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TOWN CLERK

Natural Resource Advisory Board  
Minutes (approved unanimously 12/8/03)  
November 10, 2003  
Town Hall hearing Room

Present: Doug Franklin, Chair, John Riehl, Lezli Rowell, clerk,  
Bill Knittle.

Absent: Glenn Shields.

Attending: Edward Rullman, Ben Gitlow, Gail Ferguson, Hugh  
Guilderson, Abby Franklin, Nancy Deppen, Nancy Bone, Tim Hughes.

Distributed: Agenda, prepared by Chair, Harbor Conference follow-  
up suggestions prepared by clerk, record of Harbor conference  
"Breakout Session flip-chart comments" and written questions asked  
of participant speakers - provided by Abby Franklin.

The Chair convened the meeting with a quorum at 7:03 pm, noting  
that Bill had not yet had opportunity to swear in for voting  
purposes but would contribute to board dialogue. Noting one  
amendment, to delete a parenthetical reference on page 2, the  
Chair expressed willingness to approve the minutes of October 27,  
2003. The amendment was agreeable to all; Lezli asked the board  
if the comments of guest speakers was represented thoroughly and  
accurate. John had no amendments to add - he moved approval of  
the minutes. Doug seconded. With no further discussion, the  
minutes were accepted unanimously. Doug asked the clerk what  
happens with minutes once approved? She responded that the  
approved set will be submitted as required to the Town Clerk's  
office. Lezli explained that the draft minutes, once available,  
are distributed to board members, Clerk's office, Fin / Com file  
per request and Board of Selectmen correspondence file  
simultaneously - and without any substantial amendments, she saw  
no reason to repeat this distribution of accepted minutes, but did  
expect final form to be posted on the Town website for ease of  
access to all who are interested in the public record.

The Chair confirmed the next scheduled meeting for December 8,  
2003 at 7 pm, to continue the Shoreline Land Use chapter and "kick  
off" the marina / Dredging chapter. He reported that Assistant TA  
/ Planner Rex Peterson is scheduled to meet with the board to  
update the Public Access inventory and speak to the zoning  
recommendations of the chapter. Tom Flynn of the Coastal / Pond  
Access Committee, and Myron Taylor will also address the board.  
Doug felt that some representation from the Conservation  
Department, either the Agent Emily Beebe or assistant Erik  
Mitchell would be useful in addressing ACEC concerns, but there  
has not yet been any response to his inquiry. The Chair reported  
sending letters of thanks to the Herring Warden Jeff Hughes and  
WBWS representative Dennis Murley for their valuable contributions  
to the board in the last meeting. Doug also reported contacting  
the Fin / Com liaison Nancy Bone.

The Chair received notice from Administrative assistant Jeanne May that submittal for the 'Annual Town Report' would be due shortly. The board concurred that the Chair should produce a draft for the boards' consideration; Lezli agreed it would be nice to be a part of the process this year. [No one knows who produced the text submitted into last year's report].

The Chair noted the correspondence regarding the BOS 'Goal Setting' workshop for Nov. 15th. Lezli reported her understanding from Chairman Donovan was that written statements or comments forwarded from the boards might be best, as the BOS might close the deliberation. She brought the board's attention to her recommended statement: "The NRAB endorses the spirit of cooperation and communication between the various Town boards and committees, to be supported by the Administration and staff, as will be essential to the inclusive process of updating the Harbor Management Plan". Doug was not sure if the goal setting forum would include an open session and was agreeable to forwarding this written statement, but wished to further project a timeframe of the NRAB's goal in updating the Plan. He queried the board whether expecting a final, vetted draft timely for a Special Town Meeting in fall 2004 was an achievable goal. Lezli and John preferred working with the Annual Town Meeting of 2005 as projected submittal for voter approval with Lezli adding that there is not always a fall Town Meeting scheduled. Lezli moved to authorize the Chair to respond in writing on the board's behalf expressing the language as proposed and projecting the ATM 2005 HMP timeline. This was seconded by John and approved unanimously.

The Chair anticipated the FY '05 Budget request, and to start the board thinking of potential needs / expenses, he recommended \$ 100 for reimbursing the committee clerk for postage and copying expenses, \$ 200 for producing spiral bound copies as update becomes available and \$ 150 toward a second 'Annual Wellfleet Harbor Conference' - to submit an overall request for \$ 500. It was noted that the current appropriation of \$ 50 was too little to meet any expenses or potential copying needs. While the board found \$ 500 agreeable, John hoped it would be enough without knowing how much producing bound drafts may cost. He encouraged the Chair to contact Rix Peterson first to see if the amount would be sufficient. Lezli suggested speaking directly to the Town Administrator, who had found cost savings in providing copies of the reduced Assessors' series maps spiral bound for distribution to the boards and committees by having the production done at the Tech School. Bill added that posting on the Website making draft available to be downloaded could reduce need to publish hardcopy, keeping costs down while making information available. The Chair agreed that this would be useful and has already kept the board from spending its small budget.

The Chair introduced the topic of ideas and comments received in prior public hearings (2000 and 2001) as well as at the Conference. From the audience, Abby Franklin, conference coordinator, reported that there were 108 sign-ins and an

estimated 130 - 140 in attendance, that all speakers attended and schedule flowed well. She provided the board with written submittal of the "break out" session flip-chart questions and responses, as well as the written questions asked of the presenters. The board thanked her for these materials. Lezli asked whether CD copy of the Power Point presentations could be provided to the board, noting interesting and useful graphics (especially time / area scale and gross carbon productions from Burdick and erosion trends from O'Connell) which might be applicable to HMP update. She also asked whether the conference posters could be made available in a 11" x 17" reduced, spiral bound format for the board's ease of reference and whether Abby could provide copy of sign-in sheets. Doug noted that the steering committee will meet this week to 'tie up the loose ends' from the conference such as finding out whether speakers will share their Power Points. Lezli commented toward the next conference, hoping to see consideration of upland groundwater and surface water resources, especially the kettle ponds, noting recent nutrient fate study and GW modeling by USGS and CCNS Paleoecology and Water Quality reports. Posters produced by Brett Still, an intern were noted to belong to the town, and Bill commented to appreciating the distribution information contained graphically on them as useful.

John commented that he hopes the Town will retain the useful GIS resource initiated by Brett's work and be able to analyze and layer more data as becomes available. He did not know if Erik Mitchell is qualified. Lezli noted that there is a GIS certificate program at 4C's which the Town could direct appropriate staff to. Ben Gitlow suggested that CCC could help with GIS work but noted discrepancies or incompatibilities between Assessors' series formatting and Commission data [local accuracy vs. county whimsy]. Lezli complimented the presentation by County Health Agent George Heufelder appreciating the message of the Harbor water's overall health in terms of bacteria incidence. She noted the Urban Harbors Institute speaker complimenting the existing 1995 HMP as containing a "wealth of information and access to expertise" finding the work "impressive" and "surpassing the science availability of most communities on the Mass. coastline" in emphasizing "natural resources as the more prominent issue" while most communities use harbor plans to optimize commercial uses.

Lezli commented to Dr. Howes' presentation regarding the "Estuaries Project" noting that clearer information than had previously been provided locally might make the community more comfortable with the project; she noted finding out only recently that the Town has committed to the project through the Health and Conservation Agent's monthly report to the Board of Selectmen. Doug expressed surprise finding from Brian Howes speaking that this was the case, and John added his concern that there has not been public discussion of the consequences of participation in the Estuaries Project. He felt that people will be upset and concerned when they realize the Town has already engaged without

knowing the costs, or if grants may offset the expense, and whether there will be a citizen participation plan - John felt the NRAB should invite Dr. Howes and the Conservation Agent to discuss the status of the project at an upcoming meeting. While he felt data sampling of the past summer was a "place holder" the project would require extensive field work next summer, and full disclosure to the public which may be asked to fund the project. Lezli noted asking at a recent BOH meeting of the project status and objectives, and found the Agent's description seemed very different from the conversation she had with Dr. Howes after the program. John asked her the distinction. Lezli described the sense of project given to BOH as leading to / justifying wastewater management and enabling stricter local regulation than already exists with the Nitrogen Loading limitation, while Dr. Howes expressed the project as "staying ahead of the EPA, meeting the Clean Waters Act" requirements, and preventing the waste of public funds, time and resources on remediating waters not suffering quality impacts. He emphasized to her that it was not about Title 5 or wastewater regulation as much as prioritizing sites for remediation. John commented that if remediation were needed as a result of the Estuaries Project, appropriation would need to come from Town Meeting, and success would depend on having all the "ducks in a row" - he felt that a project quietly engaged without public communication plans would not pass with the voters. From the audience, Hugh Guilderson recalled the initial presentation to the BOS from the State regarding the Project, the speaker being clear that there was no State funding available; Brian Dudley had ballparked a \$ 100,000 pricetag to proceed with the project. Hugh felt that such a significant financial commitment could not be made consciously by staff, that only Town Meeting should decide to engage such a project - and there has not been public discussion of any benefit to the Town to proceed with the Estuaries Project. Ben Gitlow recalled that the EPA position of 7 - 8 years ago was that they didn't know what critical nitrogen loading was, but they would try to regulate it anyhow. His sense of the project was watershed determined critical nitrogen load numbers assigned, defining the number of people that could be supported by development and leading to more restrictive zoning controls based on the project. He recalled from prior study that only 15% of nitrogen entering the Harbor is presumed to be anthropomorphic in origin, and that the DEP's Nitrogen Loading limitation [10,000 square foot of lot area required per bedroom or 4 BR / acre] went overboard with an engineering safety factor. He felt that if these regulations will continue to restrict people, increase growth controls or demand de-nitrification septic systems the critical nitrogen loading should be determined for the population which can be supported before wastewater treatment is needed.

Doug questioned generally if this is the only valid approach - can we really calibrate such a limit on the ability of Harbor waters to support people? Ben responded that modeling considers the maximum contributions of nitrogen and flushing rates, and regulates back to the sources through zoning or health

regulations. He added that with a larger water system than Town Meeting voted for to be installed and potentially serving residences there will be more people living downtown, equating to more nitrogen input, and the further need to regulate or require de-nitrification. Doug asked whether there were other measures to look at growth issues, short of the Estuaries Project? Lezli did not think Dr. Howes had portrayed the project as intending to be a growth control, that this intention for the project has come about locally. Doug saw a "large playing field" of options and wondered why accept this project as the only standard. He questioned whether the pricetag of \$ 100,000 for participation was for the whole project or annually? Hugh emphasized the figure as estimate, considered Dudley's presentation as "drumming up work" for his agency and noted the lack of any cost vs. benefit analysis before the Conservation Agent made a commitment to engage the Town. Noting the Charter and Town Meeting form of government, he considered the "tail way ahead of the dog".

John added that any plans or commitment to the Estuaries Project should be conducted out in the open. If there is any significant problem to be remediated identified by a project conducted quietly an expensive fix will be a hard sell to Town Meeting. He agreed with Hugh that project participation should be decided by Town Meeting. An NRAB meeting date of January 5th was agreeable to all. John moved that the Chair schedule the H/C Agent to the January meeting to discuss the status of the Town's participation in the Estuaries Project as well as ACEC issues; this was seconded by Lezli. The motion was accepted unanimously. Bill commented that in addition to considering the project the board should consider alternative ideas - there may be a more cost effective measure to assess or reduce nitrogen inputs into the harbor if there is even a critical load issue.

Considering the flip-chart comments recorded, it was questioned if anyone understood "160:1, variability of oysters on Egg Island". From the audience Tim Hughes recalled that oysters and seed were permitted to be transported out of that area which he characterized as a "mistake" and claimed for every "160 oysters then there is only 1 left now". He stated that the aquaculturist "raped" Egg Island as well as Blackfish Creek and that the "Shellfish Advisory Committee recommendations destroyed oystering in Town ... there was nothing left and people had to leave Town". Lezli asked if he could define "then" as relates to these accusations and Mr. Hughes was vague. She offered timeframes of 1970's, 80's or 90's to define his "160:1" claim; he responded that he means the early 1980's. He further admonished the Town for hiring a Shellfish Constable who has ever held an aquaculture lease and wishes to see decisions affecting wild harvesters remove from the SAC.

John asked of the status of the SAC working on the Shellfish Management Plan. From the audience, Abby Franklin reported that they have not worked on it, or had scheduled meetings through the summer. John wished to start that discussion soon, noting that



the former Harbor Planning Group had voted to have the SAC draft a plan to submit for the NRAB's consideration. Lezli noted that typically the shellfishing community works in the summer and meets in the winter, that perhaps initiating planning was forthcoming, to which Doug agreed was likely. Ben Gitlow noted that allocation of resources between private and public resources just as between commercial and recreational boaters and other use conflicts will be the charge of updating the HMP - noting the difficulty of maintaining a healthy shellfishing industry without depleting wild stocks.

Lezli noted the categorical divide between both conference questions and comments and previously documented public hearing concerns - that objective issues hinged on science will sort out more straight forward while subjective issues of quality of life, perceptions or aesthetics will be more difficult to address. She recalled the speaker at a 2000 NRAB hearing who complained at the loss of nostalgic "old days when the children raced their sailboats across the harbor" as complaint to the visual impact of aquaculture. She noted the impression, whether real or not, was not something tangible the NRAB could address [an HMP recommendation that the children of the affluent must sail??] and the given speaker had since sold both his Wellfleet house and boat. Priority should be the topics which the board can address with recommendation based upon scientific input.

The status of stormwater remediation was discussed as it had been a comment in the 200-01 hearings but not the Conference. Lezli recalled that a plan recommending infiltration had initially been pursued for granting through CZM but was declined as too expensive, and was subsequently submitted in the next round of CZM granting as a phased project - tackling lower, more impacted elevations first. She felt that the "ball has been dropped" on following through with higher elevation phases of the stormwater / road runoff mitigation plan with the focus now on the water supply issue and related construction activities. Lezli recommended asking the Conservation Agent [or DPW Director] for the status of infiltration plans.

Doug noted the comments in past hearings had also focused on the concern of a groundwater plume resulting from the dump, which had not come up in the Conference. Lezli noted that the Town was behind schedule on its Administrative Consent Order to cap the landfill and that until precipitation infiltration is prevented, some plume is presumed to exist. Ben Gitlow spoke from memory of the '201 Facility Plan' which assessed the site impact prior to closing the landfill and abandoning use of the septage lagoon. He thought that extensive groundwater sampling at the time had only identified chloroform produced by saltwater in the presence of sunlight and vinyl chloride close to the Maximum Contaminant Level. His recollection was that the study considered the suitability of the site for a potential wastewater / sewage treatment discharge location, which was ruled out as likely to accelerate any landfill plume migration. Ben recommended consulting the '201' study as baseline material to compare any

modern or ongoing water sampling data against. From the audience, Nancy Bone said she had wondered at the Conference whether it would be addressed how contaminants in the plume might affect any opening of the Herring River dike, perhaps impacting shellfish resources down-river. Her impression as a homeowner barred from using the groundwater in proximity to the transfer station by health regulation was that it was known that there were toxins present, hence the development of the Cole's Neck water system. Lezli agreed that there remains concern by downstream interests and area property owners. John commented that there must be more than the substances Ben recalled since people had commonly discarded car batteries, etc. and he questioned whether heavy metals had been detected or tested for in the groundwater sampling. Ben reiterated that he spoke from memory of an early 1980's report and thought detection practices / testing parameters changes on more current reports might better identify the plume vs. what is considered "background" - he suggested that the 15 to 20 observation wells might still be under analysis. Lezli suggested that information detailing contaminants and concentrations might make another useful inquiry of the H / C Agent, as well as status of capping. Abby commented that John Portnoy of CCNS had mentioned seeking funds to monitor the dump plume. Other site remediation plans (former gas stations) were also discussed, as was a recent presentation by MMR personnel (up-Cape) explaining methodology of reducing soil and water contaminations down to below the MCL's - that complete cleanup is not considered cost effective.

Doug asked the board's interest in taking a position on the Herring River dike issue (no takers). John complimented respectfully the fine research done by Portnoy and the CCNS but noted the risk common to all projects which appear to proceed 'under cover' - lack of public confidence where the questions are not asked openly and answers shared in a forum. Lezli agreed with the idea of hosting a forum as a means to present the scientific explanations of chemical processes recently referred to in NRAB meeting by Tim Hughes as the "bad stuff converting to good stuff" feeling that the public deserves better explanation of potential impacts both up and down-river. Doug felt such a forum could follow the completion of the HMP update. John saw a forum as an opportunity for technical questions to be adequately addressed, separate from moving a political process forward.

John noted the importance of salt marsh ecosystem emphasized by both Burdick and Howes in absorbing storm energy and removing upland nitrates. He did not feel much attention had been paid to salt marshes in the 95 Plan and wished to consider recommendations to monitor and preserve these resources. Doug agreed noting the images past and present of Pleasant Point, with the acquisition of salt marsh to the area. John referred to the book "Life and Death of a Salt Marsh" explaining that the grasses thrive in a shallow water, and as water levels rise the marsh migrates landward. Lezli recalled Dennis Murley's observation that marshes are protected from development by statute and his caution against

expending Land Bank funds on lands unbuildable. While she agreed that engineers routinely push the resource delineation envelope, the 'Wetlands Protection Act' prohibits new development from areas demonstrated by hydric soils and indicator plant species to be wetlands.

Ben spoke to distinguishing what areas of shoreline were accreting vs., eroding, questioning whether different regulations should be applied under those different circumstances. John felt the more important distinction made by speakers was vertical erosion as at the face of coastal engineered structures compared to the less critical horizontal sediment transports. Ben spoke of Blackfish Creek, right up at present Rt. 6, being historically a shipyard, but the creek has been filling in. Tim commented that the Lt. Island bridge withholds volumes from inflowing and causes a buildup of silts, as with the Herring River dike. He felt that any dump plume problem would be captured by the new sediments deposited with the incoming tide if the dike were removed. The board did agree with the generally depositional tide tending to fill in the more restricted areas. Doug supported opening all diked areas up to new silt and sediment distribution. (The removal of all coastal armouring and placement of these structures as a rebuilding of Billingsgate for affordable housing amused all...) Lezli suggested it would take extensive hydraulic / sediment transport modeling to sufficiently answer to the many concerns raised. Bill supported getting scientific facts on the table before reaching any recommendations. He also noted the differences between addressing issues of lifestyle, and suggested approaching those sorts of recommendations very carefully.

Doug suggested taking the Natural Resource chapter inventory to Bob Prescott for a reorganization of content or inclusion of any sentinel species missed, to be ready for the board's consideration at the next meeting. Lezli agreed but asked that the same be asked of Nancy Finley, preferring to solicit from both agencies rather than one exclusively. John wished the result to be sorted by characteristic habitat types, such as salt marsh, etc. rather than just as listing types of birds and turtles. He felt some species / habitat matrix would be more useful as a planning tool than an inventory. Lezli agreed that had always been the intention for updating this chapter. She offered to shape up her previously distributed rough notes on trophic order into a better text for consideration.

Doug asked the board's pleasure on Shoreline. Lezli asked whether the motioned requests for information submittals had gone out yet, to which Doug said these had not with the planning activities for the Harbor Conference. She felt then it better to wait for some substance or response to pick up that chapter with.

John praised speaker Graham Giese for his impressive knowledge and focus, which Lezli agreed to noting that he spoke "without Power Point, right from his head - the old fashioned way". She hoped to



gain his insightful and useful explanation of coastal geomorphological processes as a contribution to the updated HMP.

Doug commented that there could ultimately be a 'Scientific Advisory Board' or panel of experts such as the speakers assembled for the 'State of Wellfleet Harbor' Conference to oversee process such as writing a technical report related to a recommendation given in the HMP.

Lezli moved adjournment of the meeting at 8:30 pm. There was a discussion initiated by Mr. Rullman of the Non-Residents' Taxpayers Assoc. regarding wave action changing since "Jeremy's Point has disappeared" (perhaps Billingsgate was meant?) opening up areas of Indian Neck and Lt. Island to the types of erosion which results in armoring. The global issue of sea level rise was discussed, noting the concern greater than the NRAB has ability to counter in its HMP recommendations. The historic map image showing the tombolos of Bound Brook, Griffin Island and Great Island as unconnected was discussed, as was the experience of living on "the edge of the continent witnessing geology" as compared to the wearing of a mountain through the eons ... John seconded the motion to adjournment at 8:40 - voted unanimously.

submitted,

Respectfully



Lezli Rowell