

Natural Resource Advisory Board
Minutes
August 26, 2003 Town Hall

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

Absent: Glenn Shields.

The meeting convened at 7:03 pm, with a quorum present. Minutes of July 29, 2003 were distributed; it was agreed to table approval of the minutes until the next meeting. The date of the next scheduled meeting, September 23, was changed to September 29th to accommodate John's "alternate week" schedule. The meeting night has been changed to Monday as the Board of Selectmen have switched to Tuesday meetings, and the advisory board does not wish to conflict with any of the major boards. Dates for NRAB meetings on October 27th, November 10th and December 8th were agreed upon. Discussion included reserving the November meeting to "wrap up" any issues raised by the Nov. 8th Harbor Conference.

John asked what obligation there was to call Glenn and inform him of NRAB meeting dates. Doug, as Chair, offered to phone with the information and Lezli, as clerk offered to mail the distributed minutes for 7/29/03 with a note attached regarding the board's schedule.

Old Business: Doug announced that the moderator for the Harbor Conference will be Brenda Bolyne, a former biology professor with 4C's, affiliated with the Cape Cod Commission and retired to Truro. A letter to the BOS will update them of this news and a press release is planned in 2 - 3 weeks. John announced participation by the Center for Coastal Studies. Lezli inquired whether the conference was limited to the harbor / marine resources, whether USGS Groundwater modeling data might be presented or the ongoing research for nutrient impact to the freshwater kettle ponds? Doug answered that the conference, if well received, could be an annual event that broadens out for next year. John noted that the conference purpose is to get facts out on the table, and enhance participant feed-back.

Glenn arrived at 7:18 pm.

Doug distributed the August 20, 2003 letter to the BOS regarding the 'Policy on disposition of town-owned land' which he had prepared at the board's voted directive. The chair asked if any had attended the BOS meeting and knew of the discussion, and from the audience reporter Ann Wood mentioned that dates had been changed as board / committee members did not like petitioned articles going onto Town Meeting warrant.

Reports / Announcements: Doug reported that consultant Hoarsely and Whitten will inventory public access points and all town-owned properties, as described by an article at ATM 2003. County surplus funds have been used to add on a specific study of Harbor

accesses and store GIS data. John added that the NOAA Harbor Map completed by Brett Still for \$75,000 has been made available in "large format" to the Harbormasters' Department. Lezli asked whether a small format or reduced series might be made available for the members of boards and committees, such as the Assessors' Atlas - and cautioned against the Town practice of buying the 'hard-copy' product but not the 'soft-copy' with which to layer other data or aid retrieval. John noted Brett's impressive work and also cautioned that the capability to work with it not be lost to the Town; he questioned whether Erik Mitchell of the H/C Department would be qualified to pick it up.

Doug asked the board for thoughts about the planned BOS survey toward the LCP update. Lezli asked that the boards and committees be able to see the draft to make comments, suggest amendments or additions.

Doug announced that he had received a phone call from Tim Smith, the Town Administrator, voicing concern when a member of the advisory board had recently published a 'Letter to the Editor' in local newspapers. The chair expressed support for members' rights of free speech, not to be lost by serving a board, and that the TA should only take up concerns regarding official board actions with the Chair, rather than issues of individual expression. Lezli, acknowledging that the reference was her recent letters in the Banner and Cape Codder, noted it as ironic that the Administrator would try to "reign in" a volunteer rather than a member of staff who made such unsubstantiated claims as her letter addressed. Glenn expressed being confused by the letters. Lezli clarified that they were in regard to public claims made by the Harbormaster's Department that a consultant's work was not available and that a permitting difficulty may exist for the Marina if plans are not State-certified.

A binder prepared by the APCC in the Town Hall file folders between the NRAB and Open Space files was noted and considered interesting by the board. Lezli asked the Chair to contact the Open Space chair to ask for a lend of the materials, as contents looked useful toward the Natural Resource chapter currently under consideration. She agreed to return it into the file after the meeting.

Harbor Management Plan: Doug opened discussion to process. He distributed a draft letter announcing a per chapter review, to be sent out through the TA to various boards, committees and departments soliciting comments. After review, Lezli moved that the draft letter produced by the Chairman be used to initiate updating the Harbor Management Plan, to be sent out through the Town Administrator as described. John seconded. He discussed how to specifically involve the NGO's such as the Assoc. for the Preservation of Cape Cod, CCNS, Center for Coastal Studies, etc. He wanted to be certain there will be input from scientific agencies and didn't know if a broadly worded notice would attract that attention. Doug responded that he preferred to begin with

general announcement - get the word out early, and come back with specific requests of agencies per chapter and as necessary. Doug wished to brainstorm for each chapter who the board wished to hear from. He noted that 60 day comment periods gives latitude enough to schedule specific invitations if the board wants to hear from a particular NGO. John asked who would set up a process to invite participants? Lezli summarized the discussion that the motioned letter "casts a wide net first" and the board could "put out specific bait" later; she reminded the board of the motion on the table. Doug thought the letter could be posted widely, including community bulletin boards. John asked if the discussions could be in regularly scheduled NRAB meetings rather than Public Hearings. Lezli responded that the board should go to Public hearing with a DRAFT of a chapter updated after receiving the comments, input, submissions of agencies, etc. Glenn asked for a timeframe - would there be more than one chapter on the board's plate? Doug agreed there will be some juggling - opening new chapters before others have closed out. Lezli noted that the approved draft chapters will eventually be reviewed as a whole for congruity, then proceed to another Public Hearing. She returned to the motion on the table, to accept and use the Chair's proposed letter to initiate the update of the Harbor Management Plan, and called for the vote. Motion passes 4 - 0.

Doug opened discussion to chapter priorities and sequence. Lezli noted that she agreed with Glenn's suggestion to work the smaller issues first before the bigger topics, and nominated the Shoreline Land Use chapter to proceed next, at the Oct. 27, 2003 meeting. She noted that the Tidal and Subtidal (Intertidal) Land Use chapter awaits a Shellfish Management Plan draft from the Shellfish Advisory Committee to dovetail into. John nominated the Marina and Dredging (to become one chapter) to proceed at the Dec. 8, 2003 meeting. Lezli noted that the informal letter from the advisory board requesting information of the Harbormaster, such as permit applications as sent to the Army Corp. of Engineers, DEP Chapter 91 Waterways program and / or CZM, and agencies declines due to lack of a certified plan, would need to now be formally requested through the TA for the board to review and address the issues raised within those chapters. These needs and chapter priorities were agreed upon by consensus.

Natural Resource chapter: Doug announced speaking with prior NRAB Chair, Cynthia Hope, who would be willing to meet with the board for a few minutes of agenda time and summarize the 1995 process. Lezli agreed with the usefulness of this. Glenn noted that Cynthia had put alot of energy into the Plan, and would speak more than a few minutes. Lezli also suggested contacting Pat Woodbury, who had worked on the Water Quality chapter. Glenn noted that he had spoken to him and found that he might be interested. John suggested that an alternative to updating the 1995 HMP would be to "audit" the chapters, noting which actions or plans had been done or were useful. He wondered how useful of a process an update would be. Lezli responded that the "auditing" will happen in updating the chapters, and gave an example from the Natural Resource chapter: the recommendation to add regulation of private

properties in the CCNS she felt ignorant of the Wellfleet Zoning bylaw district which already restricts private park properties to 5% lot coverage, as compared to the rest of Wellfleet's allowance of 15%. She noted that in updating the chapter, such a recommendation will either be corrected or stricken entirely.

Doug asked who / what agencies did the board wish to hear from for the Natural Resource chapter update? He read the suggested list from the 2002 NRAB worksheet: CCNS, Audubon, DMF, Shellfish Advisory Comm., Cons/Com, Open Space / WF Conservation Trust, Mass. Natural Heritage Program and the Eastham Natural Resource Department. Lezli noted that Henry Lind would be a valuable contributor if persuaded as he is uniquely qualified by many years held in the combined position as the Eastham's Conservation Agent and Natural Resource Officer, has hands-on, life experience, and enjoyed meeting him when Wellfleet considered creating a Natural Resource department. Doug suggested adding Rick Merrill, operator of the Navigator, to which Lezli suggested all the principals operating from the Marina. Doug suggested the board begin a list, and Lezli thought members could call the Chair through the week with any other names or suggestions in addition to those already noted. John noted the broad group named might be more than who is useful. Doug wanted to be sure to capture trends since 1995, any new threats to the health of Wellfleet's resources and gain insight into what the people think the Town ought to do. Glenn commented that while water quality has changed it is not overly detrimental, that some nitrogen loading or non-point source pollutants may be affecting the harbor, and that oysters are not growing as well as they used to. He recalled Joe Francis reporting differences in the harbor before he passed away in 1993. Glenn wondered how much might be local or impact of climate change. He endorsed speaking to local fisherman such as Myron Taylor. Lezli recommended Jake Bruinooge as well. John commented that as change happens slowly it might not be supported with data to which Doug noted that is the need for the anecdotal, such as the report of decline in finfish species like mackerel and poagies. Glenn commented that there are less cod then twenty years ago and there is no longer a fish dragger fleet. Doug asked whether outside agencies should be contacted through the TA, and who specifically from CCNS? Lezli recommended Nancy Finley from the Seashore and noted that she would welcome submissions from all, but not have them rewrite the HMP for us. John wanted the message to the NGO's to be that the board found concerns about the (anecdotal) observations, what would they propose as useful remedy plan for the Harbor? He noted that if we can get someone to write it for us, he would prefer that.

Lezli noted the need to structure the updated chapter somewhat differently than the 1995 layout, to be more reader-accessible. She preferred grouping the Issues and Goals into summary, following more clearly with the recommendations and whose responsibility to implement. She felt that finding a better format for this chapter should help carry through the updating of all the chapters. Specifically in the Natural Resource chapter,

Lezli would like to see the technical agencies address the listings of species by categorizing them into habitat types from the "ground up" - noting any threatened species or habitat or other special dependence on Wellfleet resources. John forwarded the idea of categorizing by habitats and primary producers. Glenn recommended Jerry Moles of DMF to be included. John advanced that he would like to have "someone smarter than I do the work for me" and that perhaps the CCNS could provide a summary of information to become the chapter. Lezli noted preference to receive input rather than give away the task. Glenn felt the process begins with showing the agencies the chapter to see what information comes up.

From the audience, Tim Hughes noted that the HMP does not mention tuna inside the harbor. He added that there would be a more productive anadromous fish run if the Herring River opened up, making room for the Town to grow. Doug felt this would be the chapter for the NRAB to consider the Herring River issue (allowing salt-marsh restoration as proposed by CCNS, or retaining the dyke closure with respect to cultural and economic impacts). Chick Holtkamp (Walter) spoke to the difficulty of asking six knowledgeable agencies to comment - that receiving a rewritten submission from one and choosing the direction given by another might not seem diplomatic. He recommended "doing your own writing". John said he wants the right people to sit with us, throw the ideas around with - that he did not mean a commitment to using anyone's written submission. Chick (Walter) reiterated the danger of expectation associated with the written product.

John noted that people tend to be most interested in the "top layer" species, but the board must look to the fundamental natural resources that support those species of interest, beginning with water quality. He noted the need to address issues of broader economic value as well as those less critical to people. Tim Hughes addressed the board saying that "more water flow at both ends means more room for growth". John asked whether there remained any eelgrass in the harbor? Glenn responded that it still washes up; he believes there is still some in the channel. From the audience, there was an inquiry of whether having a State-certified HMP depended upon recommending dredging in the marina. John responded that the issue of whether to have a certified plan or just update the HMP does seem to be focused on the Marina/Dredging issues, that it is only those associated with the Harbormaster advocating for a State-certified Plan. Lezli agreed with John's statement about food-chain relationships and showing species inter-relatedness, and hoped that within a format change, presenting this information could be better demonstrated. Doug followed with the eelgrass example noting its importance as a nursery habitat for many species of commercial interest. He wondered about the population of eels. From the audience, Tim Hughes noted that the harvest is significantly down, and Lezli wondered if that might not indicate different market interests.

John offered suggestion toward the format dilemma:

I. Key Habitats and Primary Producers (phytoplanktons) such as

- A. Salt marsh
- B. Eelgrass
- II. Key Indicator Species, such as
 - A. Mummichogs in estuary
(noting that bait fish will move downstream if impacted, decline to predation)
- III. Key Interest Species, such as
 - A. Commercially important
 - B. Culturally important

Lezli liked the rough idea and thought it could be fleshed out to get at the issues, goals and implementable recommendations in a tidy way. Glenn expressed that a format change might be a big process, and John commented that he would like to get others, more qualified, to do this. Doug recommended Bob Prescott of WBWS / Audubon; Lezli noted that he had been a member of the NRAB during the 1995 Plan, and would be welcome to straighten out this listing of birds into habitat categories. Glenn suggested Robert Finch, a naturalist retired to Wellfleet, as well as the Bird Watchers General Store in Orleans. Doug considered Jim McGrath but felt he was best applied toward the Shellfish Management Plan. John commented that he views a distinction between the natural resources and the general state of the harbor, and that in creating a plan, these will overlap.

Doug asked whether the chapter might also accommodate protocols for marine mammal strandings, such as the event in which pilot whales had stranded last summer and the Harbormaster had to decline use of the Town boatramp for hauling up a carcass during the square dance. He wondered who orchestrated efforts, and made such calls for the Town. Glenn noted that there is established protocols with the New England stranding network and the New England Aquarium, and those responding are federally licensed to handle the protected animals; the Town stands by to assist as directed. He noted that once the rescue efforts finish and animals have been necropsied, the scientists tend to leave the Town with the disposal issue. In the past some whales have been buried at Indian Neck or hauled out deep and weighted down, as the animals cannot be disposed at the transfer station. Glenn noted that stranding, confused animals want to go east, and that the Harbormaster, Mike Flanagan has the idea of using helicopters to move the whales held in a sling to where they could swim out. Glenn recalled using the whales herding instincts, moving a squealing baby to lure the adults toward it into deeper water, and watching two cows lift the baby in comfort as they swam out.

John recalled from a HPG discussion wondering whether Wellfleet has an Emergency Response Plan - what protocols are in place to handle an oil spill such as occurred at Buzzards Bay? He noted that this is the responsibility of the Harbormaster, as is the

whale stranding protocol. Glenn spoke of the past practice of modeling emergency plans after those already existing in other towns, and from materials provided by David Crary - a CCNS ranger. He noted that while the Seashore would not share supplies they would work in concert in the event of an incident. He suggested contacting Harbormasters of other towns to review Emergency Response Plans. Glenn noted that Wellfleet has available booms, absorbent sprays, and has practiced deployment with mock episodes.

Doug questioned whether the Natural Resource chapter might make recommendation of harvesting techniques. John noted concern over dragging and felt the issue would be raised first, then recommendation would follow.

Doug asked whether to include the chapter from 1995 recommending the creation of a Natural Resource Officer; Lezli responded that the recommendation had been shelved after reviews in the early 90's and again more recently which culminated with the creation of many assistant positions within town government, leaving little fiscal room to advance a newly created position. She reminded to board that the materials are available for members to review if interested within the binder of NRAB materials she had collated from items which used to be in the Town Hall file folder. Doug noted that Lezli had made her copies of NRAB file contents available for sharing and copied to the BOS at her own expense. He showed the binder which will be available for members or the public to review at the Library, and suggested that Lezli seek reimbursement of the copying expense of \$50 incurred to provide this reference. John asked whether the Library might have funds available as this amount is the advisory boards entire fiscal year appropriation. Lezli was willing to table consideration of reimbursement until other potential sources are looked into by the Chair.

Glenn spoke to the "mistake" of making separate Shellfish and Marina departments. He felt that the large departments really don't pay enough attention to the details of the jobs and a downsizing could share labor for busy Spring seasonal work. He felt the 1993 idea of a Natural Resource department had been a good one, but it's a struggle to change. John did not feel inclined to consider a Natural Resource department now as there will be much to try to implement - and the board should be careful to recommend that which is consistent with the Town's available resources.

John suggested two phases, first bringing in the broader, current knowledge for general discussion of issues. Phase two would be bringing in Prescott of Audubon, Finley of CCNS and a DMF agent after the dust of the Harbor Conference settles. The board could receive outlines of recommended planning but reserves the right to change the outline. Glenn wished to add Truman Henson of CZM to

