

Natural Resource Advisory Board  
DRAFT Minutes  
July 29, 2003 Town Hall

Present: Doug Franklin, Chair, Lezli Rowell, committee clerk and John Riehl.

Absent: Glenn Shields.

The meeting convened at 7:08 pm, with a quorum present. It was noted that Glenn had been informed of the posted meeting by telephone calls from Doug and John, as well as the minutes sent by Lezli.

Minutes of July 1, 2003 were moved approved as presented by John, seconded by Doug. There was no discussion. The minutes were approved by a unanimous vote, 3 - 0. Minutes of July 8th were moved by John, seconded by Lezli and approved unanimously. It was noted that Glenn was not necessary to vote on the minutes as he had not been present at the meeting.

Announcements: Doug noted that the next Steering Committee meeting for the Wellfleet Harbor Fall Conference has been scheduled; Abby Franklin of Audubon is the contact for information. A letter will be sent to the Board of Selectmen notifying of progress and meeting schedules. The focus will be presentations by various scientists to review ongoing studies, give preliminary conclusions and make recommendations toward policy issues.

There was considerable debate scheduling the next meeting to be held on August 26th, as John will be traveling and out of the country quite a bit.

Glenn Shields arrived at 7:25 pm.

Doug confirmed sending the boards' approved, July 8, 2003 letter to the BOS regarding update of the 1995 HMP. It was carbon copied to the Town Administrator and Assistant TA. BOS Chair Dale Donovan inquired of Doug whether any other support was necessary presently, and encouraged the board to move ahead as presented. Lezli suggested formally requesting of the BOS an affirmative vote granting access to staff for support that will be necessary. Doug preferred first addressing the work plan, as is this meeting's posted purpose, and requesting staff support as the need arises.

Doug reported hearing from Selectman Jerry Houk concern about the TA's letter limiting the board from directing questions to the Harbormasters' Department. The Selectman recognized the NRAB inquiry as follow-up to public comments and claims made. Support was expressed for resolving the issues of "permitting difficulty". Doug inquired of the board whether to presently pursue the request for information from the Harbormaster formally, through the TA, as directed by the memo. Lezli responded that it will be necessary for the advisory board to understand the claims of the

Harbormaster when updating the Marina and Dredging chapter of the Harbor Management Plan; she did not see these chapters as high priority to address immediately and the questions could wait until the advisory board gets into those areas of content.

Lezli briefed the board reading notes from the July 10th Non-Residents Taxpayers' Association forum on the Marina, with the Harbormaster, Mike Flanagan and MAC Chair Fred Young as speakers. (It is not known if access to staff for this event was granted by the TA). It was noted that promotion of expanded Marina infrastructure and seasonal amenities, State-certified HMP process and complaint letters to the NRAB were encouraged. Mike Flanagan had stated that the "NRAB is convoluting this thing by adding Water Quality, Natural Resources, Species and Habitats".

John spoke for requesting support from staff. Doug brought the board's attention to a memo in the file regarding the disposition of Town-owned parcels. Lezli emphasized the advisory board's inclusion in the process, even if the board is not thoroughly prepared to describe its vetting process. It was agreed to discuss on the August 26th agenda. Lezli moved that the Chair correspond on the board's behalf, expressing interest in developing a process. John seconded. Discussion included the history of Open Space / Affordable Housing land grabs at Town Meeting, and from the audience Selectwoman Helen Wilson said she would prefer to receive specific comments from the advisory board, that the idea is not "all good". Motion passes 4 -0.

Doug reported Fiscal Year '03 encumbered appropriation for the salvaging of 1990's Mass. MiniBays data, and that he had not identified the correct computer at the Library containing the report. A \$250 budget has been retained, which the board agreed should be used to preserve the water quality data, if it could be located. Glenn said that he knew it exists somewhere and suggested contacting County Health Agent George Heuyfelder - who he stated no longer works for the county. John agreed with the value of retrieving the raw data.

Doug and John spoke of the presentation at Audubon given by Carol Ridley. It was noted that Chatham's Harbor Plan differs from Wellfleet as there is no ACEC designation to limit waterways development. John spoke of an emphasis on the process being very public, the use of a steering committee and receiving technical support and advisory from staff. Doug noted the importance of a "Friends of" group to promote public education - and that it had been mostly Town staff working on that plan. John noted a focus on receiving public input to achieve consensus.

Work agenda for 2004, Harbor Management Plan: Doug introduced the agenda item by reiterating the approach would be to use the 1995 HMP, identify chapter priorities, and begin with a cover letter going out through the Town Administrator notifying appropriate and interested boards, committees, staff, agencies, etc. of the board's intentions, announcing a 60 day written response period.

Public hearings for each chapter would be scheduled after receiving written responses and considering the updating of a given chapter. The pace of introducing a chapter a month seemed doable, recognizing that the comment periods / public hearings and updating process precludes accomplishing final, approved chapters monthly. Glenn noted that the work would build on pre-existing information, and Doug confirmed that as a structure already exists - the '95 Plan serves as a good starting place. He did not feel that the board would ultimately "re-publish" the '95 work, but would produce an update from it. Glenn agreed that this is a good idea and emphasized notifying public officials of various State and Federal agencies through the cover letter described. Doug hoped notification through the TA would be appropriate to best receive timely responses for input and suggestions, and that chapters / comment periods / re-drafts and public hearing dates, etc. would be posted on the Town Website, assuming staff support.

Glenn noted that the first step would be to prioritize chapters from the 1995 HMP for updating. Doug said that was the purpose of this meeting, to "kick it off" - one chapter at a time, and get going. John questioned the nature of holding public hearings - whether the Chair wished to do this to receive input or discuss content? Lezli said her interpretation of the process is that a Public Hearing should be held after materials, written submissions or comments have been received which direct the redrafting of the chapter - it is a draft, updated chapter which is discussed in Public Hearing with the understanding that new comments or information received could lead to another drafting of the chapter. This is typical process. John acknowledged some value of the 1995 HMP but expressed concern that such an update "ties the board too much to following the Plan" - he felt it better not to direct a cover letter or requests for information through the TA as things will be "lost in the mill". He preferred to designate NRAB members to solicit input directly from Staff, other boards, committees or agencies, and get them on NRAB agenda time to have a dialogue from which to direct chapter drafts.

Lezli found some value in both approaches - preferring the cover letter going out through the TA, as Doug recommends, to alert interested and resourceful parties to each chapter's redrafting and effect timely written responses, perhaps with a follow-up interview by an assigned NRAB member or dialogue with the full advisory board on agenda time. Doug noted that as the recent memo elucidates, governance is from the TA down - and board requests for material or submissions is best directed through the administrator. Perhaps the NRAB would attend to its requests for comment from outside agencies, non-profits, etc. directly. Lezli noted that tasking an NRAB member as a contact, per chapter or topic, to meet with other depts., boards or committees does not preclude other NRAB members from any process.

Glenn wished to "streamline" the suggested process with appointed members, and getting data and information regarding regulation changes since the 1995 Plan to digest first, before amending

chapter content or critiquing. Doug asked rhetorically, if the first chapter updated were the Water Quality chapter, who would the board wish to hear from? State officials (DEP, DEM) H/C Agent and other interests were noted. Glenn said he felt the Water Quality chapter "too large" to start out with, would like to see the board start with something manageable and get it accomplished before any more involved. Lezli agreed that Water Quality will be complex and ongoing - she viewed the Shoreline Land Use chapter as a more manageable piece to start out with.

Comments from the audience were received. Helen Wilson asked about the ongoing water quality data collection, noting it would be essential to procure staff assistance to update that chapter before taking it to a public hearing. Doug responded that each chapter, to a more or less degree will require some staff assistance - and that where the HMP and Shellfish Plan remain intact, he hesitates to re-publish material. The Chair sees this process as a "home-grown effort" and hopes to work through the important chapters within a year. John questioned what the NRAB will then produce if only working as citizens, why topics like Natural Resources aren't turned over to agencies like Audubon and CCNS as the board can only indicate what the existing plan doesn't know. He felt the Plan can raise the issues but to resolve them, a level of sophistication from an outside source would be necessary to take it "to the next level" such as the Cape Cod Commission or others to implement. Glenn intervened that in addition to hearing from the agencies, the board should also be willing to listen to the local fisherman, who have useful experience to contribute to the process.

Lezli noted similarity with the 1995 Plan in that a spectrum of recommendations ranging from no new action, some actions or dramatically new actions will be contained within the plan, noting which board, committee or department it is up to for implementing. The difference with this update should be including those parties in reaching the recommendation stage and working with them after a final plan is accepted toward implementing policy issues. She noted that no management plan recommendation will be carried out unless "we all believe in it". Glenn asked if this approach was issue-driven.

John stated that he wants to see the board produce something immediately doable even if it takes the Cape Cod Commission to implement it.

Doug noted that an example of a recommendation not being up to the board to implement might be suggesting within the Natural Resource chapter that wildlife corridors for coyotes be developed to lessen Route 6 mortalities, but it would be up to the Town to choose to follow through by acquiring the land areas necessary to implement the recommendation. Recommendations may only serve to raise awareness. Lezli agreed that the recommendation could be made without the board purchasing the land to implement it. John forwarded that it would be up to the board to convince the Town of

the facts that support the recommendation to procure wildlife corridors, to bring in speakers and set up programs that convince people that it's the Town's charge to spend the money necessary and counter any skepticism of the recommendation.

Helen spoke to the last plan being a "remarkable" asset - it gathered the data of its time, looked at the issues and made appropriate recommendations and did name who should implement them. She recommended working with any prior board members who were part of that process to model the same approach. Doug noted that he had spoken with previous NRAB Chair, Cynthia Hope, who had offered him useful advice. Helen advised that it would be normal if some issues don't reach conclusions. Glenn asked how to contact prior NRAB members as a resource for this process, but thought that the Public Hearings may give a different track or sense of current interest. John spoke for auditing the recommendations contained within the 1995 Plan, to note which ones didn't work or were not implemented. Lezli spoke for auditing per chapter, noting that an example exists in the Shoreline Land Use chapter: it was recommended that a "Historic Seaport" district be nominated. She explained that this recommendation had never been implemented as there needs to be a certain percentage of historic structures to nominate a district, and that the redraft should either strike the recommendation entirely or describe the methods of review that are implemented through the Historic Commission for developments of regional impact and Historic Review Board for architectural review.

Glenn said he would like to ask of officials in Provincetown, Gloucester, New Bedford and Fairhaven that have State-certified HMP's before big chunks of staff time equating to money is expended, to see if the problems or reluctance with that process could be sorted out. (It is noteworthy that none of these harbors enjoy an ACEC designation or has population or use patterns equivalent to Wellfleet's). He recommended inviting Rich Delaney to speak at the Harbor Conference to promote State-certification process over this "dithering".

Doug asked if there was a starting point we could all agree upon? Glenn responded it should be something that "almost got there" - a chapter that CZM did not return. (?) John spoke again to Audubon / CCNS taking on areas of content too sophisticated for the board to reach closure on, that the board needs to know what it can achieve short-term vs. what issues will be long-term. He concluded with the recommendation to begin with a review of the Natural Resources chapter. Lezli spoke to the idea of using chapter assignments per member, and beginning with more than one chapter. Doug preferred beginning with one chapter to be the model of others to follow, "homework" style - that each member should read the Natural Resource chapter by the next meeting and come prepared to discuss, bring questions or requests for information from Town departments, boards, committees or outside agencies, etc. The next meeting will be a discussion of that chapter. When there is a redraft, there will be a Public Hearing

scheduled. Helen Wilson suggested doing "outreach" to solicit comments, taking notes of any received. Lezli noted that members may become repositories of unwritten comments and concerns received directly from constituents less likely to attend meetings or respond in writing; she recommends keeping notes of these to try to keep track of the interests that need to be represented. Doug concluded that if the process works well with the first chapter, it will be summarized for the BOS and applied to other draft chapters. By consensus, the Natural Resource chapter will be the "kick off".

**New Business:** Doug offered for the board's consideration "Draft Policy Values" noting that during American Red Cross disaster training, this approach is promoted to have something solid to fall back on to base the correct answer to a dilemma upon. He asked the board to look it over for a future conversation of whether such a basis could be useful toward the Harbor Management Plan. John said it raises a good point, as to recommending priorities to the Town, but would rather look to the Pleasant Bay Resource Management Plan. He read a paragraph from that plan's executive summary which emphasized that estuaries left alone care for themselves and any human activities stress and alter the system. He preferred this language, but noted it was perhaps too strong for Wellfleet to agree with; he felt that creating a forum could promote support for this philosophy. Doug concluded with the comment that Carol Ridley had advised against issuing policy values, as the community could spend years arguing over those. Lezli appreciated that Doug's draft contained "local employment" as a value, noting the two different demographics that inhabit Wellfleet - those tied into a local economy, and those who are not.

Glenn spoke about the value of the National Seashore and coastal storm damage in Chatham during the Storm of 1978. He concluded by saying that there is not a lot of waterfront property in Wellfleet, the Town has been spared the drama of such real property losses by the CCNS, and natural forces are taking away the harbor.

Doug inquired whether members knew of any interest or applications to the NRAB, and whether the membership should be expanded. Lezli noted that the wording of the Town Meeting article creating the board named no maximum complement, but that it is up to the BOS to receive applications, interview candidates and make board appointments. Doug asked whether the board would then oppose more appointments (larger board) and John said he hoped the NRAB would not become too large. Glenn suggested 5 full members with 2 alternates, and Lezli pointed out that only pertains to certain regulatory boards under certain state statutes. John concluded by saying the message to the BOS should be that new appointments should be "sooner than later" - at the beginning of getting into this work. From the audience, Helen Wilson commented that short of receiving "staff assistance" - the board could invite members of staff to meetings. (It is noted that when this was specifically done, scheduling agenda time with the Conservation Agent with respect to the ACEC plan, staff did not feel it

necessary to attend an advisory board's meeting without a directive from the TA).

From the audience, Abby Franklin announced that Audubon was sponsoring a program on the effects of nutrients in estuaries, with Wacquoit Bay as the example - to be held Aug. 21 at 7 pm. John handed out an article from the Cape Cod Chronicle regarding nutrient loading to Pleasant Bay in Chatham and Orleans. Doug mentioned an article recently in the Cape Cod Standard Times regarding boat maintenance chemicals and waterways. Lezli noted it had been discussed that the recent (July 4) Mayo Beach closure could have been precipitated by an illegal boat wastes discharge, and that continued public education through the Marina department and any other venue is necessary - as was encouraged in the '95 HMP Water Quality chapter, and demonstrated by a graphic depicting the volume of water contaminated to the closure level by a typical boat discharge.

John suggested finishing up with a few chapters before coming back to a draft policy values statement. He found it difficult to discuss intelligently, wished to "interpret the 1987 Town Meeting charge" and work toward what is most helpful to the Town. Lezli noted that recommendations crafted in the end may not be "popular" but the board should hold to its 1987 charge. As example, a compelling case could be made for industrialized waterways development of piers, office / retail, factories, etc. on the basis as a boon to local economy - but the board needs to consider the cultural, traditional and aesthetic aspects of a new type of development in addition to resource impacts. Glenn proposed the board post questions on the Internet to receive input as to what type of harbor and values were preferred; Doug noted that the BOS is already considering some type of broad survey toward the Local Comprehensive Plan. He wondered if boards could forward key questions. John asked Helen whether she knew of a timeframe in which to do this, to which she responded the survey might go out in the Fall. Lezli spoke to the difference between objective and subjective data, and preferred expressing what the board would wish to glean informationally from a survey rather than crafting the questions. Helen suggested checking with the Ass't TA, Rix Peterson. Doug would look into this and it could be considered on the August agenda.

From the audience, Chuck Cole commended the 1995 HMP Natural Resources chapter inventory.

Lezli moved adjournment of the meeting at 8:35 pm. This was seconded by everyone, Motion unanimous.

Respectfully submitted,

Lezli Rowell