to see that. You can pick it from me.

7 Just a couple of other pertinent things that are
8 recent. We have a letter from Karen Vale -- I received
9 -- I was copied a letter I wanted to share with you from
10 Karen Vale-Vasilev of Cape Cod Bay Watch and Pine
11 duBois, executive director of Jones River Watershed.
12 And after over 20 years of being out -- of not having an
13 appropriate Mass. DEP and EPA certificate or permit for
14 discharging water from Pilgrim into Cape Cod Bay, there
15 is a draft proposal for a new permit. And as I said,
16 it's 20 plus years overdue, but the draft -- many people
17 feel that the draft permit -- and I'm sure our chairman
18 can speak to this -- falls short in several areas which
19 could be much better to reduce the impact on marine life
20 in Cape Cod Bay, which has been designated a critical
21 right whale critical habitat.

22 And maybe, Mr. Chairman, you'd like to say
23 something about what you know about the report.

24 MR. DELANEY: Certainly. Thank you.

1 Well, we have been following this lack of a permit
2 for many years, and it was good to see EPA finally
3 reissue it. We too feel it comes up short, and we --
4 our comments particularly have been that the right whale
5 habitat has actually shifted in the last three or four
6 years from the eastern part -- primarily being the
7 eastern part of Cape Cod Bay -- to the western part
8 right off of Plymouth and Duxbury. So this year all
9 through the month of May we had five mother calf pairs
10 in the bay in that section, and they're all on the
11 western side. So this intensifies the potential impact
12 -- our concern about the potential impact from that
13 (inaudible).

14 MS. BURGESS: And the concern is that the water
15 coming into the bay is so warm, correct?

16 MR. DELANEY: Yes.

17 MS. BURGESS: That they don't seem to have anything
18 to provide additional adequate cooling.

19 MR. DELANEY: The questions are many, but one of
20 them would be, of course, what does the warmer
21 temperature of the water do to the zooplankton, which is
22 the food for the whales. So if just a degree or two
23 temperature change affects that food supply that's when
24 the whales are there, that means they may lose a major

1 source of food during the growing period. Baby right
2 whales grow 30-40 feet in (inaudible). They need a lot
3 of copepods. And so if the temperature in the water is
4 changing slightly, that could be a major impact on an
5 endangered species.

6 MS. BURGESS: Right, right.

7 So Karen has -- I have her letter here that you're
8 welcome to look at, and what she's asking for is a
9 hearing, the EPA and DEP to offer a hearing where people
10 can give input. And I know that they are drafting a
11 letter, and if we wish to do something like that, we can
12 certainly also let our feelings be known if we wish to
13 draft a letter. It would be going to the Mass. DEP
14 Bureau of Water Resources. And I have Karen's letter
15 here if you'd like to see it afterwards. So those are
16 two important things.

17 Another important thing that's going on was noted
18 in the *Cape Cod Times*, and I have that article if you'd
19 like to look at it. It was entitled *Fuel for Fear*.
20 Last Thursday the United States Department of Energy
21 held a meeting in Boston to solicit local thoughts on
22 what's called constant consent-based siting, which is a
23 plan to create storage facilities around the country in
24 communities willing to accept nuclear waste. And as we

1 know, there is no national site. Yucca Mountain has
2 been ruled out as a waste deposit site. And as we know,
3 there's plenty of nuclear waste up in Plymouth. So the
4 DOE is coming up with this consent-based siting while
5 waiting for Washington to try to develop a comprehensive
6 solution.

7 There are over 70,000 metric tons of radioactive
8 waste that have been generated by plants like Pilgrim
9 during the past few decades. And some of the concerns
10 about the consent-based siting, of course, are
11 transportation of the nuclear waste and how safe is that
12 going to be traveling through different communities. Is
13 there a potential that that would be vulnerable to,
14 let's say -- I hate to say it, but terrorists? And the
15 other concern is, will the waste be put in low income
16 areas much like the Love Canal toxic waste dump? Is
17 there a possibility that they'll choose low income areas
18 where people perhaps aren't as well-informed to, you
19 know, have these sitings for the radioactive waste?

20 So just something to be aware of. It's going to be
21 a problem for our region coming up in 2019 as we close
22 Pilgrim.

23 Do you want to say something?

24 MR. DELANEY: Question?

1 MR. NUENDEL: My understanding is that Yucca
2 Mountain is out of -- out of the view because of not my
3 backyard-type deal.

4 MS. BURGESS: I just know that it's no longer -- I
5 think Harry Reid was not really in favor of having it in
6 Nevada.

7 MR. NUENDEL: I wonder if they shouldn't reassess
8 why because the government spent a whole lot of money
9 developing that for very -- a lot of years, and it came
10 to a stop because of something like that.

11 MS. LYONS: It was a NIMBY.

12 MR. NUENDEL: Huh?

13 MS. LYONS: It was NIMBY. It was at Yucca
14 Mountain.

15 MR. NUENDEL: Yeah, yeah. It seems to me this may
16 open the door because, I mean, they're talking about you
17 can put waste in there that will last 10,000 years the
18 way the caverns are all concrete. I mean, I could go
19 into a little bit of detail on that, but maybe -- I
20 don't know how that happens. We certainly can't do
21 that.

22 MR. DELANEY: No, but it was my understanding, like
23 Sheila, that it was clearly a political call because
24 Reid was there. It's his state. He's got the power,

1 and it'll go until he leaves.

2 MR. NUENDEL: So we're going to go in different
3 backyards?

4 MS. BURGESS: That's what they're talking about.

5 MR. NUENDEL: Something doesn't --

6 MR. DELANEY: Yeah, I know. It's frustrating. And
7 you're right. It does seem from -- and I haven't
8 studied it in detail, but it seems like an ideal
9 location, remote, all kinds of backup to salt mines and
10 caverns.

11 Sheila, are you going to add to that?

12 MS. LYONS: No, I mean, I just think that this is
13 really unfortunate because as bad as nuclear power is
14 because of the waste -- I mean, I think that is the key
15 -- and the potential of human screw up if something
16 happened -- but it is a clean form of energy and a
17 powerful form of energy. If we had treated it not
18 politically but in a strategic way as part of our energy
19 from the beginning and reinvested in it and did research
20 and development -- I mean, in Europe they are way ahead
21 of us on a lot of things, but even on this they have
22 been able to reuse -- they recycle their waste product.
23 Up to almost 90 percent of that waste is recycled and
24 reused in a form of energy. And when it's put into dry

1 casks, it's shot into the ground somewhere, probably
2 like at the base of a Yucca Mountain somewhere. And who
3 knows how ideal that is. We won't know probably for
4 another 500 million years as an aftereffect or
5 something. But this is just us not being able to deal
6 with these things. And once the Love Canal -- not the
7 Love Canal, but the big meltdown that we had in --

8 MR. DELANEY: Three Mile Island?

9 MS. McKEAN: Three Mile Island?

10 MS. LYONS: Yeah, right. I mean, that was like
11 everybody kind of then pulled away from that, and we
12 really didn't deal with it in an adult-like way. I
13 think it just became a political thing that they wanted
14 to kick off. So it's unfortunate, but this is where we
15 are.

16 And I did want to say that I think the Advisory --
17 you know, I think back at the base. This is something
18 people don't come to willingly, like the military. I
19 mean, like they never really had a deal if they don't
20 want to deal with their civilian population, but they
21 did. And I think that that is a very good model for
22 legislators to look at. There was an advisory committee
23 of the cleanup of the base because that was another --
24 what? How many billions did it cost to clean the

1 military base? So that was a partnership that was
2 formed that wasn't really a normal partnering, and they
3 came together, and they've worked on it for years. And
4 that relationship -- I serve on that committee as well.
5 That is still ongoing as far as the military working
6 with the towns and, you know, built a good relationship.
7 So it should be looked at as the model.

8 MR. DELANEY: So we have, whether it's good policy
9 or not, Yucca Mountain has been put aside for the time-
10 being, replaced by this consent-based siting.

11 MS. LYONS: Right.

12 MS. BURGESS: Right.

13 MR. DELANEY: Do you suggest an action we should
14 take with regard to consent-based siting?

15 MS. BURGESS: I don't have anything in mind right
16 now. I think we should probably stay informed about
17 what hearings are going on and what -- you know, where
18 we might have a voice. Actually, I think we just missed
19 -- I think something just happened last week, as I
20 recall, where there was a hearing about this in Boston,
21 so we kind of missed that one. The one place -- there
22 is one firm that came forward offering itself as a waste
23 host site, and it's in Texas, but not much is known
24 about it, and it's only four years old. Of course, they

1 also do a lot of fracking in Texas, so that's another
2 concern, but I will stay informed and keep you apprised.
3 And please, if anybody else does, please let us know if
4 there's something we need to do.

5 By the way, speaking of need to do, when I looked
6 on our website, I saw that these letters weren't
7 included. In the fall of 2015 as the news about
8 decommissioning was coming out and as Representative
9 Peake and our senator, Dan Wolf, were putting forth
10 legislation -- and I will circulate one of these on each
11 side -- I did draft on behalf of the committee letters
12 to the appropriate chairmen of the committees. So I
13 wanted you to know that that was done.

14 MS. McKEAN: Are these the ones you testified on?

15 MS. BURGESS: Yes.

16 And I noticed, Mr. Superintendent, they're not on
17 the website, so maybe we can add that under our advisory
18 commission. And also I did -- and I have my testimony
19 here if anybody would like to see it. In October I did
20 testify in support of, first, a speak out about the
21 decommissioning process and our belief that Pilgrim was
22 going to be shut down but also the concern that
23 decommissioning was done correctly and that local people
24 would have a voice in it. I have those comments as well

1 as comments that I made when I testified in support of
2 Dan Wolf's Bill 1797. And I have a little legislative
3 update you'll see in your handout just to tell you where
4 the various bills are.

5 House Bill 2167 from Representative Peake looks
6 like it may be alive, and it's gone to Ways and Means
7 Committee, which is an important step; 230, which asks
8 for local radiation monitoring even out here on the
9 Cape, was put into study, which basically means rest in
10 peace, by the Joint Committee on Public Health. They
11 used preemption; in other words, saying that's federally
12 regulated, the state doesn't have a say. Sarah Peake's
13 Bill -- House Bill 2031 is not dead yet, and you can
14 contact the chairs of the Joint Committee on Public
15 Health to request a favorable vote out of committee.
16 Dan Wolf's bill that I testified in favor of which would
17 have, if you recall, put a \$10,000 fine on every fuel
18 rod that was left in the cooling pool and not put into
19 dry cask storage, again, was put into study using
20 preemption saying that that was federally regulated.
21 But it looks like Senator Wolf's Bill 1798 has a chance,
22 and that's the one that's setting up the \$25 million
23 escrow decommissioning account to be maintained by
24 Entergy. It was favorably voted out of the

1 Telecommunications, Utilities, and Energy Committee, and
2 it looks like it may be going to Ways and Means. So
3 that may have a chance. And that's the one that I
4 think, you know, we need to all be focused on, that they
5 don't get away without having enough money to actually
6 ensure proper decommissioning so that the taxpayers of
7 Massachusetts are stuck with the bill as well as stuck
8 with a facility for 60 years.

9 So that's it.

10 MR. DELANEY: Well, once again, thank you for an
11 extensive service on behalf of our commission here as
12 chair of this committee. It's keeping very busy. You
13 may have prompted a couple questions.

14 Lilli?

15 MS. GREEN: Thank you.

16 Maureen has made some suggestions as far as action
17 steps are concerned, and I notice the letters that she's
18 passed around date from the fall of 2015. Perhaps it
19 would be helpful to update these letters in relation to
20 how the bills have moved. So it looks like there are
21 three bills that may have some forward motion, and it
22 might be helpful for us to follow the same protocol to
23 write a letter to the legislators urging passage of
24 these three bills and also writing a letter to DEP, at

1 least DEP, if not EPA about those other concerns as
2 well. I would think that that would be a good, positive
3 action step for this commission to take.

4 MR. DELANEY: I'll defer to Maureen. The policy is
5 that since you have our authorization to speak, write,
6 author letters on this issue, if these are something
7 that makes sense.

8 MS. BURGESS: If I could make a suggestion, Mr.
9 Chairman, Lilli. How about if I check with Seth
10 Rolbein, who is an aide to Senator Wolf --

11 MR. DELANEY: Yeah.

12 MS. BURGESS: -- and check with Dottie Smith from
13 Sarah Peake's office, see where they are, and see what
14 they think would be useful for us to do. I could then
15 get back to you all by e-mail and let you know whether
16 they think that would be worthwhile.

17 As far as the EPA, DEP permit, I think it's a good
18 idea. It couldn't hurt to add our voice to Cape Cod Bay
19 Watch and Jones River.

20 MS. LYONS: Yeah, I think that would be -- I agree.

21 MR. DELANEY: All right.

22 MS. BURGESS: So I could draft something --

23 MR. DELANEY: Please, yes.

24 MS. BURGESS: -- and run it by the chair and then

1 report to you.

2 MR. DELANEY: Yeah, that's our protocol so far. So
3 that's good. Thank you.

4 Anyone else on this topic?

5 (No response.)

6 MR. DELANEY: Once again, thanks, Maureen.

7 MS. BURGESS: You're welcome.

8 MR. DELANEY: And on a little more fun note, the
9 Nickerson Fellowship.

10 MS. BURGESS: Oh, yes, I almost forgot that.

11 NICKERSON CONSERVATION FELLOWSHIP

12 MS. BURGESS: Well, the last meeting we had just
13 met and I couldn't divulge the names of the recipients,
14 and so now I can. I have what is a draft contract to
15 pass around so you can just see what it looks like, but
16 our two recipients of the Nickerson Conservation
17 Fellowship were Mr. -- or is it Dr.? -- Mr. Owen
18 Nichols.

19 MR. DELANEY: He will be Dr. probably next week.

20 MS. BURGESS: So technically now Mr. Owen Nichols,
21 a fisheries scientist at the Center for Coastal Studies,
22 has been selected by the committee to receive the 2016
23 fellowship award. He will be conducting a study
24 entitled *Shellfish and Horseshoe Crab Flux at the East*

1 *Harbor Tidal Restoration Site*. And this Nickerson award
2 will provide supplies and support for the applicant to
3 do this pilot study at the Cape Cod National Seashore.
4 So we were delighted to have something go to a member of
5 Coastal Studies.

6 So his award of \$1,800 will be made in two
7 payments, one payment at the start of the project and
8 the final upon receipt of the project deliverables,
9 which include a final report and science presentation
10 summary, and that's often done in August at our North
11 Atlantic Coastal Lab in the way of a presentation. And
12 also we're asking them to do some sort of educational
13 product as well that could be posted on the website of
14 the Coastal Lab.

15 The other recipient receiving, again, this year is
16 Mr. Derrick Alcott, a PhD student at UMass Amherst, and
17 he's received the award. His study is entitled *Predator*
18 *Prey Interactions of River Herring Spawning Migration*
19 *and Anthropogenic Obstacles Prior to Restoration*. So
20 I'll just translate that a little bit because I'm
21 familiar with his work.

22 In terms of anthropogenic obstacles, they basically
23 are the little culverts that go over the river. And I
24 know George took us out to see early migration a couple

1 of years ago, and it was very obvious how they hesitated
2 just by the shadow being cast on the water. And it
3 startled them, and they were hesitant to go through or
4 to go through these culverts. Well, Derrick has also
5 noticed that when that happens raccoons and different
6 predators hang out at these culvert sites, and the
7 herring become easy prey for them. So that's what his
8 work has involved. And when he says prior to
9 restoration, what he means is Herring River restoration
10 of tidal flow. And I would hope that these will become
11 less of an issue as we get, you know, full restoration.

12 So that's what his fellowship work is concentrating
13 on. It's very interesting, toads and raccoons and other
14 predators that get these herring on the way through the
15 culverts.

16 So I'll pass this around so folks can see it.

17 MR. DELANEY: Good.

18 MR. PRICE: So the next studies will be how
19 raccoons and turtles and everything like these shadow
20 areas and the anthropogenic thing.

21 MS. BURGESS: Right. Turtles too. I forgot the
22 turtles.

23 MS. LYONS: I was there that day too. Maybe we
24 were on the same tour.

1 MS. BURGESS: Yeah, we were.

2 MR. DELANEY: Good. Well, thanks again. And it's
3 exciting to have the fellowship continue, and I'm sure
4 on behalf of Owen -- I'll say it -- we're thrilled.
5 Owen's really one of our really good rising young PhD
6 scientists and does excellent work, so that will be a
7 nice project to contribute to.

8 MS. BURGESS: Good.

9 MS. LYONS: Great.

10 MR. DELANEY: Okay, thank you, Maureen.

11 Moving to the Superintendent's Report.

12 MR. PRICE: Sure. We're going to take about two
13 minutes to hook up the PowerPoint before I give you the
14 introductions.

15 MR. DELANEY: Okay.

16 (Short recess was taken.)

17 (Heather Sullivan, FUDS program manager, New
18 England District, is on via teleconference.)

19 **SUPERINTENDENT'S REPORT**

20 MR. PRICE: I'm just going to do a quick
21 introduction. We've had some other Commission business
22 up until now, and Scott can fill you in on everything
23 you wanted to know or didn't want to know about the
24 Pilgrim power plant and how it affects Cape Cod National

1 Seashore.

2 MR. GREENE: And the herring runs.

3 MR. PRICE: And the herring runs, that's right.

4 UPDATE FROM U.S. ARMY CORPS OF ENGINEERS ABOUT NEXT STEPS
5 FOR FUDS (FORMERLY USED DEFENSE SITES) EXAMINATION OF
6 UNEXPLODED ORDNANCE, FORMER CAMP WELLFLEET

7 MR. PRICE: But before I introduce you, Scott, so
8 basically talking about -- we were just talking about
9 governmental responsibility when it comes to cleanup and
10 specifically nuclear issues.

11 Stepping back a little bit, many of you are aware
12 that this is known as Camp Wellfleet. It was a military
13 facility for a real long time, and basically since the
14 Seashore came in in '61, they've been working with the
15 Army Corps of Engineers on a number of different
16 projects having to do with taking a look at the former
17 military facility under a couple of different programs.
18 We became aware recently that the Army Corps of
19 Engineers was embarking on yet another phase of this
20 cleanup, and we talked a little bit. One of their
21 requirements is that they would actually speak to a
22 community group about the program, and knowing that the
23 Commission meeting was coming up, we thought that this
24 would be an appropriate way to do it.

1 And you ought to know that there are actually two
2 representatives from Wellfleet specifically, this town,
3 but everybody represents the Outer Cape as well as the
4 Governor, the County, and the Secretary of the Interior.
5 So that's what this particular commission is about.

6 I'd also like to introduce Dave Crary. Many of you
7 know him as our fire officer. Dave is the one that has
8 been our liaison with the Army Corps of Engineers over
9 the previous work. And I want to introduce you to
10 Nicole Taylor who many of you know. She's our safety
11 and environmental officer, and she's been involved with
12 these pieces as well.

13 So it is real. We often will come up with pieces
14 of ordnance. Most of them are duds. Or we'll come up
15 with other facilities, especially as the bluffs erode.
16 Since I've been here, I think in the earlier days there
17 was still a lot of activity in terms of our contractors
18 but not so much in recent times.

19 So, Scott, I'll ask you to introduce yourself and
20 your team and Heather on the phone.

21 MR. GREENE: Well, thank you very much. First of
22 all, I'd like to thank you for inviting me to come and
23 speak today. It's a pleasure to be here in a beautiful
24 place like this, and it was interesting to hear some of

1 the previous discussions. I'll probably stick around
2 for a little bit more of that as well.

3 My name is Scott Greene. I'm a project engineer
4 with the Army Corps of Engineers. Heather Sullivan,
5 you've heard her. She's on the phone as well, and she's
6 the FUDS program manager for the region.

7 Mark, are you on as well?

8 (No response.)

9 MR. GREENE: Okay, so Mark Anderson is my direct
10 supervisor, and he may or may not be calling in as well.

11 I'm relatively new to this project. I've been with
12 the Corps of Engineers since about 2004, though. One of
13 my major projects is one that you guys mentioned
14 already, the Joint Base Cape Cod project. I'm the
15 engineer on that project as well.

16 So this is an overview of what the presentation
17 will be about. Introductions I've already kind of gone
18 through. What the FUDS program is, you see FUDS
19 referred to all the time by its acronym. Because we're
20 in the military, we always use acronyms. But it's
21 Formerly Used Defense Sites. I'm going to do a very
22 quick site history, what work's been completed so far
23 and then what steps are left to do, and then what the
24 current status is and what the schedule will be for

1 those remaining steps. And then the last task is the
2 Restoration Advisory Board, so I'll do a little
3 discussion about that as well.

4 So as I mentioned, my name is Scott Greene.
5 There's my contact information there. I can send
6 anybody that wants a copy of the slides so you'll have
7 my contact information. Also, we're working with the
8 Baltimore District because they're the Munitions Design
9 Center, and so they're the ones that we're working with
10 and are arguing the contract action for us. The FUDS
11 program manager, as I mentioned, is Heather Sullivan,
12 and there's her contact information as well. We will be
13 hiring a contractor. We don't have a contractor right
14 now. We're in the middle of that process right now.

15 So these are some of the applicable laws that drive
16 the cleanup here. So CERCLA, of course, which is
17 basically the Superfund Act. And then it was amended in
18 1986, and then within that amendment also there was the
19 DERP, which is Defense Environmental Restoration
20 Program. And that's where the Formerly Used Defense
21 Sites came in. In 1980 they said, "Okay, you know,
22 Superfund sites, all those private industry sites that
23 have to be cleaned up," and the Army said, "Okay, good,
24 we don't have to do anything," and then this came

1 around, and they said, "Oh, yes, you do." So all these
2 sites that were old sites that were formerly used, we
3 had to clean those up as well.

4 So within the FUDS program itself, there are three
5 program categories, the Installation Restoration
6 Program, Building Demolition/Debris Removal Program, and
7 then the ones applicable here is a Military Munitions
8 Response Program. Within the Military Response Program,
9 there are two components. So the first one is Munitions
10 and Explosives of Concern, and that's really the work
11 that we've done so far, is focus on that. So that would
12 be unexploded items, discarded military items, things
13 like that. The second component of that is munitions
14 constituents. So within those explosive rounds,
15 sometimes they get cracked open, or if there was a fire,
16 there might be release of explosives that gets into the
17 groundwater. So that's munitions constituents, and
18 that's what we're going to be focused on for the next
19 phase of this project. And that's a lot of what we're
20 doing down at Joint Base Cape Cod, is (inaudible) and
21 also munitions constituents wherever the plumes develop
22 from.

23 So this is the CERCLA process, and I'm going to go
24 through the steps we've already completed where you see

1 the red arrow there. And that's where we are right now.
2 So that's the remedial investigation. So that's what
3 we're going to be looking at, is where are these
4 munitions constituents, are there any here at all, and,
5 if so, have they impacted the groundwater, and what are
6 potential receptors, that kind of thing. So that's what
7 we're going to be focused on. After that you get into a
8 feasibility study, so if there are contaminants that are
9 residual there, then what are we going to do to clean
10 those up? And then we develop a plan for that, and we
11 present the proposed plan to the stakeholders. And from
12 there, there is a decision document that's completed,
13 and then we do the remedial design and the cleanup
14 itself.

15 So this is the site history, and I won't go through
16 all these things. Obviously it talks about 1943 when it
17 was constructed and then when Camp Wellfleet was closed
18 and the property was transferred in 1961 to the National
19 Park Service and then some things that have been done
20 since then in terms of cleanup action, investigation and
21 that kind of thing. You'll notice in 2000 the EE/CA,
22 Engineering Evaluation and Cost Analysis, and Remedial
23 Investigation and Feasibility Study. So that was
24 started in 2000, and it's never actually been completed

1 because it only looked at the munitions and environment
2 -- munitions and explosives concerned. It didn't look
3 at munitions constituents. So we only did half the job
4 at that point, so we couldn't actually close out that
5 phase. But in terms of the MEC, we had a decision
6 document in 2003 and then removal actions that were done
7 in 2006, and then the five-year review report was
8 completed for the MEC in 2013.

9 So this is kind of a little bit more detail in
10 terms of what's been completed so far. I mentioned the
11 EE/CA and for MEC in 2001. Again, MEC is Munitions and
12 Explosives of Concern. There was a site-specific
13 removal report in 2006, and these are the things that
14 were done. So Area A, which is a beachfront area, is
15 about 74 acres. So MEC was cleared to depth during that
16 action. Also, in Area B, which is 27 acres, again, the
17 beachfront area. And I'll have a map following this.
18 You'll be able to see what Area A and B are. And then
19 Area C, a smaller area, five acres, same thing, any
20 munitions and explosives of concern were removed at that
21 time.

22 So the results of that were like over 3,000 pounds
23 of nonmunitions-related scrap metal because if you're
24 looking for metal with a metal detector, in geophysical

1 you're going to find metal. And there was some and that
2 was removed. And then about 2,000 pounds of stuff that
3 was really related to munitions. It doesn't mean it was
4 explosive, but it was related to munitions. So one of
5 those items -- I just picked up a couple of things that
6 were of interest. This 1,000-pound bomb, of course,
7 would be of interest. You can see that took up half the
8 total weight. It was plaster filled, so it wasn't
9 really a concern as far as explosives go, but still it
10 was found. And then these flash tubes from 106-
11 millimeter cartridges, I think there were like 136 of
12 those found, and those were addressed then and removed
13 off site. So those aren't still there, but it is
14 something that would have been of concern. There were
15 really no explosive materials found during that
16 investigation, so that's good news.

17 I know this is sideways, but it's kind of pointing
18 to the right way in terms of where the water is and the
19 shoreline there. So you can see -- let's see if I can
20 do this.

21 Did I do that, or it just --

22 MS. BUTLER: No.

23 MR. GREENE: -- happened to me at the same time?

24 MS. BUTLER: Yeah.

1 MR. GREENE: That's pretty good. All right.

2 Area A is right here, Area B is right here, and
3 this is Area C (indicates). So those were the three
4 areas that munitions were investigated for.

5 MS. LYONS: So where is that -- oh, it's Marconi.
6 I see. Okay.

7 MR. GREENE: So all the other areas, all that are
8 shown here, there was a lot of site investigation work
9 and tons of historical reviews and things like that, but
10 out of those historical reviews, they really didn't find
11 any indication that would indicate that there would be
12 munitions or explosives of concern there. So those
13 areas were determined not to -- not to require intrusive
14 investigation to find MEC items.

15 Yes?

16 MR. DELANEY: Is that true for the beach as well?

17 MR. GREENE: So the beach here (indicates)? Area
18 A?

19 MR. DELANEY: In between --

20 MR. GREENE: Area B? This area here (indicates)?

21 MR. DELANEY: Yeah. Whatever the -- it looks like
22 you (inaudible).

23 MR. GREENE: Yeah, so this is Area I, I guess, and
24 Area A and Area B were the areas. So the Area I they

1 determined, because it's intertidal, there probably
2 wasn't anything there. That was discarded, so...

3 MS. GREEN: How far down does Area A go towards
4 Wellfleet?

5 MR. GREENE: That's it right there.

6 MS. GREEN: But how far is that? Is that Lecount
7 Hollow Road?

8 MS. BURGESS: It says Wireless Road.

9 MS. GREEN: Oh, Wireless Road, okay.

10 MS. BURGESS: Does that ring a bell?

11 MS. GREEN: Yes.

12 MS. McKEAN: It looks like it's this side of Cook's
13 Camps maybe as far as when you're out on the beach.

14 MS. GREEN: All right, where the road walking back
15 through the White Cedar Swamp Trail?

16 MS. LYONS: Right, right, it comes out there.
17 Yeah.

18 MS. McKEAN: You can see there White Cedar Swamp.

19 MR. GREENE: Yeah, you guys are definitely going to
20 have -- you've got a leg up on me as far as where all
21 these things are.

22 MS. McKEAN: There is K, White Cedar Swamp. So
23 that's the Wireless Road from Lecount.

24 MS. LYONS: Right.

1 MS. McKEAN: And that's Lecount, and then Cook's
2 has a major acreage over here (indicates).

3 MS. LYONS: Right.

4 MS. BURGESS: Excuse me. Why would you have a
5 plaster bomb?

6 MR. GREENE: So they would drop dummy bombs just to
7 see -- they don't want them just to explode because
8 maybe it's close to their troops or whatever like that,
9 but they still want them to be able to practice and can
10 they drop the bomb in an area to target practice
11 basically.

12 MS. BURGESS: I see. Thank you.

13 MR. GREENE: Yeah?

14 MR. PRICE: So do you know or, Dave, do you know is
15 the outline of this map totally inclusive of Camp
16 Wellfleet? That location?

17 MR. CRARY: I believe the yellow polygon, the large
18 one is the former Camp Wellfleet area. However, I
19 recall that they have an offshore area which wasn't part
20 of Camp Wellfleet, but it's larger than that Area I.
21 And that area out there goes out past the quarter-mile
22 limit, which I believe is the green line, and there was
23 no investigation there. However, there are materials
24 out there as they do wash up in Area I.

1 MR. DELANEY: That's kind of what I was going with.
2 The cliff was two or three -- you know, I want to say
3 50, 60 -- now 50 years ago times two or three feet.
4 There was a lot more solid land where they were doing
5 that, which is now the beach.

6 MR. GREENE: Right. Like I said, they didn't
7 really find very much in terms of Area A and Area B. So
8 that whole coastline when it was investigated, you know,
9 they didn't really find very much at that time.

10 MR. DELANEY: Good.

11 MR. GREENE: So it stands to reason that -- I'm not
12 going to say it can't happen or doesn't happen, but
13 chances are not very likely that it would happen.

14 So as I mentioned, the remaining FUDS steps are
15 related to munitions constituents, and they're going
16 through the remedial investigation phase. I kind of
17 went through this slide before, but it kind of
18 highlights a little bit more about what we're going to
19 be doing for each one of those phases.

20 So the remedial investigation is investigation of
21 the site and evaluating the risks that are associated
22 with anything that we might find. And then we would do
23 a feasibility study, and we would look at all different
24 regional alternatives if we find something and then

1 identify what we think is the best remedial alternative
2 to address that situation. And we will present that to
3 the public and all stakeholders and get feedback, and
4 then we would proceed to a decision document. We
5 actually select what a remedial alternative will be.
6 And then we would do a remediation action, and we would
7 close out the site. So those are kind of the steps
8 we're trying to get through, and we're trying to get
9 through them a lot quicker than we have to this point.

10 MS. LYONS: So what would your timetable -- what
11 are you sort of realistically looking at from the first
12 step to even just getting to a proposed plan?

13 MR. GREENE: So a lot depends on what we find. In
14 an ideal situation, if we don't really find anything, it
15 can go very quickly. If we do find stuff, it will drag
16 out a little bit, a couple years maybe.

17 MS. LYONS: Okay.

18 MR. PRICE: So excuse me. Is that in the nature of
19 the scope for the contractor as well, or does the
20 contractor have a short window in a close?

21 MR. GREENE: No, the contractor is going to be very
22 long, has I think it's 36 months. So the contract is
23 being written such that they will need to do everything
24 they need to do in order to get to closeout. So they

1 read all the records we have, and they're kind of taking
2 a little bit of risk. They're saying, "Okay, based on
3 what we know right now, this is what we think it's going
4 to take to close out the site."

5 Yeah?

6 MS. GREEN: Looking at the map, is it true that the
7 entire Camp Wellfleet is within the bounds of the
8 National Seashore?

9 MR. PRICE: With some exceptions. Dave's really
10 the expert. Wellfleet has a so-called landing strip.

11 Is that what that red is?

12 MR. CRARY: That is.

13 MR. PRICE: So Wellfleet owns inclusive in the red,
14 but isn't pretty much the rest of it our property as
15 well as in the boundary?

16 MR. CRARY: Yeah, pretty much, yes. It's -- I'm
17 sorry -- a little bit on the north end, which is on the
18 left side. I'm not sure. There's a little Cook's
19 Cottage ownership. And Lauren will know about this. I
20 don't know if Camp Wellfleet went up farther on to the
21 private property or not. It wasn't really addressed
22 twelve years ago, but everywhere else is pretty much
23 government ownership, federal government ownership.

24 MS. McKEAN: I agree with Dave.

1 MS. GREEN: So are you saying that there are no
2 properties that are owned? Private cottages?

3 MS. McKEAN: There are no private properties.

4 MS. McKEAN: No private properties. Are there
5 people living within this area at all?

6 MS. McKEAN: There are people on Wireless Road,
7 those camps on the south.

8 MR. GREENE: So maybe over here (indicates)?

9 MS. McKEAN: Yeah, right over there. There are
10 three cottages in there.

11 MR. GREENE: Thank you.

12 MS. GREEN: Thank you for clarifying.

13 MS. McKEAN: Sure.

14 MR. GREENE: So just to highlight again where we
15 are with the remedial investigation for munitions
16 constituents. So we're in the contractor selection
17 phase right now. We've already received proposals.
18 We've already evaluated the proposals. We made a
19 technical determination in terms of who we want to hire,
20 but the contract folks haven't completed the contract
21 action yet. We're hopeful that it will be done by the
22 end of the month, and that would be great.

23 And after we get that contractor award, then we go
24 into the next steps where we'll have a kickoff meeting

1 internally with Army Corps first so we can kind of meet
2 the contractor, tell him what we want them to do, and
3 they'd give us feedback in terms of what they plan to
4 do, and then they'll prepare an RI, a remedial
5 investigation work plan. That will take a couple of
6 months probably to prepare, maybe as much as three
7 months, and then we'll have a planning meeting with the
8 stakeholders, including yourselves, and kind of discuss
9 what the plan is, get your feedback, maybe have some
10 different ideas about parts that we need to be focusing
11 on more, whatever or cultural resources things. Things
12 like that we need to talk about. Of course, you know,
13 during the process when the contractor is preparing the
14 work plan, if you have things you want to share with me,
15 I'm more than open to talk to you about things like
16 that.

17 So we would like to -- I think Mr. Price mentioned
18 that the next Advisory meeting is in September, I think,
19 right? So that might be a good opportunity to give you
20 guys an update in terms of how we're doing and what
21 we're planning on for the next steps. And hopefully, if
22 all goes well, we could be out in the field in the fall,
23 so October, November, something like that. We don't
24 want to be here during the summer season when all the

1 tourists are here and stuff like that, but, you know, of
2 course, if there are sensitive habitats or if there's
3 ecological concerns that may affect our schedule a
4 little bit, we can be more than flexible in terms of
5 accommodating that.

6 Yes, sir?

7 MR. SUMMERSGILL: Do you have a sense of how the
8 degree of hazard represented by the remaining
9 constituent materials?

10 MR. GREENE: I've only been on the site for the
11 past couple of months, three months, but in reading the
12 history and reading what they found as far as the first
13 phase, munitions and explosives of concern, not very
14 much was found in terms of explosives. So my guess is
15 we're not going to find that much, but I can't say for
16 sure.

17 Yes, ma'am?

18 MS. GREEN: Are there any documents that would give
19 you insights as to how much was dumped here or put here
20 or dropped?

21 MR. GREENE: There's a repository that's been set
22 up with the Wellfleet Public Library, so all the
23 documents related to the site have already been put
24 there. But that's part of the job of the contractors

1 when they were hired previously, was to look at
2 historical site information and trying to evaluate where
3 would be the best places to look, and that's how they
4 came up with those locations A, B, and C, for example.

5 MS. GREEN: And have you been in touch with the
6 board of selectmen, let's say, in Wellfleet or any other
7 town committee or entity in the town?

8 MR. GREENE: No. So that's one of the things we're
9 hoping to generate out of this meeting, is for other
10 stakeholders, if they can start participating in this,
11 then we can kind of update everybody at once.

12 MR. PRICE: Lilli, it depends on basically how we
13 want to proceed here on it and whether we want to use
14 this body because none of those -- even this body, as I
15 understand it, Dave, was not actually involved in all
16 the previous phases.

17 MR. CRARY: Correct.

18 MR. GREENE: Actually, the next slide is kind of a
19 good lead. No, not the next slide. The slide after
20 this I think is.

21 So you asked about what is likely or whatever, but
22 this is what's likely as far as the field activities
23 that we're talking about for the fall. So there will
24 probably be some soil sampling looking for munitions

1 constituents. And there will be some that are targeted,
2 but there will also be some random ones just in case,
3 okay, you know -- you know, they didn't find anything.
4 There was nothing to report in the old site history, but
5 still we'll do some random samples and see if we find
6 anything in those random samples.

7 So there will be some sediment sampling, and that's
8 in that intertidal zone. So we'll collect samples from
9 there as well and then groundwater sampling. So there
10 are existing monitoring wells within Camp Wellfleet.
11 They were at one time viable and could be used, though
12 we'll need to go back and look at those again to see if
13 they still can be sampled. Samples that were collected
14 previously, though, were for metals. They didn't
15 actually look for munitions constituents, so that will
16 be something that will need to be done. And then if we
17 need to, they'll install some additional monitoring
18 wells.

19 Yes?

20 MS. BURGESS: Would you be looking at any volatile
21 organics of the wells when you're doing this monitoring?

22 MR. GREENE: We'd probably target -- we might do a
23 few, but we'd probably target towards munitions
24 constituents. We'll probably be looking for what's

1 called RDX, which is one of the constituents within
2 munitions for chlorite, which is usually associated with
3 any kind of a flash type of munitions.

4 MS. BURGESS: And do you know which way the
5 groundwater flows?

6 MR. GREENE: I think it's fairly radial here, so I
7 think --

8 MS. BURGESS: I think that information is available
9 from the Cape Cod Commission.

10 MS. LYONS: Right, I was just going to ask, have
11 you interacted with the Cape Cod Commission on any of
12 the information they have?

13 MR. GREENE: I have not yet.

14 MS. LYONS: Because I just happen to know from
15 experience, you know, that there was a situation
16 recently where a homeowner had indications on their
17 property. So I went to the Cape Cod Commission, and Tom
18 Cambareri really does have mapped out every spill,
19 everything that has been known and they're aware of on
20 Cape Cod where it's happened. And I'm not sure what
21 they have on the base because I'm not sure what the
22 interaction is with how far they can go in with the
23 National Seashore because everybody has their turf, but
24 they really do have extensive maps and how the water

1 flows in certain areas because of the watersheds. You
2 think it's like in a direction, but each -- there are
3 different watersheds. So it would be good to speak to
4 Tom Cambareri at the Commission and see if there's
5 anything there. Just it might save you steps going down
6 the line.

7 MR. GREENE: Absolutely. I mean, there is a short
8 write-up in some of the historical information. They
9 talk about some of it goes south, some of it goes north,
10 some of it goes east, some goes west. I think they're
11 kind of in a radial situation here, but absolutely, it
12 would be a great resource to talk to.

13 MS. LYONS: It might just be helpful and save you.

14 MR. PRICE: And we have all that information as
15 well.

16 MS. LYONS: Right, okay. So you interact quite a
17 bit too.

18 MR. GREENE: Great.

19 So this is what we started to talk about a couple
20 of slides ago. So we're required to evaluate public
21 interest in forming a restoration advisory board. It's
22 part of the FUDS process. And the purpose really is to
23 provide the framework to keep everybody informed about
24 what we're doing in the cleanup and make sure that

1 people are comfortable with what we're doing. But you
2 don't have to set up a new advisory board if you already
3 have an existing meeting that the public is invited to
4 attend and can participate in. If you want to use that
5 mechanism instead, that's okay. So Mr. Price has
6 indicated that would be his preference. Heather's on
7 the phone, and that's one of the things that she'll
8 probably address a little bit more, but there's no sense
9 in having two separate meetings to talk about the same
10 kinds of things. If these are the people that need to
11 be informed of stuff and they're already attending
12 meetings, then it makes sense to combine them.

13 MR. PRICE: Just to build on that, Heather, just so
14 that you can hear this. So this advisory commission --
15 this is a designated commission by the Secretary of
16 Interior for the National Seashore. And I just wanted
17 to let you know and then, Lilli, let you know that the
18 other opportunity that this commission has is the chair
19 has the option to have other meetings outside of the
20 formal Commission meeting. So for instance, say there
21 was a more general interest or very specific technical
22 meeting required on something that was coming up. So
23 say you come to us in September and there's a long list
24 of things that want to be talked about and where we

1 might have a broader interest, say, than town officials,
2 then Rich should be able to set up in essence a
3 subcommittee or a meeting outside of the normal cycle of
4 these meetings where obviously there's a long agenda
5 with a lot of other topics on it.

6 MR. GREENE: Sure.

7 MR. PRICE: So you would still be able to use this
8 group on this particular topic outside of just the every
9 other month meetings we have in the winter.

10 MR. DELANEY: This table represents a
11 representative from each of the towns because Wellfleet
12 is central in the county, so we have a good cross-
13 representation.

14 So I think, unless I hear differently from my
15 fellow members, we would be happy to serve as the
16 advisory forum. Again, as George has pointed out,
17 should you need to focus a little bit more deeply on an
18 issue, we could create the forum for that.

19 MR. GREENE: Okay.

20 MR. DELANEY: Is that okay with everybody?

21 MS. BURGESS: Yes.

22 MS. LYONS: Yes.

23 MS. GREEN: Rich, with your permission, I would
24 like to go back to my town, Wellfleet, to the officials

1 in my town and run this by them and get back to the
2 Seashore, especially since the Town of Wellfleet does
3 own property within the bounds of this area.

4 Personally I don't know how they would feel about
5 it. I don't anticipate that there would be an issue as
6 long as they're included, but I don't know the answer to
7 that. So I don't know what the process I should use
8 going forward would be. Would I report back to George
9 or report to you? But I would like to bring this up to
10 them.

11 MR. DELANEY: That's fair.

12 So right now the standing offer is we will serve as
13 the primary advisory committee, and explain that to the
14 selectmen. If they or we or the Army Corps comes up
15 with a particular issue that needs a little more, we'll
16 also provide that forum. If the selectmen would like to
17 do more in addition to that, that's their prerogative
18 and they should tell that to George, myself, and
19 directly to Scott or probably to Heather as well.

20 MR. PRICE: I actually have a meeting coming up
21 with the town administrator pretty soon on a number of
22 different topics. We can put that on our agenda. And
23 the other thing that I'll mention is apparently this was
24 a requirement when the Army Corps started this process,

1 and there hasn't been such a separate advisory board
2 specifically requesting this at this point.

3 MS. GREEN: And I would also request a copy of the
4 slideshow. I'm sure everyone would probably benefit
5 from seeing it.

6 MR. GREENE: Yeah, I don't know. Can you just
7 forward it to her? Is that right?

8 MR. PRICE: I can.

9 MR. GREENE: If you have a contact list already,
10 just copy me on and I'll do that contact list as well.

11 MR. PRICE: I'll do that.

12 MR. DELANEY: Okay, anything else, Scott, in your
13 presentation?

14 MR. GREENE: I think that's it.

15 Questions? You guys were asking me questions all
16 along.

17 MR. PRICE: I'd say the one thing that the staff
18 has to be involved with is apparently the previous
19 visits and the previous Army Corps individuals and
20 contractors had a working relationship and understood a
21 lot of the issues that we would have. And that
22 institutional memory apparently doesn't exist at this
23 point, so we have to reestablish that with Scott and the
24 new folks that are on board because obviously if there's

1 going to be any ground disturbance, we have all kinds of
2 issues. We have almost six issues. We have Native
3 American consultation as well as dealing with the
4 various environments out there as to what we can do and
5 what we can't do at some point. So we will certainly be
6 working with the Army Corps staff on that.

7 MR. GREENE: Yeah, I'm not so familiar with it
8 here, but we had a little bit of that during
9 (inaudible).

10 MS. LYONS: Right.

11 MR. DELANEY: One more question. Bill?

12 MR. CLARK: Off topic a little bit, but I'm just
13 curious. I didn't even know we had a Wellfleet camp.
14 But what about Truro? Has this been done for Truro, or
15 is it going to be done?

16 MR. PRICE: Well, Truro is a different animal
17 because of the nature of the way it was turned over to
18 us, and apparently anything left we own. They did
19 alleged media -- Heather, just so you know, he's talking
20 about the North Truro Air Force Station, which was
21 turned over to the National Park Service in the '90s.

22 MS. SULLIVAN (VIA TELEPHONE): Okay.

23 MR. PRICE: And we're in the process of trying to
24 demolish some of the buildings with asbestos, and we've

1 dealt with at least one monitoring for an underground
2 situation.

3 Nicole, what was the material they found?

4 MS. TAYLOR: I think it was TCE and PCE.

5 MR. PRICE: Did you hear that, Heather?

6 MS. SULLIVAN (VIA TELEPHONE): I did, yes. TCE and
7 PCE?

8 MS. TAYLOR: Yes.

9 MR. PRICE: So whatever the deal was with the
10 government at that time, maybe because it wasn't the
11 sexiest ordinance because it was a radar station, the
12 Air Force allegedly cleaned up the hazmat before they
13 turned over the site to us.

14 MS. McKEAN: And it was not a FUDS site, a Formerly
15 Used Defense Site, because that was a BRAC for years and
16 it wasn't a BRAC site, Base Realignment and Enclosure
17 Act. It fell in the middle, and it doesn't have its
18 remediation money and whatnot. We did have the Air
19 Force come back in. Well, the Army Corps on behalf of
20 the Air Force come back in and do some remediation of
21 metals and wastewater system. They had done underground
22 storage tanks and some other things right before we did
23 the transfer (inaudible), all of those things. And we
24 did get them back for one big issue, but those building

1 hazardous materials issues we'll never get them back
2 for.

3 MS. TAYLOR: Did you mention that we got it after
4 the FUDS deadline started?

5 MS. McKEAN: Yes.

6 MS. TAYLOR: Okay.

7 MR. DELANEY: Okay, thank you, Scott. We
8 appreciate it.

9 Thank you, Heather.

10 MS. SULLIVAN (VIA TELEPHONE): Thanks, everybody.

11 MS. LYONS: Thank you.

12 MR. PRICE: Thank you, Heather.

13 MR. GREENE: Heather, you don't have anything else,
14 right? Are you good?

15 MS. SULLIVAN (VIA TELEPHONE): No, you covered
16 everything great. Unless anyone has any questions, I'm
17 good.

18 MR. GREENE: Okay, thank you.

19 MR. PRICE: Okay, Heather, thank you.

20 MS. SULLIVAN (VIA TELEPHONE): All right, thanks.
21 Take care.

22 MS. LYONS: Thank you.

23 MR. DELANEY: Superintendent, back to you, but are
24 we also going right to Lauren?

1 MR. PRICE: No, we're going to a special guest, a
2 second special guest.

3 MR. DELANEY: Oh, all right.

4 NATURAL RESOURCE MANAGEMENT PROJECTS -
5 SALT MARSH VULNERABILITY - CLIMATE CHANGE

6 MR. PRICE: As you know, over the last couple of
7 meetings, I've invited different staff people in to give
8 us an update on various special programs that are
9 happening. And this is a twofer basically because this
10 is the first time we've asked Dr. Steve Smith to address
11 us. Steve has really been focused a lot on plant
12 ecology and a lot of the wetland restoration.

13 This morning we were fortunate to have him take the
14 field trip out to The Gut, so we talked a little bit
15 about the wetlands around the Wellfleet Harbor area. So
16 that was pretty neat. What really brought it to my mind
17 to bring it to you all was the video that he's going to
18 introduce. At I believe one of the last meetings I
19 showed a couple of videos that are up on our website
20 just so that you're aware that you can access them and
21 show them to your friends and family and extended guests
22 this summer, but this particular one really caught my
23 eye and I asked Steve to come in and introduce it, show
24 the video, and then if you have any questions for

1 dialogue afterwards, we can do that.

2 Steve?

3 MR. SMITH: Thanks, George.

4 Thanks, everybody. I'm delighted to present to you
5 what I think is a really neat short video that the
6 Natural Resource Management and Science division put
7 together. It's put together by a chap named Chris
8 Green, who's our science communicator. He's done a lot
9 of -- as the science communicator, he's done a lot of
10 this type stuff in wet work and that sort of thing, and
11 it's really -- you know, salt marshes are, as you guys
12 all know, incredibly important. They constitute almost
13 10 percent of our total land area, and they're extremely
14 valuable ecologically, recreationally, economically,
15 that sort of thing. They provide a lot of protection of
16 our coastline. So many species rely on that resource
17 for either part of their lives or all of their lives.
18 They also play a big role in carbon sequestration,
19 photosynthesizing and burying carbonous peat, which is
20 basically storage underground, and that ameliorates
21 global warming to some extent.

22 Prior to I'm going to say 2002, the Seashore staff
23 were really, really focused on salt marsh restoration,
24 particularly the Herring River and for a long time the

1 Hatches Harbor restoration, which has been a very, very
2 successful tidal restoration project. In about 2002 in
3 concurrence with our long-term ecological monitoring
4 program, we started looking at these nonrestricted
5 marshes that have no hydrological issues, and the
6 primary factor that's affecting our marshes or those
7 kinds of marshes is sea level rise. And we've seen over
8 the last 30 years -- we've just put out a couple of
9 publications on this, and I'll just say that our entire
10 staff is involved in this kind of work, and it involves
11 contributions from virtually every person in our
12 division.

13 So we've seen huge changes in species composition.
14 We're losing an area of marsh at the higher elevations
15 called high marsh really rapidly, and that's its own
16 unique community of organisms and physical parameters
17 and a fair number of shorebirds and listed species,
18 listed bird species that really need that habitat to
19 survive. One is the Saltmarsh Sparrow. And we recently
20 constructed a model to predict what's going to happen to
21 our salt marshes with various scenarios of sea level
22 rise, and one of the most conservative scenario, we're
23 going to lose virtually all of that high marsh and up to
24 25 percent of the low marsh with just 50 centimeters of

1 sea level rise by the year 2100. And if it's a lot
2 more, as most people predict, like 100 centimeters or
3 more, it's a lot. It's a lot of that resource that will
4 be gone.

5 So anyway, I don't want to be redundant here.
6 We'll watch this video. It explains a lot of what I've
7 just been talking about, and if there are any questions
8 at the end, I'll be happy to field them.

9 (Video is shown.)

10 MR. SMITH: Okay, so there's the short version of
11 sea level issues affecting our salt marshes.

12 Does anybody have any questions?

13 MS. BURGESS: Nicely done.

14 MR. DELANEY: Yeah, it's a great production. It's
15 startling, the 34, 26, then 37 percent loss already in
16 just 30 years on the low marsh.

17 MR. SMITH: In the last 30 years, there's been very
18 little low marsh lost. It's high marsh.

19 MR. DELANEY: It's high marsh?

20 MR. SMITH: Yeah, yeah, and, you know, we did this
21 GIS analysis on aerial photography, and fortunately it's
22 very easy to distinguish between high and low marsh when
23 looking at aerials because they have a very distinct
24 color signature and it is a fairly straightforward

1 process to do that. But, yeah, we're becoming almost
2 all low marsh, and as I said, high marsh has its own
3 unique community associated with it, and it represents a
4 pretty significant loss ecologically. We also have
5 things like changes in the way carbon and nutrients
6 cycle around the system as well.

7 Yes?

8 AUDIENCE MEMBER: Does effluence into marshes
9 protect high and low marshes? The effluence and the
10 flushing of a marsh?

11 MR. SMITH: Right. So you're probably talking
12 about nitrogen and groundwater. Yeah, so it depends,
13 like so many other chemical constituents -- it depends
14 on the level. So a little bit of nitrogen enrichment
15 might be a good thing for marshes is the sort of general
16 consensus because it allows a little bit more increased
17 production, but higher levels of nitrogen enrichment --
18 and there have been a lot of studies done at Plum Island
19 up in the Newburyport area where they fertilized areas
20 of marshes. And they've shown that it alters the way
21 the plants grow. So you get less root growth because
22 the plant doesn't need to invest a lot of resources
23 looking for roots, searching for nutrients in the soil.
24 So you have less root growth because it doesn't need to

1 -- you know, it's already all there. And more
2 aboveground biomass. And that kind of -- that makes the
3 plants more susceptible to physical forces, wave energy,
4 and storms and so forth. So what they've seen with
5 nitrogen enrichment in many areas of the Plum Island
6 system is a collapse of the creek banks. They just
7 crack and collapse into the channel. So it sort of
8 depends on -- and then, you know, with extreme nitrogen
9 enrichment you also get -- tend to get a lot of
10 Phragmites growth, tend to get a lot of macroalgal
11 growth which can form these big mats and smother
12 vegetation and so forth. So like so many other things,
13 it just depends on the level.

14 MR. PRICE: And the other thing, at the field trip
15 today, Steve, we spent a lot of time talking about the
16 crab damage, which was pretty startling.

17 MR. SMITH: Right. Yeah, so one other thing that
18 has come up -- it's been over a decade now. What this
19 is, we have a species of native herbivorous crabs,
20 *Sesarma reticulatum*, a purple marsh crab. They're
21 nocturnal. You don't normally see them during the day,
22 but they -- they consume the aboveground vegetation,
23 leaves and shoots and so forth. They're really the only
24 crab in the marsh that does that. We have lots of

1 fiddler crabs. They sift through the soil for microbes
2 and to try to get soil algae and things like that. And
3 there are green crabs which may eat a little bit of
4 vegetation but tend to go after the animal, fiddler
5 crabs, snails and so forth.

6 But these *Sesarma* crabs have just exploded in
7 numbers here. Their numbers are about ten times the
8 normal. They are a normal part of a lot of salt marshes
9 along the East Coast, but they don't do much because
10 they're at low density. So we have very high densities,
11 and they completely denuded a lot of vegetation. It's
12 very hard to see when you're looking over a marsh from a
13 roadside or something. You just don't see it. But when
14 you walk through a marsh and you go to Audubon even,
15 parts of it look like a moonscape because the plants are
16 lost. You don't have the stabilization of the root
17 systems anymore, and all that peat that's been building
18 up over hundreds to thousands of years just gets eroded
19 away or cleaves off and falls into the channels or falls
20 off the edge. And in an era where even a few
21 millimeters of accretion can help salt marshes keep up
22 with sea level rise, that's a pretty significant change
23 in elevation that has really, really altered the
24 structure of many marshes.

1 MS. BURGESS: Do you know why you're getting this?
2 These *Sesarma* crabs?

3 MR. SMITH: Right, right. So this issue attracted
4 a lot of interest from outside researchers, and one of
5 them, Mark Brown -- or Mark Bertness from Brown
6 University, has done a lot of work on this. And he's
7 got -- the consensus is that some of this crab's
8 predators, namely some recreational fish species or fish
9 species that are fished recreationally, like striped
10 bass and cod, have been overfished and they don't have
11 that predation pressure on them to keep their densities
12 low. I won't get into it, but he's done some predation
13 experiments which strongly suggest that may be the case.
14 So, you know, there's a little bit of skepticism around
15 that because it's hard to -- it's hard to really
16 quantify recreational fishing pressure per se, but he
17 did correlate -- he came up with some metric to do that
18 and correlate fishing pressure with the extent of
19 dieback in the adjacent marsh all up and down the south
20 coast of Cape Cod and Rhode Island.

21 I'll just mention this is happening across southern
22 New England and into Rhode Island. These crabs are
23 doing their thing. So we have two things going on
24 there, which is really, really altering some of our

1 marshes. And it's interesting in that we really don't
2 have these crabs at all or they're present in such low
3 numbers you can't notice anything in the Nauset Marsh
4 system or Pleasant Bay or in Provincetown yet, but
5 they're really, really abundant in Truro through
6 Wellfleet Bay and the south coast of Cape Cod. Parts of
7 it have been just decimated.

8 If you ever go to Saquatucket Harbor in Harwich and
9 eat at that Brax Restaurant there, you'll look out at
10 the view, and it's just all bare salt marsh. It's been
11 just completely eroded away. That's from the *Sesarma*
12 crabs.

13 MR. PRICE: So one of the reasons I was interested
14 in Steve speaking and addressing this group was the fact
15 that since I've been here my focus has been with the
16 same work group on the restoration efforts, whether it's
17 Hatches Harbor, East Harbor, and obviously Herring
18 River. And all of a sudden Steve has been both talking
19 about it and put together this presentation about
20 harbors that are not dammed off or not restricted by
21 human activity and yet they're still in peril. At least
22 that's the way we've defined them up until now.

23 So, Steve, thank you very much for coming in.

24 MS. GREEN: Thank you.

1 MR. SMITH: Thanks. I appreciate it.

2 MR. DELANEY: So it does highlight this whole
3 trend. It highlights the importance of doing the
4 restoration projects like Herring River whenever we can
5 --

6 MR. PRICE: Yes.

7 MR. DELANEY: -- to try to offset some of the
8 natural losses that we're seeing.

9 MR. SMITH: Yeah, that's a lot of my thinking, a
10 lot of people's thinking, that it places additional
11 value on restoring salt marshes because that can offset
12 some of these big losses.

13 MR. DELANEY: Good, okay, thank you.

14 MR. PRICE: I have a number of topics, and
15 depending on your interest depends on how long we stay
16 on them. While we're speaking, however, I'm going to
17 pass around just a little survey. Several meetings ago
18 the question was, did you all want to get a copy of the
19 minutes in hard copy or just on e-mail or both? And I
20 didn't get very many responses, but I'll pass this
21 around for you to give us some indication.

22 STORM DAMAGE/EROSION UPDATE

23 MR. PRICE: First item I want to talk about, the
24 storm damage and erosion update.

1 Since our last meeting, I did have a meeting in
2 Provincetown and in Eastham talking specifically about
3 the two big topics. In Provincetown obviously we still
4 have the issues with the North parking lot. The bottom
5 line is that we're working with a contractor who has yet
6 to actually start, and the goal is to have at least half
7 of the parking spaces restored and then the rest of the
8 area safely set aside. The way we would do that is
9 basically turn it into a one-way action and just change
10 around the parking spaces quite a bit. This is required
11 because up until now we've been spending about \$3,000 --
12 \$300,000 on the repair. That's what we're going to
13 invest again this year, but this year in order to take
14 care of all the damage, it could be a million three
15 because of all the extensive damage this year.

16 In Eastham, a similar model. I met with the board
17 of selectmen on a Monday, had a public meeting, and we
18 talked about, number one, we're moving forward with
19 replacing the stairs. Number two, we're embarking upon
20 what's called a value analysis with our Denver Service
21 Center on exploring what retractable stairs would be.
22 Everybody thinks that's the simplest thing, "Why didn't
23 you do this years ago?" The bottom line is that with
24 the bluff retreating as much as 18 feet as it did the

1 year before last it's very difficult as an engineer to
2 look for a solid base to put a footing if you can't even
3 figure out where the end is going to be.

4 We did have an engineer firm come in and take a
5 look at the facility. Number one, we needed to get some
6 support to justify demolishing the facility after the
7 beginning of the summer. The side of the septic tank is
8 within ten feet of the bluff, so we're having 18 or 12
9 feet of erosion in one year. The septic tank is not
10 going to last another winter. Graham Giese and Mark
11 Borrelli have done an assessment of both Herring Cove
12 and Nauset Light. Nauset Light is -- you know, from a
13 scientific point of view, they're all excited about it
14 because it's a hotspot. There's no sandbar setting up
15 right off the beach, so consequently it's this
16 tremendous focus of erosion at that particular location.
17 And it's amazing to me because this beach at Marconi is
18 not that far away. And South and Coast Guard is not
19 that far away. And neither one of those are getting the
20 attention of the wave action as Nauset Light Beach is.

21 So it's pretty dramatic, and we're working on it.
22 We have our fingers crossed and hope both projects will
23 be done by Fourth of July. However, as we're trying to
24 work through our contracting processes, neither project

1 has actually started yet, so yes, I'm getting a little
2 nudgy.

3 SHOREBIRD MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT - UPDATE

4 MR. PRICE: The shorebird management plan, we're
5 still going through all the comments. We don't
6 anticipate any rollout of anything until the fall.

7 NAUSET SPIT UPDATE

8 MR. PRICE: Nauset Spit. I don't have any personal
9 reporting other than to let you know that apparently
10 there was a ruling that overturned I guess the Eastham
11 Conservation Commission.

12 Am I right on that?

13 MS. McKEAN: Yes.

14 MR. PRICE: Therefore, there was a judge that said
15 for the particular reasons the Eastham Conservation
16 Commission voted the way they did, they didn't feel it
17 was warranted. So that's back in the court of Eastham
18 and Orleans again as we speak.

19 NATIONAL PARK SERVICE CENTENNIAL

20 MR. PRICE: The National Park Service Centennial,
21 we're well into our centennial year. We've actually
22 begun some centennial activities. You all will be
23 receiving a rather extensive press release that Sue
24 Moynihan and our folks put together. It's actually

1 pretty neat all the stuff we have going on. Whether
2 it's the *Every Kid in the Park*, whether it's the *Healthy*
3 *Parks, Healthy People*, whether it's an original concert
4 that's coming up, whether it was the program that you
5 missed last Thursday. The famous Rich Delaney gave a
6 presentation about his trip to Paris, and that was
7 matched with our rotating quilt exhibit on climate
8 change that came out of Key Biscayne. We've got
9 additional programs happening up at the Highlands
10 Center, the Highland Light, all kinds of things.

11 One of the things I'd also bring your attention to,
12 on August 25, which is actually what we call Founders
13 Day -- that was the day President Wilson signed the
14 Organic Act into existence -- we're going to have a full
15 day at the Salt Pond Visitors Center. So that morning
16 it's going to be a science kind of a street fair where
17 there are folks who have exhibits out on the lawn. You
18 can touch and try all kinds of things to really get a
19 look behind the scenes at what happened. In the
20 afternoon there's going to be a science symposium, which
21 still blows my mind because here it is the last good
22 Thursday in August for beach day and the last three
23 years we've done it it's been standing room only all
24 afternoon. And basically we'll have a number of

1 visiting scientists give a little synopsis of their
2 research, and it really has been really something.

3 Then that evening Jung-Ho Pak and about 18 members
4 of the Cape Cod Symphony will be performing at the
5 amphitheater. Now, what's particularly interesting
6 about this is the amphitheater is in pretty bad shape,
7 and after Labor Day we have a contract ready to actually
8 restore that entire area. So he's the one that wanted
9 to do it there. He thought this would be kind of neat,
10 you know, this plaster face that's all falling apart.
11 The benches have to be changed. I mean, it's just
12 really -- it's nothing to be proud of at this point, but
13 he thought it would be neat to have the centennial
14 concert there in anticipation of the new activities
15 coming up.

16 So please write down August 25. There'll be a lot
17 of stuff going on, and I'm really pumped about it. I
18 think it will be great. We've been working with them at
19 Nauset High School for a rain backup location and all
20 kinds of things, so it will be a busy day for sure.

21 Then you're also aware of -- I had already
22 mentioned the amphitheater projects. We have a number
23 of projects taking place as part of our centennial
24 program as well. If you haven't noticed the Marconi

1 parking lot, it's been totally resurfaced. The Race
2 Point parking lot is totally being resurfaced as part of
3 this. We have the amphitheater coming up. We have
4 completion of a full sign plan to replace all the signs
5 at the Seashore. The signs are looking pretty shabby
6 and pretty worn, so we really want to do a facelift type
7 of activity.

8 And we're really getting off to a great start with
9 Cape Cod Healthcare and *Healthy Parks, Healthy People*
10 *Program*. So five days during the week you'll see a
11 healthcare professional at the Salt Pond Visitors
12 Center, and there's going to be a whole potpourri of
13 activities, everything from *Walk With a Doc* to a *Talk*
14 *With a Doc* to other youth-type programs, the Ninja
15 Ranger program. That's kind of interesting. That's for
16 sure.

17 IMPROVED PROPERTIES/TOWN BYLAWS

18 MR. PRICE: We don't have anything specific under
19 the improved properties and town bylaws. I know there
20 has been a group in Truro that's been trying to mimic
21 the Wellfleet success, but that's still a work in
22 progress, shall we say.

23 But we did want to mention that under just the town
24 activities -- Lauren, if you just wanted to give a pitch

1 on the bike planning.

2 MS. McKEAN: Oh, sure.

3 OUTER CAPE BICYCLE PEDESTRIAN MASTER PLAN UPDATE

4 MS. McKEAN: So the towns of Wellfleet, Truro, and
5 Provincetown have been involved with the Outer Cape
6 bicycle pedestrian master plan. We've got a steering
7 committee with two members, one member of staff, one
8 member of committee, Cape Cod Commission planners,
9 myself, Karst, and bringing in all the science staff and
10 rangers along the way.

11 We've gotten to the point where this summer we'll
12 have a draft master plan. Right now we have an official
13 alternatives report. It's available to the public.
14 There's a final workshop. There have been a series of
15 three workshops already. So the fourth workshop, the
16 Truro Community Center. It's in -- I gave you a press
17 release. It's at the Truro Community Center Wednesday,
18 June 15. I believe it's 6 to 8 p.m.

19 Is that correct? 6:30, excuse me. There was a
20 room availability thing that made for that time change.
21 It's 6:30 p.m.

22 So it's looking really good. There's a lot of
23 great consensus on our primary and secondary network.
24 So please join us. And we'll be looking to meet with

1 the town selectmen in July. We have Provincetown all
2 set up, and they're in the process of setting it up.
3 The Cape Cod Commission has done a good job for us, so
4 we feel very happy about that.

5 MR. PRICE: Speaking of Truro, Lauren, I just want
6 to mention another Truro-sponsored program coupled with
7 the Centennial. It's the roundtable.

8 MS. BURGESS: Yes, I have a handout for everybody.

9 MR. PRICE: (Inaudible)?

10 MS. BURGESS: Yeah, the roundtable, yeah. So may
11 I?

12 MR. PRICE: Sure.

13 MS. BURGESS: The Friends of the Truro Meeting
14 House have sponsored a roundtable, and I have a handout
15 for you so you can see exactly what it is. And make
16 sure you save the date. It says: (Reading) The
17 Friends honors the National Park Service Centennial with
18 a major public event. To join the celebration, the
19 Friends of the Truro Meeting House (end reading) --
20 that's the nonprofit that, you know, can raise money for
21 the Meeting House -- (reading) the Truro Historical
22 Society and the Friends of the Cape Cod National
23 Seashore are hosting a roundtable entitled *The National*
24 *Park Service at 100 - Its Legacy and Challenges*. The

1 roundtable will be held on Saturday, July 16, from 10 to
2 11:30. A blue-ribbon panel of speakers will be on hand
3 to mark this auspicious occasion. Jonathan Moore, a
4 distinguished diplomat, government official, and
5 academician, will speak about being one of the creators
6 of the Cape Cod National Seashore as legislative aide to
7 Senator Leverett Saltonstall. George Price,
8 superintendent of the Cape Cod National Seashore, will
9 address meeting challenges through creative public-
10 private partnerships. Noted author Robert Finch will
11 read from his writings about the glories of the
12 Seashore's natural wonders, and former Cape Cod National
13 Seashore superintendent, co-chair of the Wellfleet
14 Historical Commission, Maria Burks, will moderate the
15 panel and question and answers afterwards (end reading).

16 Carlotta Zilliax, who is actually associated with
17 the congregation up in the Meeting House, has done a
18 nice overview of the whole National Seashore history.

19 So I think you'd all enjoy this, so I brought it to
20 pass out.

21 UPDATE ON TWO PRIVATE COMMERCIAL PROPERTIES

22 RELATED TO THEIR CSCs

23 MR. PRICE: So speaking of continuing with Truro
24 and moving to a different topic -- and this has to do

1 with commercial properties -- as you all know, one of
2 the specific duties that is in the legislation for this
3 advisory commission is for advice on the commercial
4 certificates of suspension of condemnation. And I've
5 asked Lauren to come and give us an update on two that
6 have been in the news lately.

7 MS. McKEAN: First I'll give you the one that's not
8 had any controversy or anything. So basically right now
9 we have five-year permits or certificates that have been
10 issued through 2018 for most of the properties. So
11 we've got three campgrounds, two restaurants -- one's a
12 restaurant/nightclub, the Beachcomber -- a gas station,
13 and a hotel. So we have eight commercial properties
14 that we're tracking at this point.

15 Surfside Cottages here right at LeCount and Ocean
16 View Drive is a commercial property. It's on three
17 different tracts of land, and our concern when they were
18 converting over to condo was that they didn't become 17
19 single-family residences on these tiny little lots. As
20 you can imagine, all of the intensity of use of the dog
21 and the cat and the 3.5 cars or whatever it is now of
22 people visiting Cape Cod. And so they give us the
23 rental records. We have rental records from each
24 cottage and sort of proving that somebody isn't there

1 all summer as a residential unit. So we're confident
2 with this. I can pass it around, and you can be
3 confident of that as well. That's going very well.

4 MR. PRICE: Lauren, so this is truly just an
5 update?

6 MS. McKEAN: That's truly just an update.

7 MR. PRICE: And they won't come before this group
8 again until?

9 MS. McKEAN: Until 2018. But they submit every
10 single year. I didn't have to call them. They've been
11 really good about that.

12 MR. PRICE: Great.

13 MS. McKEAN: So every spring we get the update
14 usually.

15 So the other one you got in your packet a whole
16 bunch of information on Adventure Bound Camping Resort
17 at the old Horton's Campground on South Highland Road.
18 Adventure Bound Campground also bought the old Ed
19 Francis campground known as North Truro Camping Area on
20 Highland Road. The last you guys saw it, we reviewed
21 the central wastewater treatment plant that was going to
22 link the two properties and be at Horton's. They talked
23 in a fuzzy manner about, as I check the records -- about
24 maybe transferring 50 RV sites from one more intense use

1 area, North Truro, to Horton's, but nothing ever became
2 of that. Well, they started building this summer -- I
3 mean, this spring. It looked like they were taking
4 stuff out. They were getting ready for this wastewater
5 plant. And then all topsoil broke loose or something.
6 So here are some photos. Then the Town of Truro issued
7 a stop work order. There was never any zoning
8 compliance that was done, never any site plan review
9 under Truro zoning.

10 When we issue our -- you help us issue our
11 certificates of suspension from condemnation, some of
12 the factors are -- well, one of the main factors is have
13 they continued to meet zoning requirements. So we don't
14 have an outcome yet. We have a tentative meeting later
15 this week, George and I, with the attorney for the
16 property to give us an update. There isn't anything to
17 act on now. Hopefully there can be some backpedaling
18 and backing up of this project and going through the
19 proper processes. Some of the damage, as you can see,
20 is already done.

21 MR. NUENDEL: Just a comment on that.

22 MS. McKEAN: Do you have a question?

23 MR. NUENDEL: There is an article in the *Cape Cod*
24 *Times* starting on the front page about this whole

1 ordeal.

2 MS. McKEAN: Today?

3 MR. PRICE: Yes.

4 MR. NUENDEL: Yes.

5 MS. McKEAN: Yes, so the story broke.

6 And so you've got all the chronology. You've got
7 almost as much as we have, and we'll just keep you up to
8 date. I would think you might be having something to
9 potentially vote on in the fall at your next meeting in
10 terms of, you know, has the zoning been met. We don't
11 know the status at this time, whether that's going to be
12 the case.

13 I think Maureen had a couple of questions.

14 MS. BURGESS: Yeah, Mr. Chairman, if I could just
15 ask a couple of questions and make some comments.

16 I was just curious from the Park's perspective with
17 regard to your relationship with the campground. What
18 exactly have you approved in terms of what can go on at
19 the campsite? In other words, was it your understanding
20 that it would be primitive camping or did they indicate
21 that they were going to RV use?

22 MS. McKEAN: They did not indicate when they were
23 going to do a change. They said there was a potential,
24 but they never went through that process.

1 MS. BURGESS: With you?

2 MS. McKEAN: Yes, with us and you all because you
3 guys had the briefing when we did. And when was this?
4 Back in 2013 is when we last issued a letter. You all
5 voted. We concurred that we would go through the end of
6 2016 with these guys, knowing that this year was the
7 year the wastewater system had to be in according to
8 DEP. So they don't have a 2018 deadline. They have a
9 2016, the end of 2016. So we were sort of preparing,
10 knowing they were going to have to be seen anyway by
11 this committee this year, but now it's for a bigger
12 reason than that.

13 MR. PRICE: So, Maureen, just again to follow up,
14 specifically what you just said, so during the process
15 when the campgrounds were joining under a single owner
16 and knowing what was going on with the wastewater
17 treatment, we were informed early on about the
18 combination of the two campgrounds with their own
19 wastewater treatment system, and philosophically we were
20 onboard with that right away. And I let them know
21 verbally, and if they needed any help with any
22 permitting with the town and everything or DEP, we just
23 philosophically thought it would be a good thing,
24 recognizing that there was going to be some serious

1 construction issues.

2 So frankly, when we started to see the construction
3 up there on the way to the lab in the Highlands Center,
4 I saw the pipes on the ground and everything. And it
5 was the clearing, so we're thinking, oh, it's finally
6 happening. I thought this was a good thing, but the
7 landscaping and clearing, just the clearcutting and the
8 scraping of the topsoil, and then they broke through an
9 access point to Old Dewline Road, which they were not
10 authorized. Something was going wrong here all at the
11 same time, and that's when the town was made aware that
12 there had been no check-in with the town. So Lauren
13 started sending them notes saying, "Wait a minute. This
14 is way beyond what we had agreed to," encouraging them,
15 frankly, thinking it's a good thing for the wastewater
16 treatment. So I start with the single focus on the
17 wastewater treatment. All of this other stuff has just
18 kind of slipped under the tent, which obviously the town
19 is pretty much up in arms. We don't even know how much
20 up in arms we need to be yet, but it's not as if we
21 would have to give them the same detailed oversight
22 permitting that the town would have to do, the
23 conservation commission or any other of those bodies.
24 That wouldn't be something that we would do. We would

1 be generally at the higher level as presented to you all
2 as to what their intensity and use would be and all that
3 sort of thing.

4 So, as Lauren said, there was some talk about
5 swapping some of the RV sites. And we all thought that
6 was within when a business would be able to do to keep
7 as a viable business, but obviously what they're doing
8 is way, way different than that.

9 MS. BURGESS: So I did not attend, but I, thanks to
10 Truro TV, watched the planning board meeting, and I have
11 to say listening to Attorney Nagle was pretty painful.
12 And he kept reiterating that he had -- that they had all
13 they needed and Mr. Klekamp had all they needed because
14 they had the DEP permit for the wastewater. They had
15 done nothing in terms of any permitting of a site plan
16 review, and he kept misinterpreting a nonconforming pre-
17 existing use saying that they believed that was a waiver
18 to avoid site plan review, which, of course, is not when
19 you start dealing with change of use, which it seems to
20 be. And listening to Mr. Nagle, he made it very clear
21 that they seemed to be moving in the direction in both
22 sides of going totally to RV sites. So I did hand you
23 something else out as well with regard to the clearing.

24 Finally, my understanding is that the Attorney

1 Nagle has finally understood and agreed that they have
2 to go through the town site planning process, which they
3 had done nothing about. And a concern that I have --
4 I'm not an arborist, but I think in terms of our focus
5 in terms of land within the Seashore -- I think they
6 have potentially destroyed a forest here. And the
7 reason I say that is if you look at these pictures, you
8 will see that the loam has been removed, topsoil has
9 been removed, the underbrush has been removed, all of
10 the things that would moderate water temperature to
11 protect these trees. In addition to the trees that were
12 removed ostensibly because the contractor said that to
13 dig the trenches they had to disturb the tree roots and,
14 therefore, as a precaution he took the trees down so
15 they wouldn't later fall down. Now, I have a problem
16 with that. I think it might be just because they want
17 to get big tall RVs in there, and I think that there
18 should have been some consultation with an arborist
19 before this was done. And again, they seem totally
20 unaware that they had to go to the town for anything.

21 My other concern -- and again, I'm not an arborist,
22 but I did include something from the University of
23 Michigan Department of Natural Resources about the
24 construction damage and how it can be so harmful to

1 trees. If you look at the picture I gave, you'll see
2 that they've removed -- I don't know. Where is the
3 loam? Where is the topsoil? Where are the trees that
4 were taken down? Did the contractor just take that
5 material and sell it? I have no idea. It sure looks
6 that way. And if you just look at the piddly amount of
7 topsoil, the little circles around the trees in the
8 first picture, you'll see what was left. And if you
9 look at the reading material, you'll understand how much
10 of the root system extends out beyond the tree line so
11 that these superficial roots, these feeder roots have
12 probably been disturbed in the process here by removing
13 the loam and the topsoil and then putting down hardener.
14 So what we've seen with regard to the trees being
15 removed may, in fact, in a couple of years be -- we may
16 be looking at the death of all of these trees because of
17 the damage to the feeder roots and the removal of the
18 protection that the loam afforded them.

19 And they're still -- I understand he was asked for
20 a barrier to be put up at Dewline Road. There's no
21 barrier.

22 MS. McKEAN: It's still not there.

23 MS. BURGESS: It's still not there. So this is
24 just blatant over, you know, lack of -- lack of any kind

1 of vision of knowing what they should have done within
2 the town and any kind of caution with regard to what
3 they've done to the forest. So it's a big concern. And
4 supposedly now they're going through site plan review,
5 but I think a lot of people in town -- well, for
6 example, our comprehensive plan -- whenever there is a
7 change in use or there's commercial or residential site
8 plan development, our comprehensive plan calls for
9 retention of a vegetative barrier around the perimeters,
10 and obviously that's been removed. You can see all the
11 way in. Obviously there's not going to be primitive
12 camping there now.

13 So it's been startling to see what they've done
14 here, and I guess I'm just wondering if the Park, when
15 you feel it's your turn, maybe wants to find out really
16 if this is where they're going with both sites to RVs.
17 Is that really something that you find acceptable?

18 MS. McKEAN: Well, we expected that would come up
19 in this. I mean, if you look at the four items that the
20 town has in the package we sent you at home, the May 4
21 letter from the building inspector, a stop work order,
22 included the zoning violations. And no site clearing
23 shall be initiated on any site, blah, blah, blah without
24 commercial site plan approval, et cetera. And then

1 uses, permitted uses: (Reading) Lawfully pre-existing
2 nonconforming commercial uses may continue but in no
3 case shall the use be altered. We have yet to analyze
4 whether or not the total number of camping sites have
5 changed from the original because it's clear what was
6 primarily a primitive tent camping area is being altered
7 for full-service recreational vehicle camping (end
8 reading).

9 When we were talking like conceptually five years
10 ago about a swap, I mean, if they got five -- fifty at
11 the other site that's a very dense site as well, we were
12 amenable, but again, you'd want to see the site plan and
13 see what it looked like on the ground and know about
14 that beforehand. The Park Service is the direct abutter
15 of that. It looks like they've cleared right up to the
16 Park land, and I'd like to see a property line, et
17 cetera.

18 But this is our time to be in the process. We
19 submitted this letter you have in your packet to the
20 planning board, and they've started the review. Rae
21 Ann, the town administrator, and Carole Ridley, the town
22 planner, are keeping us in the loop. So we have the
23 ability to stay in the loop.

24 MS. BURGESS: So we would be voting on whether we

1 wanted to continue the suspension from condemnation by
2 December of this year?

3 MS. McKEAN: Yeah.

4 MS. BURGESS: At any rate?

5 MS. McKEAN: At any rate you were going to be doing
6 that, and now there's specific concerns about whether
7 you're going to want to.

8 MR. DELANEY: Joe?

9 MR. CRAIG: There's a letter here that you sent
10 that's dated December 3, 2013.

11 MS. McKEAN: Yeah.

12 MR. CRAIG: You signed it, George, and there's a
13 section in here that says: (Reading) Please note that
14 any alteration or additions to the existing structure
15 require written authorization from the Secretary of the
16 Interior. In addition, the proposed plans must be
17 submitted with the superintendent and the town (end
18 reading). That in itself is enough to stop it.

19 My previous life I was involved in this business.
20 I worked for Volvo, and we made motor homes. Part of
21 what we made were motor homes. I was involved in this,
22 exactly what they're doing, and I will tell you what
23 they're doing because I saw them doing it in a number of
24 places in California and Florida. They'd clear an area,

1 and then they'd go back in and replant so that they can
2 make spots for 40- and 45-foot motor homes. That's
3 exactly what they're doing here. And when I read
4 everything and look at the pictures, that's what they're
5 doing. And this is evidently a company from Florida
6 who's done this in the past, and they're going to do it
7 here.

8 MS. McKEAN: Well, they're doing business as
9 Adventure Bound Camping Resort, but it's A/C Mobile Home
10 Park that's the owner.

11 MR. CRAIG: From Florida?

12 MS. McKEAN: From Florida.

13 MR. CRAIG: So that's exactly what's happening
14 here, so the Town of Truro has got to be on their toes.
15 That's what's happening here.

16 MS. McKEAN: Right. Again, there was something in
17 some paperwork -- and maybe it was that article from
18 today that said, "Oh, yeah, we decided we'd have the
19 hookups right at the campsite instead of the pump out."

20 MR. CRAIG: Well, that's exactly what --

21 MS. McKEAN: (Inaudible) changes. That means --

22 MR. CRAIG: And the next thing, there'll be
23 concrete pads, driveways.

24 MS. McKEAN: There'll be decks and patios.

1 MR. CRAIG: That's what's going to happen.

2 MS. BURGESS: I'm glad you brought that up, Joe,
3 because I have been in the site over on Highland Road,
4 and they have -- another question is permanent
5 structures. That is like a little city. There are
6 people who have patios, decks constructed.

7 MS. LYONS: They become permanent homes.

8 MS. BURGESS: They're permanent. They could
9 potentially become. I mean, are we talking seasonal
10 here or are we talking --

11 MR. CRAIG: They rent them a pad or they sell them
12 a pad, and they have utilities there, and that's where
13 they'll buy their million dollar motor home, bring it
14 there and park it, and that's where it stays. I've been
15 through it. I've seen it.

16 MR. NUENDEL: They do that down at Peter's Pond
17 down in the Sandwich area.

18 MS. BURGESS: Well, you know, the other thing is
19 this is within National Heritage endangered species
20 territory, so again, and this disturbance, that wasn't
21 (inaudible).

22 MR. CRAIG: Their idea is to do it first and then
23 look for forgiveness.

24 MS. BURGESS: Oh, absolutely. Absolutely.

1 And I envy you dealing with Mr. Nagle.

2 MR. CRAIG: Mr. Nagle is getting paid to do what
3 they want him to do. I mean, that's what he's being
4 paid to do.

5 MS. McKEAN: Yeah, it's frustrating. We get
6 letters from Mass. Natural Heritage, and we try to
7 answer them to the tee. And then (inaudible) saying --
8 you know, we've heard like one little thing that we're
9 trying to do because we're just as frustrated to not see
10 it, and hopefully that's something (inaudible).

11 MR. PRICE: So basically two things. Number one,
12 obviously we'll see how these first meetings go. We're
13 meeting with the campground for the first time or at
14 least their representative, and then before the closeout
15 of this year, you all will hear a presentation from
16 them, but you'll also get a recommendation from the
17 Seashore of what our assessment is.

18 MS. BURGESS: Do you think that they should be
19 operating at all given that they're in violation of town
20 zoning? It looks as though the town is allowing them.
21 They have their camp store. They have another area that
22 they're using.

23 MR. PRICE: Right.

24 MS. BURGESS: My question is, should they be

1 (inaudible)?

2 MR. CRAIG: A cease and desist order probably
3 applies to just what you're talking about.

4 MS. BURGESS: Right.

5 MR. CRAIG: And that's probably what's going to
6 have to stop them. The rest of it is not included.

7 MS. McKEAN: They did also pitch that they had a
8 hardship with the season coming up and they already had
9 sites rented, so I don't know how that's -- I think it
10 is kind of a town thing. The town is determining
11 because they do business licenses within the Seashore,
12 so I think they're figuring it out.

13 MR. PRICE: Yeah, I think my preference will be to
14 take the lead from the town, at least where we are right
15 now, which is what happened already with the cease and
16 desist. We didn't initiate that with the town. We were
17 kind of perplexed when we first started to see the
18 clearing. What the heck did that extensive amount of
19 clearing have to do with the wastewater treatment? And
20 obviously they've gone well beyond that. So we'll have
21 to see what the attorney says and then work with our
22 solicitor on what our options will be.

23 MS. LYONS: Have they done anything with the
24 wastewater treatment?

1 MS. McKEAN: Yes.

2 MR. PRICE: Well, I saw the -- I saw the sewer
3 pipes.

4 MS. LYONS: So they did take care of it?

5 MS. McKEAN: I don't know if it's finished.

6 MS. BURGESS: No, it was not finished.

7 MS. LYONS: It's not finished, so --

8 MS. BURGESS: But they do have a previous system in
9 place, but that's not finished. He was making a very
10 strong case opening obviously for the season because the
11 water is also turned off to the bathhouse, and so
12 there's been disturbance of other area as well. So I
13 don't know if that bathhouse water is still off, but no,
14 it's not finished. They even went and without an
15 electrical permit put electrical wires to each of the
16 sites. They're just hanging there.

17 MR. CRAIG: That's an extension of use.

18 MS. BURGESS: Yeah.

19 MR. CRAIG: I mean, the town should be all over
20 them.

21 MS. BURGESS: Yeah, yeah.

22 MR. PRICE: Right. Well, they are now.

23 MS. BURGESS: They are now.

24 MR. CRAIG: What will happen if we do not renew?

1 MR. PRICE: Well, that's a good question, and that
2 presents a whole nother discussion about the value of
3 the certificate of suspension from condemnation. I know
4 where it stands for private living quarters. I don't
5 know, frankly, where the --

6 MS. McKEAN: Well, we've had them expire in the
7 past or have not renewed them.

8 MR. PRICE: Right.

9 MS. McKEAN: At the last renewal, the Advisory
10 Commission did not recommend that the superintendent
11 renew Jack's Gas & Firewood's certificate of suspension
12 from condemnation because of the activities that had
13 gone on on that Park parcel. So there is not one now
14 for that property.

15 MR. PRICE: So it means a couple of things. It
16 means that if we had a blank check we could go after our
17 condemnation, which we don't. If they're relying on
18 financing, then the financier often wants them to be in
19 compliance with the Seashore and everything else.

20 MR. CRAIG: And insured as well.

21 MR. PRICE: Yeah.

22 MR. DELANEY: I'd like to suggest then hearing this
23 conversation -- first, Joe, thank you for some very
24 helpful insights. Lauren, thanks for some good factual

1 information.

2 I would like to suggest, if my fellow commissioners
3 agree, that we enter a note in our minutes in the record
4 of this meeting that can be conveyed to Mr. Nagle and
5 the camp owners through your meetings, Lauren and
6 George, that this body has some extremely high concerns
7 about the recent development at the campsite; that,
8 number two, we intend to learn more in the coming
9 months; and that at this point our preliminary
10 understanding would suggest that a number of violations
11 have -- a number of actions have violated the spirit in
12 which we initially entered into their agreement; and
13 furthermore, it looks like factual -- legal and
14 regulatory violations as well, all of which would lead
15 us to seriously question whether or not we will continue
16 the certificate of suspension at our December meeting.

17 THE COURT REPORTER: Did you say December or
18 September?

19 MR. NUENDEL: September.

20 MR. DELANEY: At our December meeting.

21 MR. NUENDEL: September.

22 MR. DELANEY: September meeting, yeah. Thank you.

23 MS. BURGESS: So, Mr. Chairman, you just want that
24 in the minutes? You don't want any kind of statement to

1 go out?

2 MR. DELANEY: Well, that's another option. We
3 could take that -- make that, if you accept it as a
4 motion.

5 MR. NUENDEL: I'll second.

6 MR. DELANEY: Okay, we have to second it, discuss
7 it --

8 MS. LYONS: I think it would be a good idea.

9 MR. DELANEY: -- and approve it.

10 Let's just think it through a little bit.

11 MS. LYONS: A formal alert that we are on -- that
12 we're watching and we're not happy.

13 MR. DELANEY: Yeah, a motion takes it -- a motion
14 would take that up a notch in terms of immediacy, and
15 we're free to make motions on issues that come in front
16 of us. And if it does capture the feeling of the group
17 at this point, we could vote on this, but I would like
18 more discussion at this point, including hearing from
19 the superintendent.

20 MR. PRICE: Well, just a clarification. Again, the
21 timeline. So we intend to give you an update in
22 September based on what we find and how it progresses
23 with the town, but as far, Lauren -- so this official
24 presentation, the question was September or December,

1 and I'm just trying to get a clarification of what might
2 go in a letter, for instance. So the December one would
3 actually be having the campsite come before this group.

4 MS. McKEAN: Well, actually, what we had done in
5 the past was we did it -- we brought them in in the fall
6 so they could give a presentation if they had changes,
7 unless they had no changes and it wasn't -- you know, we
8 had a listing of each one and whether anything had
9 happened. If nothing had happened there, then they
10 didn't come. It was fine. But the ones where they had
11 had a change did want to come and answer questions.

12 MR. PRICE: So what we could do, Mr. Chair -- I'm
13 just trying to make sure we get all our ducks in a row
14 here. So we could request this group to come before the
15 Commission at the September meeting, which would have
16 been a normal course of action for any holder of a
17 certificate, and then this body would then review and
18 then either -- so the next meeting would be September,
19 and then we need two months for the next meeting, which
20 would be December.

21 So then this body would actually be making a vote
22 in the December meeting?

23 MS. McKEAN: Yes, unless they wanted to do it in
24 September, if they felt they had enough information.

1 MR. PRICE: Right. Well, you're all supposed to
2 get hard information ahead of a vote. So that's why the
3 one-two punch on the previous; that you would have a
4 presentation one meeting, any additional document or
5 homework before the next meeting, and then the next
6 meeting would have been the vote, which we're often
7 involved more with consensus. We're often involved more
8 with votes that have less significance to them than this
9 one because it involves a business directly.

10 So I think that would be a good way to put it, that
11 we would ask them to present themselves before the next
12 meeting in September, and then we actually don't have to
13 get specific in our communication or a press release
14 even as to when the vote is, when it isn't, I suppose.

15 MR. DELANEY: What I'm trying to better know -- so
16 the timing of this, that allows several more months,
17 maybe quite a few more months for this kind of activity
18 to continue. I know there's a cease and desist, but so
19 far they don't show any -- they haven't shown much
20 respect for anything else. But there could be a lot
21 more damage and a lot more progress, their kind of
22 progress made on the site. The destruction may be
23 (inaudible) before we get to ultimately using our vote
24 in December.

1 I would like to reserve the option of maybe not
2 approving this as soon as September if things don't
3 improve.

4 MR. PRICE: Okay.

5 MS. LYONS: Right.

6 MR. PRICE: So you want us to as part of this -- as
7 the result of the motion on the table right now, would
8 you like us to draft a letter for you to come from the
9 Commission?

10 MR. DELANEY: I'm looking to my commissioners here.

11 MS. LYONS: Yes.

12 MR. DELANEY: Yes?

13 MS. BURGESS: Yes.

14 MS. GREEN: Yes.

15 Are there any legal ramifications of doing
16 something like that?

17 MR. PRICE: Not on an advance notification.

18 MS. LYONS: No, I think that, you know, in there we
19 can say that the town has taken action, we concur with
20 the action of the town, and we're following -- you know,
21 we're letting them take the lead on this and looking for
22 whatever -- but we also are very concerned, you know,
23 we're weighing in, and hopefully the right things are
24 done between now and September because we are going to

1 review this in September. And if we don't like what's
2 happening, we can take action then as opposed to
3 December.

4 MR. PRICE: So this is a specific charge in the
5 legislation for the Advisory Commission, is to weigh in
6 on this type of a matter.

7 MS. McKEAN: I have one more suggestion just
8 quickly. And maybe in addition to that say that you
9 want to be brought along with all the process that
10 they're going through with the town specifically.

11 MS. LYONS: Right, that we want to be informed and
12 that we want to be made a partner in that without taking
13 the lead of it for now.

14 MR. DELANEY: Joe?

15 MR. CRAIG: I would suggest a site visit on behalf
16 of the Seashore between now and then, in fact, as soon
17 as possible to let them know --

18 MR. NUENDEL: A field trip.

19 MS. LYONS: Yeah, that would be nice.

20 MR. CRAIG: And I'd be more than happy to go on
21 that site visit with the Seashore.

22 MS. BURGESS: There would be no way they could
23 prevent you from coming onto the site, would there be?

24 MS. McKEAN: I think we'll ask them when we meet

1 with them.

2 MR. PRICE: Sure, there would. It's private
3 property.

4 MS. BURGESS: Yeah, that's what I was wondering.

5 MR. DELANEY: Okay, just finish this thought.

6 MR. CRAIG: I'm not so sure under Massachusetts law
7 because, as a zoning official, I can go on private
8 property.

9 MR. PRICE: You're a zoning official.

10 MR. CRAIG: Well, I'm saying I'll help.

11 MR. PRICE: Yeah.

12 MR. CRAIG: But a zoning official from the town or
13 a planning official for the town has the right under
14 Massachusetts law to do that.

15 MS. BURGESS: Right.

16 MS. McKEAN: We can just ask if we can come out.

17 MS. LYONS: Yeah, we can ask if someone would come
18 out.

19 MR. DELANEY: One or all of us might want to
20 perform a site visit.

21 MS. LYONS: No, I think it would be good to have
22 en masse.

23 MS. McKEAN: You might want to consider everyone
24 visiting there in the fall.

1 MR. DELANEY: Bill?

2 MR. CLARK: If they hypothetically work out their
3 problems with the Town of Truro, they can open for
4 business this summer even if this group is not happy
5 with that result? So I guess the question is, if the
6 town is happy and we're not necessarily happy, then how
7 does this resolve?

8 MS. BURGESS: I think this is a unique situation
9 for the town, and they're also looking to the Seashore,
10 trying to figure out what role they play. You know, the
11 other thing is making them happy going through the
12 process. What about the damage that they've done?

13 MR. CLARK: Well, that's what I'm wondering, if
14 they could somehow resolve some of their issues and let
15 them open for business but the damage has not been
16 corrected.

17 MS. BURGESS: Right. And more damage may occur in
18 the next few years.

19 MR. CLARK: Yes.

20 MR. DELANEY: Both the town and the Commission have
21 two different mandates here, two complementary and some
22 overlap, but we have a mandate to protect the natural
23 resources of the Park. The town has the mandate to do
24 the implemented zoning and public health and all of

1 those issues.

2 At this point, from what we know, the actions that
3 these people have taken on this property are detrimental
4 to both entities, and both of us are going to have to
5 make decisions. I think we may want to make --
6 hopefully the town and we will see it the same way in
7 the end, but we still may want to reserve the right to
8 make our own decision independent of the town.

9 MS. LYONS: Right.

10 MR. DELANEY: I think that's our responsibility.

11 MS. BURGESS: I think it is too.

12 MR. CLARK: That might be in the next month or so
13 if they chose to issue permits, right? If the town
14 decides, "Gee, we're going to give you electrical
15 permits, water permits, wastewater permits" and we're
16 still not happy with what they did environmentally, then
17 who's on first base?

18 MR. DELANEY: That's why -- Bill, I'm sorry.
19 That's why I want to make sure we have a shot at this in
20 September and not December.

21 MR. CRAIG: We still don't have to issue the
22 certificate. Isn't that our mandate?

23 MR. PRICE: Yes.

24 MS. McKEAN: You recommend.

1 MR. PRICE: You're still recommending to the
2 superintendent.

3 MS. McKEAN: To the Secretary of Interior actually
4 basically.

5 MR. NUENDEL: Right now it sounds like the town is
6 pretty -- they got pretty upset with how they managed
7 what they've done so far, but that is a possibility. I
8 think it's remote right now.

9 MS. LYONS: What's your sense?

10 MR. NUENDEL: But that's a good way to protect --
11 you know, if they do something that we -- if the town
12 does something that we don't really agree with, we can
13 have that action like you were saying, Rich.

14 MR. DELANEY: I think this action I see is a
15 message to the developer, to the town, to our
16 constituents, to everyone, DEP, others. There are
17 several layers of potential decision-makers in this, and
18 I think rather than sitting back and letting others take
19 all the lead, we should make a stand right now, at least
20 express our initial concern.

21 MS. LYONS: I agree with that, and I think in there
22 the town can know that we're not fighting them as long
23 as they're pursuing all the right steps. We're in
24 tandem with them in supporting those actions, but we're

1 also giving that signal to the town that we want them to
2 take this seriously and do what they have to do, as
3 painful as that may be sometimes, because this, as we
4 all know, becomes a political situation in the end of
5 taxes and, you know, money and all of that, which always
6 gets in the way of doing the right thing. So but this
7 would be a good opportunity for Truro to stand strong
8 here.

9 MS. BURGESS: I think, Sheila, the sense I get from
10 the planning board is that they are pretty outraged, and
11 they realize clear -- you know, they know what they have
12 to do in terms of they made it very clear. It took
13 hours to get through to the attorney about what the
14 process they needed to go through and there weren't
15 waivers, but I think there's also a sense from the town
16 planning board of like "Gee, what role does the Seashore
17 play here?" You know, that's why it might be useful to
18 know that we're supporting them.

19 MS. LYONS: That we're supporting them as long as
20 we're in agreement -- you know, that we're agreeing that
21 they're taking the really serious actions that they
22 should and, you know, set the bar for future endeavors
23 such as this.

24 MR. DELANEY: Okay, so the motion on the table has

1 been amended a little bit but, as I believe it would be
2 now, a motion to ask the superintendent to draft a
3 letter on our behalf for our recommendation to all
4 appropriate parties expressing our very serious concerns
5 about the development -- on the developments that have
6 been happening on this or the actions that have been
7 happening -- activities happening on this site, that at
8 this point we're anxious to learn more via a site visit
9 and for being kept in the loop of discussions that are
10 about to unfold, and that based on what we know now, we
11 would foresee having great difficulty in -- no, and what
12 we basically now -- we foresee enough violations of the
13 fact and the spirit in which we issued our first
14 certificate of suspension that a reissue of the
15 suspension is in doubt.

16 MS. LYONS: Is in doubt, exactly.

17 MR. NUENDEL: Oh, that's a good way to put it.

18 MS. LYONS: That's good, yeah.

19 MR. CLARK: Could we include that we may want
20 restoration before they're open for business?

21 MS. LYONS: Yeah, that was the other thing. How
22 are they going to fix it?

23 MR. CLARK: I mean, I haven't seen the property, so
24 I don't know. But I mean, I've seen pictures, which are

1 pretty dramatic.

2 MS. LYONS: Right. What are their plans?

3 MR. CLARK: How are they going to restore things if
4 there are possibly endangered species there?

5 MS. LYONS: I'm sure there were.

6 MR. DELANEY: I think the solution ultimately is
7 going -- I mean, the only way that this is going to be
8 resolved for the town is a major restoration project.
9 That's what usually happens, Joe, right? They go in and
10 clearcut, get their hands slapped. They say, "Okay,
11 we'll replant some trees. We'll do a little cutback
12 from 50 to 40." Everyone seems like they're happy, but
13 in the end we've lost.

14 MR. CRAIG: (Inaudible).

15 MR. DELANEY: So I know that's where they -- I
16 suspect that's where this is going to head, but let's
17 not put words or thoughts in their head yet. Let's send
18 this.

19 MR. PRICE: And then what I anticipate -- so we'll
20 draft up a letter for you, Rich, representing the
21 Advisory Commission, and then we'll reserve our letter
22 based on our conversations with their representatives
23 and then our discussion with our solicitor as to what
24 additional oomph we may or may not have.

1 MS. BURGESS: May I ask a question? Maybe this is
2 jumping the gun, but if we don't issue a renewal and
3 then the Department of the Interior has the option of
4 taking it by eminent domain, that would involve buying
5 them out; is that right?

6 MR. PRICE: Yes.

7 MS. BURGESS: And so then there would be possibly a
8 question of funding for that.

9 MR. PRICE: Not possibly.

10 MS. BURGESS: Well, everybody seems to be getting
11 the low interest loans from the Federal Reserve, so I
12 don't know why -- and then investing it, so I don't know
13 why the Department of the Interior can't. But --

14 MR. PRICE: No, it's also the political issue of
15 actively moving forward on a condemnation action.

16 MS. LYONS: Right.

17 MS. BURGESS: Sorry, you lost me there.

18 MR. PRICE: Moving forward on a condemnation action
19 is not the general course of business --

20 MR. NUENDEL: (Inaudible) press.

21 MR. PRICE: -- with the National Park Service in a
22 long time.

23 MS. BURGESS: Right.

24 MR. PRICE: It happens, but very intermittently.

1 MS. BURGESS: Could Mr. Klekamp if he was not
2 allowed to have a campground, let's say -- could he do
3 something else with the land?

4 MR. CRAIG: He'd have to apply for a change of use
5 with the town first.

6 MR. PRICE: And our requirement would be it would
7 have to be grandfathered as the same type of business.

8 MS. McKEAN: Or single-family residential use.

9 MS. BURGESS: Well, that's what we're afraid of,
10 that it's going to be single-family residential.

11 MS. McKEAN: When it was on the market, we had a
12 lot of inquiries about condo uses. We have some zoning
13 board town attorney reviews of things like a tower at
14 Jack's Gas or a convenience station at the Citgo station
15 there, the Head of the Meadow Citgo station. And it
16 gets fuzzy. Like how is business intensity of use?
17 They're looking at those legal opinions now because
18 there's one commercial use that's allowed there, and
19 that's the pre-existing use. It isn't for turning it
20 over for some other commercial activity. They can't
21 start a nightclub or anything else.

22 MS. BURGESS: But possibly residential.

23 MS. McKEAN: Right.

24 MR. CRAIG: How is it residential? It's a

1 pre-existing, nonconforming use, right?

2 MS. McKEAN: As yes, but the only other use that's
3 authorized is residential.

4 MR. CRAIG: Authorized by who?

5 MS. McKEAN: In the zoning.

6 MS. BURGESS: Whose zoning?

7 MS. McKEAN: In the town zoning and in our
8 legislation. It's commercial -- pre-existing commercial
9 and residential use in the town zoning.

10 MR. CRAIG: If it's a pre-existing, nonconforming
11 use, then they would have to apply and not necessarily
12 receive a special permit to change the use. It doesn't
13 necessarily mean they would get it. The town could say
14 no.

15 MS. McKEAN: But if they go through the subdivision
16 requirements, it would be hard for a town to say no.

17 When we were deciding the value of North of
18 Highlands Campground -- they all have like similar names
19 -- and, you know, without the conservation easement,
20 they drew up a subdivision plan that was the basis of
21 the fair market value. And they could have -- because
22 that was the highest and best use.

23 MS. BURGESS: So you turn them down in price?

24 MS. McKEAN: Yeah.

1 MS. BURGESS: Complicated.

2 MS. LYONS: And everybody's looking at the National
3 Seashore land. I mean, the other big thing is housing
4 is the big concern this year. So I'm sure the town -- I
5 hope they don't look at this as an opportunity.

6 MS. McKEAN: There are three (inaudible).

7 MR. DELANEY: Okay, so I think we have reached
8 (inaudible) or at least the wording of the motion.

9 Is there any other discussion on the motion?

10 (No response.)

11 MR. DELANEY: All those in favor signify by saying
12 aye.

13 BOARD MEMBERS: Aye.

14 MR. DELANEY: Those opposed?

15 (No response.)

16 MR. DELANEY: Abstentions?

17 (No response.)

18 MR. DELANEY: It carries unanimously. Thank you.

19 Thank you, George, for drafting the letter and
20 Lauren.

21 HERRING RIVER WETLAND RESTORATION

22 MR. PRICE: A couple of things to wrap up here.

23 One is Herring River Wetland Restoration.

24 Two things. One, the town successfully grappled

1 with the High Toss Road issue. You might recall they
2 did some press. There is a dirt road that goes across
3 its own dike called High Toss Road that connects to
4 North of Highland. It's really become -- it's a
5 (inaudible), except for some hikers, hunters, and
6 occasional equestrian activity.

7 I made a statement early on in my arrival here
8 after reviewing it. It's interesting that the Park owns
9 the road but the town has a deeded interest in the road.
10 And we polled our staff at the time, and the Seashore
11 was not interested -- did not have the need to continue
12 with the road. So right off the bat it wasn't being
13 magnanimous about it. The town had a deeded access to
14 it. So our position was then and continues to be that,
15 as far as the Seashore was concerned, we'd demolish the
16 road as part of the project. In fact, we'd be able to
17 use the fill elsewhere in the project looking at
18 recreational access at a later time. However, my stance
19 to every town administrator since then has been the town
20 was interested in the road, however, and wanted to
21 either maintain it or figure out how it would be still
22 usable for the project, i.e., the bridge, and the
23 Seashore would support that use. It's just that we
24 wouldn't be able to use Seashore funds for that road for

1 the reestablishment on the road maintenance of it
2 because it's nothing that would be on our priority to
3 have or maintain. So it was strictly a town
4 responsibility.

5 The town has gone back and forth over the years,
6 but they had a formal vote recently that said they also
7 agreed that the road could be eliminated. So that was a
8 big juncture point. I certainly appreciate all the time
9 and attention the town and the board of selectmen spent
10 on this. It was not an easy decision, but I think for
11 the future -- I think it's a good decision.

12 MS. LYONS: Can I ask one question on this?

13 MR. PRICE: Yes.

14 MS. LYONS: So I'm going towards Great Island and
15 I'm at the cut there, the split road where we're going
16 to build a new bridge.

17 MR. PRICE: Yes.

18 MS. LYONS: This road -- I'm looking now at this
19 road (indicates). It's on either side of this? Where
20 is this road?

21 MR. PRICE: It's not visible. It's further deep
22 into the marsh itself.

23 MS. LYONS: Does it start there on that road?

24 MS. McKEAN: No.

1 MR. PRICE: No.

2 MS. GREEN: No.

3 MS. McKEAN: If you go up Duck Harbor Road so you
4 get just to the other side of the dike, either you go to
5 the little landing or you go up Duck Harbor Road around
6 the side. (Inaudible) goes around the edge of the
7 marsh, and it's up with High Toss. It goes out towards
8 the DPW.

9 MS. LYONS: Okay.

10 AUDIENCE MEMBER: It's also the second right after
11 the DPW road of Old Dike Road.

12 MS. LYONS: Okay, so it is -- all right, so High
13 Toss Road.

14 AUDIENCE MEMBER: So if you go past the DPW
15 building in Wellfleet, actually your second left, that
16 will take you all the way out there.

17 MS. LYONS: Okay, so it's that one?

18 MR. PRICE: Right.

19 MS. LYONS: And it is marked High Toss Road?

20 AUDIENCE MEMBER: It's High Toss Bridge Road after
21 Old High Toss Bridge Road, which is the first one.

22 MS. LYONS: Then there's an older High Toss Bridge
23 Road.

24 MR. PRICE: The other information about the -- we

1 can anticipate some joyous celebration at some point
2 this spring or summer. It's now summer, isn't it?
3 This summer. So the finish of the environmental
4 impact statement will be completed for this project.
5 It's my understanding the record of decision is out
6 in the Federal Register at this point, and at some point
7 --

8 MS. McKEAN: Not yet it isn't.

9 MR. PRICE: I thought it was --

10 MS. McKEAN: I spoke to Jackie this morning.

11 MR. PRICE: Okay, the regional director thinks that
12 went out.

13 MS. McKEAN: It's delayed.

14 MR. PRICE: But he signed off on it allegedly.

15 MS. McKEAN: We still have to do that whole
16 surnaming process.

17 MR. PRICE: Okay, he thinks he signed it on Friday.
18 Just FYI.

19 MS. McKEAN: Okay.

20 MR. DELANEY: Is this the new process -- the new
21 bureaucracy?

22 MR. PRICE: It's interesting, but at some point
23 we'll have a record of decision, which is a major
24 benchmark in this entire thing for sure.

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HIGHLANDS CENTER UPDATE

MR. PRICE: On the Highlands Center, Lauren's been working on a couple of projects. You'll see some (inaudible) projects up there currently.

But also, Lauren, what's the latest on what we think might be the building demo?

MS. McKEAN: The building demolition projects, the director's approval form did just Friday go to the director's office (inaudible) as the surname, and check that box. The physical year '16 funds were released. We're waiting for that, so now it's like the final step before we can contract. The contract has been written. It's a design build contract. Design build sounds funny because it's a deconstruction, but they have to figure out how they're going to go about that and tell us how, then do it, and so he said, "You're fine." We're on track for after Labor Day because we weren't going to have buildings demo'd at this time of year. So that's going to be fall or winter probably at this point.

MR. PRICE: So we're still talking about a minimum of ultimately seven buildings or more, depending on how far the money goes.

MS. McKEAN: Six to twelve, depending on how far the money goes.

1 MR. PRICE: Six to twelve.

2 MS. LYONS: And these are all around the Payomet?

3 MR. PRICE: Two of the dormitories immediately to
4 the left.

5 MS. McKEAN: The worst ones, the power plant
6 with the smokestack and three to nine housing units of
7 the ones that are asbestos sided. It was the asbestos
8 costs that may be a certainty on how many we can take
9 out.

10 MS. BURGESS: Did the funds come from the
11 Department of the Interior?

12 MS. McKEAN: Line item construction program.

13 MS. BURGESS: Can the Park Service via the
14 Department of the Interior qualify for any like ground
15 field site monies because it's toxic?

16 MS. McKEAN: I don't think we really want that
17 designation for that site. I don't think we need the
18 designation for a ground field site for the Highlands
19 Center. So much of what was happening there was
20 happening off site. It wasn't -- if it had been in a
21 Naval Air Station, there might have been more
22 pollutants, but it really isn't that polluted. A lot of
23 stuff in buildings, and, you know, there's a lot of
24 military buildings all over the country, former, that

1 are full of hazardous materials and whatnot.

2 MS. BURGESS: Okay.

3 MR. PRICE: So just two pieces of information I
4 want to share with you.

5 NAUSET LIGHT BEACH UPDATE

6 MR. PRICE: We already talked about Nauset Light
7 Beach and the public meeting. There are definitely some
8 people in Eastham who have a lot of concerns that were
9 expressed to me at the public meeting that I had. About
10 80 some individuals showed up, and the topics went far
11 and wide. And I think they're still going to be talking
12 to us and to the town about their desires and issues,
13 especially considering it's going to be very soon that
14 we're going to have to start not only removing the
15 bathhouse, but we're actually going to have to start
16 reducing the parking lot because that first edge of
17 parking is pretty darn close to the edge. So we'll be
18 pulling back the parking lot at the time, which will
19 then also reduce Eastham's access to it.

20 At some point in the future, I fully anticipate
21 activating a plan that the Volpe Center did a number of
22 years ago where we maybe cut a deal with Nauset Regional
23 High School for parking and then set up a remote shuttle
24 similar to what we do at Coast Guard Beach. So I'm

1 going to start actually some of those conversations with
2 the high school principal and with the superintendent of
3 schools just to put some building blocks in place. It
4 doesn't have to happen right away. It doesn't have to
5 happen after we remove the first line of parking, but we
6 just need to be talking about it and anticipating it in
7 the future.

8 MS. LYONS: What's the plan with the bathhouse? So
9 you're going to have to move the bathhouse back?

10 MR. PRICE: Well, the bathhouse, the entire
11 facility that you see there now will be demolished after
12 this season, and we'll probably have to go with two
13 seasons of porta johns of some sort. We'll be
14 investigating kind of the 18-wheeler type of things as
15 opposed to lining up a whole bunch of stalls. We might
16 do stalls. I'm not sure.

17 MS. LYONS: Right.

18 MR. PRICE: And then we'll do a design build
19 contract like Lauren just talked about to build probably
20 a smaller facility on the Ocean View Drive side part of
21 the area. We anticipate that we'll have a lot of years
22 before that actually, and therefore, it would be
23 available for the drop-off opportunity at some point.
24 It's not a full-fledged parking lot.

1 So the money for that is over 2 million bucks?

2 MS. McKEAN: Yeah, in 2019.

3 MR. PRICE: 2019.

4 MS. McKEAN: With Herring Cove being 2018.

5 MR. PRICE: Right.

6 KITEBOARDING UPDATE

7 MR. DELANEY: Okay, and the last one?

8 MR. PRICE: Finally, the other voice from the
9 public. If you happened to see, there was a full-page
10 article in the *Herald* yesterday. Some of our
11 kiteboarding enthusiasts filed a lawsuit objecting to
12 the summer ban on kiteboarding on the Atlantic seaport
13 side. So this started several years ago. We observed
14 kiteboards zipping up and down specifically Coast Guard
15 South right near the shorebirds, and after much
16 discussion with our staff, we determined that there was
17 no way to safely allow kiteboarding on the Atlantic side
18 during the bird nesting and fledging season. So
19 therefore we banned it between March 15 and October 15.
20 It's available for kiteboarding after that. And the one
21 exception is to go out to the harbor in Wellfleet.

22 MS. McKEAN: Duck Harbor.

23 MR. PRICE: Duck Harbor straight out beyond 200
24 feet and then go out on the bay side of that area.

1 (No response.)

2 MR. DELANEY: If not, I will go to the date and
3 agenda for the next meeting.

4 **DATE AND AGENDA FOR NEXT MEETING**

5 MR. DELANEY: And as we've been saying, that would
6 probably be the second or third Monday in September, the
7 first being, I think --

8 MR. PRICE: The 5th is Labor Day, so we're talking
9 about the 12th or the 19th, I would assume.

10 MR. DELANEY: Yeah. Are Park personnel available
11 for both of those dates?

12 MR. PRICE: Yes.

13 MR. DELANEY: Any member have a major objection
14 schedule-wise?

15 (No response.)

16 MR. DELANEY: So jump right into the 12th?

17 MS. BURGESS: Sure.

18 MR. DELANEY: Oh, wait a minute. I have to answer
19 my own question. I do have a slight conflict on that
20 date then.

21 MS. GREEN: What about the next?

22 MR. DELANEY: Do you mind the 19th?

23 MS. LYONS: No.

24 MS. GREEN: No, that's fine.

1 MR. DELANEY: All right, thank you.

2 MR. NUENDEL: Changed to the 19th?

3 MR. DELANEY: Yeah, change it to the 19th. At the
4 line of scrimmage, I made that call.

5 Okay, and the agenda? You know how the agenda
6 fills up. Is there anything in particular that we --

7 MS. LYONS: Well, we'll be reviewing what we just
8 discussed, so it is important to be here.

9 MR. DELANEY: Okay, no other new items for the
10 agenda. Those will evolve.

11 **PUBLIC COMMENT**

12 MR. DELANEY: Then I will go to the public comment
13 of this agenda and ask anyone from the public who wants
14 to comment to please identify themselves and make a
15 comment for the record.

16 Suggestions? Questions?

17 (No response.)

18 **ADJOURNMENT**

19 MR. DELANEY: Then I will ask for a motion to
20 adjourn.

21 MS. GREEN: So moved.

22 MS. LYONS: Second.

23 MR. DELANEY: Second. All those in favor, signify
24 by saying aye.

1 BOARD MEMBERS: Aye.

2 MR. DELANEY: Good. Thank you very much.

3 (Whereupon, at 3:30 p.m. the proceedings were
4 adjourned.)

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REPORTER'S CERTIFICATE

PLYMOUTH, SS

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

The foregoing 118 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, June 6, 2016, commencing at 1:03 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 15th day of August, 2016.

Linda M. Corcoran - Court Reporter
My commission expires:
August 28, 2020