



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, May 2, 2023, at 7:00 p.m.** The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

Join the meeting hosted in Zoom by using the following link:

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877**

Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

- Zoom: Raise hand to be called on to speak.
- Phone: dial *9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must to recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to the outside of the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at wellfleet-ma.gov

I. *Announcements, Open Session and Public Comments*

Note: *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

II. *Consent Agenda*

- A. Ocean Sanctuaries Act Prohibition of Pilgrim Wastewater Discharge into Cape Cod Bay
- B. Appointment of Robin Robinson as a liaison to the Barnstable Human Rights Commission for a term of three years to end June 30, 2026.
- C. Appointment of Kathleen Hickey to the Wellfleet Board of Trustees for the remainder of the two-year term, due to the resignation of Dian Reynolds ~ Robin Robinson, Chair of the Wellfleet Library Board of Trustees, appointment to end June 30, 2025.

- D. Appointment of Lara Henry as a member to the Wellfleet Local Housing Partnership for a term of one-year.
- III. ***Community Updates***
 - A. Presentation on the District Attorneys new initiatives ~ District Attorney Galibois
- IV. ***Public Hearings***
 - A. Application received April 4, 2023, from Jonathan Kells Phillips & Katie Savoy One-day Special Event Liquor License on June 24, 2023, at the Baker's Field Pavilion for a rehearsal dinner.
 - B. Application received April 12, 2023, Chequessett Yacht & Country Club, Transfer of Alcohol License, to Cuddy Kitchen located at 680 Chequessett Neck Road, Wellfleet MA
 - C. Dredging Task Force members will provide information and answer questions about the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field, thus allowing dredging of the first half of the mooring field to begin.
- V. ***Reorganization of the Selectboard***
 - A. The board will vote to reorganize positions.
- VI. ***Use of Town Property***
 - A. Richard Cohen ~ Indian Neck Beach, Thursday August 3, 2023, 4:30pm – 8:30pm for small adult Birthday party.
 - B. Newcomb Hollow Beach Parking Lot ~ Barbara Leddy, pre wedding welcome party. ~ Thursday July 13, 2023, 6:30pm-10:30pm.
 - C. Newcomb Hollow Beach Parking Lot ~ Food Truck for private party; Thursday July 13, 2023, 6:30pm – 10:30pm ~ Joey's Joint & Food Truck
- VII. ***Business***
 - A. Town Meeting Follow up, special town meeting discussion.
- VIII. ***Selectboard Reports***
- IX. ***Topics for Future Discussion***
- X. ***Vacancy Reports***
- XI. ***Minutes***
 - A. April 18, 2023
- XII. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 2, 2023

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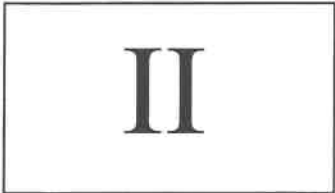
ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	<i>NOTE: Public comments are limited to no more than two minutes per speaker.</i> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023



CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">• Approval of the letter written by Ocean Sanctuaries Act Prohibition of Pilgrim Wastewater Discharge into Cape Cod Bay• Appointment of Robin Robinson as a liaison to the Barnstable Human Rights Commission for a term of three years to end June 30, 2026.• Appointment of Kathleen Hickey to the Wellfleet Board of Library Trustees for the remainder of the two-year term to end June 30, 2025.• Appointment of Lara Henry as a member to the Wellfleet Local Housing Authority Partnership for a term of one year to end June 20, 2024.



April 27, 2023

Andrew Gottlieb
Executive Director

RE: Ocean Sanctuaries Act Prohibition of Pilgrim Wastewater Discharge into Cape Cod Bay

BOARD OF DIRECTORS

Eliza McClennen
President

Dear Local Leader:

Steven Koppel
Vice President

The Association to Preserve Cape Cod recently presented a detailed legal analysis to the administration of Governor Maura Healey explaining that the proposed discharge of wastewater from the Pilgrim Nuclear Power Station into Cape Cod Bay by Holtec International is illegal under the Massachusetts Ocean Sanctuaries Act (OSA) and, based on state law, the Commonwealth must deny Holtec's proposal. To provide further incentive for the Healey administration to act swiftly on this matter, I am writing to respectfully request that your town submit its own letter in support of APCC's position.

Bob Ciolek
Treasurer

Jack Looney
Clerk

John Cumbler

Margo Fenn

Joshua Goldberg

APCC's letter, drafted by our legal representatives at Sugarman, Rogers, Barshak & Cohen, P.C., requested that the Office of Coastal Zone Management (CZM), which is charged with oversight of the OSA, officially notify Holtec that it is prohibited under the act to discharge radioactive waste or any other pollutants from Pilgrim into Cape Cod Bay. APCC further requested CZM to advise the Massachusetts Department of Environmental Protection that issuance to Holtec of any state permit, authorization, or approval for a discharge would be inconsistent with the OSA.

DeeDee Holt

Thomas Huettner

Pat Hughes

Elysse Magnotto-Cleary

Blue Magruder

The OSA explicitly prohibits the discharge of pollutants into a designated Ocean Sanctuary, except for a specific exemption that allows for "the operation and maintenance of **existing** municipal, commercial or industrial facilities and discharges where such discharges or facilities have been approved and licensed by appropriate federal and state agencies." It is the position of APCC and our legal representatives that Holtec's proposed discharge cannot be considered an "existing discharge" as defined by the statute because it was not preexisting when the Cape Cod Bay Ocean Sanctuary was created in 1971. The water currently proposed to be discharged is related to the decommissioning process that is presently occurring, and which began after Pilgrim ceased its operations. Consequently, the proposed new discharge cannot be considered "operation and maintenance" of an active power generation facility and therefore must be viewed as a new industrial discharge. According to the

Stephen Mealy

Wendy Northcross

Kris Ramsay

Robert Summersgill

Charles Sumner

Taryn Wilson

OSA, a new discharge cannot be authorized by any state agency, regardless of any independent policies of the federal Nuclear Regulatory Commission. The only legal option available to the Commonwealth is to deny the discharge permit application that Holtec is pursuing.

APCC requests that your town submit a letter to Energy and Environmental Affairs Secretary Rebecca Tepper and Office of Coastal Zone Management Director Lisa Berry Engler that calls on CZM and the Executive Office of Energy and Environmental Affairs to stop Holtec's proposed wastewater discharge into Cape Cod Bay through the authority those state agencies possess under the Ocean Sanctuaries Act.

For your convenience, copied below is a sample letter for reference. If you have any questions or would like to discuss this request further, please do not hesitate to email me at agottlieb@apcc.org or call me at 617-797-3302.

Thank you very much for your consideration of this important issue for your community and for Cape Cod.

Sincerely,



Andrew Gottlieb
Executive Director

(Sample Letter Below)

Sample Letter

Rebecca Tepper, Secretary
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
rebecca.tepper@state.ma.us

Lisa Berry Engler, Director
Office of Coastal Zone Management
100 Cambridge Street, Suite 900
Boston, MA 02114
lisa.engler@state.ma.us

RE: The Ocean Sanctuaries Act's Prohibition of a Planned New Industrial Discharge of Radioactive Waste from the Decommissioned Pilgrim Nuclear Power Station into Cape Cod Bay Ocean Sanctuary

Dear Secretary Tepper and Director Engler:

The (town body) voted on (date) to go on record in support of the Association to Preserve Cape Cod's legal analysis that the Commonwealth's Ocean Sanctuaries Act (OSA) prohibits Holtec International's planned new discharge of decommissioning process wastewater from the Pilgrim Nuclear Power Station into Cape Cod Bay.

The OSA expressly prohibits any new industrial discharges into protected ocean sanctuaries, with certain narrow exceptions that do not apply to Holtec's proposed discharge of water from Pilgrim associated with the decommissioning activities that are occurring after the power station ceased operations.

We respectfully ask that CZM move expeditiously in informing Holtec that the OSA prohibits the planned discharge of radioactive waste from Pilgrim Nuclear Power Station into Cape Cod Bay. We also request that CZM advise the Massachusetts Department of Environmental Protection that the issuance of any state permit, authorization, or approval of any kind for such a discharge would be inconsistent with the OSA, and that Holtec's proposed discharge is not eligible for a new or modified Massachusetts Surface Water Discharge Permit, or for a new or modified state Water Quality Certification.

Thank you for your consideration of this request.

Sincerely,

(Name of Town Body)

cc: Governor Maura Healey
Bonnie Heiple, Commissioner, Department of Environmental Protection
Attorney General Andrea Joy Campbell
State Senator Julian Cyr
State Senator Susan Moran
State Representative Sarah Peake
State Representative Christopher Flanagan
State Representative Kip Diggs
State Representative David Vieira
State Representative Dylan Fernandes
State Representative Steven Xiarhos



Sugarman, Rogers, Barshak & Cohen, P.C.

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February 14, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
rebecca.tepper@state.ma.us

Lisa Berry Engler, Director
Office of Coastal Zone Management
100 Cambridge Street, Suite 900
Boston, MA 02114
lisa.engler@state.ma.us

Re: *The Ocean Sanctuaries Act's Prohibition of a Planned New Industrial Discharge of Radioactive Waste From the Decommissioned Pilgrim Nuclear Power Station Into the Cape Cod Bay Ocean Sanctuary*

Dear Secretary Tepper and Director Engler:

On behalf of the Association to Preserve Cape Cod ("APCC"), we write to request that the Office of Coastal Zone Management ("CZM") in particular, and the Executive Office of Energy and Environmental Affairs ("EEA") in general, exercise the full authority entrusted to your offices under the Commonwealth's Ocean Sanctuaries Act, G.L. c. 132A, §§ 12A-18 ("OSA"), to stop the proposed discharge of an estimated 1.1 million gallons of radioactive waste from the decommissioned Pilgrim Nuclear Power Station ("PNPS") into the Cape Cod Bay Ocean Sanctuary. The OSA entrusts ocean sanctuaries to CZM's "care, oversight, and control." G.L. c. 132A, § 14.

We have three specific requests, as follows:

1. We ask that CZM issue a letter informing Holtec Pilgrim, LLC and Holtec Decommissioning International, LLC (collectively, "Holtec"), as the owner and operator of PNPS, that the OSA prohibits the planned discharge of radioactive waste from PNPS's decommissioning activities into Cape Cod Bay.
2. We ask that CZM advise the Massachusetts Department of Environmental Protection ("MassDEP") that its issuance of any state permit, authorization, or approval of any kind for such a discharge would not be consistent with the OSA. In particular, we ask CZM to notify MassDEP that Holtec's proposed discharge is not eligible for a new or modified Massachusetts Surface Water Discharge Permit, or for a new or modified state Water Quality Certification, which Holtec has announced it will seek in the near future.
3. We ask for an opportunity, at your earliest convenience and before mid-March in any event, to meet with you, and any others whom you may wish to include, to discuss the

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Director Lisa Berry Engler
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various state actions that may be appropriate to ensure that Holtec will not discharge its facility decommissioning process waste into a protected ocean sanctuary.

As discussed in further detail below, Holtec has announced its intention to discharge spent fuel pool water and other radioactive waste into Cape Cod Bay as part of the expedited decommissioning, dismantlement, and demolition of PNPS. This would not be an “existing discharge” authorized as of 1971, when the Cape Cod Bay Ocean Sanctuary was created. Nor would this be a discharge associated with the “operation and maintenance” of the coolant system or any other activity, use or facility associated the generation, transmission, and distribution of electricity from an active power generation facility. To the contrary, the radioactive water in question has been generated during decommissioning activities, after PNPS ceased all power-generation operations as of June 1, 2019. A discharge to the Cape Cod Bay Ocean Sanctuary from the decommissioned PNPS would be a *new* industrial discharge, which cannot be authorized by any agency of the Commonwealth consistent with the OSA.

The OSA expressly prohibits any new industrial discharges into protected ocean sanctuaries, with certain narrow exceptions, none of which are applicable to Holtec’s proposed discharge from PNPS of water associated with decommissioning activities. Moreover, the discharge of PNPS’s radioactive waste into Cape Cod Bay is entirely unnecessary. Holtec acknowledges that it has other options to dispose of the radioactive waste that do not violate the OSA, and these options do not involve conducting a decades-long experiment with the unique environment of Cape Cod Bay, the ultimate outcome of which will only be learned long after Holtec has left. To be sure, these other options may involve their own risks and benefits, and additional expense; but that is what Holtec voluntarily assumed when it chose to acquire PNPS – not to operate for the purpose of producing electrical power – but solely for the purpose of profiting from decommissioning the plant.

Cape Cod Bay is a precious resource. Critical natural resources include shellfish beds, commercial and recreational fisheries, wildlife that includes rare, threatened, and endangered species, including the North Atlantic Right Whale, sea turtles, and Atlantic Sturgeon, and miles of coastal habitat including coastal beaches, bays, estuaries and salt marshes. Four state-recognized Areas of Critical Environmental Concern are on or within Cape Code Bay. Holtec acknowledges that it cannot treat the discharge so as to fully remove all radionuclides from the water, even if it meets standards required by Nuclear Regulatory Commission guidelines.

The critical point is this: to conclude that Holtec’s proposed discharge is prohibited, **CZM is not required to find that it would harm, or pose a risk of harm, to human health or the environment, or that it would significantly alter the environment of Cape Cod Bay. The judgment that new industrial discharges pose unacceptable risks was already made by the Legislature, in establishing the Cape Cod Bay Ocean Sanctuary and broadly prohibiting any new discharge of industrial waste** (subject to a few narrow exceptions that do not apply here). No additional findings by CZM are needed or warranted; CZM need only ensure that the existing legislative prohibition is respected.

As an ocean sanctuary vital to the ecological and economic health of the Commonwealth, the Legislature has determined that Cape Cod Bay deserves an extraordinarily high level of public protection. CZM is the agency the Legislature has charged with providing that protection without a requirement that the

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agency first find that a risk of harm is present. While we know CZM has a deep knowledge of the OSA and its legislative history, we think it's helpful to recap the essential legal context, to fully appreciate the Legislature's intention.

1. The History Of The Ocean Sanctuaries Act

1970: As a response to the threat of oil and gas exploitation, Massachusetts' first ocean sanctuary, the Cape Cod Ocean Sanctuary, was created in 1970 and signed into law as an emergency measure to "protect the unique scenic and natural resources of the outer Cape by preventing careless exploitation of the seabed." *See* Chapter 542 of the Acts of 1970. This act also established an initial list of prohibited activities in an ocean sanctuary. These included –

the building of any structure on the seabed or under the subsoil; the removal of any sand, gravel or other minerals, except as hereinafter provided; drilling for subsoil minerals, gases or oils; commercial advertising; **or the dumping of any commercial or industrial wastes**

(Emphasis supplied.) It also provided for allowed activities – for example the laying of cables, sand and gravel extraction for beach restoration purposes, and fish and shellfish harvest – provided these activities had the necessary agency approvals. The Legislature initially placed this first ocean sanctuary under the "care and control" of the Department of Natural Resources, and empowered the Attorney General to "take such action as may be necessary from time to time to enforce the provisions of this [Act]."

1971: In 1971, the Legislature created two more ocean sanctuaries: Cape Cod Bay and Cape and Islands. *See* Chapter 742 of the Acts of 1971.

The 1971 Act prohibited "the dumping of any commercial or industrial wastes" in the Cape Cod Bay Ocean Sanctuary, with exceptions for "such quantities of industrial liquid coolant wastes to be dumped by the division of water pollution control on September the thirtieth, nineteen hundred and seventy-one, in connection with the public and private supply of electrical power." *Id.*

1972: In 1972, the Legislature created the North Shore Ocean Sanctuary. *See* Chapter 130 of the Acts of 1972.

1976: In 1976, the Legislature created the South Essex Ocean Sanctuary. *See* Chapter 369 of the Acts of 1976. In doing so, the Legislature first used the language similar to that found in today's OSA for electrical generating facilities, creating an exception in the South Essex Ocean Sanctuary for the following:

the construction, reconstruction, or operation and maintenance of industrial liquid coolant discharge and intake systems and other facilities and activities in conjunction with the public and private supply of electrical power as allowed and licensed by the division of water pollution control, the

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department of environmental quality engineering or the department of environmental management

1977: In 1977, the Legislature comprehensively revised the OSA. *See* Chapter 897 of Acts of 1977. Among other changes, the 1977 amendments generally protected all ocean sanctuaries from “any exploitation, development, or activity that would seriously alter or otherwise endanger the ecology or the appearance of the ocean, seabed, or subsoil thereof, or the Cape Cod National Seashore.”

Whether hitherto, the OSA’s prohibitions and exceptions were codified by individual ocean sanctuaries, the 1977 acts reorganized the OSA such that going forward prohibitions and exceptions applied (unless specified otherwise) to all five ocean sanctuaries.

The Legislature continued to categorically prohibit “the dumping or discharge of commercial or industrial wastes,” except as otherwise provided in the OSA. The 1977 amendments created exceptions allowing “existing municipal, commercial [and] industrial discharges” into an otherwise protected sanctuary. Specifically, the 1977 amendments allowed –

the operation and maintenance of **existing municipal, commercial or industrial facilities** and **existing municipal, commercial or industrial discharges** where such discharges and facilities have been approved and licensed by appropriate federal and state agencies

(Emphasis supplied.)

The 1977 amendments allowing “existing municipal, commercial or industrial discharges” did not define a date for what were then “existing discharges.” The 1977 amendments became effective on December 30, 1977. Thus, the statute as amended can be read as permitting “existing discharges” as of December 30, 1977, or as permitting only those discharges which existed as of 1971, the original enactment of the OSA. St.1977, c. 897.

The 1977 amendments also created an exception for discharges associated with the “planning, construction, reconstruction, operation and maintenance” of facilities associated with the generation of electrical power. Specifically, the 1977 amendments allowed –

the planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the **generation, transmission, and distribution of electrical power**, provided that all certificates, licenses, permits and approvals required by law are obtained therefor, and provided, further, that such activities, uses and facilities shall not be undertaken or located except in compliance with any applicable general or special statutes, rules, regulations or orders lawfully promulgated

(Emphasis supplied.)

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The 1977 amendments also created a provision that requires “[a]ll departments, divisions, commissions, or units of the executive office of environmental affairs and other affected agencies or departments of the commonwealth” to issue permits consistently with the Act. In doing so, all permit granting authorities were required to consult with the department of environmental management to ensure compliance.

1989: In 1989, the Legislature again amended the act, and officially named it the “Massachusetts Ocean Sanctuaries Act.” *See* Chapter 728 of the Acts of 1989. It added a definitions section to the statute, establishing an “existing discharge” as one which is –

a municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate federal and state agencies on July fifteenth, nineteen hundred and seventy, in the case of the Cape Cod Ocean Sanctuary; **on December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay and Cape and Islands Ocean Sanctuary;** on June twenty-seventh nineteen hundred and seventy-two in the case of the North Shore Ocean Sanctuary; and on December thirtieth, nineteen hundred and seventy-six, in the case of the South Essex Ocean Sanctuary

(Emphasis supplied.)

2008: The 2008 amendments require the state to create an ocean management plan. Chapter 114 of the Acts of 2008.

2014: The OSA’s most recent amendment in 2014, modified the OSA to allow for new or modified municipal waste discharges from a publicly owned treatment works without a variance, after specific requirements have been met and impact studies have been conducted. Chapter 259 of the Acts of 2014, §§ 28-45.

2. **The OSA’s Near-Categorical Ban of New Industrial Discharges Into an Ocean Sanctuary**

Today, the OSA severely restricts all municipal, commercial, and industrial discharges into an Ocean Sanctuary. The presumption is that no discharges are permitted, and all are prohibited unless expressly authorized. G.L. c. 132A, § 15 provides that, except as otherwise provided in the OSA, the act prohibits “the dumping or discharge of commercial, municipal, domestic or industrial wastes.”

The only exceptions to this categorical ban of discharges into an ocean sanctuary are the following three activities:

- An existing municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate deferral and state agencies on December eight, nineteen hundred and seventy-one, in the case of the Cape Cod Bay;

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- discharges from municipal wastewater treatment facilities if the discharge is approved under § 16G of the OSA; and
- industrial liquid coolant discharge “associated with the generation, transmission, and distribution of electrical power.”

Because these are exceptions to the general prohibition of discharging of industrial wastes, they must be narrowly and strictly construed. *See Boston Globe Media Partners, LLC v. Department of Public Health*, 482 Mass. 427, 432 (2019) (“statutory exemptions” from the statute “must be strictly and narrowly construed”); *Hull Mun. Lighting Plant v. Massachusetts Mun. Wholesale Elec. Co.*, 414 Mass. 609, 614 (1993) (“[s]tatutory exemptions are strictly construed”).

3. The OSA Prohibits Any New Industrial Discharge From the Now-Defunct PNPS

Under the plain terms of the OSA, Holtec is prohibited from discharging pollutants from the spent fuel rods or other pollutants associated with PNPS decommissioning activities into the Cape Cod Bay Ocean Sanctuary. G.L. c. 132A, § 15(4) states, in no uncertain terms, that except as otherwise permitted in the OSA “the dumping or discharge of commercial, municipal, domestic or industrial wastes” “shall be prohibited in an ocean sanctuary.” Holtec’s proposed discharge into the Cape Cod Bay Ocean Sanctuary does not qualify for any of the narrow exceptions to this categorical presumption against the discharge of industrial pollutants to an ocean sanctuary, as explained below.

a. The Proposed Discharge of Waste Generated by Holtec’s Decommissioning Activities at PNPS was Not an Existing Discharge as of December 8, 1971

Holtec’s discharge cannot be considered an “existing discharge” as defined by the statute. This exception allows for “the operation and maintenance of existing municipal, commercial or industrial facilities and discharges where such discharges or facilities have been approved and licensed by appropriate federal and state agencies.” G.L. c. 132A, § 16. The Legislature defined “existing discharge” in the 1989 amendments to mean, in relevant part:

a municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate federal and state agencies...on December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay and Cape and Islands Ocean Sanctuary

G.L. c. 132A, § 12B. *See also* 301 CMR 27.02.

b. The Proposed Discharge of Waste Generated by Holtec’s Post-Operation Activities at a Defunct Power Plant Is Not a Discharge “Associated With the Generation, Transmission, or Distribution of Electrical Power”

Discharges of coolant and other pollutants related to PNPS’s activities when it was generating electrical power may have been authorized under the OSA’s exception for discharges associated with the

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“generation, transmission, and distribution” of electrical power. As EPA, MassDEP, and Holtec have all acknowledged, the proposed discharge related to PNPS’s decommissioning, however, is a new and different kind of discharge, which is not associated with the “generation, transmission, and distribution” of electrical power. As such, it is prohibited by the OSA.

The exception in G.L. c. 132A, § 16 for electrical power facilities states as follows:

Nothing in this act is intended to prohibit...the **planning, construction, reconstruction, operation and maintenance** of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the **generation, transmission, and distribution** of electrical power, provided that all certificates, licenses, permits and approvals required by law are obtained therefor, and provided, further, that such activities, uses and facilities shall not be undertaken or located except in compliance with any applicable general or special statutes, rules, regulations or orders lawfully promulgated

(Emphasis supplied.)

This exception is noteworthy in the specificity of its requirements. It covers only liquid coolant and other discharges connected with the “planning, construction, reconstruction, operation and maintenance of...uses and facilities associated with the generation, transmission, and distribution” of electrical power. Thus, to fit within this exception, a discharge must satisfy two prongs. *First*, the discharge must be associated with the “planning, construction, reconstruction, operation and maintenance” of a discharging facility. *Second*, the discharge must be from a facility associated with the “generation, transmission, and distribution” of electricity.

Holtec’s proposed discharge from the decommissioned PNPS satisfies neither of these requirements. It is not a discharge connected with “planning, construction, reconstruction, operation and maintenance” of a facility for electrical power generation. Rather, it is associated with *decommissioning* of such a facility. The Legislature included “planning,” “construction,” “reconstruction,” and “maintenance” as activities qualifying for the exception, and it notably did *not* include “decommissioning,” or any term that can fairly be construed to encompass decommissioning. The statute must be interpreted and applied in accordance with its plain terms. *See Water Dep’t of Fairhaven v. Department of Env’t Prot.*, 455 Mass. 740, 744 (2010) (“the language of the statute” is “the principal source of insight into legislative intent”); *Provencal v. Commonwealth Health Ins. Connector Auth.*, 456 Mass. 506, 513 (2010) (“the primary source of insight into the intent of the Legislature is the language of the statute”).

Holtec’s proposed discharge from the decommissioned PNPS is also prohibited because it is not associated with the generation, transmission, or distribution of electrical power. The exception’s reference to the active production of power – “generation, transmission, and distribution of electrical power” –

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confirms the required link to the production or output of electricity and getting that electricity to people. That essential link is missing here.

The current NPDES permit for PNPS reflects the reissuance of an earlier NPDES permit to discharge various wastewaters and stormwater to Cape Cod Bay and to withdraw water from Cape Cod Bay for cooling uses, during PNPS's active operation. The discharges authorized under this NPDES permit may be considered part of the "maintenance" of PNPS. EPA and the Commonwealth re-issued the NPDES permit at a time when it was known that PNPS was to shut down, but the specifics of the decommissioning process were unknown. *See* NPDES Permit No. MA0003557, Part IV.5.1, Response to Comments. ("Neither Entergy nor Holtec...provided sufficient information by which to characterize decommissioning-related discharges.").

The NPDES permit expressly declares that the discharges of pollutants in spent pool water are unauthorized. *Id.* at "Unauthorized Discharges," Part I.B.2. Discharges of pollutants in stormwater associated with construction activity, "including activities...associated with the dismantlement and demolition of plant systems, structures and buildings" are likewise unauthorized. *Id.*, Part I.B.3. And for the avoidance of doubt, discharges of pollutants associated with dewatering, and "including but not limited to physical alterations or additions resulting in the discharge of pollutants associated with the dismantlement and decontamination of plant systems and structures and/or the demolition of buildings" are unauthorized. *Id.*, Part I.B.4.¹

EPA has made clear that coverage for decommissioning discharges requires either a new NPDES permit or a modification of PNPS's existing NPDES permit. *See* June 17, 2022 EPA Letter to Holtec (informing Holtec that its current NPDES permit does not authorize PNPS's decommissioning discharge);² *see also* December 5, 2022 Letter to Holtec from EPA (same). With some apparent reluctance, Holtec has now conceded this point. *See* December 19, 2022 Holtec Letter to EPA ("Holtec determined that it would pursue a modification to the existing NPDES permit to appropriately address such discharges [associated with decommissioning activities]").

Of course, there are sound policy reasons for treating discharges associated with power-generating activities differently from discharges from decommissioned facilities that are no longer operating to power the grid. The Legislature clearly made the determination that electricity from planned and/or active power generation, distribution and transmission facilities is important to the economic health of the Commonwealth

¹ *See also id.* at Part IV.5.1, Response to Comments ("We clarify, therefore, that the Final Permit does not authorize the discharge of pollutants associated with the spent fuel pool water. Similarly, the Final Permit does not authorize the discharge of pollutants associated with other activities related to the decommissioning at PNPS, including, but not limited to, contaminated site dewatering, pipeline and tank dewatering, collection structure dewatering, dredge-related dewatering, or dismantlement and decontamination of plant systems and structures.").

² This letter suggests that EPA, too, considers decommissioning to be a different activity than operation and maintenance. *See* page 2 of the June 17, 2022 Letter ("'[P]ast discharge practices' occurred under a different NPDES Permit, specifically a Permit issued in 1990 when the facility was operational and generating electricity, not when it was being decommissioned.").

Sugarman, Rogers, Barshak & Cohen, P.C.

Secretary Rebecca Tepper
Director Lisa Berry Engler
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and the well-being of its residents. Those interests are not present, or certainly not as compelling, with a facility that has been permanently taken out of service.

In sum, because it does not fall under the OSA's three exceptions, any decommissioning process discharge that Holtec may wish to make is prohibited by the OSA. As the Energy Facilities Siting Board has noted, the language of the OSA is "not ambiguous." *In Re Cape Wind Assocs., LLC*, No. EFSB 02-2, 2005 WL 1264241 (May 10, 2005). Under the plain terms of the statute, discharges into Cape Cod Bay associated with a nuclear power plant's decommissioning and shutdown are not allowed.

4. CZM Should Inform Holtec That its Planned Radioactive Discharge From PNPS is Prohibited Under the OSA

Because the OSA clearly forbids Holtec's planned discharge of an estimated 1.1 million gallons of radioactive decommissioning process waste, CZM should inform Holtec in writing that it is not permitted to make such a discharge into the Cape Cod Bay Ocean Sanctuary, as a matter of state law.

Holtec is responsible for deciding how it will manage radioactive material in its liquid effluent, and it has other options, including some used at other decommissioned facilities, including: (1) shipment for off-site disposal; (2) evaporation of the liquid and disposal of the resulting solid waste; or (3) safe storage at the PNPS facilities. To be sure, these other options come with potential risks as well as potential relative benefits. But these other options do not involve discharge into an ocean sanctuary. Holtec well understood, when it voluntarily purchased PNPS for the sole purpose of profiting from the decommissioning of the facility, that it would be obligated to accomplish that decommissioning in accordance with all applicable state laws, including the OSA. Holtec has always known, or should have known, that it would need to dispose of its decommissioning process waste by some means other than dumping it into Cape Cod Bay.

5. EEA and CZM Should Ensure That No State Agencies Permit or Otherwise Authorize the Discharge Into Cape Cod Bay

Section 14 of the OSA provides that, "[a]ll ocean sanctuaries...shall be under the care, oversight, and control" of CZM. Section 12C provides that, "[CZM] shall integrate its implementation, administration and enforcement of the [OSA] with other programs and agencies responsible for the protection of the public health, safety, welfare and the environment."

And Section 18 requires that "[a]ll departments, divisions, commissions, [and] units of [EEA] and other affected agencies or departments of the commonwealth shall issue permits or licenses for activities...consistently with the act, and shall not permit or conduct any activity which is contrary to the provisions of the Act." Section 18 further directs "other departments, divisions, commissions, units, or other agencies" to "confer and consult" with CZM to "ensure compliance" with the OSA.

By virtue of these provisions, the Legislature has made CZM the trustee for the ocean sanctuaries, and given CZM the tools to protect them. It is incumbent on CZM, and all permitting agencies, to make certain that no state permits or licenses authorize activities prohibited under the OSA. *See* G.L. c. 132A, § 18. Accordingly, CZM should not only make clear to Holtec that the OSA forbids its proposed new

Sugarman, Rogers, Barshak & Cohen, P.C.

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discharge, but also notify all pertinent state agencies that they should not issue any kind of permit, approval, or authorization for such a discharge. In particular, but without limitation, we ask CZM, backed by EEA, to advise MassDEP that Holtec is not eligible for a new or modified state Surface Water Discharge Permit under the Massachusetts Clean Waters Act, G.L. c. 21, §§ 26-53 and 314 CMR 3.00, for its proposed new discharge of decommissioning process waste from PNPS into Cape Cod Bay, which Holtec has announced it will seek in the near future, together with a modified NPDES permit. Likewise, we ask CZM, backed by EEA, to advise MassDEP that Holtec is not eligible for a state Water Quality Certification under G.L. c. 21, § 27 and 314 CMR 3.07.

6. Conclusion

Sanctuaries are places of refuge, where flora, fauna, and their ecosystems are supposed to be protected from threats. The Ocean Sanctuaries Act provides strong protections – such as an outright prohibition on most discharges – and CZM is entrusted with the authority and responsibility for ensuring that those protections are honored and respected by all state agencies. If Holtec’s proposed new radioactive discharge into the Cape Cod Bay Ocean Sanctuary is allowed by state agencies, the Bay will become a sanctuary in name only. We ask CZM to exercise the power the Legislature has given to the agency, to the fullest extent possible, to keep the Cape Cod Bay Ocean Sanctuary from becoming a hollow designation.

We urge you to confirm to Holtec that the Ocean Sanctuaries Act prohibits Holtec’s planned new discharge of decommissioning process waste from PNPS into Cape Cod Bay. We also encourage you to provide clear guidance and specific advice to MassDEP and other agencies on this same point. Thank you for your thoughtful consideration of these requests, and for the anticipated opportunity to meet with you to discuss these matters and such further actions as may be appropriate to protect Cape Cod Bay Ocean Sanctuary. We look forward to hearing from you.

Sincerely,

/s/ Lisa C. Goodheart
Lisa C. Goodheart

/s/ Dylan Sanders
Dylan Sanders

/s/ Alessandra Wingerter
Alessandra Wingerter

cc: The Honorable Maura Healey, Governor of the Commonwealth of Massachusetts
Gary Moran, Acting Commissioner, Department of Environmental Protection
The Honorable Andrea Joy Campbell, Attorney General for the Commonwealth of Massachusetts
Seth Schofield, Senior Appellate Counsel, Energy & Env’t Bureau, Office of the Attorney General

4854-9744-9297, v. 1

Robin A Robinson, PhD, PsyD
Professor Emerita, University of Massachusetts Dartmouth
Research Fellow, Scottish Centre Crime and Justice Research (SCCJR), University of Glasgow
Brandeis University, Women's Studies Research Center Scholar

ACADEMIC QUALIFICATIONS: BA (Management of Human Services), University of Massachusetts Boston; MS (Information Sciences) Simmons College; PhD (Social Policy) Heller School, Brandeis University; PsyD (Clinical Psychology) The George Washington University.

SELECTED RELEVANT PROFESSIONAL APPOINTMENTS: Professor Emerita of Sociology (2020-); Professor of Sociology (2014-2020); Associate Professor of Sociology and Crime and Justice Studies (2007-2014); Assistant Professor of Sociology and Crime and Justice Studies (2003-2007), University of Massachusetts Dartmouth. Chief of Evaluation, United States Department of Health and Human Services, Office of Population Affairs, Office of Adolescent Pregnancy Programs (1995-1996). Assistant Professor of Social Work (1990-1994) Rutgers University.

SELECTED RESEARCH LEADERSHIP, FELLOWSHIPS, AWARDS: **Founder and Coordinator, Community Engaged Research Initiative (2015-2019);** Associate Director, University Honors Program (2012-2014); **Senior Research Associate and Center for Policy Analysis Executive Board (2003-2011), Executive Board, Women's Studies Program (2003-2007), Chancellor's Public Service Award (2010, 2004),** University of Massachusetts Dartmouth. **Women's Resource Center Award for Activism to End Violence Against Women and Girls (2006),** University of Massachusetts Dartmouth. **National Screening Committee, Council for the International Exchange of Scholars, Fulbright Program, U.S. Department of State, Bureau of Educational and Cultural Affairs (2017-). Fulbright Hungary Screening and Peer Review (2017-). Peer Review, Feminist Criminology; Affilia: Feminist Social Workers; Critical Criminology**

Fulbright Research Scholar (2017-2019) Országos Kriminológiai Intézet (National Institute of Criminology) Budapest, Hungary. **Resident Scholar (2018-2021) and Visiting Scholar (2016-2018), Brandeis University, Women's Studies Research Center. Research Fellow (2014-),** University of Glasgow, **Scottish Centre for Crime and Justice Research. Visiting International Scholar (2015), University of Uppsala, Swedish Institute for North American Studies. Visiting Scholar (2013-2015), University of Cambridge, Institute of Criminology. Simon Visiting Professor (2011-2014), University of Manchester School of Law. Visiting Research Fellow (2009-2011), University of Keele, Social Science Research Institute.**

RELEVANT EXTERNAL RESEARCH FUNDING: Nuffield Foundation (UK): 'Women Working to Support Women in the Welfare Sphere: Psychosocial Challenges' (2021-2023). **Fulbright Commissions of Hungary and US:** 'Beyond Obstacles, Toward Justice for Victims of Sexual Violence in Hungary' **Wellcome Trust (UK):** 'Vicarious Traumatization amongst those working with justice-involved women and girls' (International Lead, 2016-2018). **Safe Ireland (2009-2010)** National Domestic Violence Network. **Garrison Institute:** 'Transforming Trauma: Wellness Program for Domestic Violence Shelter Workers, Evaluation research for program intended to serve community-based anti-violence managers and workers.

SOME SELECTED RELEVANT PUBLICATIONS

Parti, K. & Robinson, R. A. (2021). What hinders victims from reporting sexual violence: A qualitative study with police officers, prosecutors, and judges in Hungary. *International Journal for Crime, Justice and Social Democracy*.

Parti, K. & Robinson, R. A.; Kohlmann, D.; Viragh, E.; Varga-Sabjan, D. Beyond Obstacles: Toward Justice for Victims of Sexual Violence in Hungary. A Literature Review. *Trauma, Violence, and Abuse*.

Robinson, R. A. & Gadd, D. (2016). Annihilation anxiety and crime. *Theoretical Criminology*, 20(2), 185-204.

Robinson, R. A. (2014). Review. *Men Who Hate Women and Women Who Kick Their Asses: Stieg Larsson's Millennium Trilogy in Feminist Perspective*. Ed. Donna King and Carrie Lee Smith.

Robinson, R. A. & Ryder, J. A. (2014). 'Constant violence from everywhere': Psychodynamics of power and abuse amongst rural and small-town adolescents. *Critical Criminology*, Special Issue on Rural Criminology. November 2014, 22(4) 545-560.

Robinson, R. A. & Ryder, J. A. (2014). 'Sometimes one does that with blinders on': Re-visioning care for violent girls. *Women and Criminal Justice*, Special Issue on Women, Punishment, and Mental Health, July 2014, 24(3).

Robinson, R. A. & Ryder, J. A. (2013). Psychosocial perspectives of girls and violence: Implications for policy and praxis. *Critical Criminology: An International Journal*, 21(4), pp. 431-445.

Robinson, R. A. (2011). 'Since I couldn't get out of my own skin': What would a feminist, psychoanalytic perspective of crime and justice look like? In DeKeseredy, W. & Dragiewicz, M. *Handbook of Critical Criminology*. Routledge. Pp. 194-208.

Robinson, R. A. (2011). 'Just Leave Me Alone! I'm So Afraid to Be Alone': Helpful Lessons from Attachment and Object Relations Theory. In R. Immarigeon, Ed., *Women and Girls in the Criminal Justice System, Vol. II*. Civic Research Institute: Kingston, NJ.

Robinson, R. A. (2007). 'It's not easy to know who I am': Gender salience and cultural place in the treatment of a 'delinquent' adolescent mother. *Feminist Criminology* 2(1). Pp. 31-56.

Robinson, R. A. (2007). Girls in the social margins, girls in conflict with the law: The 2006 conference. *Women, Girls, & Criminal Justice* 8(2).

Robinson, R. A. (2000). Bearing witness to teen motherhood: The politics of violations of girlhood. (orig. 1996.) In D. Dujon & A. Withorn, Eds. *For crying out loud: Women's poverty in the United States*. Boston: South End Press. Reprinted (2000) in *Making Sense of Women's Lives: An Introduction to Women's Studies*. L. Umansky & M. Plott, Eds. Lanham, MD: Rowman & Littlefield.

A FEW SELECTED AND RELEVANT PRESENTATIONS, INVITED LECTURES, SYMPOSIA

2019. Vicarious Traumatization and Work with Justice-involved Young Women and Girls, From Theory to Praxis. European Society of Criminology, Annual Conference. Ghent, Belgium.

2019. Research and Violence: Defining and Studying Trauma. University College London. London, England. (Invited).

2017. Annihilation Anxiety, Crime, and Special Victims. National University for Public Service, Budapest.

2017. Why it is important to understand some psychology to understand criminal law. Pázmány Péter Catholic University, Faculty of Law, Budapest. (Invited).

2015. Interpreting Lisbeth Salander: Subjectivities of Sexuality, Resistance, and Human Rights in *The Girl With the Dragon Tattoo*. University of Uppsala, Sweden. (March). (Invited, Visiting International Scholar).

2014. "After this I'll be going home": Women, desistance, theory, and praxis. European Society of Criminology Annual Conference. With J. Deakin. Prague, Czech Republic.

2014. What was she thinking?: A psychosocial perspective of women's offending and desistance. National Deviancy Conference. With J. Deakin. Social Futures Institute, Teesside University, England. June.

2012. Narrative (dis)unity: A biographical approach to women's offending and desistance. With J. Deakin, University of Manchester School of Law. European Society of Criminology Annual Conference. Bilbao, Spain. September.

TEACHING EXPERIENCE - SELECTED RELEVANT COURSES: Doing Social History; Female Crime and Deviance; Crime and Justice in Literature and Film; Faith, Health, and Culture; Morality and Society; Women, Girls, and Social Control; Crime and Justice Across the Life Span; Women and Social Policy; Psychosocial Themes in Literature; Justice in American Society; Psychosocial Perspectives of Social Justice; Sex, Crime, and Justice; Prisons and Prisoners.

Change of Manager

- **Manager Application**
- **CORI Authorization**
- **Vote of the Entity**
- **Proof of Citizenship (Manager must be U.S. citizen)**
- **Payment Receipt**

Robin A. Robinson

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<https://www.umassd.edu/directory/rrobinson/>

PO Box 1681, Wellfleet, Massachusetts 02667, United States

• EDUCATION •

Doctor of Psychology (PsyD, Clinical Psychology). The George Washington University.

Postdoctoral Fellowship. Trauma Center, Boston University. Advanced Critical Incident Stress Management Certificate; Certificate Program in Trauma Studies; Seminar in Child and Adolescent Psychological Trauma, Evaluation, and Treatment.

Doctor of Philosophy (PhD, Social Policy). Brandeis University. The Heller School for Advanced Studies in Social Welfare.

Master of Science, Library and Information Sciences. Simmons College, Graduate School of Library and Information Sciences.

Bachelor of Arts. University of Massachusetts. College for Public and Community Service.

• SELECTED ACADEMIC APPOINTMENTS •

2020 June -	Professor Emerita, University of Massachusetts Dartmouth.
2014-	Professor, University of Massachusetts Dartmouth, Department of Sociology and Anthropology.
2007-2014	Associate Professor, University of Massachusetts Dartmouth, Department of Sociology, Anthropology, and Crime & Justice Studies.
2012-2014	Associate Director, University Honors Program. University of Massachusetts Dartmouth.
2003-2007	Assistant Professor. University of Massachusetts Dartmouth. Department of Sociology & Anthropology.
2003-2011	Senior Research Associate and Core Faculty. University of Massachusetts Dartmouth. Center for Policy Analysis.
2007-	Faculty Affiliate. Religious Studies Program, University of Massachusetts Dartmouth.
2003-	Faculty Affiliate. Women's and Gender Studies Program, University of Massachusetts Dartmouth.
1990-94	Assistant Professor. Rutgers University. New Brunswick, NJ. Graduate School of Social Work.

• FELLOWSHIPS, HONORS AND AWARDS •

2017-2019	Fulbright Research Scholar, Országos Kriminológiai Intézet, Budapest, Hungary.
2014- 2022	Research Fellow, University of Glasgow, Scottish Centre for Crime and Justice Research

- 2022- Affiliated Scholar, Brandeis University, Women's Studies Research Center.
 2018-2021 Resident Scholar, Brandeis University, Women's Studies Research Center.
 2016-2018 Visiting Scholar, Brandeis University, Women's Studies Research Center
 2015 Visiting International Scholar, University of Uppsala, Swedish Institute for North American Studies; Center for the Study of the Eighteenth Century; Comparative Literature.
 2013- Visiting Scholar, University of Cambridge, Institute of Criminology. England.
 2011-2014 Simon Visiting Professor, University of Manchester School of Law. England.
 2009-2011 Visiting Research Fellow. Social Science Research Institute (formerly Law, Politics and Justice), Keele University, Staffordshire, England, UK (in residence 2009-2010).
 2010, 2004 Chancellor's Public Service Award. University of Massachusetts Dartmouth.
 2006 University of Massachusetts Dartmouth. Women's Resource Center Award for Activism to End Violence Against Women and Girls.
 2004 Visiting Scholar, Háskolá Island (University of Iceland), School of Law, Reykjavik, Iceland.
 2004 University Professional Development Award, Massachusetts Women in Public Higher Education.
 2000-2001 American Psychological Association. Minority Fellowship Program. Honorable Mention.
 1998-2001 University Fellow. The George Washington University. Columbian School. Graduate Fellow. The George Washington University. Columbian School of Arts and Sciences.
 1992-1993 Distinguished Faculty Research Award. Livingston College, Rutgers University.
 1986-1988 Graduate Fellow. Brandeis University. Heller School

• SELECTED RELEVANT PUBLICATIONS •

- 2021 Parti, K. & Robinson, R. A. What Hinders Victims From Reporting Sexual Violence: A Qualitative Study with Police Officers, Prosecutors, and Judges in Hungary. *International Journal for Crime, Justice and Social Democracy*.
- 2021 Parti, K.; Robinson, R. A.; Kohlmann, D.; Viragh, E.; Varga-Sabjan, D. Beyond Obstacles: Toward Justice for Victims of Sexual Violence in Hungary. A Literature Review. *Trauma, Violence, and Abuse*.
- 2018 Burman, M., Robinson, R. A., and Crowley, A. R. *Working with Women and Girls: Research Experiences of Vicarious Traumatisation: Report to the Wellcome Trust*. University of Glasgow: Scottish Centre for Crime and Justice Research.
- 2016 Robinson, R. A. & Gadd, D. Annihilation anxiety and crime. *Theoretical Criminology*, 20(2), 185-204. [doi:10.1177/1362480615594872](https://doi.org/10.1177/1362480615594872)
- 2016 Robinson, R. A. Review. Wies, J. and Haldane, H. J. 2015. *Applying anthropology to gender-based violence*. Lanham, MD: Lexington Books. In *Affilia, Journal of Women and Social Work*.
- 2014 Robinson, R. A. & Ryder, J. A. 'Constant violence from everywhere':

- Psychodynamics of power and abuse amongst rural and small-town adolescents. *Critical Criminology*, Special Issue on Rural Criminology. November 2014, 22(4) 545-560.
- 2014 Robinson, R. A. Review. *Men Who Hate Women and Women Who Kick Their Asses: Stieg Larsson's Millennium Trilogy in Feminist Perspective*. Ed. Donna King and Carrie Lee Smith. Nashville, TN: Vanderbilt University Press. 2012. Pp. 211. *Scandinavian Studies*, 86(2), Summer.
- 2014 Robinson, R. A. & Ryder, J. A. 'Sometimes one does that with blinders on': Revisioning care for violent girls. *Women and Criminal Justice*, Special Issue on Women, Punishment, and Mental Health, July 2014, 24(3). Invited.
- 2013 Robinson, R. A. & Ryder, J. A. Psychosocial perspectives of girls and violence: Implications for policy and praxis. *Critical Criminology: An International Journal*, 21(4), pp. 431-445. DOI: <http://link.springer.com/article/10.1007%2Fs10612-013-9185-4>.
- 2011 Robinson, R. A. 'Since I couldn't get out of my own skin': What would a feminist, psychoanalytic perspective of crime and justice look like? In DeKeseredy, W. & Dragiewicz, M. *Handbook of Critical Criminology*. Routledge. Pp. 194-208.
- 2011 Robinson, R. A. The whole person in front of me: Toward a pedagogy of empathy and compassion. In E. Kingston-Mann, A. Dallalfar, & T. Sieber, *Transforming Classroom Culture: Inclusive Pedagogical Practices*. Palgrave Macmillan. Pp. 143-163.
- 2011 Robinson, R. A. 'Just Leave Me Alone! I'm So Afraid to Be Alone': Helpful Lessons From Attachment and Object Relations Theory. In R. Immarigeon, Ed., *Women and Girls in the Criminal Justice System, Vol. II*. Civic Research Institute: Kingston, NJ.
- 2011 Robinson, R. A. A Truly Vicious Circle: Women Offenders From Prison to Hospital to Prison to Hospital. In R. Immarigeon, Ed., *Women and Girls in the Criminal Justice System, Vol. II*. Civic Research Institute: Kingston, NJ.
- 2008 Robinson, R. A. & Electris, A. C. 2008. *Evaluation of the Women's Program of the Garrison Institute: Wellness for Women Working to End Violence Against Women*.
- 2008 Robinson, R. A. Alone in the Midst of Peril: Girls, Providers, and Change. *Women, Girls, & Criminal Justice*.
- 2007 Robinson, R. A. 'It's not easy to know who I am': Gender salience and cultural place in the treatment of a 'delinquent' adolescent mother. *Feminist Criminology* 2(1). Pp. 31-56.
- 2007 Robinson, R. A. Girls in the social margins, girls in conflict with the law: The 2006 conference. *Women, Girls, & Criminal Justice* 8(2).
- 2005 Robinson, R. A. 'Crystal virtues': Seeking reconciliation between ideals and violations of girlhood. *Contemporary Justice Review* 8(2). Pp. 59-73.
- 2005 Robinson, R. A. Girls in the social margins, girls in conflict with the law. *Women, Girls, & Criminal Justice*. 6(6) October/November.

- 2000 Robinson, R. A. Bearing witness to teen motherhood: The politics of violations of girlhood. (orig. 1996.) In D. Dujon & A. Withorn, Eds. *For crying out loud: Women's poverty in the United States*. Boston: South End Press.
- Reprinted (2000) in *Making Sense of Women's Lives: An Introduction to Women's Studies*. L. Umansky & M. Plott, Eds. Lanham, MD: Rowman & Littlefield.
- 1998 Robinson, R. A. Review. Berger, R. J., P. Searles, and C. E. Cottle. 1992. *Feminism and pornography*. In *Affilia: Journal of Women and Social Work*. 7(4): 112-113.
- 1993 Robinson, R. A. Private pain and public behaviors: Sexual abuse and delinquent girls. In C. K. Riessman, Ed. *Qualitative studies in social work research*. Thousand Oaks: Sage.
- 1993 Robinson, R. A. Review. Chesney-Lind, M. and R. G. Shelden. 1993. *Girls, delinquency, and juvenile justice*. In *Affilia: Journal of Women and Social Work*. 8(1): 112-113.
- 1992 Robinson, R. A. Intermediate sanctions and female offenders. In J. M. Byrne, A. Lurigio, and J. Petersilia, Eds. *Smart sentencing: The emergence of intermediate sanctions*. Newbury Park: Sage.
- 1991 Robinson, R. A. & Gilfus, M. E. Risk classification and needs assessment of female inmates in Idaho jails: A report and recommendations to the Idaho Department of Corrections.
- 1990 Byrne, J. M. & Robinson, R. A. Juvenile risk classification in Illinois: An examination of inter-rater reliability. A report to the Administrative Office of the Illinois Courts.

Manuscripts in progress

Monographs

- Robinson, R. A. (Re)Producing Labor in Colonial America: Trafficking and Exploitation of British Women Convicts
- Robinson, R. A. Violations of Girlhood: Girls in History, Image and Story.

Fiction

“Charlotte Smith: A Novel”

Articles

1. Robinson, R. A. (Re)Producing Labor in Colonial America: Trafficking and Exploitation of British Women Convicts as a Matter of Policy. In preparation for *Gender and History*.
2. Burman, M.; Robinson, R. A., and Crowley, A. R. Bucking the Trauma Trend: ‘Trauma-informed services’ and fallacies of care.
3. Robinson, R. A. Magdalens in America: Scrubbing the Soil From the Fabric of Girlhood, 1844-1985.

4. Robinson, R. A. *The Girl With the Dragon Tattoo*, *The Runaway Lacemaker*, and *The Girl Who Refused to Fail: Subjectivities of Human Rights, Sexuality, Resistance, and Justice*.

PARTIAL LISTING OF RELEVANT FUNDED RESEARCH, 2000-2022 •

(Complete listing available on request)

External Funding

- 2021-2023 The Nuffield Foundation. Women Supporting Women in the Welfare Sphere: Psychosocial Challenges. Research Consultant, Scottish Centre for Crime and Justice Research. womensupportingwomen.uk/. sccjr.ac.uk/
- 2017-2019 Fulbright Research Scholar, Országos Kriminológiai Intézet, Budapest, Hungary. Beyond Obstacles, Toward Justice for Victims of Sexual Violence in Hungary.
- 2018 Massachusetts Cultural Council/Wellfleet Cultural Council. Reading Out Loud: Human Rights and Free Speech Through Community Play Reading. Intergenerational play-reading in community to build dialogue around human rights and free speech.
- 2017 Brandeis University Women's Studies Research Center, Research Award, for archives research in the National Archive of Wales. (Re)producing Labor in Colonial America: Trafficking and Exploitation of British Women Convicts as a Matter of Policy.
- 2016-2017 The Wellcome Trust, Humanities and Social Sciences Division. University of Glasgow, Scottish Centre for Crime and Justice Research. Lead International Collaborator: Experiences and Effects of Vicarious Traumatization Amongst Those Who Work with Trouble Young Women and Girls: Stage 1.
- 2015 Center for Health Equity in Rural Montana, Montana State University, Department of Sociology and Anthropology. Rural Montana Victim Needs Assessment: Methodology, Theory, and Data Analysis. NIH Centers of Biomedical Research Excellence Initiative. NIH External Mentor.
- 2011 Duke University, Mary Lily Research Grant, Sallie Bingham Center for Women's History and Culture and the John Hope Franklin Center for African and African American History and Culture. "Particularly Remarkable for her Crime": Transportation and Transformation of British Convict Women and Girls in Colonial America.
- 2009-10 Research consultation for Safe Ireland (national domestic violence services network of the Republic of Ireland).
- 2006-8 The Garrison Institute, Garrison, NY. Transforming Trauma: Wellness Program for Domestic Violence Shelter Workers. Evaluation research for program intended to serve community-based antiviolenace managers and workers.
- 2000 Feminist Majority Foundation, Global Feminist Expo 2000. International conference on women's issues. Arlington, VA and Baltimore, MD.

• Internal Funding •

2015-2019	Community Engaged Research Initiative. Coordinator.
2016	University of Massachusetts Dartmouth. Summer Research Fellowship.
2013	Commonwealth of Massachusetts, Advanced Manufacturing Collaborative. Advanced Manufacturing Regional Partnerships Academy. Co-investigator, and Project Lead, Best Practices Analysis. Community stakeholder analysis.
2011	University of Massachusetts Medical School, Center for Clinical and Translational Science Award, Community Engagement Research Section. Psychological Foundations of Power and Relational Violence Amongst Rural Adolescents: Pilot to Develop an Exploratory Study.
2010-11	Chancellor's Public Service Fund and the University of Massachusetts Public Service Endowment. Teen Relational Violence on Cape Cod and the Islands: Community Conversations and an Integrative Conference.
2009	Office of the Chancellor, University of Massachusetts Dartmouth. 5 th Annual Conference: Girls, Community, & Justice. May.
2008	Center for Policy Analysis, University of Massachusetts Dartmouth. Transforming Trauma: Wellness Program for Domestic Violence Shelter Workers. Research grant.
2008	Office of the Chancellor, University of Massachusetts Dartmouth. 4 th Annual Conference: Girls, Community, & Justice. (Secured funding, organized, and moderated.) April.
2006-7	Office of the Chancellor, University of Massachusetts Dartmouth. 3 rd Annual Conference: Girls in the Social Margins, Girls in Conflict with the Law.
2006	Office of the Chancellor. University of Massachusetts Dartmouth. Public Service Award. Symposium on Girls in Society.
2006	Office of the Provost, University of Massachusetts Dartmouth. 2 nd Annual Conference: Girls in the Social Margins, Girls in Conflict with the Law.
2006	Provost's Subvention Award for Violations of Girlhood: Voices of Delinquent Girls.
2006	Office of the Chancellor. University of Massachusetts Dartmouth. Girls Integrative and Relational Learning (GIRL) Program. (Developed curriculum, secured funding, implemented program with middle school girls. Spring.
2006, 2005	Girls' Integrative and Relational Learning (GIRL) Program, Westford (MA) Office Against Substance Abuse, and New Bedford Public Schools (Keith Junior High School).

- 2005 Center for Teaching Excellence, University of Massachusetts Dartmouth. Faculty Development Grant and seminar to develop research topic toward publication. Topic: Dilemmas of Limited Expectations: Toward Diversity with Excellence.

**• SELECTED PROFESSIONAL EDITORIAL EXPERIENCE AND
PEER REVIEW
• 2000 - 2020 •**

- 2019- Fulbright Commission of Hungary, Budapest. Peer review of applicants for Fulbright Research Scholarships.
- 2017- National Screening Committee, Council for the International Exchange of Scholars, Fulbright Program, U.S. Department of State, Bureau of Educational and Cultural Affairs.
- 2015- *American Journal of Preventive Medicine*, Peer review
- 2013- *Critical Criminology: An International Journal*, Peer review.
- 2013 - *Scandinavian Studies*, Book review.
- 2012 - *Women's Studies International Forum*, Peer review.
- 2012 - Routledge Publishers, Peer review.
- 2008- *Contemporary Justice Review*, Peer review.
- 2005- *Feminist Criminology*, Peer review.
- 2011 Wiley-Blackwell Publishers, Peer review.
- 2011- University of Massachusetts Medical School, Center for Clinical and Translational Science, Community and Academic Advisory Panel.
- 2006-7 Justice Studies Association Annual Conference, Newport, RI. Program Chair. 2006 Massachusetts Women's Research Collaborative
- 2006 Crime and Justice Institute, Women and Re-entry Round Table, Boston, Massachusetts. Advisory Board.
- 2004-2005 New England Women's Studies Association Annual Conference Program Co-chair.
- 1999-2000 *Journal of Adolescent Health*, Peer review.
- 1997-2000 *Violence Against Women: an International, Interdisciplinary Journal*, Editorial Board.
- 1996-2000 Girls, Inc. (formerly Girls Clubs of America), National Advisory Board.

• SELECTED RELEVANT PRESENTATIONS: PAPERS, SYMPOSIA, AND INSTITUTES •

PARTIAL LISTING, 2000-2020

International

- 2019 Gendered Aspects of Researcher Trauma in Dangerous Places: Navigating Peril in Physical and Psychological Milieux. European Society of Criminology, Annual Conference. Ghent, Belgium.
- 2019 Vicarious Traumatization and Work with Justice-involved Young Women and Girls, From Theory to Praxis. European Society of Criminology, Annual Conference. Ghent, Belgium.

- 2019 Research and Violence: Defining and Studying Trauma. University College London. London, England.
- 2018 Underreporting and Underprosecuting Violent Sexual Crime: Elements of Decision-making and Social Context, A Study in Hungary.
 1. Országos Kriminológiai Intézet, Budapest (National Institute of Criminology)
 2. United States Embassy, Budapest.
 3. Hungarian Fulbright Commission, Budapest.
- 2018 Vicarious Traumatization Amongst Those Who Work with Women and Girls. With Michele Burman, University of Glasgow. European Society of Criminology, Annual Conference. Gender, Crime, and Justice Working Group. Sarajevo, Bosnia.
- 2018 Working with Women and Girls: Experiences and Effects of Vicarious Trauma. Wellcome Trust Project Conference. University of Glasgow, Scottish Centre for Crime and Justice Research.
- 2017 What are we afraid of, and why? Theory and case studies in feminist, psychoanalytic criminology. Eötvös Loránd University, Faculty of Law, Budapest, Hungary. (Invited)
- 2017 Annihilation Anxiety, Crime, and Special Victims. National University for Public Service, Budapest. (Invited)
- 2017 Why it is important to understand some psychology to understand criminal law. Pázmány Péter Catholic University, Faculty of Law, Budapest. (Invited)
- 2017 Working with women and girls: Researching experiences of vicarious traumatization, methodological challenges. EuroCrim 2017, European Society of Criminology, Annual Conference. Cardiff, Wales.
- 2015 (Re)Producing Labor in Colonial America: Trafficking and Exploitation of British Women Convicts as a Matter of Policy. University of Uppsala, Interdisciplinary Eighteenth Century Seminar, Department of History. Sweden. (Invited, Visiting International Research Scholar Seminar).
- 2015 Troubled Girls, Troubled Staff: Unraveling Vicarious Trauma. University of Glasgow. Scottish Centre for Crime and Justice Research.
- 2015 Interpreting Lisbeth Salander: Subjectivities of Sexuality, Resistance, and Human Rights in *The Girl With the Dragon Tattoo*. University of Uppsala, Sweden. (March). (Invited, Visiting Research Guest Lecture).
- 2014 Theory-building Youth Relational Violence: Gender, mind, and context. European Society of Criminology Annual Conference. With J. Ryder. Prague, Czech Republic.

- 2014 “After this I’ll be going home”: Women, desistance, theory, and praxis. European Society of Criminology Annual Conference. With J. Deakin. Prague, Czech Republic.
- 2014 What was she thinking?: A psychosocial perspective of women’s offending and desistance. National Deviancy Conference. With J. Deakin. Social Futures Institute, Teesside University, England. June.
- 2013 (Re)Producing Labor in Colonial America: Forced Migration and Gendered Exploitation of Transported British Women Convicts. European Society of Criminology Annual Conference. Budapest, Hungary. September.
- 2012 Narrative (dis)unity: A biographical approach to women’s offending and desistance. With J. Deakin, University of Manchester School of Law. European Society of Criminology Annual Conference. Bilbao, Spain. September.
- 2012 Simon Visiting Professor Lecture. ‘Some peoples’ kind of high...’: Psychodynamics of power and abuse amongst rural and small-town teens.” University of Manchester School of Law, Centre for Criminology and Criminal Justice. UK. January. (Invited).
- 2012 What is Psychoanalytic and Psychosocial Research? Methods@Manchester Research Seminar Series. University of Manchester, UK. January. (Invited).
- 2012 Troubled Girls, Troubled Staff: Comments on Vicarious Traumatization and the Limits of Help. Women, Crime, and Criminal Justice Conference. University of Cambridge, UK. January.
- 2011 *The Girl With the Dragon Tattoo* and The Girl Who Refused to Fail: Subjectivities of Human Rights, Sexuality, Resistance, and Justice (or, What if Pippi Longstocking Grew Up To Be a Teenage Mother?). Intersections of Law and Culture: Human Rights Conference. Lugano, Switzerland. September.
- 2011 Dynamics of teen relational violence and the social policy sphere: Toward an integrative model of psychosocial continua and systems response. Working Within the Forensic Paradigm Conference. Monash University, Prato, Italy. September.
- 2011 How Our Work Affects Us: Domestic Violence Refuge Workers. Stoke-on-Trent Human Services, Stoke-on-Trent, Staffordshire, UK. July. (Invited).
- 2010 How Our Work Affects Us: An Integrative Program of Awareness and Expression for Anti-violence Workers. Safe Ireland Workshop. Dublin, Ireland. May. (Invited).
- 2010 What Makes Judy A Delinquent?: *Rebel Without a Cause*, Romantic Bad Girls, and the Mysterious Constructions of Postwar Adolescence. Economic and Social Research Council Seminar Series: Women in the 1950s. University of Sussex, England. May. (Invited).

- 2010 No Token of Approbation: An Overview of Social Responses and Social Control of Young Female Deviance in Britain and America, 1718 to the present. Social History Society Annual Conference 2010. University of Glasgow, Scotland. March/April.
- 2010 "Particularly Remarkable for Her Crime": Girls Offending and Policy Travel Across an Ocean and Four Centuries. Invited lecture. University of Hull, England. February. (Invited).
- 2008 In Huddles of Distress: Psychodynamic Perspectives on Domestic Violence Shelter Workers in Sociopolitical Context. With Alexia C. Electris. International Society of Political Psychology. Paris, France. July.
- 2007 Fighting to Survive: Understanding Girls' Violence through Attachment and Object Relations Theory. Co-author and presenter, Judith A. Ryder. What Works with Women Offenders Conference. Prato, Tuscany, Italy. September.
- 2005 Psychodynamic factors in the treatment of delinquent girls. American Society of Criminology Annual Meetings. Toronto, Ontario, Canada. November.
- 2005 Feminist frameworks and qualitative methods in criminology: Applications to research in female crime and deviance. XIV World Congress of Criminology: Preventing Crime and Promoting Justice: Voices for Change. Philadelphia, PA. August. (Invited).
- 2005 Violations of girlhood redux: a fifteenth-year replication study of delinquent girls in Massachusetts, USA. What Works with Women Offenders Conference. Prato, Tuscany, Italy. July.
- 2004 Seeking reconciliation between ideals and violations of girlhood. Háskóla Island (University of Iceland), School of Law, Reykjavik, Iceland. March. (Invited).
- 2000 What makes me sick?: Race, gender, and life experiences in the treatment of adolescent girls. Mental Health Symposium, Global Feminist Expo 2000, Baltimore, MD. April. (Invited).
- 2000 Bearing witness to teen motherhood. Women and Poverty Symposium, Global Feminist Expo 2000, Baltimore, MD. April. (Invited).

• National (USA) •

- 2019 Roundtable: Underreporting and Underprosecution of Rape and Other Sexual Violence. American Society of Criminology, Annual Meetings. San Francisco.
- 2017 Consequences of Secondary Traumas for Rural Victim Service Providers. With C. Ellis and K. Knight. American Society of Criminology, Annual Meetings. New Orleans.

- 2015 Studying Rural Victimization: Challenges, Methodologies, and Findings. American Society of Criminology, Annual Meetings. Washington, DC.
- 2015 Roundtable on Sex, Violence, and Popular Culture. American Society of Criminology, Annual Meetings. Washington, DC
- 2012 Psychosocial Perspectives of Girls and Violence: Policy and Praxis. With J. Ryder. American Society of Criminology. Chicago, IL. November.
- 2012 Suffering the Limitations: Violent Girls' Experiences with Child Welfare. Roundtable. American Society of Criminology. Chicago, IL. November.
- 2012 Gender Dynamics and Resistant Students. Roundtable. American Society of Criminology. Chicago, IL. November.
- 2011 Intergenerational Change in Criminal Justice Systems, Social Policies, and Offenders, Presidential Session. Social Science History Association Annual Meeting. Boston, MA. November. Discussant. (Invited).
- 2010 Unfree labor in colonial America, 1674-1776: Convicts, gender, and economic motive. (with B. Godfrey). Social Science History Association. Chicago. November.
- 2010 Toward an integrative model of teen relational violence: Adolescent development, psychodynamics, feminism, and power. American Society of Criminology. November. San Francisco, CA.
- 2009 "Trauma created for all of us...all of us in different ways": Battered immigrant women and perils of so-called help. Justice Studies Association. Annual Conference. Albany, NY. May. Panel chair and presenter.
- 2009 New Pedagogy on Women and Girls, Crime and Justice. Academy of Criminal Justice Sciences. Annual Meetings. Boston, MA. March.
- 2008 Policy Stories of Girls and Violence: Implications for the Field. American Society of Criminology. Annual Meetings. St. Louis, MO. November.
- 2008 State of Feminist Criminology: Violence Perpetrated by Girls. American Society of Criminology. Annual Meetings. St. Louis, MO. November.
- 2007 Rest for the weary: compassionate care for women working to end violence against women. Justice Studies Association. Annual Conference. Newport, RI. June.
- 2007 A culture of trauma transformation for women workers in domestic violence shelters: Ethnography of an innovative program of contemplative practices. Midwest Sociological Society. Annual Conference. Chicago, IL. April.
- 2006 Forbidden Touch: Violence, Sex, and Yearning Amongst Delinquent Girls.

American Society of Criminology. Annual Meetings. Los Angeles, CA. November.

- 2005 Violations of girlhood redux: lessons of a return to the DYS study in Massachusetts. Justice Studies Association Annual Conference, Hartford, CT. June.
- 2004 Seeking reconciliation between ideals and violations of girlhood. American Society of Criminology Annual Meetings, Nashville, TN. November.

• Selected Regional and Local •
(invited keynotes, Grand Rounds, regional conferences and colloquia)

- 2020 Beyond Obstacles: Toward Justice for Victims of Sexual Violence in Hungary; Underreporting and Underprosecution of Rape. Colloquium series: Through Feminist Eyes. Virginia Tech University. With Katalin Parti.
- 2013 Stakeholder Analysis, Advanced Manufacturing Regional Partnership Academy, Boston, MA. October (Invited, Project team).
- 2013 Teaching Sensitive Topics in a Blended Learning Environment: Comments from an Interdisciplinary Social Science Perspective on Teaching about Trauma. Zuckerberg Conference - The 21st Century Classroom: Online and Blended Learning.
- 2012 'Particularly Remarkable for Her Crime': Transportation and Transformation of Female Convicts in Colonial America. Duke University, Scholars' Tea. March. (Invited).
- 2011 Vicarious Traumatization Amongst Domestic Violence Shelter Workers: Psychodynamics in Socio-Political Context. University of Massachusetts Medical School, Center for Comparative Neuro-Imaging. November. (Invited).
- 2004-2009 Girls, Community & Justice: A Regional Conference of Academics, Practitioners, Policymakers, and Advocates. University of Massachusetts Dartmouth. Annual Conference. Organizer and facilitator.
- 2009 Recent Research in Female Delinquency. Barnstable County Council for Children, Youth, and Families. Hyannis, MA. September. (Invited).
- 2009 Applications of Attachment and Object Relations Theory to Youth Policy and Community Work. Joint meetings of the Cape Cod Justice for Youth Collaborative, Cape Cod High School administrators, teachers, and students, and youth advocates from area agencies. August. (Invited).
- 2009 'We Had No Fear of Poverty...!': Young Woman Religious in the Time of the Mortal Hunger. Women, Religion, and Power. Women's History Month Symposium. University of Massachusetts Dartmouth. (Invited).

2008. Health, Disease, and Behavior in the Life Sciences Initiative: Genesis, Synthesis, and Implications for Research. Healthy Aging Colloquium co-sponsored by Center for Gerontology and the Department of Psychology. UMass Dartmouth. October. (Invited).
- 2008 Social Welfare Analysis Colloquium, Boston University School of Social Work. (Invited, April.) Pains of Compassion: Sociopolitical Perspectives on Vicarious Trauma and Women Who Work to End Violence Against Women. (Invited).
- 2008 Rolling Up Our Sleeves: Doing What It Takes to End Violence Against Women and Girls. (Invited). Keynote speaker, St. John's University (NY). Clothesline Project.
- 2007 Collaborative learning toward empathy and compassion. Center for the Improvement of Teaching Annual Conference. University of Massachusetts Boston. January 2007.
- 2006 Violence, sex, and yearning amongst girls: Preliminary findings of a current DYS girls study. Second Annual Conference: Girls in the Social Margins, Girls in Conflict with the Law, University of Massachusetts Dartmouth. Fall River, MA. May.
- 2006 Girls' emotional health. New Bedford Public Schools, Keith Junior High School, New Bedford, Massachusetts.
- 2005 Girls in the Social Margins, Girls in Conflict with the Law. University of Massachusetts Dartmouth. Fall River, MA. May.
- 2005 Girls' emotional health, Westford Parent Connection, Westford, Massachusetts.
- 2004 'Crystal Virtues': Seeking reconciliation between ideals and violations of girlhood. Women's Studies Colloquium Series, University of Massachusetts Dartmouth.
- 2004 Social welfare themes in Icelandic literature. Eastern Connecticut State University, Department of Sociology and Social Work. Willimantic, CT. February.
- 2003 Socioeconomic aspects of women's mental illness and deviance. McLean Hospital/Harvard Medical School, Women and Trauma Treatment Program and Partial Hospitalization Program, Belmont, MA.
- 2002 Some traumatic precursors of women's mental illness. McLean Hospital/Harvard Medical School, Women and Trauma Treatment Program and Partial Hospitalization Program, Belmont, MA.
- 2002 Religious values and psychiatric competency. Massachusetts Department of Mental Health, Grand Rounds, Westborough State Hospital.

• **TEACHING EXPERIENCE - Selected** •

Doing Social History (Capstone Seminar)	Female Crime and Deviance
Crime and Justice in Literature and Film	Faith, Health, and Culture
Morality and Society	Women, Girls, and Social Control
Crime and Justice Across the Life Span	Women and Social Policy
Health and Society	Psychosocial Themes in Literature
Justice in American Society	Psychosocial Perspectives of Social Justice
Sex, Crime, and Justice	Prisons and Prisoners
Cinema and Society	Death and Dying (Capstone Seminar)
Research Methods	

EXTENSIVE LIST OF DISSERTATION AND THESIS SUPERVISION, HONORS AND UNDERGRADUATE THESES - PLEASE REQUEST LIST IF INTERESTED.

• **CLINICAL** •

2002-2003	Postdoctoral Fellowship. The Trauma Center, Boston, MA, Boston Medical Center. Assessment and treatment in specialized outpatient clinical setting evaluating and treating all forms of psychological trauma. Treatment for individuals and groups, adults, adolescents, and children. Significant community services component. Didactics and specialized trauma studies. Staff position on SAMHSA National Child Center for Traumatic Stress Network.
2001-2002	Psychology Intern. Massachusetts Department of Mental Health, Westborough State Hospital. Continuum of care, intermediate secure, acute, and open rehabilitation milieu. Individual and group psychotherapy, psychological evaluations, psychological assessments and intakes, social competency groups and milieu work, substance abuse assessments and treatment. Interdisciplinary treatment team model in locked ward and open rehab settings. Year-long rotation on Clinical Ethics Service. Didactic seminars, clinical administration, case conferences, Grand Rounds.
2000-2001	Psychology Extern. Chestnut Lodge Hospital, Department of Psychology, Rockville, MD. Individual and group psychotherapy, milieu therapy, integrative psychological evaluations of children, adolescents, and adults, didactic seminars, clinical administration, case conferences.
1998	Center Clinic, Center for Professional Psychology, The George Washington University, intake evaluations, case conferences.
1999-2000	Saint Ann's Infant and Maternity Home, Hyattsville, Maryland. Psychotherapy and psychological evaluations. Treatment of inner city, metro Washington, voluntary and court-involved pregnant adolescents and adolescents mothers, and emergency shelter and foster children.
1998-1999	Psychology Extern. Chestnut Lodge Hospital, Department of Psychology, Rockville, MD. Psychological evaluations of inpatients, early primary through later adolescence.

• **Selected additional training, seminars, symposia** •

1. Advanced Critical Incident Stress Management Certificate, Community Services Program, The Trauma Center, Boston, MA. December 2002. Basic Critical Incident Stress Management, September 2002.
2. Certificate Program in Trauma Studies, The Trauma Center, Boston, MA. September 2002-January 2003. Seminar in Child and Adolescent Psychological Trauma, Evaluation, and Treatment. The Trauma Center, Boston, MA. September 2002-January 2003.
3. Psychological Trauma and Recovery. Judith Herman, M.D.
4. Structure, Process, and Relational Issues in the Treatment of Complex PTSD. Christine Courtois, Ph.D.
5. Attachment and Developmental Research: Applications to Psychotherapy. Joseph Lichtenberg, Ph.D.
6. The Soulful and Spiritual Psychotherapist. T. Byram Karasu, M.D.
7. Rorschach Seminar, Westborough State Hospital. Year-long weekly seminar in Rorschach interpretation, focused on advanced study of Exner Comprehensive System and content analysis. July 2002-June 2002.
8. Psychology Seminar, Westborough State Hospital. Year-long weekly seminar on forensic psychology, neuropsychology, therapeutic techniques and approaches, projective drawings, special populations, religious issues, and other clinical topics.
9. Clinical Ethics Rotation, Westborough State Hospital. One-year rotation on Clinical Ethics Service, conducting clinical ethics consultations with all departments, treatment teams, presenting at Grand Rounds, related clinical and ancillary activities.
10. Treatment of the Seriously Disturbed Patient. Chestnut Lodge Hospital. One-year, weekly interdisciplinary seminar on various aspects of treatment of severe psychopathologies, led by authors of seminar readings and case studies. September 2000-July 2001.
11. Psychological Assessment. Chestnut Lodge Hospital. One year, bi-weekly seminar of extensive study of integrative psychological assessment including intellectual and emotional functioning, organicity, intensive study of projective methods of assessment, including all aspects of Exner Comprehensive System.
12. 46th Annual Chestnut Lodge Symposium: Group Process and the Treatment Milieu. Chestnut Lodge Hospital and CPC Health, Rockville, MD. October 2000.
13. Race, Racism, and Psychoanalysis. Baltimore-Washington Psychoanalytic Institute. March 2000.
14. Program on Working with Intense Rage in Psychotherapy. Washington Psychoanalytic Foundation. April 2000.
15. Group Relations Conference/Tavistock). Washington, DC. May 1999.

Selected Clinical Training

Bessel van der Kolk, MD, Medical Director, The Trauma Center; Professor of Psychiatry, Boston University School of Medicine.

Alan Bodnar, PhD, Co-director of Psychology Training, Westborough State Hospital.

John Weagraff, PsyD, PhD, Co-director of Psychology Training, Hospital Chaplain, and Director of the Clinical Ethics Service, Westborough State Hospital.

Daniel Lambert, PhD, Director of Clinical and Rehabilitation Services, Westborough State Hospital.

Walter Dziokonski, PhD, Forensic Psychologist, Westborough State Hospital.

Paul Gedo, Ph.D., Director of Psychology and Psychology Training, Chestnut Lodge Hospital.

Rebecca Rieger, PhD, School Psychologist, Chestnut Lodge Hospital.

Michael Priester, PhD, Director of Adolescent Services, Chestnut Lodge Hospital.

Sandra Johnson, LCSW, Psychoanalyst, The Hampstead Clinic, London and Chestnut Lodge Hospital.
 Frances Millican, MD, Psychoanalyst, Washington Psychoanalytic, Chestnut Lodge Hospital. Kerry
 Malawista, LCSW, Psychoanalyst, The New York Freudian Society, George Washington University.
 Michael Jasnaw, PhD, The George Washington University, Bethesda, MD.

• **SELECTED CURRENT PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS** •

European Society of Criminology
 Gender, Crime, and Justice Working Group
 American Society of Criminology
 Division of Critical Criminology
 Division on Women and Crime

• **SELECTED UNIVERSITY SERVICE - SAMPLE SINCE 2003** •

University – University of Massachusetts System, Statewide

1. University of Massachusetts Medical School Center for Clinical and Translational Science, Community and Academic Advisory Panel. (2011 –).
2. Cross-Campus Research Collaborative on Criminal Justice and Health
 - a. Research and Project Development Subcommittee
3. Kingston-Mann Students as Scholars in Inclusion and Diversity Scholarship Awards Competition, UMass Dartmouth representative (2006 – 2012) Executive Director (2008 – 2009). UMD development of the program.

University – UMass Dartmouth

Faculty Senate Research Committee. (Chair, 2018-2019.)
 Research, Scholarship, and Innovation (RSI) Advisory Committee to the Vice Chancellor for Research and Economic Development. Co-chair.
 Associate Director, University Honors Program, December 2012 – 2014 .
 Office of Faculty Development. Teaching Sensitive Topics Workshops (development and presentations), 2013.
 University Interdisciplinary Applied Social Sciences PhD Committee (program development), Spring 2012. Co-chair.
 Office of the Provost. Task Force on Life Sciences Initiative: Health, Disease, and Behavior, Pillar Six. 2008.
 University Strategic Planning Committee, 2007.
 University General Education Committee, 2006-8 two-year term.
 University Institutional Review Board
 University Appellate Board, 2008-10, 2004-6 two-year terms.
 University Honors Committee, 2004-6 two-year term.
 Invited Keynote Address: Honors Convocation, May 2006. Title: Visions of Justice.
 Founding Faculty Advisor, Social Change Society, 2004-2009.
 Advisor, Academic Advising Center, 2003-2009.

College of Arts & Sciences

1. Social Science Academic Council.
2. Interdepartmental colloquia and film series, Department of French, 2010, 2011, 2012.

3. Executive Board, Women's Studies Program, 2004-7 three-year term.
4. Advisory Board, Religious Studies Program, 2006-present.
5. Advisory Board, Women's Studies Program, 2003-2010.
6. Executive Board, Center for Policy Analysis, 2003-5, 2005-7 two two-year terms.
7. Advisory Board, Center for Policy Analysis, 2003-2012. 8. Center for Policy Analysis Search/Screen Committee, 2006-7.
Curriculum Committee, 2004-6 two-year term, reappointed 2006-8.

• SELECTED PUBLIC & COMMUNITY SERVICE & ACTIVITIES •

2020 - Current Wellfleet Public Library, Wellfleet, MA.
Board of Trustees (elected).
Chair.

History of Community Service available on request.



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Katie Hickey Date 4/25/23

Mailing Address PO Box 1944
Wellfleet, MA 02667

Phone (Home) 508-349-7709 (cell) 413-687-5839 (preferred)

E-mail katiemaura@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: _____

I have a background in education, having been an elementary school teacher for the past 30 years. I am also an artist and musician, and previously served a term on the Wellfleet Cultural Council.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

See above

Committees/Boards of Interest: 1) Library Board of Trustees
2) _____
3) _____



Board of Selectmen

Request for Placement on Agenda

Name: Robin Robinson

Address: 252 Baker Ave

Company or Organization Representing: Wellfleet Library Board of Trustees

Phone Number: 508-349-7547 (home) 978-505-7164 (mobile)

Email Address: rrobinson@umassd.edu

Specific Request: Dian Reynolds has resigned from her
3 year term as an elected trustee of the Wellfleet
Library Board of Trustees. Two years of her term
remain. As Chair of the Board of Trustees, I
am recommending Kathleen Hickey, 70 Gov. Foss Rd,
to serve the remaining 2 years of the term.

To be Filed out by Dept.

Applicant Notified: _____ Date of Hearing: _____

Date Request Completed: _____



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Lara Henry Date _____

Mailing Address 120 Mayflower Drive
Wellfleet, MA 02667

Phone (Home) _____ (cell) 551-486-4305

E-mail henrylaa@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: _____

I participated in the Maurice's Campground working group during Spring-Fall of 2022 (Communications sub-committee); served as the Exec. Dir. of Wellfleet Chamber of Commerce 2016-2022.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

Committees/Boards of Interest: 1) Local Housing Partnership
2) _____
3) _____

Town of Wellfleet Boards and Committees

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
Building and Needs Assessment	3 year term
* Bylaw Committee	3 year term
Cable Advisory Committee	3 year term
Cape Cod Commission	1 year term
*Cape Cod Regional Technical High School	3 year term
*Charter Review Committee	3 year term
Commission on Disabilities	(ATM)
Community Preservation Committee	(ATM)
Comprehensive Wastewater Management	3 year term
Conservation Commission	3 year term
Council on Aging	3 year term
Cultural Council	3 year term
Energy Committee	3 year term
* Finance Committee	3 year term
Health Care Campus Committee	3 year term
Historical Commission	3 year term
Housing Authority	3 year term (ATM)
Local Housing Partnership	Indefinite
Marina Advisory Committee	3 year term
Natural Resources Advisory Committee	5 year term (ATM)
Open Space Committee	1 year term
Personnel Board	2 year term
Planning Board	3 year term
Recreation Committee	1 year term
Recycling Committee	3 year term
Shellfish Advisory Board	5 year term
* Social and Human Services Committee	3 year term
Zoning Board of Appeals	3 year term
	3 year term

RECEIVED
 2023 MAR 22 P 2:41
 TOWN CLERK
 TOWN OF WELLFLEET

VACANCIES IN BOLD

* *Appointed by Moderator*



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

III

COMMUNITY UPDATES

~ A ~

REQUESTED BY:	District Attorney Robert J. Galibois
DESIRED ACTION:	To present the new initiatives of the district attorney.
PROPOSED MOTION:	There is no motion needed for this agenda item.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 2, 2023

IV

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Jonathan Kells Phillips & Katie Savoy
DESIRED ACTION:	To approve a one-day special event liquor license on June 24, 2023, for a wedding rehearsal dinner at Baker's Pavilion.
PROPOSED MOTION:	I move to approve the one-day special event liquor license to Jonathan Kells Phillips and Katie Savoy for their June 24, 2023, rehearsal dinner event at Baker's Field Pavilion, for a fee of \$150.00.
SUMMARY:	** police detail will be paid for and provided by the applicants**
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant: Jonathan Kells Phillips Affiliation: _____
~~Katie Savoy~~
Address: 527 W. Mariposa Ave. Telephone: (646) 339-0710
~~Sierra Madre, CA 91024~~
2. Type of License All Alcohol (\$150/day x) Beer and Wine (\$100/day _____)
3. Type of Activity Being Conducted wedding celebration
4. Date: 6/24/2023 Hours of Service: 4pm - 10pm
5. Description of Premises: Baker's Field Park Pavilion,
70 Kendrick Ave., Wellfleet, MA.

6. Name, Address, Telephone of Designated Manager (person responsible for activity)

Jonathan K. Phillips 527 W. Mariposa
Ave, Sierra Madre, CA 91024 (646)
339-0710

Erin & Daniel Shook
Dandelion Bar Car
(518) 755-3846

7. If activity involves food service, please describe fully (i.e. raw Shellfish, heated casseroles, bakery goods, etc.)

Bob Oldsman, Caterer
White's Catering
(508) 776-8331



Applicant's Signature

Fee: 150

Processing Fee: \$50.00 pd

Police Department: ok - Chief Duley

Comments/Conditions: police detail
required

Building Department: ok - Victor
Staley

Comments/Conditions: _____

Fire Department: ok - Chief Pauley

Comments/Conditions: _____

Health Department: ok - Debra Lemos

Comments/Conditions: food service
permit needed

DPW Department: ok Jay Norton

Comments/Conditions: _____

Town Administrator: _____

Comments/Conditions: _____

Other: _____

Other: _____

Date Received

Fee

Date Issued



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

IV

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Barry K. McLaughlin ~ Manager Chequessett Yacht & Country Club
DESIRED ACTION:	To approve the transfer of liquor license from the Chequessett Neck Country Club to Cuddy Kitchen, Manager Paul Stepanick.
PROPOSED MOTION:	I move to approve the transfer of the Chequessett Yacht & Country Club all alcohol seasonal liquor license to the Cuddy Kitchen, Manager Paul Stepanick located at 680 Chequessett Neck Road, Wellfleet.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Mass.gov



MassTaxConnect



< CHEQUESSETT YACHT & COUNTRY CLUB INC

Certificate of Good Standing - Confirmation

- **Confirmation Number:** 2-130-395-168
- **Submitted Date and Time:** 4/12/2023 4:54:05 PM
- **Legal Name:** CHEQUESSETT YACHT & COUNTRY CLUB INC

Your *Certificate of Good Standing* application has been submitted. Please print this page and save the confirmation number above for your records. A confirmation email will be sent shortly. The information you provided will be reviewed in a timely manner.

If your submission is approved, the *Certificate of Good Standing* will be available to download. A copy of the certificate will also be mailed to the address we have on file.

Contact Us

If you need further assistance, please contact the Department of Revenue at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089. Business hours are 8:30AM to 4:30PM Monday - Friday.

OK

Print Confirmation



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Frequently Asked Questions

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Taxpayer Bill of Rights

Site Policies



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Maura Healey
GOVERNOR
Kim Driscoll
LT. GOVERNOR



420602102

Lauren E. Jones
SECRETARY
Katie Dishnica
ACTING DIRECTOR

CHEQUESSETT YACHT & COUNTRY CLUB INC.
P.O. BOX 779
WELLFLEET, MA 02667

EAN: 08863861
April 12, 2023

Certificate Id:69151

The Department of Unemployment Assistance certifies that as of 4/12/2023 ,CHEQUESSETT YACHT & COUNTRY CLUB INC. is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Katie Dishnica, Acting Director

Department of Unemployment Assistance



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM
 APPLICATION FOR A TRANSFER OF LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The Chequessett Yacht & Country Club intends to transfer the liquor license (License Liquor 00028-RS-1348) to Aggressive Hospitality, Inc, dba, Cuddy Kitchen, Owner, Paul Stepanick. Cuddy Kitchen will provide food & beverage to include breakfast, lunch and afternoon snacks/appetizers. The attached agreement provides more details on operations and other contractual requirements.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	\$12 Restaurant	All Alcoholic Beverages	Seasonal

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

One floor consisting of banquet room, kitchen, snack bar, patio, member lounge, hallway, 5 exits. Amended to include club house, pro shop, patio, and outdoor deck off the club house.

Total Sq. Footage	<input type="text" value="2400"/>	Seating Capacity	<input type="text" value="175"/>	Occupancy Number	<input type="text" value="200"/>
Number of Entrances	<input type="text" value="5"/>	Number of Exits	<input type="text" value="5"/>	Number of Floors	<input type="text" value="1"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Anthony Papantonis"/>	<input type="text" value="President"/>	<input type="text" value="0"/>
<input type="text" value="Shea Kinney"/>	<input type="text" value="Vice President"/>	<input type="text" value="0"/>
<input type="text" value="Gary Carter"/>	<input type="text" value="Trustee"/>	<input type="text" value="0"/>
<input type="text" value="Eleanor Livingston"/>	<input type="text" value="Trustee"/>	<input type="text" value="0"/>
<input type="text" value="Allan Oxman"/>	<input type="text" value="Trustee"/>	<input type="text" value="0"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- A.
- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
 - The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
 - Please note the following statutory requirements for Directors and LLC Managers:
 - On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;
 - Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.

If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="PAUL STEDAWICK"/>	<input type="text" value="2 ADAMS WAY T2020 MA 02666"/>	<input type="text" value="226-379449"/>	<input type="text" value="10/30/80"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="OWNER"/>	<input type="text" value="100%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
 Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
 State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name
 Landlord Phone Landlord Email
 Landlord Address
 Lease Beginning Date Rent per Month
 Lease Ending Date Rent per Year
 Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name: Phone:
 Title: Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other* (Please specify)	
D. Total Cost	

*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name PAUL STEPANIK Date of Birth 10/30/80 SSN 226-37-9449

Residential Address 2 ADAM'S WAY TRURO MA 02666

Email PAUL.STEPANIK@COMAIL.COM Phone 540-903-3951

Please indicate how many hours per week you intend to be on the licensed premises 60

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

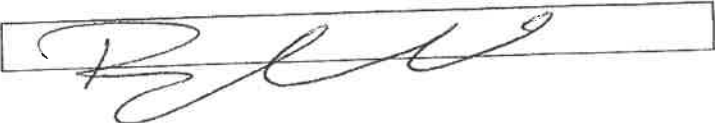
Start Date	End Date	Position	Employer	Supervisor Name
5/22	12/22	BAKER	EAST END MARKET	ORIANA CONKLIN
4/15	2/20	BARTENDER	BARBER SQUEALING P.D. TOWN	AMBER LORD
11/14	4/15	SERVER	CRAIGIE ON MAIN	CARL YORK

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date 4/10/23

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
 If yes, please fill out section 13.

Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

Aggressive Hospitality, Inc, dba, Cuddy Kitchen, Owner, Paul Stepanick. Cuddy Kitchen will provide food & beverage to include breakfast, lunch and afternoon snacks/appetizers. The attached agreement provides more details on operations and other contractual requirements.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
CUDDY KITCHEN	680 CHEQUESSETT NECK RD.	508-349-3704

Name of Principal	Residential Address	SSN	DOB
PAUL STEPANICK	2 ADAMS WAY TROURO MA 02666	226-37-9499	10/30/80

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
OWNER	100%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
 If yes, attach an affidavit providing the details of any and all convictions.

Yes No

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

13F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee? Yes No
- b. Will the licensee retain control of the business finances? Yes No
- c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:
 Title:
 Date:

Signature:
 Title:
 Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name

duly voted to apply to the Licensing Authority of
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

For Corporations ONLY

A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)

ADDENDUM A

6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name <input style="width: 95%; height: 25px;" type="text"/>	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed) <input style="width: 95%; height: 25px;" type="text"/>
---	---

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
 If yes, attach an affidavit providing the details of any and all convictions.

 Yes No

APPLICANT'S STATEMENT

I, PAUL STEPANIK the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of CUDDY KIRKLEN
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Paul Stepanik

Date:

4/11/23

Title:

OWNER



THE COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
 Department of Criminal Justice Information Services
 200 Arlington Street, Suite 2200, Chelsea, MA 02150
 TEL: 617-660-4640 | TTY: 617-660-4606 | FAX: 617-660-5973
 MASS.GOV/CJIS



SUBJECT INFORMATION

Please complete this section using the information of the person whose CORI you are requesting.
 The fields marked with an asterisk (*) are required fields.

* First Name: PAUL Middle Initial: R
 * Last Name: STEPANICK Suffix (Jr., Sr., etc.): _____
 Former Last Name 1: _____
 Former Last Name 2: _____
 Former Last Name 3: _____
 Former Last Name 4: _____
 * Date of Birth (MM/DD/YYYY): 10/30/1980 Place of Birth: VA
 * Last SIX digits of Social Security Number: 37-9449 No Social Security Number
 Sex: M Height: 6 ft. 3 in. Eye Color: BLUE Race: WHITE
 Driver's License or ID Number: SG3764492 State of Issue: MA
 Father's Full Name: WILLIAM HARRY STEPANICK
 Mother's Full Name: PAMELA MIHALOV STEPANICK

Current Address

* Street Address: 2 ADAM'S WAY
 Apt. # or Suite: _____ *City: TRURO *State: MA *Zip: 02666

SUBJECT VERIFICATION

The above information was verified by reviewing the following form(s) of government-issued identification:

Mass Drivers License

Verified by:

MARIE E PELLEGRINO
 Print Name of Verifying Employee

Marie E Pellegrino
 Signature of Verifying Employee

4/11/2023
 Date



MARIE E. PELLEGRINO
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires September 20, 2024

**CHEQUESSETT BOARD OF GOVERNORS
MEETING MINUTES
3/21/23**

PRESENT: Barry McLaughlin
Tony Papantonis
Shea Kinney
Jerry Cohen
Gayle Fee
Chris Chadbourne
Janet Buckley
Jim Pellissier
Julie Scott
Myya Beck
Laura Douglass

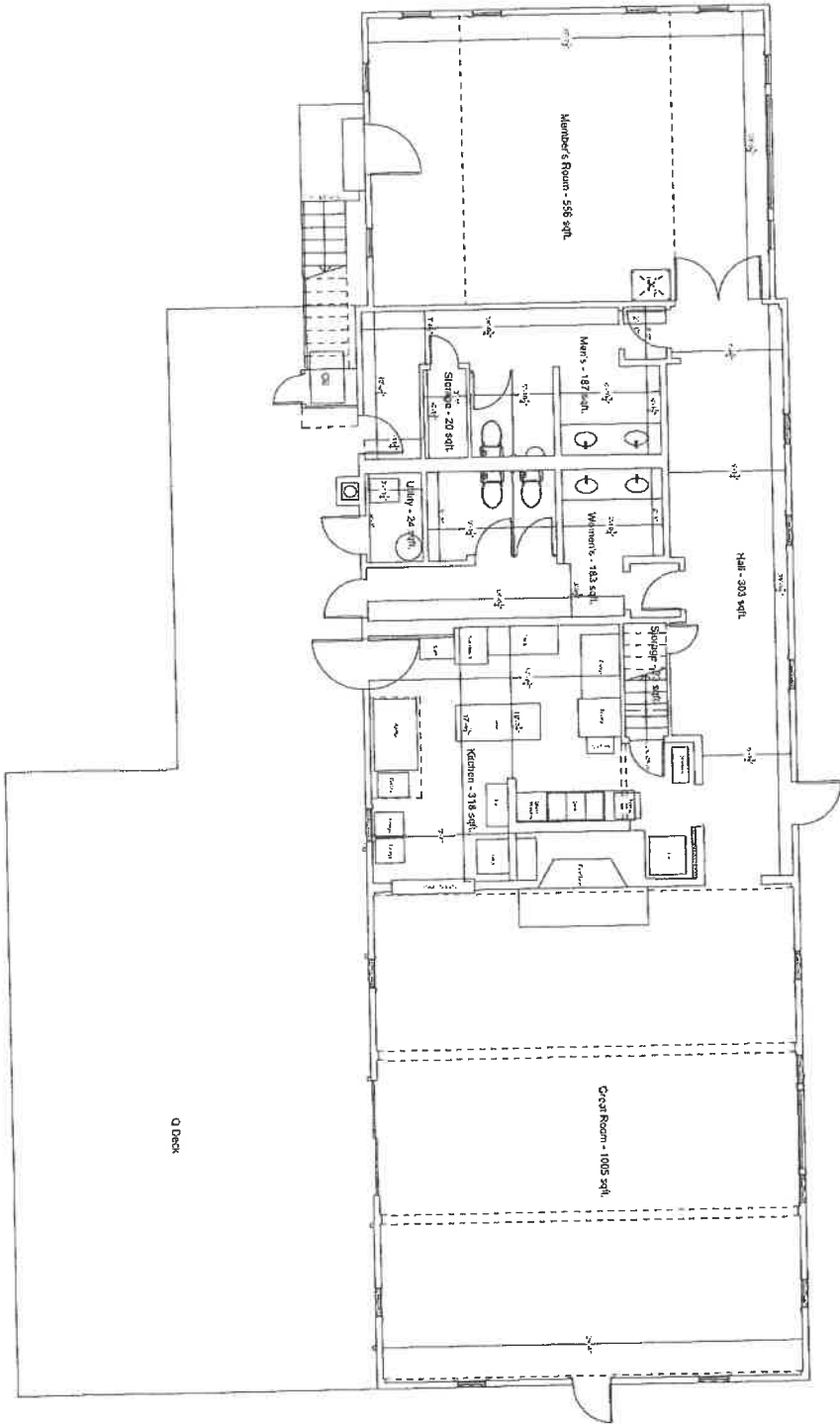
A motion was made to approve the February minutes and it was unanimously approved

Tony introduced Joni Malcynsky, a member and designer who has been helping the Club Committee with the suggested improvements to the Clubhouse. The Club Committee and Joni recommend covering the flooring in the Brickery with the same vinyl flooring that is being installed in the hallway, and to repaint, add wallpaper, and replace the lighting and fans as well as the fans in the Member Room. After some discussion, Chris Chadbourne made a motion to approve expending \$35,000 to do the improvements with \$10,000 worth of lighting being supplied in trade for a several-years membership for the supplier. Jerry Cohen seconded and it was unanimously approved. The work will commence after the 2023 season.

It was also agreed that Tony should get some estimates to replace the boiler which is in danger of failing.

Financial Report: Barry reports that revenues are ahead of last year and that memberships, both renewals and new ones, as well as camp reservations are coming in strong. We are on target to break even for the year.

1 Existing Ground Level Plan



PROJECT NAME/LOCATION

Chauessett Club
 640 Chauessett Neck Road
 Weymouth, Massachusetts 02467

CLIENT

Chauessett Club
 640 Chauessett Neck Road
 Weymouth, Massachusetts 02467

ARCHITECT

Overlander, Smith,
 & Partners, Inc.
 200 State Street
 Boston, Massachusetts 02118
 +1 (617) 233-7029

CONSULTANTS

STAMP

ISSUE	DATE
XXXX	DAY MONTH YEAR

PROJECT STATUS

Existing Conditions

DATE: 10/31/2020
 SCALE: AS NOTED
 DRAWN BY: MS
 CHECKED BY: MS
 PROJECT NUMBER: 100719

SHEET TITLE

Ground Floor Plan

SHEET NUMBER

A100

CONCESSIONAIRE TENANT AGREEMENT

The Concessionaire Tenant Agreement (the "Agreement") dated as of March 7, 2023 (the "Effective Date") is by and between The Chequessett Yacht & Country Club, Inc., dba "Chequessett Club" (hereinafter referred to as "Chequessett Club"), located at 680 Chequessett Neck Road, Wellfleet, MA, 02667 (the "Owner"), and Cuddy Kitchen (the "Concessionaire"), located at 680 Chequessett Neck Road, Wellfleet, MA, 02667.

Premises

This Agreement between the Owner and Concessionaire pertains to the lease and use of certain premises located at the Chequessett Club in Wellfleet, MA which consists of, the club house kitchen, main room with fireplace ("the Brickery"), restrooms, main deck, front patio, pro shop refrigeration, and "the beach club" (hereinafter collectively referred to as "the Premises") in order to provide food and beverage service at the Chequessett Club. This Agreement excludes food and beverage service specific to weddings booked by Owner, as well as beverage sales served at the Boathouse and Beach Club. Concessionaire shall be considered a preferred and/or recommended vendor for food services for weddings and special events following the Effective Date, however this is not to be construed as an exclusive arrangement as the final catering decisions for wedding events shall be made by each wedding event holder/client. The Owner will maintain exclusive control of non-alcoholic and alcoholic beverage sales at the Boathouse, Beach Club and at all events, inclusive of weddings, throughout each Term. Concessionaire shall have the right of first refusal to provide food and beverage service at any events planned by the Owner on the Premises. In the event that the Concessionaire declines such service request and on any occasion where functions booked by the Owner require use of the club house kitchen, the Owner shall provide the Concessionaire notice of its need to use the club house kitchen at least seven (7) days in advance of the date of such event, and the Owner or ServSafe Certified representative, for the duration of such use, shall oversee the use of the club house kitchen, including, but not limited to, the proper and appropriate use of kitchen equipment and food safety practices. The Owner shall be responsible for ensuring that the club house kitchen, including equipment, is returned in the same manner it was received. In no circumstance shall such use include any food items/materials or equipment belonging to Concessionaire.

September 15, 2023 - \$1,600.00

October 15, 2023 - \$700.00

November 2023 - \$0 (Optional)

Security Deposit

Upon signing this Agreement, the Concessionaire shall pay a security deposit by certified check in the amount of \$5,000 to Owner. The security deposit will be retained by the Owner as security for the Concessionaire's performance of its obligations under this Agreement. The security deposit may not be used or deducted by Concessionaire as payment of the last month's rent of the Term. Concessionaire will be entitled to a full refund of the security deposit if Concessionaire returns the Premises to Owner in the same condition as accepted, ordinary wear and tear expected. Within 15 days after termination of this Agreement, Owner will return the security deposit to Concessionaire (minus any amount applied by Owner in accordance with this section). Any reasons for retaining a portion of the security deposit will be explained in writing. The security deposit will not bear interest while held by the Owner in accordance with applicable state laws and/or ordinances.

Statement of Conditions of Property

Owner will give Concessionaire a written inspection Checklist and Statement of Condition of Premises. If Concessionaire disagrees with the Statement of Condition of Premises, Concessionaire must attach a separate list of any damage/non-functioning equipment on the Premises and return said statement to Owner. Within 15 days, Owner will either agree with the list and sign indicating both Owner and Concessionaire agree with the list, or deliver to Concessionaire a statement attached to the list which clearly states disagreement.

Concessionaire Responsibilities

Concessionaire shall have decision-making authority in the day-to-day operation, direction, management and supervision of the food and beverage service operations and its obligations shall include: (a) Hiring, training, compensation, supervision, and termination of food and beverage personnel, wait staff, bartenders and dishwashing staff as well as determining the number of staff required. Concessionaire shall employ ServSafe Food Safety Certification-employee(s) that have ServSafe Certification (a primary and a backup). A ServSafe person

must be present at all times during operating hours. All staff and employees serving alcohol must be TIPS trained. (b) Concessionaire's employees shall abide by the Chequessett Club rules and regulations. Concessionaire shall provide the necessary oversight and expertise to adequately manage and protect the Chequessett Club's assets and assure that the day-to-day performance of its employees is of the highest quality and in compliance with all provisions of this agreement and pertinent licensing. (c) All individual(s) or employee(s) used by the Concessionaire to provide services hereunder shall be deemed Concessionaire's agents or employee(s) and such individual(s) shall not be considered employees, agents, or subcontractors of The Chequessett Club for any purpose whatsoever. Concessionaire assumes full responsibility for all actions of all such individual(s) or employee(s) while performing services under this Agreement. All representations, warranties, and covenants applicable to Concessionaire shall apply to each such individual or employee. Concessionaire shall be liable for payment of their compensation and for any all tax and legal obligations, including but not limited to withholding and reporting of income and social security taxes, contributing to social security and unemployment taxes and obtaining customary levels of worker's compensation insurance. (d) The creation of food menus and the pricing of the same, as well as setting dress codes for the operations staff. (e) Seasonal operation as defined by the Owner and Concessionaire will be from April 1, 2023 through October 30, 2023 in compliance with the seasonal liquor license. Food and Beverage service includes but is not limited to: breakfast, (Grab & Go options), lunch, light fare/appetizers and occasional dinner (dates to be mutual determined by the Owner and Concessionaire), beach Club, special events, rehearsal dinners, and other club functions. Daily hours of operation are Breakfast 7:00am until 10:00am, Lunch, afternoon fare and beach club 11:00am until 7:00pm, unless modified by mutual agreement of Owner and Concessionaire. Concessionaire, Owner, and relevant staff/committees will collaborate on menu ideas for all event planning. Concessionaire shall have final say on menu items. Collaboration between the employees of Concessionaire and the employees of Owner is necessary and will be monitored by the Owner. (f) Maintaining and operating the food and beverage service operation in accordance with local and state safety, health, sanitation and food handling codes and regulations. Concessionaire shall be responsible for all surface and sanitation cleaning of kitchen, equipment, areas of operation at the end of each workday. As to matters relating to the operation or management of the food and beverage department which are not provided for in this Agreement, Concessionaire shall

consider in good faith Owner's reasonable observations and requests with the respect thereto, provided that Owners shall not make any such requests which would be inconsistent with Club policies and standards. At Owner's request, Concessionaire shall meet with Owner to discuss such observations and requests; (g) purchasing and maintaining inventory of food and beverage operating supplies. (h) Concessionaire shall pay all invoices for food and beverage goods or services ordered by Concessionaire in relation to Concessionaire's responsibilities, within thirty days of receipt of invoice, unless Concessionaire is disputing in good faith, the amount of validity of any such invoice. If Concessionaire is disputing any such invoice, a copy of the invoice and letter of explanation shall be provided to the Owner. Concessionaire shall not permit any such dispute to interfere with the operation of the food and beverage service. In addition, if a mechanic's lien or materialmen's lien is filed against the Concessionaire and or/Owner by reason of any claim relating to the food and beverage service operation, then within 10-days after filing thereof, Concessionaire shall cause same to be discharged of record by filing the necessary bond or otherwise; (i) compliance with all necessary licenses and permits as required with local, state and federal regulations. Concessionaire shall obtain, at its sole cost and expense, a Massachusetts Liquor License, for the sale of alcoholic beverages at the Chequessett Club during the term of the Contract, and shall provide proof of the liquor liability issuance of such permit. The Liquor License aforesaid must be surrendered to the appropriate issuing authority upon termination of the Contract. Alcoholic beverages may be sold only in licensed areas as designated in the License regulations: (j) applying sound administration, accounting, cash management, budgeting, operational, sales, personnel, and purchasing policies and practices in accordance with the terms of this Agreement; (k) notifying the Owner if it has actual knowledge relating to, and promptly forwarding to the Owner any notices or other communications it delivers or receives with respect to: (l) the occurrence of damage or destruction to the premises, (ii) any litigation, claim or proceeding affecting Owner or the operation of the food and beverage operations material to the operation, and any written threat to institute any of the same which is likely to give rise to any such litigation, claim, or proceeding; (iii) any notice of violation (or alleged violation) of any law relating to the food operation which could expose the Owner, its employees, members and guests; (m) Maintaining and cleaning the interior of the Food and Beverage Concession premises, including the kitchen, Brickery/bar, patio, back deck and outside bar, with such responsibilities including but not limited to: (i) Garbage cans are to be

emptied nightly at the close of business by the successful Concessionaire. All garbage cans inside the Food and Beverage Concession areas must be emptied by the successful Concessionaire nightly. Garbage may not be stockpiled and must be deposited in the appropriate dumpster; (ii) Floors are to be cleaned daily with a broom, as well as, a wet mop. Tables and chairs must be moved to clean and not mopped around; (iii) Windows are to be cleaned weekly (iv) Walls need to be kept clean, as well as, the ceiling; (v) The Kitchen is to be kept clear of clutter, clean and grease changed regularly; (vi); The outside area behind the kitchen is to be kept clean. No old kitchen equipment or other materials are permitted to be stockpiled; (vii) At the end of business day once the restaurant is closed, the Concessionaire shall lock those areas of the facility that are under the contract, as well as turn off all the lights and reduce the thermostats to appropriate settings. The Concessionaire shall make no renovations to any of the Food and Beverage Concession premises without first obtaining written authorization to undertake the same from the Chequessett Club General Manager

Permitted Uses

The Concessionaire shall use and occupy the Premises to provide food and beverage service to the club and public and for no other use or services unless upon mutual agreement of the Owner and Concessionaire. Concessionaire recognizes that the use of wait staff/table services is prohibited unless an arrangement is agreed upon by Owner and Concessionaire. All food and beverage point of sale shall be conducted as "counter service", unless otherwise agreed upon by Owner and Concessionaire. The Concessionaire shall not display exterior signage without prior consent/approval from General Manager. Concessionaire will be liable for any damage occurring to the Premises and any damage to or loss of contents thereof which is done by Concessionaire or its customers and invitees.

Delivery of Premises

The space will be delivered to the Concessionaire in "as is" condition and in compliance with Town, County and State Health Department requirements, with the exception that Owner represents the equipment is in good working order. Concessionaire shall be responsible for costs for general upkeep, performance, and regular maintenance of existing food service equipment consistent with "normal" day to-day operations. If major repairs and/or full replacement of existing equipment is necessary, which is not caused by the negligent act or abuse of the Concessionaire or its employees, Concessionaire shall promptly

notify the Owner. Owner shall make necessary arrangements and shall be responsible for all costs associated with major repairs.

Concessionaire's Work: Additional Improvements

Concessionaire shall not make any changes to the Premises without the expressed written consent of the Owner. Holiday decorations; banners; posters; electrical extensions; light fixtures; signs or items shall not be placed on the exterior or interior of the building without prior written request and written approval by the General Manager. Once approved, time limits will be placed on each request.

Limitation of Concessionaire's Authority

It is understood and agreed that Concessionaire and its employees, agents and officers are engaged as independent contractors, on an exclusive basis, and not as employees or authorized agents of the Chequessett Club and shall not represent themselves to be employees or authorized agents of the Chequessett Club. Further, neither Concessionaire nor its employees, agents or officers shall have any authority to enter into any contracts or binding commitments in the name of or on behalf of The Chequessett Club. In addition to any other limitations on Concessionaire's authority set forth in this Agreement, Concessionaire shall not, without the Owner's written approval, take any of the following actions with respect to the food and beverage operations: (a) enter into any contract, purchase order, or other agreement with suppliers, employees, or vendors under the Chequessett Club; (b) Borrow money, issue any guarantees, or incur any interest obligation, under the Chequessett Club.

Interference with Golf Course Operations Prohibited

It is understood and agreed by the parties that the primary function of the Concessionaire is to provide consistent food and beverage services to the customers and users of the Chequessett Club. No term of this agreement shall be interpreted as prohibiting Concessionaire from hosting or providing services at private parties/functions off-site, or from utilizing the club house kitchen (provided doing so does not materially impact Concessionaire's responsibilities as otherwise set forth in this agreement) for said purpose. However, any and all private parties/functions, which may be organized by the Concessionaire, is secondary to its obligation to provide regular food and beverage services to patrons and members of the Club. No such private parties or functions shall be

held or scheduled in such a manner as to unreasonably impede the Chequessett Club patrons' access to food and beverage services during normal hours of operation. The successful Concessionaire shall not be involved in any way with other Chequessett Club operations and shall not be entitled any Club privileges unless approved by the General Manager. To that extent, it is expressly understood and agreed by the Concessionaire that the General Manager or designated representative of the Chequessett Club are the only authorized persons who may arrange for scheduling and/or holding golf course tournaments/outings/events and collect compensation for same.

Utilities

Owner shall pay or cause to be paid all expenses: heat, water, electric and internet/phone. Concessionaire shall pay or cause to be paid all propane gas expense and grease collection/removal for the Premises incurred by Concessionaire for Concessionaire's use of the Premises.

Insurance

Concessionaire is required to have separate insurance. Concessionaire covenants and agrees, at its sole cost and expense, throughout the duration of this Lease, to obtain, keep and maintain in full force and effect for the mutual benefit of Owner, Owner's mortgagee(s), and Concessionaire:

General Liability: \$2,000,000 General aggregate, combined single limit \$1,000,000 Bodily Injury & Property Damage \$1,000,000 Personal Injury

Employee Liability: \$1,000,000 each accident \$1,000,000 disease-policy limit \$1,000,000 disease- each employee

Liquor Liability: 1,000,000 per person, \$1,000,000 per accident and \$2,000,000 aggregate

Workers Compensation: With minimum liability limits as required by statute.

For each of the above policies, Concessionaire shall cause each to be endorsed to name The Chequessett Yacht & Country Club, Inc. (dba "The Chequessett Club") as an additional named insured and to provide that the policy issuer shall give at least 30-days prior written notice to The Chequessett Club of cancellation, non- renewal or material reduction in coverage or material amendment of the policy. Concessionaire represents, covenants, and warrants to The Chequessett Club that the aforesaid insurance coverage is and will continue to be in full force and effect during the term of this Agreement. The insurance policy or

policies evidencing the foregoing coverage shall be written by an insurance company or companies with a Best Rating A or better and authorized to contract business in the state of Massachusetts. Concessionaire shall provide The Chequessett Club with a certificate of insurance on an ACORD form satisfactory to The Chequessett Club evidencing each of the foregoing insurance coverage prior to the inception of this lease.

Liquor License

This agreement is contingent upon the Concessionaire obtaining a Massachusetts liquor license at its sole cost and expense for the sale of alcoholic beverages at the Chequessett Club during the term of the Contract. The aforesaid Liquor License must be surrendered to the appropriate issuing authority upon termination of the Contract. Alcoholic beverages may be sold only in licensed areas as designated in the License regulations. Under no circumstances shall the Municipal Liquor License Permit be deemed assignable to any third party.

Indemnity

Concessionaire shall indemnify and hold the Chequessett Club, its subsidiaries and affiliates, and the directors, officers, employees, trustees, agents and representatives of each thereof, harmless against any and all liabilities, claims, causes of action, fines, judgements, settlements, costs, expenses, penalties, losses or damages whatsoever of any kind or nature (including without limitation court costs and reasonable attorneys' fees) resulting or arising from or relating to Concessionaire's actions and operations, in whole or in part, as described herein. Owner shall indemnify and hold Concessionaire, its subsidiaries and affiliates, and the directors, officers, employees, trustees, agents and representatives of each thereof, harmless against any and all liabilities, claims, causes of action, fines, judgements, settlements, costs, expenses, penalties, losses or damages whatsoever of any kind or nature (including without limitation court costs and reasonable attorneys' fees) resulting or arising from or relating to operation of the Chequessett Club.

Termination

This Agreement May be terminated (a) by Concessionaire in whole or in part at any time either with or without cause upon 30-days prior written notice to Owner; (b) at any time by

either party upon material breach of this Agreement by the other party which breach is not cured within 15-days after receipt of written notice thereof by the other party;(c) immediately by the Owner for cause as defined below; or (d) Immediately by the Owner if Concessionaire is unable, or shall admit its inability, to pay its debts as they become due. For the purposes of this Agreement, "cause" shall include, without limitation (i) failure by the Concessionaire to comply with applicable Chequessett Club policies after notice to Concessionaire and Concessionaire has failed to cure the activities in contravention of the Chequessett Club policies for a period of 10 days, local, state and/or federal health and/or safety statues, codes, and/or regulations for a period of 30 days, (ii) the perpetuation of, or participation in, financing misdealing and (iii) for other loss or damage to The Chequessett Club, its employees, directors, officers, members, and guests arising from the gross negligence, willful misconduct or bad faith on the part of Concessionaire.

End of Term

Upon the expiration of this Agreement, or upon any earlier termination, Concessionaire shall quit and surrender possession of the Premises to Owner in as good order and condition, and shall, without expense to Owner, remove or cause to be removed from the Premises all debris and rubbish.

Governing Law

This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

Entire Agreement

This Agreement constitutes the entire agreement between the parties and supersedes and cancels all prior agreements of the parties, whether written or oral, with respect to the subject matter.

IN WITNESS WHEREOF, the Owner and the Concessionaire have each caused these presents to be executed by its proper corporate officer, and its corporate seal hereto affixed as of the day and year first above written.

Concessionaire:

Name:  Title: OWNER
PAUL STEPANICK

Witness:  By: TRACY DEAN

Date: 3.8.2023

Date: 3.8.2023

Owner:

Name:  Title: General Manager
Barry K. McLaughlin

Witness:  By: Michael W Peterson

Date: 3.8.2023

Date: 3.8.2023

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully

INVOICE #: 87153c09-8fdc-45ef-ba93-19232afcec89

FILING FEES-RETAIL	Chequessett Yacht & Country Club	\$200.00
		\$200.00

Total Convenience Fee: **\$4.70**

Date Paid: **4/13/2023 11:52:51 AM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of

License Number or Business Name:
Chequessett Yacht & Country Club

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Barry

Last Name:
McLaughlin

Address:
680 Chequessett Neck Road Wellfleet Ma 02667,

City:
Wellfleet

State:
MA

Zip Code:
02667

Email Address:
gm@chequessettclub.com

Receipt from nCourt

customerservice@nCOURT.COM <customerservice@nCOURT.COM>

Thu 4/13/2023 11:52 AM

To: Barry <gm@chequessettclub.com>

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

Payee

Name Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1 95 Fourth Street, Suite 3
City Chelsea
State Massachusetts
Zip 02150

Payment Information

First Name: Barry **Last Name** McLaughlin
Address 1: 680 Chequessett Neck Road Wellfleet Ma 02667
Address 2: PO Box 779
City: Wellfleet **State/Territory** MA **Zip:** 02667
Phone: (508) 349-3704

Description

Description	Item	Quantity	Price	Total
FILING FEES-RETAIL	Chequessett Yacht & Country Club		\$4.70	\$200.00

Receipt Date: 4/13/2023 11:52:51 AM EDT
Invoice Number: 87153c09-8fdc-45ef-ba93-19232afcec89

Total Amount Paid: \$204.70

Payment Method

First Name Barry
Last Name McLaughlin
Address 1 680 Chequessett Neck Road Wellfleet Ma 02667
City Wellfleet
State/Territory MA
Zip 02667
Email gm@chequessettclub.com
Card Type American Express
Card Number *****2087

IMPORTANT INFORMATION >>

Please include the payment receipt with your application. Thank you.

Please verify the information shown above. Your payment has been submitted to the location listed above.



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001639004

ARTICLE I

The exact name of the corporation is:

AGGRESSIVE HOSPITALITY INC

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	1,000	\$0.00	1,000

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the *90th day* after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: PAUL STEPANICK
No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA
TREASURER	PAUL STEPANICK	2 ADAM'S WAY TRURO MA 02666 USA
SECRETARY	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA
VICE PRESIDENT	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA
DIRECTOR	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

SCRATCH KITCHEN PRODUCTION

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

which is

its principal office
 an office of its secretary/assistant secretary
 an office of its transfer agent
 its registered office

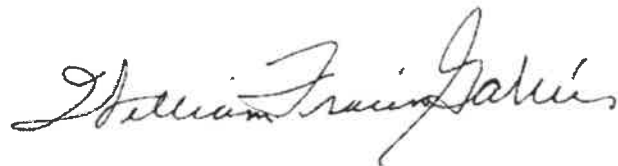
Signed this 22 Day of February, 2023 at 6:13:55 PM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

PAUL STEPANICK

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

February 22, 2023 06:12 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0473125152
Notice Date: April 12, 2023
Case ID: 0-001-956-587



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



CHEQUESSETT YACHT & COUNTRY CLUB
PO BOX 779
WELLFLEET MA 02667-0779

000000

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, CHEQUESSETT YACHT & COUNTRY CLUB INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully:

INVOICE # 87153c09-8fd0-45ef-ba93-19232af6cc89

FILING FEES-RETAIL	Chequessett Yacht & Country Club	\$200.00
		\$200.00

Total Convenience Fee: **\$4.70**

Date Paid: **4/13/2023 11:52:51 AM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of

License Number or Business Name:
Chequessett Yacht & Country Club

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Barry

Last Name:
McLaughlin

Address:
680 Chequessett Neck Road Wellfleet Ma 02667,

City:
Wellfleet

State:
MA

Zip Code:
02667

Email Address:
gm@chequessettclub.com

Receipt from nCourt

customerservice@nCOURT.COM <customerservice@nCOURT.COM>

Thu 4/13/2023 11:52 AM

To: Barry <gm@chequessettclub.com>

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

FROM:

Name: Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1: 95 Fourth Street, Suite 3
City: Chelsea
State: Massachusetts
Zip: 02150

TO:

First Name: Barry
Last Name: McLaughlin
Address 1: 680 Chequessett Neck Road Wellfleet Ma 02667
Address 2: PO Box 779
City: Wellfleet
State/Territory: MA
Zip: 02667
Phone: (508) 349-3704

DESCRIPTION

DESCRIPTION	LOCATION	AMOUNT PAID	PROJECT
FILING FEES-RETAIL	Chequessett Yacht & Country Club	\$4.70	\$200.00

Receipt Date: 4/13/2023 11:52:51 AM EDT
Invoice Number: 87153c09-8fdc-45ef-ba93-19232afcec89

Total Amount Paid: \$204.70

FROM:

First Name: Barry
Last Name: McLaughlin
Address 1: 680 Chequessett Neck Road Wellfleet Ma 02667
City: Wellfleet
State/Territory: MA
Zip: 02667
Email: gm@chequessettclub.com
Card Type: American Express
Card Number: *****2087

IMPORTANT INFORMATION >>

Please include the payment receipt with your application. Thank you.

Please verify the information shown above. Your payment has been submitted to the location listed above.



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001639004

ARTICLE I

The exact name of the corporation is:

AGGRESSIVE HOSPITALITY INC

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	1,000	\$0.00	1,000

G.L. C156D eliminates the concept of par value. however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: PAUL STEPANICK
No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA
TREASURER	PAUL STEPANICK	2 ADAM'S WAY TRURO MA 02666 USA
SECRETARY	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA
VICE PRESIDENT	PAUL STEPANICK	2 ADAM'S WAY TRURO MA 02666 USA
DIRECTOR	PAUL STEPANICK	2 ADAM'S WAY TRURO, MA 02666 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

SCRATCH KITCHEN PRODUCTION

f. The street address (*post office boxes are not acceptable*) of the principal office of the corporation:

No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (*post office boxes are not acceptable*):

No. and Street: 2 ADAM'S WAY
City or Town: TRURO State: MA Zip: 02666 Country: USA

which is

its principal office
 an office of its secretary/assistant secretary
 an office of its transfer agent
 its registered office

Signed this 22 Day of February, 2023 at 6:13:55 PM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

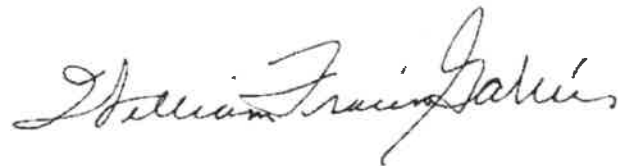
PAUL STEPANICK

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

February 22, 2023 06:12 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0473125152
Notice Date: April 12, 2023
Case ID: 0-001-956-587



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



CHEQUESSETT YACHT & COUNTRY CLUB
PO BOX 779
WELLFLEET MA 02667-0779



Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, CHEQUESSETT YACHT & COUNTRY CLUB INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

IV

PUBLIC HEARINGS

~ C ~

REQUESTED BY:	Dredging Task Force Members
DESIRED ACTION:	To provide information and answer questions on the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field.
PROPOSED MOTION:	If a motion is needed one will be made at the time this portion of the hearing.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

BACKGROUND INFORMATION

USACE Permit

A US Army Corps of Engineers (USACE) Permit is required to dredge Wellfleet harbor – Area 2 (South Mooring Field). Federal USACE regulations require either a permit fee, originally calculated at approximately \$13.5 million, or an acceptable mitigation plan to offset the 23.4 acres that will be disturbed by the dredging.

Recent discussions with USACE have resulted in a 28-acre mitigation plan that is acceptable to USACE.

2023 Area 2 Dredging Schedule

- Implementation of the initial phase of the mitigation plan is a condition precedent to the start of dredging. Cultching in the Phase 1 Site satisfies this requirement.
- Town of Wellfleet must have a dredging contract in place by June 30, 2023, to receive the \$2.5 million EOHEG Grant Funds that were awarded in 2022.
- Dredging Contract Award Schedule:
 - Issued bid package - April 26, 2023.
 - Bids due – May 19, 2023.
 - Resolve any questions and solicit Selectboard approval prior to June 30, 2023.
 - Award contract by June 30, 2023.

MITIGATION PLAN – SUMMARIZED

Discussions with USACE

Meaningful discussions with USACE on a Herring River Mitigation Plan began in January 2023. Both parties are focused on finding a mutually acceptable solution, that results in issuing the necessary permit for dredging the South Mooring Field in 2023. The discussions have been very collaborative. The mitigation plan contemplated (2) 14-acre sites in the Herring River; 14 acres below (south of) the dike and years later, following completion of the Herring River Restoration Project, an additional 14-acre site, above (north of) the dike. On March 20, 2023, the Shellfish Advisory Board stated a strong preference for an alternate site in Blackfish Creek. This alternate site was presented to USACE on March 23, 2023, and was accepted that day. This current mitigation plan is predicated on starting on 14 acres in the Herring River and one year later, initiating a 28-acre site in Blackfish Creek, at which time the 14-acre site in the Herring River would be relinquished and would no longer be part of the mitigation plan.

The Blackfish Creek Mitigation Plan is discussed in more detail below.

Mitigation Plan Parameters

USACE is looking for the Town to prepare and present a plan with performance metrics around population, density, biodiversity, and eco-system uplift. USACE is amenable to a phased implementation:

- **Phase 1 Site** – Fourteen (14) acres in the Herring River, below the dike and below the current prohibited area. A Chapter 91 permit for cultching is already in place, therefore this area can be cultched in 2023. The Shellfish Department will also add 80,000 to 100,000 seed oysters as spawning stock. The restricted area will be closed to shellfish harvest. Phase 1 HR1 Site can be re-opened after Phase 2 BF 1 Site has been established (i.e., an initial cultch in BF 1) and a report for HR 1 has been submitted to USACE as part of the relinquishment request.
Refer to attached map.
- **Phase 2 Site** – Twenty-Eight (28) acres in Blackfish Creek. This site requires an amended Chapter 91 permit for cultching. Upon receipt of the necessary permits, cultching can begin, most likely in 2024. As the efficacy of the cultching program is confirmed, the designated Phase 1 Site (Herring River) will be replaced by the 28 acres in Blackfish Creek. Once the Phase 1 (Herring River) acreage has been subsumed by the Phase 2 Site (Blackfish Creek), there will no longer be a designated mitigation site in the Herring River – all 28 acres required by the mitigation plan will be in Blackfish Creek.
Refer to attached map.

Propagation Plan

Propagation activities will be implemented by the Shellfish Department, which plans to deploy eight to 10 strips of cultch in the Phase 2 BF 1 Site mitigation area each year, as well as 80,000 to 100,000 seed oysters as spawning stock. The area will need to re-open after three years, according to MADMF regulations. The year before the opening, the Shellfish Department will stock it with contaminated quahogs in order to realize their spawning potential. The Shellfish Department will work with the shellfishing community to determine the best opening period.

MITIGATION PLAN – DETAILS

A draft copy of the Blackfish Creek Mitigation Plan is attached.

ATTACHMENTS

Attachment 1 – Map of Area II, South Mooring Field.

Attachment 2 – Map of Herring River Site, HR 1.

Attachment 3 – Map of Blackfish Creek Site, BF 1.

Attachment 4 – Draft copy of mitigation plan.

Attachment 5 – Selectboard packet from 4/4/2023, dredging update.

Attachment 6 – Selectboard packet from 2/7/2023, dredging update.

Attachment 7 - Timeline Log

Mitigation Plan 33CFR 332(c) (2) though (14)

A. Goals and Objectives:

The Town of Wellfleet has proposed the dredging of 23.8 acres of tidal mudflats along with sub and intertidal resource areas as Area 2 in project plans. It is well understood that intertidal mudflat habitat is beneficial for many reasons. Mudflats can provide nursery habitat and food supplies for larger fisheries, support bird populations and protection of coastlines through the absorption and lessening of storm forces. There are however factors that influence the functionality of a mud flat.

The compensatory mitigation plan is submitted to offset the dredging work in Wellfleet Harbor Area 2, South Mooring Field. The mitigation plan consists of enhancing a 14-acre of intertidal land in the Herring River, until the primary restoration area is accessible. This is a 28-acre parcel in Blackfish Creek. The Herring River area is currently designated as “conditional” by the shellfish regulatory authority, the Commonwealth of Massachusetts, while Blackfish Creek is designated in the “open” status, year-round by the state. This mitigation plan is separate from the Herring River Restoration Project (HRRP) and therefore is independent of the implementation, details, and effects of the HRRP. The mitigation plan will be implemented in two phases, each phase being defined by the location of its acreage. The designated areas will be restored initially by cultching, followed by shellfish propagation which will lead to improved water quality, and increased biodiversity resulting in the successful restoration of what was formerly a very productive shellfish habitat and protection of tidal mudflat habitat.

While the goal would be to restore approximately 25 oysters/m² over a 28-acre area (an areal density identified in the Chesapeake Bay Oyster Metrics Workgroup), it is important to note that the Massachusetts’ Division of Marine Fisheries uses a metric of approximately six oysters per square meter as an indicator of “significant oyster resource.” Over a five-year period, our efforts will be to enhance this area so as to exceed this metric, with a target goal of 25 oysters/m². Prior project work in Wellfleet showed a dramatic increase in biodiversity and water quality changing from poor to excellent according to EPA standards. It is anticipated that the area would also become a resource for local shore birds, turtles, a wide variety of marine species and juvenile fish protection.

B. Site Selection:

The proposed mitigation sites are also classified as mudflat habitat and have also been influenced by human interaction. The proposed mitigation sites are in areas that had previously been degraded through restriction of water flow, disease, destruction from ice, increasing anthropogenic sources of pollution, or other human influence. The proposed enhancement will positively affect areas outside of the proposed mitigation areas. Restoration of shellfish populations, water quality and increased biodiversity in the restored areas will have wide ranging benefits for the Wellfleet Harbor system.

Each of the mitigation sites were carefully selected, based on its location and more importantly, for its restorative capabilities to return the designated area to its former habitat - a highly productive tidal mudflat with rich shellfish beds, naturally symbiotic flora and fauna, reduction in nuisance sedimentation and increased water quality and clarity. Each of

these characteristics has been declining in the Wellfleet Harbor system over the last several decades. These factors combined with the proposed additional enhancement through cultching and protection of oyster habitat will lead to a restoration and enhancement of 28 acres of mudflat habitat to the overall benefit of an enhanced Harbor ecosystem, benefitting all users.

C. Site Protection Instrument:

The proposed mitigation areas, along with all shellfishing areas in Wellfleet, are governed by MA GL Chapter 130. Shellfishing habitat in these areas is regulated through the Municipal Propagation Permit as granted to the Town by the State and regulated under MA DMF Shellfish Planting Guidelines. With respect to activities in the National Seashore (which is where the Phase 1 14-acre parcel is located), The Act of August 7, 1961, authorizing the establishment of Cape Cod National Seashore (75Stat. 284) says that “The Secretary may adopt regulations concerning hunting and fishing, subject to consultation with the Commonwealth and towns and the stipulation that all aspects of the propagation and taking of shellfish shall be left to the towns” (Cape Cod National Seashore Masterplan 10/7/1970).

The mitigation area in Blackfish Creek is designated as protected by the MA ACEC program (see Figure 2). This area is therefore subjected to closer scrutiny to avoid or minimize adverse environmental impacts by local and state agencies (<https://www.mass.gov/service-details/acec-program-overview>). The area will be indicated as a resource protection area on official shellfish maps, with local signage and routine patrol 364 days a year at each low tide during daylight.

The Town further agrees not to disturb the mitigation area through addition of a mooring basin, piers or other development. Due to Division of Marine Fisheries regulations the area cannot be closed to harvest for longer than a three-year period. The Town of Wellfleet Shellfish Department will open the area for harvest in such a way as to ensure minimum density of oyster populations.

D. Baseline Conditions:

A pristine mudflat in an area of little human development, lower impact to the sediment and little or no point source pollution would be considered a pristine mudflat habitat with high functionality and value to the ecosystem.

The mudflat at Wellfleet Harbor and Shirt Tail Point has been consistently influenced by human use since 1644. The first modern era occurrence established the existing mooring field in 1955, although the area was used as a harbor previous to that time. The area around the harbor is well developed with housing surrounding much of the coastline, especially to the north, east and south. This leads to significant sources of run off and non-point source pollution as well as potential leaching from local septic systems or other point source contaminants that may occur less frequently. Equally as significant is the location of the Town mooring docks, boat ramp, refueling station and other commercial buildings all located immediately to the north of the Area 2 dredge site. This area served as the major docking and refueling station for the Town prior to 1985. While there has not been a significant spill or leak in this time it is expected that the higher rate of human occupation of these areas contributes to the degradation of the mud flat habitat. State records dating from 1937 show the constant use of this area with over 25 completed projects including shoreline protection, establishment of the channel and mooring field, improvements, and expansions of the fueling docks and parking lots and establishment of docks and piers adjacent to the Area 2 mooring basin and a large jetty

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protecting the Harbor Basin. The mooring basin itself is not an undisturbed mudflat and the sediments are not like mudflat but have been characterized as “black custard” and not capable of supporting shellfish. Since 1957, approximately 340 ground tackle and mooring lines/buoys have been cored into the bottom in the spring and dragged through the sediments to the shore each fall to be recovered. This activity completely disturbs the area each year. Recently, due to a lack of dredging approximately 80 moorings have been lost due to an inability to access them due to a lack of water at high tide or so restricted a tidal window as to make them undesirable. This has resulted in a loss of approximately \$80,000/year in marina related revenue based on data from Wellfleet Marine Corporation.

The proposed compensatory mitigation project sites are considered mudflat habitat and have been mapped by MA Mapper as shellfish suitability area for American Oysters (*Crassostrea virginica*).

The proposed Phase 1 restoration would take place in the conditional shellfish growing area of the Herring River, and once a chapter 91 permit for cultching the Phase 2 area in Blackfish Creek has been obtained, the Phase 2 restoration would begin. This area is in the Open status year-round as part of the Commonwealth of Massachusetts’ shellfish growing area classification.

These areas have been historically productive mudflat used consistently for shellfishing. However, in the last few decades Herring River has degraded requiring a downgrade in harvest classification to conditional in the lower region and prohibited in the region near and above the Herring River Dyke. The western area of Blackfish Creek many decades ago, was highly productive, but in more recent decades was so reduced in oyster population and productivity to qualify for licensing private shellfish grants. In addition, the area immediately west of the proposed mitigation area was highly productive and was a major stop on the Shellfish Department’s daily patrols during the early to mid-2000’s, but in more recent years, shellfish populations have decreased there. It appears that this reduction in productivity was due to consecutive large ice events, and the Shellfish Department’s cultch program alone has not been able to bring it back. More recently, in the eastern regions of the proposed mitigation, extremely low shellfish populations remain, and the Shellfish Department has observed very little shellfishing due to a lack of resources. Areas to be cultched currently have nitrogen reduction targets which could be improved with increased oyster populations and the in-migration of other organisms.

A biological survey will be conducted in Spring / Early summer of 2023 (pre-restoration) to determine the baseline for the Blackfish Creek mitigation site. Performance metrics to be measured are included in the attached table.

E. Determination of Credits:

The plan for restoration and enhancement of 28 acres of equivalent mudflat habitat will equal the required 7.16 mitigation credits and offset the impacts of the dredging of the Wellfleet Harbor Area 2, South Mooring Field.

F. Mitigation Work Plan:

The mitigation work plan proposes a phased approach to enhancement of mudflat habitat in the Wellfleet Harbor system. The initial phase will be to enhance a 14-acre parcel of mudflat in the Herring River system to the southwest of the Chequessett Neck Road dike (see Fig 1). This area is currently conditionally approved for shellfish propagation and harvest. There is also a portion of the proposed area that is currently permitted through a MA DEP Chapter 91 license for cultching. Cultch has been used for over 100 years in

Wellfleet Harbor to provide substrate for larval oysters (spat) to attach. Without oysters, shell or suitable substrate, natural set, which is uniquely abundant in Wellfleet Harbor, would otherwise die. Replacement of substrate through cultching is well established for maintaining and restoring oyster populations. The addition of cultch and subsequent sets of oysters that can grow there will improve the water quality of the area through the natural filter feeding of the oysters. The cultch strips also improve biodiversity through providing substrate for other organisms to use for food or refuge.

Phase 1 enhancement of the Herring River parcel would begin in summer of 2023. These areas would be enhanced with cultch (sea clam shell) and oyster seed from locally available resources. Cultch will be trucked from a whole sea clam processing plant to the Town Transfer Station and supplemented with oyster shell from recycling programs with restaurants and the general public. This material is properly aged then loaded by front-end loader and delivered to a custom-built cultch barge. The barge has a hopper which delivers a strip of shells approximately 4'x100' with about 6 inches of relief on the bottom. Cultch has been shown to be the ideal material for "catching a natural set" of oyster spat due to Wellfleet's significant locally spawning oyster population without using "spat on-shell" or extensive seeding which is necessary in areas where there is not a local "set". It is anticipated that the enhancement through cultching in the Herring River would be completed in one year, and then the Town would request the relinquishment of this site for mitigation use and transfer the mitigation to a 28-acre contiguous parcel in South Wellfleet.

A 28-acre parcel of mudflat habitat has been identified in Blackfish Creek (BFC), east and south of Pleasant Point (see Fig 2). This area is currently approved for shellfish propagation and harvest. A baseline biological survey will be performed in BFC in the summer of 2023 that will identify water quality metrics, current substrate, density of oysters and other biodiversity. In summer of 2024, provided the proper MA DEP permits are in place, it is expected that all restoration focus will shift to BFC. Cultching will be conducted as described above. It is expected that restoration efforts of cultching and seed placement will take approximately 5 years to reach the desired levels of oyster density, biodiversity, and water quality improvement.

Basic yearly timelines would be as follows:

Herring River 2023

The area will be marked with additional signage and buoys, communication will be sent to all shellfishermen establishing the temporary mitigation area

May 2023 quahog (*Mercenaria mercenaria*) relay from the Taunton River into the Herring River (dependent on Shellfish Department determination)

Eight cultch strips would be placed in the first 2 weeks of June 2023

Local Oyster seed will be purchased in June of 2023 and raised on the Shellfish Department's farm

September of 2023 seed will be deployed adjacent to the placed cultch lines

Blackfish Creek 2024 (- 2029)

May 2024 28-acre mitigation area in Blackfish Creek will be marked with signage and buoys, communication will be sent to all shellfishermen establishing the mitigation area.

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May 2024 quahog (*Mercenaria mercenaria*) relay will take place from the Taunton River into the Blackfish Creek mitigation area.

June 2024 during the first two weeks of June 10 strips of cultch will be laid in Blackfish Creek

June 2024 oyster seed from local sources will be purchased and raised on the Shellfish Department's farm.

Sept / Oct 2024 large oyster seed will be placed adjacent to the cultch strips.

When seeding occurs in 2024 it will start the three-year closure for the area.

After three years the shellfish department will evaluate the oyster density and propose an opening of a portion of the area for harvest as per MA DMF regulations.

Past season(s) enhancement will be evaluated to make adjustments before the next season (through year 4)

After year 5 the site will move into a monitoring plan only with no active enhancement of resources. Ongoing harvest opportunities will be decided by the Shellfish Department in such a way as to ensure minimum density of oyster populations.

G. Maintenance Plan:

The mitigation plan is predicated on increasing the oyster populations through cultching and seed placement. Over a five-year period, we expect to place approximately 125-200 tons of cultch in MA DEP Chapter 91 approved area for this purpose. Cultching and seeding the entire 28-acre area in one season is not planned as there are many factors that could negatively influence the restoration efforts. Placing all of the cultch strips and seed would leave the area susceptible to negative environmental and biological impacts. Storms or disease could spread quickly through an area that has all been recently enhanced. By enhancing smaller areas over a longer five-year time period, evaluations can be made as to the success of the enhancement, and adjustments can be made to maximize the enhancement of the mudflat habitat allowing the Town to adjust maintenance in real time, over the first 5 years.

H. Performance Standards:

Performance standards will be measured according to the attached table. Metrics will include water quality indicators as well as oyster density and biodiversity. The basic conclusion is that an oyster density of 25/m² (Restoration Goals, Quantitative Metrics and Assessment Protocols for Evaluating Success on Restored Oyster Reef Sanctuaries Report of the Oyster Metrics Workgroup Submitted to the Sustainable Fisheries Goal Implementation Team of the Chesapeake Bay Program, December 2011) is considered a successful restoration and is expected to be self-sustaining. One caveat is that these densities do not assume harvest. MA DMF regulations require that areas be open for a minimum of a day every three years in order to be in compliance with Massachusetts law. After the initial five years of enhancement, once our target goal of 25/m² is achieved, we will evaluate future harvest opportunities and timing in order to ensure healthy oyster resources and habitat, in the context of continuing to meet our restoration goals. This will include an evaluation of substrate health, including bottom relief, increased bottom structure and distribution relative to other performance goals such as biodiversity and water quality. On-going monitoring will determine if recruitment is self-sustaining. Harvest, productivity, disease, weather events, ice mortality and other previously unforeseen impacts will be closely monitored in relation to impacts on performance standards.

I Monitoring Requirements:

[Monitoring the Project is necessary to determine if the Project is meeting its Performance Standards and if measures are necessary to ensure the Project is accomplishing its objectives. The submission of monitoring reports to assess the development and condition of the compensatory mitigation project is required, but the content and level of detail for those monitoring reports must be commensurate with the scale and scope of the mitigation project, as well as the mitigation type. The Mitigation Plan must address the monitoring requirements for the Project, including the parameters to be monitored, the length of the Monitoring Period, the party responsible for conducting the monitoring, the frequency for submitting monitoring reports to USACE and the IRT, and the party responsible for submitting those monitoring reports to USACE and the IRT. See 33 C.F.R. § 332.6.]

- i Monitoring Methods:** In general, compensatory mitigation monitoring methods should include quantitative sampling methods following established, scientific protocols. Sampling documentation, as part of monitoring reports, should include maps and coordinates (also shapefiles, if available) showing locations of sampling points, transects, quadrats, etc. In addition, permanent photo stations should be established coincident with sampling locations. Additionally, where structures are placed in Waters of the U.S. and/or State, photo stations should be established that capture the structures and any consequent effect on channel morphology.

Monitoring reports shall be prepared in accordance with **RGL 08-03**, which identifies specific contents and formatting of the report. Monitoring reports shall include the data collected from all applicable sections of this guidance; however, not all monitoring reports will include the same information (e.g., for five monitoring periods, monitoring reports submitted in years two and four typically will not include vegetation plot data). Performance Standards, as provided in the Mitigation Plan or in the permit conditions, must be restated verbatim in the monitoring report. Additionally, each monitoring report shall include baseline data and data from preceding monitoring years presented in both graphic and tabular forms.

Stream mitigation Projects with in-channel modifications, high levels of complexity and scale shall provide As-Built surveys that include at minimum the following information: photo documentation at all cross-sections and structures, a plan view survey, a longitudinal profile, and vegetation information (type, number and location of species planted).

As-Built Plan surveys for wetland mitigation projects shall be completed immediately following the completion of construction to document post-construction conditions. Projects provide As-Built Plan surveys that include the following: photo documentation at permanent documented photo points with bearing and azimuth, a plan view diagram, baseline location and in-situ soil profile descriptions at well locations, and vegetation information (type, number of species planted). Also, any special permit condition relating to signage or Deed Restriction should be submitted. These projects shall also provide location data including coordinates and shapefiles, if available, of all monitoring activities (permanent vegetation plots, wells, piezometers, pressure transducer gauges, surface water gauges, crest gauges, stream cross-sections, **bank** pins,

water quality and aquatic biota sampling points, etc.)]

J. Long-Term Management Plan:

The mitigation area in Blackfish Creek is designated as protected by the MA ACEC program (see Figure 2), therefore subjected to closer scrutiny to avoid or minimize adverse environmental impacts by local and state agencies (<https://www.mass.gov/service-details/acec-program-overview>). The area will be indicated as a resource protection area on official shellfish maps, with local signage and routine patrol 364 days a year at each low tide during daylight. For the first five years, annual quadrat assessment by an academic or governmental institution or creditable nonprofit organization will be performed to assure compliance unless or until such time as USACE determines this is no longer necessary for another approach the Town may offer and to which USACE agrees.

The Town agrees not to disturb the mitigation area through a mooring basin, piers or other development. Due to Division of Marine Fisheries regulations the area cannot be closed to harvest for longer than a three-year period. The Town of Wellfleet Shellfish Department will open the area for harvest in such a way as to ensure minimum density of oyster populations, ensuring an increased overall productivity of the mitigation area.

K Adaptive Management Plan:

As with any biological system, there are numerous unknowns that can affect results. The main tenants of the adaptive management plan revolve around field performance and initial performance metrics. We believe, based upon experience and best available science that a self-sustaining population can be achieved that meets protection of fish species, bio-diversity and water quality improvement goals. However, as noted above, the initial targets of 25 oysters/m² are based on data that is not from Wellfleet Harbor.

The variables we will need to address for adaptive management include:

- Weather*
- Recruitment*
- Cultch volumes*
- Survival rates*
- Genetic make-up*
- Bottom condition*
- Disease*
- Predator Pressure*
- Growth rates*
- Water Quality*
- Poaching*
- Ice mortality*

Each of these variables, and there may be more, may require different management responses. Those responses could include increased or decreased need for cultch or spawning stock. Increased or decreased allowance for harvest. Changes in how harvest can be conducted to protect other ecosystem functions. Other potential measures to ensure successful ecosystem restoration could include seeding the area with additional

brood stock or “spat on shell” stock from other productive areas. It is likely that as conditions and influences on the mitigation area change, a combination of these approaches will be necessary to meet our performance goals. Any proposed approach will be sent to the Corps for approval prior to implementation.

Long-term and adaptive management will be conducted by the Wellfleet Shellfish Department. Consistent with other shellfish designations such as conditional, prohibited, seasonal closures and rotations, and the required harvest openings, this area will be managed to achieve a density of 25 oysters/m² with the goal for it to become self-sustaining and providing enhanced ecoservices with a contingency buffer against disease, ice mortality or other resource destruction.

In addition, there may be compelling reasons, based on local conditions, to either increase or decrease any of the metrics such as oyster density, biodiversity or water quality. Based on monitoring data, the Town will have a meeting with the USACE mitigation team after three years to assess progress to date and determine whether any substantive changes are required and what the Town’s plan of action will be. Based on monitoring results this may result in adjustments to performance goals up or down. The Town will be judged to be in compliance with the mitigation agreement so long as the agreed upon work plan is being executed. Due to the vagaries of natural resource habitats specific achievement of any performance standard may require changes to the work plan but would not constitute noncompliance.

L. Financial Assurances:

The restoration of the designated areas will be achieved by cultching and seeding the mitigation areas. These operations will be performed by the Town of Wellfleet Shellfish Department, as part of assigned duties, and consistent with other cultching and farming operations performed by the Shellfish Department. The equipment required for cultching is already part of the Shellfish Department equipment inventory and has been utilized previously by the Town. Projected costs to cover the first six years of the workplan and monitoring efforts are shown in the table below. The Town of Wellfleet Article 12 of the April 22, 2019, Town Meeting approved \$7.5 million dollars for the purpose of paying the costs of dredging Wellfleet Harbor and the payment of all other costs incidental and related thereto. The moderator declared the motion carried on a two-thirds voice vote. It passed at Town Election on April 29, 2019, by a 680 to 87 vote. Money to be used for mitigation costs will come from this budget. Additionally, the Town of Wellfleet will purchase a \$50,000 performance bond to be released after completion of the first year’s work in Blackfish Creek.

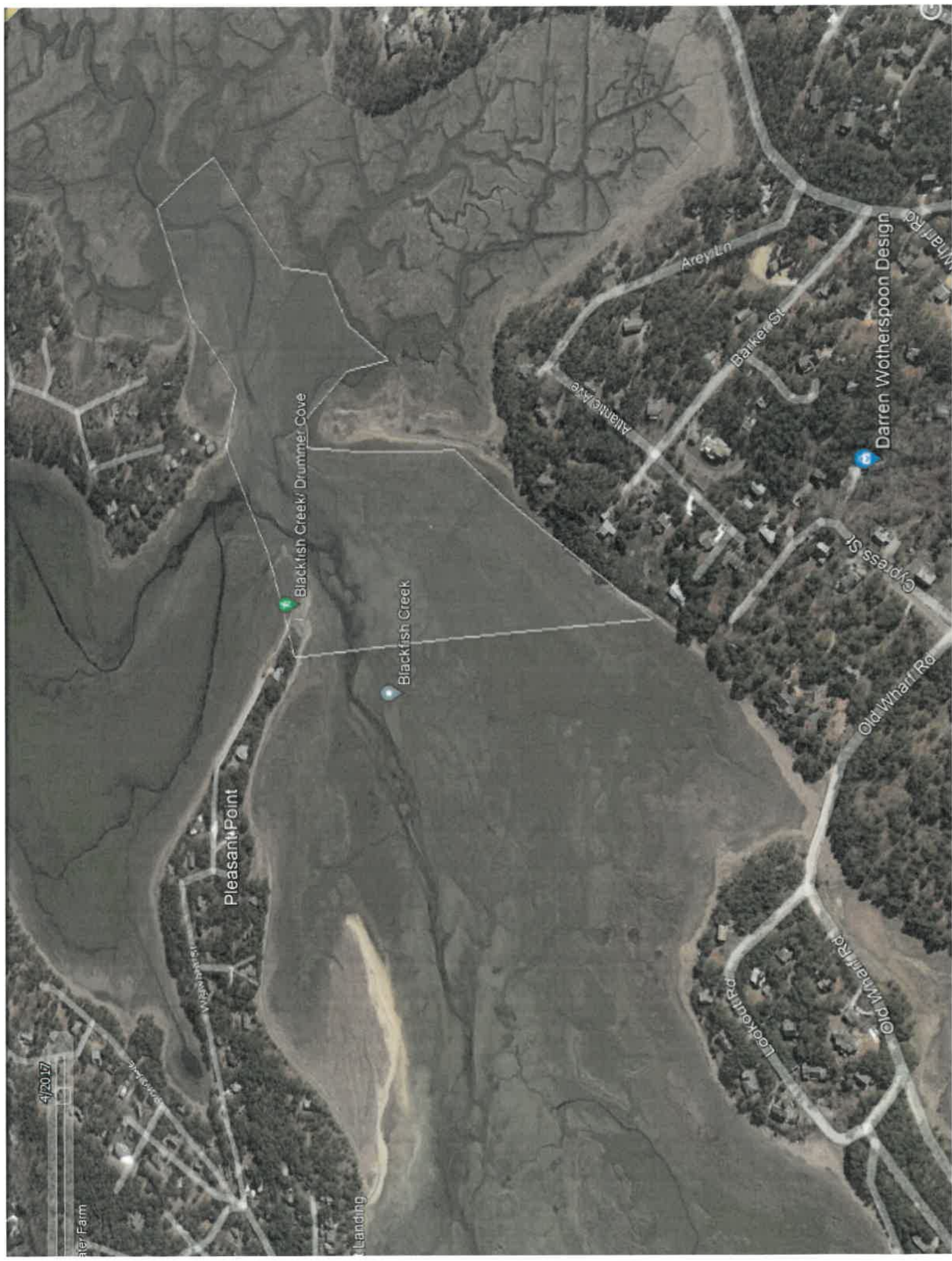
Item	2023			2024			2025			2026			2027			2028		
	Quantity	Price	Total	Quantity	Price	Total	Quantity	Price	Total	Quantity	Price	Total	Quantity	Price	Total	Quantity	Price	Total
racks	55	\$100.00	\$5,500.00															
4mm bags	100	\$7.75	\$775.00															
9mm bags	333	\$7.75	\$2,580.75															
bag assembly	433	\$2.00	\$866.00															
zipties	1332	\$8.60	\$120.40															
condos - 8 bay	13	\$240.00	\$3,120.00															
candy striped poles	5	\$10.00	\$50.00															
buoys	10	\$22.00	\$220.00															
poly line roll	1	\$150.00	\$150.00															
culch	2.5	\$1,250.00	\$3,125.00	2.5	1250	\$3,125.00												
fuel cultching and relay	96	\$5.29	\$507.84	96	5.29	\$507.84												
oil cultching and relay	4	\$30.00	\$120.00	4	30	\$120.00												
oyster seed R6-8 hatchery (100K/price is per 1,000)	100	\$37.85	\$3,785.00	100	37.85	\$3,785.00												
suahor relay	70	\$27.25	\$1,907.50	70	27.25	\$1,907.50												
JM OT cultching/relay	20	\$53.27	\$1,065.47	20	53.2734	\$1,065.47												
CM OT cultching/relay	20	\$47.69	\$953.75	20	47.6876	\$953.75												
WSD labor planting and farm ops	IN KIND			IN KIND														
Baseline Survey			TBD															
Chapter 91 Permit Amendment			TBD															
Monitoring Surveys			TBD															
TOTAL:			\$24,846.71			\$11,464.56	<i>*same for five years but we need to expect increases in prices</i>											

Wellfleet Harbor South Mooring Field

Write a description for your map.

- Legend**
- Area 2
 - Cumberland Farms
 - Dunkin'
 - Feature 1
 - Feature 2
 - Feature 3
 - Indian Neck Beach
 - Mac's
 - Outer Cape Health Services Pharmacy
 - Wellfleet Conservation Trust
 - Wellfleet Marine





4/20/17

Water Farm

Waterside

Waterside St

Pleasant Point

Blackfish Creek/Drummer Cove

Blackfish Creek

Arey Ln

Barker St

Atlantic Ave

Cypress St

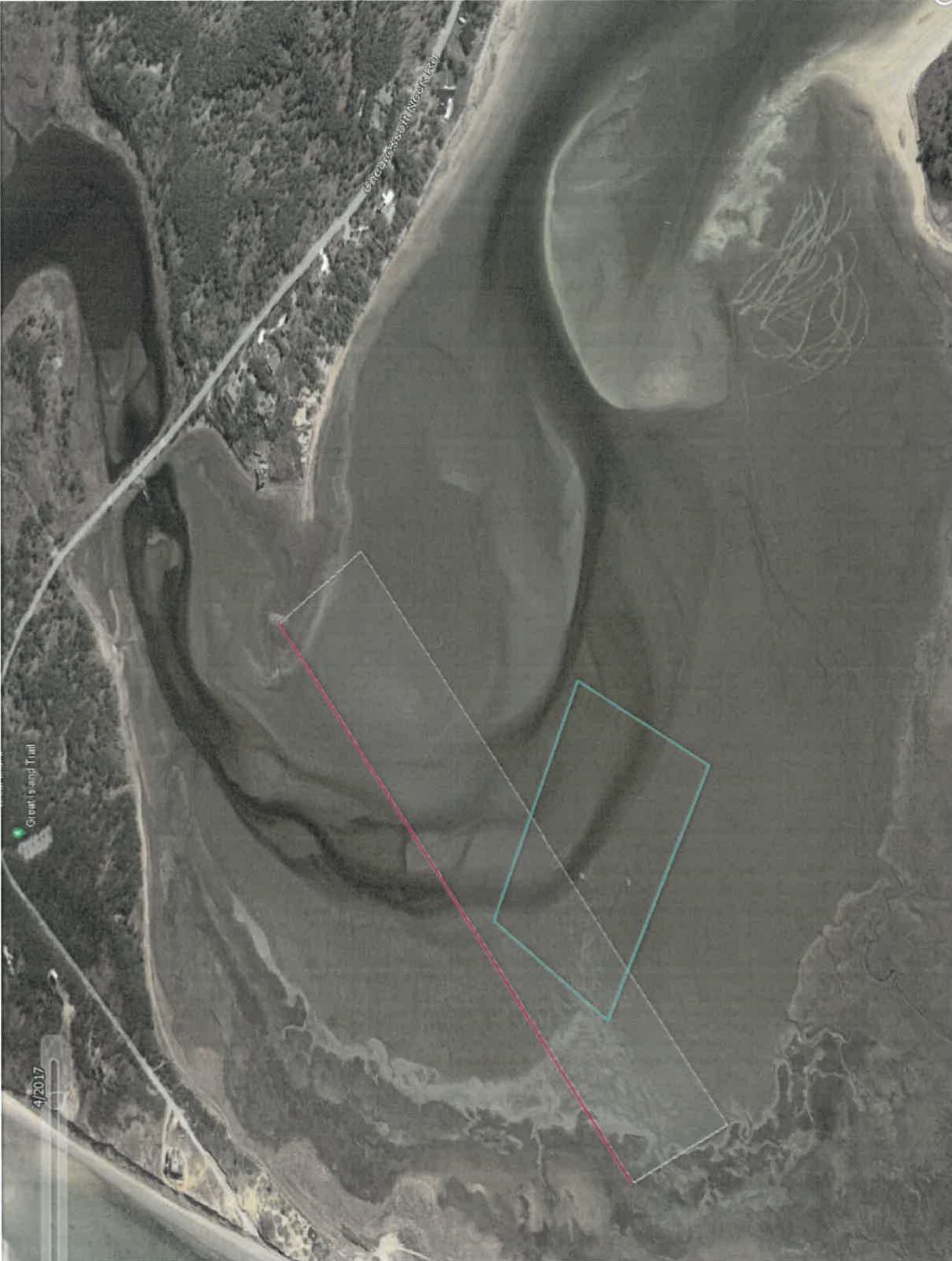
Old Wharf Rd

Lookout Rd

Old Innarri Rd

Darren Wotherspoon Design

Wharf Rd



© 2017 Google

Great's and Trail

4/2017

Wellfleet Harbor – Area 2 Dredging Update USACE Permit/Mitigation Plan

Background Information

A US Army Corps of Engineers (USACE) Permit is required to dredge Wellfleet harbor – Area 2 (South Mooring Field). Federal USACE regulations require either a permit fee of approximately \$13.5 million or an acceptable mitigation plan to offset the 23.4 acres that will be disturbed by the dredging.

Recent discussions with USACE have resulted in a 28-acre mitigation plan that is acceptable to USACE.

Mitigation Plan Parameters

USACE is looking for the Town to prepare and present a plan with performance metrics around population, density, biodiversity, and eco-system uplift. USACE is amenable to a phased implementation:

- **Phase 1 Site** – Fourteen (14) acres in the Herring River, below the dike and below the current prohibited area. A Chapter 91 permit for cultching is already in place, therefore this area can be cultched in 2023. The Shellfish Department will also add 80,000 to 100,000 seed oysters as spawning stock. The restricted area will be closed to shellfish harvest. Phase 1 HR1 Site can be re-opened after Phase 2 BF 1 Site has been established (i.e., an initial cultch in BF 1) and a report for HR 1 has been submitted to USACE as part of the relinquishment request.
Refer to attached map.
- **Phase 2 Site** – Twenty-Eight (28) acres in Blackfish Creek. This site requires an amended Chapter 91 permit for cultching. Upon receipt of the necessary permits, cultching can begin, most likely in 2024. As the efficacy of the cultching program is confirmed, the designated Phase 1 Site (Herring River) will be replaced by the 28 acres in Blackfish Creek. Once the Phase 1 (Herring River) acreage has been subsumed by the Phase 2 Site (Blackfish Creek), there will no longer be a designated mitigation site in the Herring River – all 28 acres required by the mitigation plan will be in Blackfish Creek.
Refer to attached map.

Propagation Plan

Propagation activities will be implemented by the Shellfish Department, which plans to deploy eight to 10 strips of cultch in the Phase 2 BF 1 Site mitigation area each year, as well as 80,000 to 100,000 seed oysters as spawning stock. The area will need to re-open after three years, according to MADMF regulations. The year before the opening, the Shellfish Department will stock it with contaminated quahogs in order to realize their spawning potential. The Shellfish Department will work with the shellfishing community to determine the best opening period.

Wellfleet Harbor – Area 2 Dredging Update
USACE Permit/Mitigation Plan

Monitoring Plan

Monitoring the mitigation plan parameters will be for approximately 5 years, depending upon the results. Adjustments to the plan (e.g., the amount and locations for cultch, introduction of brood stock, etc.) will be defined in an Adaptive Management Plan. The mitigation, monitoring, and adaptive management plans will be developed by the Town and presented to the USACE for acceptance.

2023 Area 2 Dredging Schedule

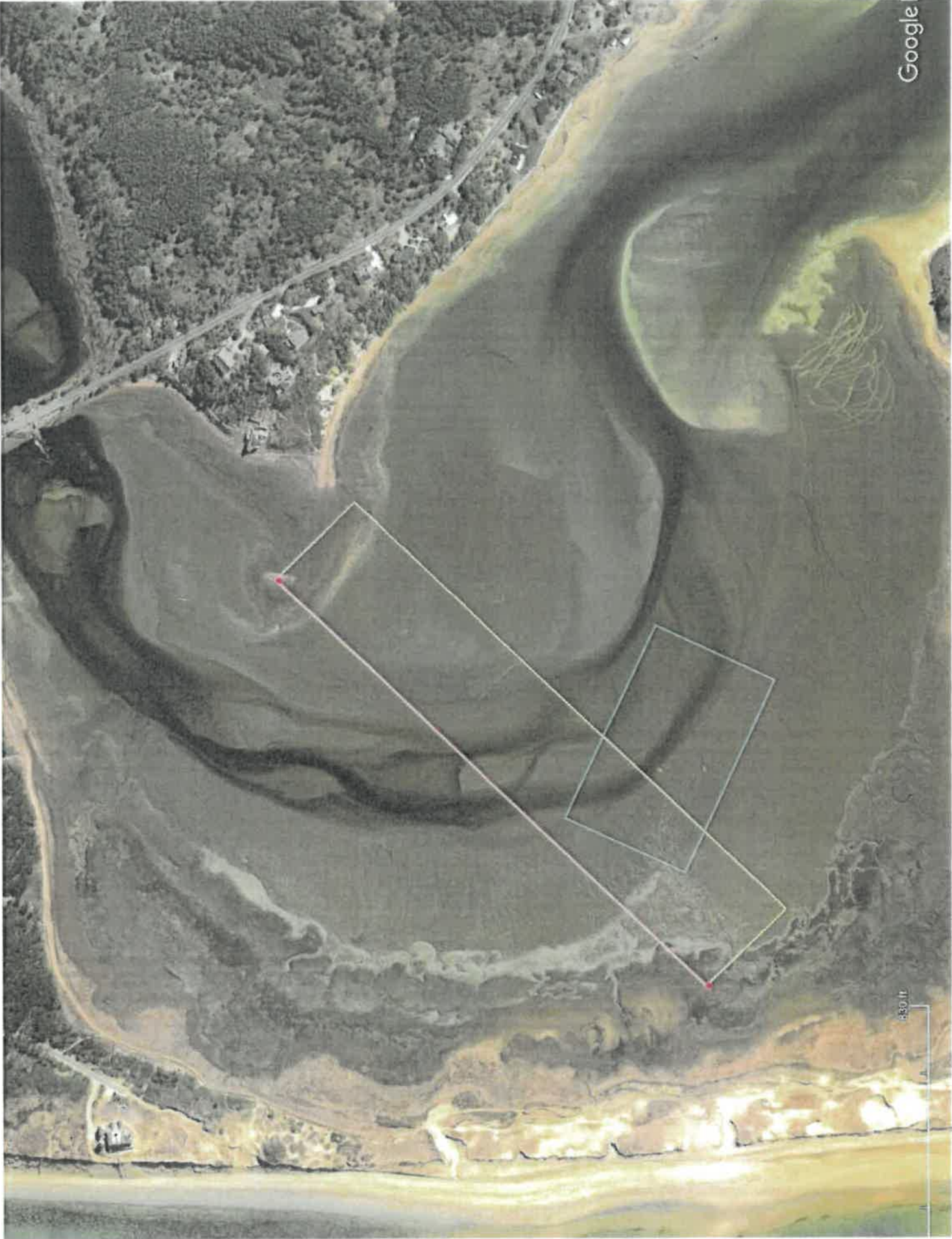
- Implementation of the initial phase of the mitigation plan is a condition precedent to the start of dredging. Cultching in the Phase 1 Site satisfies this requirement.
- Town of Wellfleet must have a dredging contract in place by June 30, 2023, to receive the \$2.5 million EOHEG Grant Funds that were awarded in 2022.
- Dredging Contract Award Schedule:
 - Advertise for public bids - April 20, 2023.
 - Issue bid package - April 26, 2023.
 - Bids due - May 19, 2023.
 - Resolve any questions and solicit Selectboard approval prior to June 30, 2023.
 - Award contract by June 30, 2023.

**Wellfleet Harbor – Area 2 Dredging Update
USACE Permit/Mitigation Plan**

Maps

Phase 1 Site – HR 1





Wellfleet Harbor – Area 2 Dredging Update
USACE Permit/Mitigation Plan

Phase 2 Site – BF 1





Wellfleet Harbor – Area 2 Dredging Update
USACE Permit/Mitigation Plan

Site Coordinates

Dredging mitigation area polygon vertex coordinates for two areas:

HR 1 - HRDMA = Herring River Dredging Mitigation Area

BF 2 - BCDMA = Blackfish Creek Dredging Mitigation Area

NAME	LAT	LONG
HRDMA 1	41.924856	-70.069953
HRDMA 2	41.925533	-70.070817
HRDMA 3	41.929117	-70.066233
HRDMA 4	41.928463	-70.065362
BCDMA 1	41.910246	-69.996663
BCDMA 2	41.911261	-69.994135
BCDMA 3	41.911771	-69.992431
BCDMA 4	41.912243	-69.990863
BCDMA 5	41.911889	-69.990615
BCDMA 6	41.911449	-69.990365
BCDMA 7	41.910579	-69.99199
BCDMA 8	41.910038	-69.992183
BCDMA 9	41.909794	-69.992859
BCDMA 10	41.909327	-69.993362
BCDMA 11	41.909623	-69.993779
BCDMA 12	41.909948	-69.993556
BCDMA 13	41.910296	-69.993962
BCDMA 14	41.910282	-69.994321
BCDMA 15	41.909648	-69.994434
BCDMA 16	41.908602	-69.994524
BCDMA 17	41.908091	-69.995124
BCDMA 18	41.906713	-69.996511
BCDMA 19	41.908741	-69.996737

Selectboard Meeting – February 7, 2023
Wellfleet Harbor Dredging Update
Area 2 (Chipman’s Cove)
USACE Permit – Mitigation Scenario

USACE Permit /Mitigation Discussions

2022

Mitigation discussions with USACE in fall 2022 concentrated on various town properties to be considered for mitigation, including the HDYDLTA property. After reviewing the menu of potential properties, USACE expressed strong interest in the HDYDLTA property as an appropriate candidate for mitigation. The Wellfleet Selectboard had severe reservations about utilizing the HDYDLTA property for mitigation and instructed the Town Administrator and the Dredging Task Force to seek alternates, especially an alternate associated with the Herring River, given its regional significance.

USACE initial reaction to a Herring River mitigation plan was that approval of such a plan was unlikely because the Herring River Restoration Project (HRRP) includes federal funding. Additional discussion with USACE clarified the many sources of non-federal funding and a Herring River mitigation plan became a viable option.

As a result of further discussions, the USACE discussed the various credits applied to projects which they categorize based on Federally acceptable classes of ecosystem “uplift” namely a project characterized as “preservation”, “enhancement” or “restoration”. HDYDLTA falls into a preservation category requiring a 20:1 mitigation offset to impact. The Herring River option looks like the possibility of an “enhancement” or “restoration” which would require a 3:1 or 2:1 ratio of offset to impact. In plain terms this translates to 14 to 28 acres for an acceptable mitigation plan vs. 143 acres that would have been required for a HDYDLTA mitigation option.

January/February 2023

Several calls were held in January with the USACE to discuss options and parameters for an acceptable mitigation plan and learn more about how to maximize the benefits and minimize the Town’s obligation. The USACE focused on a restoration of shellfish habitat in the Herring River, either upstream or downstream of the existing Herring River dike. Their view was that this is not something already contemplated in the Herring River Restoration, therefore not largely Federally funded, and largely a true Town contribution which they felt would be acceptable under Federal guidelines. In clarifying whether shellfish could be harvested from a mitigation, they indicated this was possible, not preferable and that it could not be commercially exploited as the Federal intent is a mitigation of a \$14 million damage, (the dredging) requiring permanent restitution.

After the January calls, there were several discussions with the Shellfish Department, members of the shellfish community, and members of the Shellfish Advisory Board. There was an in-depth discussion at the Shellfish Advisory Board meeting held on January 30, 2023. Discussion centered on the potential mitigation scenario described below. Key areas of concern included how much acreage USACE would require for an acceptable mitigation plan, would there be restrictions on future shell fishing, and if so, would those restrictions preclude shellfish relay, recreational shell fishing, or commercial shell fishing. As a result of the January 30, 2023, discussions, additional information is required from USACE.

A call was held with USACE on February 2, 2023. This discussion focused on improving water quality and on defining the acreage required for an acceptable mitigation plan. A preliminary plan that is acceptable to USACE includes creating a 14-acre area south of the dike and envisions the placement of culch this year. This area is currently classified as prohibited. As the area cleans up, harvesting would eventually be allowed, albeit possibly with some restrictions. After the Herring River Restoration Project work is completed, a 14-acre area north of the dike would be implemented. This area would also then be culched.

USACE provided guidance on some of the details that will be required as part of the mitigation plan including performance standards, frequency for monitoring performance, etc. USACE emphasized their availability to answer any questions we may have as we generate the mitigation plan. Frequent recurring calls will be implemented.

WELLFLEET HARBOR MAP

Attached, for reference is a map of the Herring River area under discussion.

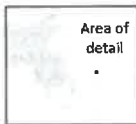
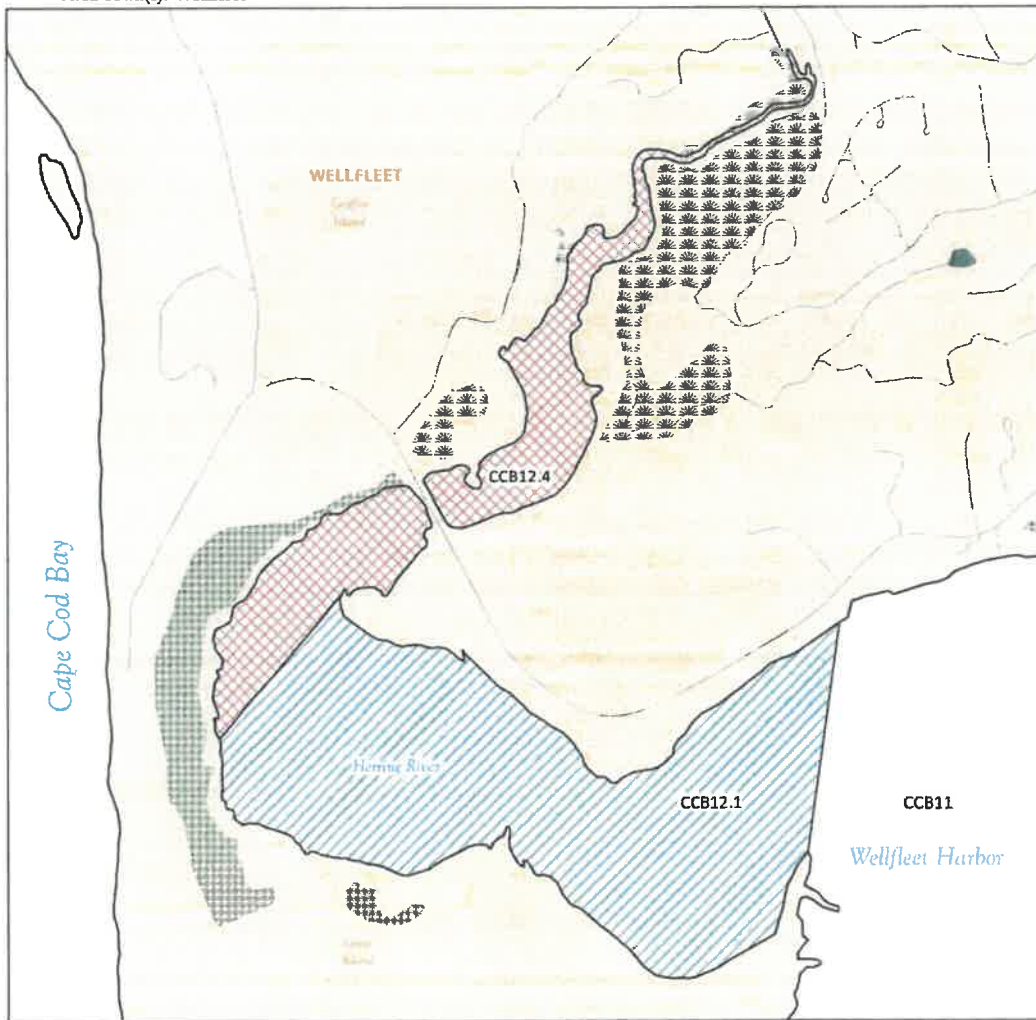


Massachusetts
Division of Marine Fisheries
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: CCB12
 Area Name: HERRING RIVER
 Area Town(s): Wellfleet

Shellfish Area Classification

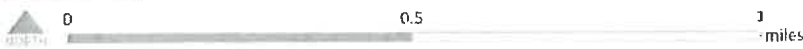
	Approved		Conditionally Restricted
	Conditionally Approved		Prohibited
	Restricted	Produced: 01/17/2019	



Area of detail

This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

- Marsh/Wetland
- Saltmarsh
- Pond/Lake/Reservoir
- Town Boundaries
- Stream/Ditch/Canal



Additional Background Information

Below is background information prior to the SAB meeting on January 30, 2023.

Summary of Recent Dredging

2020 – United States Army Corps of Engineers (USACE) dredged the Federal Channel and the Federal Anchorage.

2020 – Town of Wellfleet dredged a portion near the L-pier and the fuel dock.

2021 – Town of Wellfleet dredged the town anchorage at the boat ramp, the north and south access channels, and the areas of the slips.

2022 – no dredging was performed, awaiting resolution of the USACE Permit issues.

Status of Dredging Area 2

Area 2, the mooring field, consists of 23.4 acres. Estimated volume to be removed from Area 2 is approximately 230,000 cubic yards. The plan is to dredge Area 2 over two seasons, October 1, 2023, to December 31, 2023, and October 1, 2024, to December 31, 2024.

Permits

The following permits are required to dredge Area 2:

USACE Permit. This permit has been the subject of much discussion with USACE. USACE (and NOAA, National Marine Fisheries) have stated that because the area has not been dredged for a long time (last dredged in 1957) it does not qualify for maintenance dredging. The agencies have classified it as improvement dredging, thus getting a permit requires either a cash payment of approximately \$13.5 million or implementation of a mitigation plan that is acceptable to the USACE.

In addition, some of the permits that have been in place for many years have expired and must be renewed:

Chapter 91 and 401 water permits. These permits were previously issued as a combined permit. They are in the process of being renewed separately because the extension dates are different.

Urgency for Dredging in 2023 (October 1, 2023, to December 31, 2023).

Massachusetts EOHED awarded the Town of Wellfleet a \$2.5 million grant for 2022 dredging. This grant money remains available for 2023 dredging PROVIDED the Town has a dredging contract in place by June 30, 2023.

Black Custard sedimentation represents a severe threat to the shellfish industry within Chipman's Cove. Chipman's Cove is approximately 120 acres; the area to be dredged is 23.4 acres. If Area 2 is not dredged, the black custard sedimentation will continue to encroach upon the shellfish grants and wild shellfish located in the remaining 100 acres of Chipman's Cove.

Each year of delay will increase the cost of dredging due to inflation.

Each year of delay provides an opportunity for the un-dredged material in Area 2 to slough off into the recently dredged areas.

Potential Mitigation Scenario

Herring River Shellfish Habitat – there are 30 acres (north of the dike) and 30 acres (south of the dike) where shell fishing is currently “prohibited” due to fecal coliform and low pH inhibits spat settlement and growth. There is additional acreage approximately 100 acres downstream where shell fishing is “conditional” due to fecal coliform.

Mitigation scenario:

- Identify 14-30 acres (of the 30 acres either north or south of the dike) as an area that will be the focal point of our mitigation plan. This designated area will be the beneficiary of increased inter-tidal flow as a result of the Herring River Restoration Project. Our mitigation plan would accelerate its improvement as follows:
- The area would remain off-limits for shell fishing until conditions improve.
- The area will then be culched to promote spat settlement and significant oyster repopulation
- After the area achieves a target restoration density, it could be open to harvest in such a way that it maintains an improved level of ecosystem function. The shellfish could be transferred to Town shellfish areas as part of a relay program or harvested if DMF water quality requirements are met. (USACE indicated they would have limitations that ensure the mitigation results in a permanent ecosystem improvement or “uplift”. Some level of sustainable restoration of habitat and improved water quality must be demonstrated to meet Federal mitigation requirements.)

QUESTIONS AND ANSWERS

1. Explain where we are in the process of the \$2.5m dredging grant.
See above.
2. Can we negotiate with the Army core of engineers?
Yes, communication with USACE has been established.
3. Willing to give up “above dyke” but not “below dyke”
Incorporated in the scenario above, but USACE is looking for 30-60 acres less if it is completely restored, more if it is not.
4. What bottom does USACE want.
USACE mitigation is formulaic using 23 acres of required mitigation habitat:
1:20 ratio if land preservation is proposed (460 acres)
1:2 ratio if habitat restoration is proposed (46 acres)
1:3 ratio if habitat creation is proposed (69 acres)
 - HDYLTA was judged to be a mix coming in at an initial request of approximately 145 acres
 - A mix of some enhancement/restoration above and/or below the dyke could be acceptable in the range of 30-60 acres
5. if we do a “Chipman’s Cove #2” ...who manages, what restrictions?
USACE requirement is that mitigation land cannot be used for commercial exploitation. Specific response from the corps on shellfish harvest was that residential or recreational harvest would be ok in certain parts, but that genuine habitat restoration must be clearly demonstrated. This may mean maintaining a population target and or other harvest restrictions while still allowing harvest. These goals would mean delineation on maps detailing any restrictions, patrol by

shellfish department and inspection at any time to ensure the spirit of the agreement is being followed.

6. What is timing of all of this?
Urgent for the reasons stated above.
7. What if we gave money back for dredging, can we ever get it back without mitigation?
The grant is not tied to mitigation; the permit is tied to mitigation. However, without a permit we cannot dredge, and the grant money "expires". We can re-apply for a grant but no guarantees on whether we'd be successful.
8. Is Herring River the only area available?
A Herring River scenario was attractive to USACE, and they stated it was a scenario they would try to expedite. HDYLTA had been discussed previously at a macro level; USACE expressed surprise that the Town Selectboard took it off the table.
9. Who will decide moving forward?
A Mitigation Plan must be acceptable to USACE in order to obtain the USACE Permit. Presumably, the Selectboard must also approve any such plan submitted by the Town.



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 27, 2021

Regulatory Division
File No. NAE-2015-1414

Dan Robbins
GEI Consultants
400 Unicorn Park Drive
Woburn, Massachusetts 01801

Dear Mr. Robbins:

Thank you for your letter dated September 20, 2021 that was submitted on behalf of the Town of Wellfleet which contains mitigation approaches for the proposed South Anchorage (Area 2) dredging project in Wellfleet, Massachusetts. In the September 20, 2021 letter you have presented two preservation proposals that could provide compensatory mitigation to offset unavoidable impacts associated with your project. The preservation project associated with the HDYLTA and the preservation project associated with the Wellfleet Conservation Trust may have the potential to provide compensatory mitigation. Prior to the Corps making an official determination on the merit of the proposed mitigation additional information will be required.

In accordance with 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register April 10, 2008, effective June 9, 2008) please provide a complete draft mitigation plan and address how the proposed project meets each requirement for preservation (33 CFR 332.3(h)(1)). For a draft mitigation plan to be considered complete it must include and address all 12 components of a mitigation plan ((33CFR 332(c)(2)-(14)). If the 12 components are not thoroughly addressed the application will be deemed incomplete. Attached you will find a letter describing the 12 components to guide your application. In addition to the letter, please utilize the New England District Compensatory Mitigation Procedures for more information about the 12 components

<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/Compensatory-Mitigation-SOP-2020.pdf>).

For the proposed mitigation project, the following requirements must be met (33 CFR 332.3(h)(1)) before the Corps can consider preservation:

- The resources to be reserved provide important physical, chemical, or biological functions for the watershed;
- The resources to be preserved contribute significantly to the ecological sustainability of the watershed;
- The resources are under threat of destruction or adverse modification;

- The preserved site will be permanently protected through an appropriate real estate instrument (e.g., easement, title transfer to state resource agency or land trust).

As part of the complete mitigation plan, long-term management must be thoroughly documented and established prior to any permit decision. I have included an example long-term management plan. The proposed preservation parcels must have long-term protection through a real estate instrument such as a conservation easement. A third party, such as a non-profit conservation organization, land trust, state or federal entity will hold the conservation easement to oversee long-term management of the property. Please check with the State of Massachusetts Division of Ecological Restoration to see if your preservation proposal is eligible and consistent with Article 97 of the state constitution, as they may be able assist with the long-term management.

Depending on the aquatic resource function of the two proposed preservation projects, additional mitigation measures may be needed. An initial estimate of the proposed mitigation projects indicates that 118.5 acres of intertidal land would be preserved. This mitigation may generate an estimated 5.925 mitigation credits. Based on the best available information, the proposed dredging of 23.851 acres of mudflats would require the generation of 7.16 mitigation credits to offset impacts. Therefore, a minimum of 1.235 mitigation credits are currently required in addition to the proposed mitigation. To meet the compensatory mitigation requirements, you may: reduce the overall dredge footprint by approximately 4.12 acres; or purchase the remaining credits from the Massachusetts Department of Fish and Game In-Lie Fee Program; or provide another permittee responsible mitigation not included in the September 20, 2021 mitigation proposals.

If you have any questions or need assistance in preparing the mitigation plan, please contact Mr. Charles Farris at (978) 318-8336.

Sincerely,



Taylor Bell
Mitigation Program Manager
Regulatory Division

Enclosures

cc:
William Sullivan, Town of Wellfleet Harbormaster
Alyssa Richard, GEI Consultants

Mitigation Plan 33CFR 332(c) (2) though (14)

- A. Goals and Objectives:** *[Insert a description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, ecoregion, physiographic province, or other geographic area of interest.]*
- B. Site Selection:** *[Insert a description of the factors considered during the site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation project site. See 33 C.F.R. § 332.3(d).]*
- C. Site Protection Instrument:** *[Insert a description of the legal arrangements and instrument, including site ownership that will be used to ensure the long-term protection of the compensatory mitigation project site. See 33 C.F.R. § 332.7(a).]*
- D. Baseline Conditions:** *[Insert a description of the ecological characteristics of the proposed compensatory mitigation project site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the Property, the geographic coordinates, and other site characteristics appropriate to the type of resource proposed for compensatory mitigation. The baseline information should also include a delineation of Waters of the U.S. on the proposed compensatory mitigation project site.].*
- E. Determination of Credits:** *[Insert a description of the number of Credits to be provided, including a brief explanation of the rationale for this determination. The explanation shall describe the proposed mitigation approach for each wetland and stream reach within the project site that will be considered in the Mitigation Plan (establishment, re-establishment, rehabilitation, enhancement, preservation – listed separately). This description should be accompanied by a list presented in a table and organized by wetland or stream reach, area/length, proposed mitigation approach, and proposed mitigation ratio. See 33 C.F.R. § 332.3(f).]*
- F. Mitigation Work Plan:** *The mitigation work plan should contain detailed written specifications and work descriptions for the Project, including, but not limited to, the geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures. For mitigation projects proposing stream restoration*

(rehabilitation or reestablishment), the mitigation work plan should also include: planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, riparian area plantings, and other relevant information].

G. Maintenance Plan: *[Insert a description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed].*

H. Performance Standards: *Appropriate Performance Standards are ecologically-based standards that will be used to determine whether the mitigation project is achieving its objectives. Performance Standards should relate to the objectives of the mitigation project, so the project can be objectively evaluated to determine if it is developing into the desired resource type, providing expected functions, and attaining any other applicable metrics (e.g. acres). Performance Standards must be based on attributes that are objective and verifiable. Ecological Performance Standards must be based on the best available science that can be measured or assessed in a practicable manner. Performance Standards may be based on variables or measures of functional capacity described in functional assessment methodologies, measurements of hydrology or other aquatic resource characteristics, and/or comparisons to reference aquatic resources of similar type and landscape position. The use of reference aquatic resources to establish Performance Standards will help ensure that those Performance Standards are reasonably achievable, by reflecting the range of variability exhibited by the regional class of aquatic resources as a result of natural processes and anthropogenic disturbances. Performance Standards based on measurements of hydrology should take into consideration the hydrologic variability exhibited by reference aquatic resources, especially wetlands. Where practicable, Performance Standards should take into account the expected stages of the aquatic resource development process, in order to allow early identification of potential problems and appropriate Adaptive Management. In general, Performance Standards should be SMART (Specific, Measureable, Attainable, Reasonable (Practicable), Trackable). See 33 C.F.R. § 332.5.]*

I. Monitoring Requirements: *[Monitoring the Project is necessary to determine if the Project is meeting its Performance Standards and if measures are necessary to ensure the Project is accomplishing its objectives. The submission of monitoring reports to assess the development and condition of the compensatory mitigation project is required, but the content and level of detail for those monitoring reports must be commensurate with the scale and scope of the mitigation project, as well as the mitigation type. The Mitigation Plan must address the monitoring requirements for the Project, including the parameters to be monitored, the length of the Monitoring Period, the party responsible for conducting the monitoring, the frequency for submitting monitoring reports to USACE and the IRT, and the party responsible for submitting those monitoring reports to USACE and the IRT. See 33 C.F.R. § 332.6.]*

i. Monitoring Methods: *In general, compensatory mitigation monitoring methods should include quantitative sampling methods following established, scientific protocols. Sampling documentation, as part of monitoring reports, should include maps and coordinates (also shapefiles, if available) showing locations of sampling*

points, transects, quadrats, etc. In addition, permanent photo stations should be established coincident with sampling locations. Additionally, where structures are placed in Waters of the U.S. and/or State, photo stations should be established that capture the structures and any consequent effect on channel morphology.

*Monitoring reports shall be prepared in accordance with **RGL 08-03**, which identifies specific contents and formatting of the report. Monitoring reports shall include the data collected from all applicable sections of this guidance; however, not all monitoring reports will include the same information (e.g., for five monitoring periods, monitoring reports submitted in years two and four typically will not include vegetation plot data). Performance Standards, as provided in the Mitigation Plan or in the permit conditions, must be restated verbatim in the monitoring report. Additionally, each monitoring report shall include baseline data and data from preceding monitoring years presented in both graphic and tabular forms.*

Stream mitigation Projects with in-channel modifications, high levels of complexity and scale shall provide As-Built surveys that include at minimum the following information: photo documentation at all cross-sections and structures, a plan view survey, a longitudinal profile, and vegetation information (type, number and location of species planted).

*As-Built Plan surveys for wetland mitigation projects shall be completed immediately following the completion of construction to document post-construction conditions. Projects provide As-Built Plan surveys that include the following: photo documentation at permanent documented photo points with bearing and azimuth, a plan view diagram, baseline location and in-situ soil profile descriptions at well locations, and vegetation information (type, number of species planted). Also, any special permit condition relating to signage or Deed Restriction should be submitted. These projects shall also provide location data including coordinates and shapefiles, if available, of all monitoring activities (permanent vegetation plots, wells, piezometers, pressure transducer gages, surface water gauges, crest gauges, stream cross-sections, **bunk** pins, water quality and aquatic biota sampling points, etc.).]*

J. Long-Term Management Plan: *[Provide a description of how the mitigation project will be managed after Performance Standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for Long-Term Management. Long-Term Management activities may include, but are not limited to: Maintenance of Signage, Conservation Easement Enforcement, Access/Gate Maintenance, Fencing, Non-Native Invasive Species Management, Tax Payments, Maintenance of Property Insurance, Reporting, and other project-specific items as listed in the Long-Term Management Plan. See 33 C.F.R. § 332.7(d).]*

K. Adaptive Management Plan: *[Provide a management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project,*

including the party or parties responsible for implementing Adaptive Management. The Adaptive Management Plan will guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success. See 33 C.F.R. § 332.7(c).]

L. Financial Assurances: *[Provide a description of Financial Assurances that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its Performance Standards. See 33 C.F.R. § 332.3(n).]*

LONG TERM MANAGEMENT PLAN TEMPLATE

MANAGEMENT PLAN

for

Fill in Project Name

Organization

Author and title

Date

The general outline that follows is designed to assist in the development of the Long-term Management Plan for Mitigation Projects. Objectives and tasks are provided for illustrative purposes only and may not represent management requirements suitable or necessary for every site. Sections in plain text represent language that should be included in a plan. Items in italics describe the type of information to be included in that section and should be deleted and replaced with the pertinent information for the project site.

Note: Maps are required. Maps may be put into an Appendix or interspersed throughout the document. Maps showing the following are required, as outlined in the text that follows:

- *General vicinity of the parcel showing other conservation lands;*
- *Parcel boundaries, on a topo or aerial photo;*
- *Road map showing how to get to property, with parking and trailhead information, if applicable;*
- *Man-made features on the property including structures, trails, roads, etc.;*
- *Aquatic resources including wetlands, streams and other resources related to the aquatic environment;*
- *Biological and other natural resources and communities of note;*
- *Soils and Geology;*
- *Hydrology and Topography;*
- *Threats such as locations of invasive species infestations and trash or trespass locations.*

Maps of similar content may be combined as long as the information they are to convey is clear and well-defined.

- I. Geographic Information**

- II. Introduction**

- III. Property Description**

- IV. Natural Resources**

- V. Management Vision & Goals**

- VI. Management Actions**

- VII. Funding & Task Prioritization**

APPENDICES

- Appendix A: Invasive Species Control Plan (if applicable)**
- Appendix B: Legal Documents**
- Appendix C. Restoration or Enhancement Plan (if applicable)**
- Appendix D. other**

I. Geographic Information

Site Name: _____
Town/County: _____
Total Site Size: _____
Type of Ownership: *(i.e., fee or conservation easement; if easement include landowner's name)*
Date Acquired: _____

II. Introduction

A. Purpose of Management plan

The purpose of this management plan is to ensure that the property is managed and maintained in perpetuity in the Mitigation Plan referenced in Corps Permit Number [*Corps permit number*].

B. Long-Term Steward and Responsibilities

The Long-Term Steward of the site is [*steward organization*]. [*Steward organization*], and subsequent Long-Term Stewards if the property is transferred, shall implement this management plan, managing and monitoring the property in perpetuity to preserve its habitat and conservation values. Before any action is taken to void or modify the deed (or easement), management plan, or long-term protection mechanism, including transfer of title to, or establishment of any other legal claims over the site, 60-day advance notification must be given to the U.S. Army Corps of Engineers district engineer.

C. Management Plan Review

The management plan will be reviewed at a minimum once every 5 years by the Long-Term Steward. The plan may be revised or supplemented with additional information and management recommendations. Any revisions other than edits that change the management actions beyond standard maintenance activities will be reviewed with the U.S. Army Corps of Engineers.

III. Property Description

A. Setting and Location

Describe the location and general physical setting of the property: rural, urban, forest, field, upland, wetland, streams, etc. Detailed natural resource information will be described in Section V. Note if the property is adjacent to other conservation holdings. Provide maps of: 1) the general vicinity to show the parcel location in relation to municipal boundaries, major roads, lakes and streams, and other distinguishable landmarks, and 2) the project parcel which shows the property boundaries on a topographic map or aerial photo.

B. Directions and Access

Include driving directions, legal access points for the property, and information on parking and trailhead amenities (include road map with any access points, rights of way, trailhead and parking locations that are applicable).

C. History and Land Use of Property

1. Acquisition History

Describe the permittee's and/or steward's acquisition of the site, as well as historic land ownership, if known.

2. Land Use

Describe past and present land use including farming/agriculture, forest harvest history, development history, history of recreational use, etc.

3. Man-made/Cultural Features

Describe all existing man-made features including roads, trails, buildings, stone walls/fencing, water control structures, boat launches, historic areas, etc., and their intended future use on the property.

Include a map, plan, or aerial photo showing locations of all man-made/cultural features on the property including: roads, hiking and/or snowmobile/ATV trails, structures, walls, buildings, boat launches, easements, rights-of-way, leases, etc.

4. Historic or Archaeological Sites

Describe any known historic features or archaeological sites (without providing specific locations of archaeological sites), and include a summary of the results of any site surveys/inventories, including who conducted them. An assessment of the impacts of management should be given for such sites. If you are uncertain about whether there may be any Historic or Archaeological sites on your property, contact the state's Historic Preservation Office.

5. Existing Easements or Other Restrictions

Include descriptions/locations of any existing easements, rights-of-way or leases held by others, their nature (buried pipeline, overhead power, ingress/egress, snowmobile trail, mineral or timber rights or other interests), authorized users (if known), access procedures, etc.

6. Legal Documents Appendix

General note about status of legal documents with a reference to the Appendix, as applicable. The Appendix may include copies of legal documents such as deeds, legal descriptions, rights-of-way, deed restrictions, survey, mineral rights, conservation easements, conditions of transfer, etc.

D. Adjacent Land Uses

Description of adjacent uses around the property -- Detail the baseline adjacent land uses. These land uses may change over time; however, the description of the baseline conditions will

give the Long-Term Steward some idea of the conditions present when the management plan was first developed.

IV. Natural Resources

Sections below provide documentation of the current conditions on the site

A. Aquatic Resources

Describe all wetlands, streams and aquatic resources on the site with acreage/length, species and general characteristics and habitat quality.

Include maps showing all aquatic resources on the site.

B. Baseline Description of Biological Resources

1. Biological Species and Communities

Include a general description of biological and other natural resources including but not limited to: natural community structure, natural resource inventory data, wildlife use, conservation targets, natural disturbance, assessment of native vs. invasive and non-native species, an overview of native plant species present, if applicable, including their habitat and management.

Include maps of resources as appropriate.

Complete lists of species may be included in Appendices.

If invasives are present see subsection F, "Threats" below

2. Endangered, Threatened and Rare Species, and Species of Special Concern

- i. Describe all federal and state endangered and threatened species that occur or may occur on the site.*
- ii. Describe all rare species and species of special concern such as natural heritage mapped species and community occurrences that occur or may occur on the site.*
- iii. Provide a map showing locations, if appropriate.*

C. Soils & Geology

Describe soils & geology on the site. A soil scientist or other professional may also be used. Include a Soils and Geology map. This map may be combined with the Hydrology and Topography map; see section below.

NRCS has information on soils data online: <http://soils.usda.gov/>;

*NRCS online soil survey web application:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>*

*An informational brochure about the soil data can be found at:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050731.pdf*

D. Hydrology and Topography

Describe hydrology and topography of the site. Indicate the general topography of the site and describe surface flows onto and off of the site.

USGS has online data for topographic maps, the national hydrography data set and hillshade. <http://nationalmap.gov/>

Map viewer: <http://viewer.nationalmap.gov/viewer/>

Indicate whether wetlands are driven by surface flows (i.e., fluvial systems) or groundwater flows from offsite sources. If possible, describe the Strahler stream order of the streams onsite, ([http://usgs-](http://usgs-mrs.cr.usgs.gov/NHDHelp/WebHelp/NHD_Help/Introduction_to_the_NHD/Feature_Attribution/Stream_Order.htm)

[mrs.cr.usgs.gov/NHDHelp/WebHelp/NHD_Help/Introduction_to_the_NHD/Feature_Attribution/Stream_Order.htm](http://usgs-mrs.cr.usgs.gov/NHDHelp/WebHelp/NHD_Help/Introduction_to_the_NHD/Feature_Attribution/Stream_Order.htm)) and provide a description of the channel structure.

To the extent possible, include a Hydrology and Topography map.

E. Summary of Restored or Enhanced Resources

If restoration/enhancement has taken place (or will take place) on the property, describe all restored or enhanced resources, including acreages and/or lengths. Include final, as-built plans and a map showing the locations. A brief summary is all that is needed. The Restoration/Enhancement plan should be included by reference, and may be attached as an Appendix.

F. Threats (existing or potential)

Identify areas that may be of management concern or items that may compromise biological integrity over time. Include any known or potential issues such as:

1. Motorized Vehicle Use

Including issues with ATVs or other vehicles that are causing, or may cause damage to resources on the site

2. Waste Disposal (such as dumping of trash or debris)

3. Invasive Species, Pests and Pathogens

Invasive species threaten the diversity or abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to the invaded habitat. Describe any current invasive species infestations on the site or in adjacent areas and include a map showing locations.

4. Vandalism and Encroachment (such as destruction of signs or other property, boundary encroachments, etc.)

V. Management Vision & Goals

Describe the overall vision and goals for management of the site as a whole into the future.

The overall goal of long-term management is to foster the long term viability of the resources, and any listed species/habitat. Routine monitoring and minor maintenance tasks are intended to assure the viability of the site in perpetuity. Those who are chosen to carry out monitoring activities will have the knowledge, training, and experience to accomplish monitoring responsibilities. An objective of this long-term management plan is to conduct regular monitoring to identify any issues that arise, and use adaptive management to determine what actions might be appropriate. Adaptive management means an approach to natural resource management which incorporates changes to management practices, including corrective actions as determined to be appropriate. Adaptive management includes those activities necessary to address the effects of climate change, fire, flood, or other natural events. Before considering any adaptive management changes to the long-term management plan, the Long Term Steward will consider whether such actions will help ensure the continued viability of site's biological resources and conservation values.

Sample goals: The primary management goal is to preserve the ecological integrity of the various wetlands and other natural resources located on the property while simultaneously providing limited human access to this unique ecological area through a network of pedestrian trails.

OR The preserve shall be forever used, operated and maintained in its current undeveloped and open space condition for the long-term protection of wetlands, conservation of wildlife and other natural resources. Low-impact recreation and nature observation will be allowed.

OR The future condition of the property will be high value, forested wetlands with associated, upland buffers. Long-Term Steward will manage the property as habitat for wildlife and as a recreational/educational resource for the public. No forestry or active wildlife management is planned. The existing woods roads/trails on the property will be maintained for low impact recreation and nature observation.

A bulleted list of goals may be included.

To reach these goals, the Long-Term Steward will: (examples)

- *Maintain the property in its undeveloped state.*
- *Maintain the quality of the existing natural resources.*
- *Maintain and expand Best Management Practices that limit soil erosion and protect local water quality;*
- *Provide regulated, passive recreational opportunities where appropriate;*
- *Protect, maintain, and enhance existing cultural (aesthetic) resources; and*
- *Facilitate educational opportunities relating to natural resources, natural resource management, and conservation.*

A. Permitted Uses: (examples)

1. *Passive Recreation (hiking/walking, snowshoeing, cross-country skiing)*

2. *Hunting & fishing – may be allowed on the site but are not specifically funded or a part of this long-term management plan.*

B. Prohibited Uses: *(examples)*

1. *Off-road/motorized vehicles*
2. *Camping or overnight use*
3. *Fires*
4. *Cutting or removal of vegetation*

C. Public Use Guidelines: *(i.e., general guidelines Long-Term Steward has developed for its holdings – if desired and applicable)*

- *Carry in, carry out*
- *Day-use only*
- *Keep dogs on leash at all times*
- *Stay on the trails*
- *Respect abutting private property*
- *Avoid disturbing plants and wildlife*

VI. Management Actions

This section includes the actions that need to be taken over time to maintain the site. Subsections may include:

A. Natural Resources

1. *Management of wetlands, streams and other natural resources*

Objectives: *Monitor, conserve and maintain the site's natural resources. Limit any impacts to resources from human use, vehicular travel, invasive species or other adverse impacts*

- *Action: At least one annual walk-through survey will be conducted to qualitatively monitor the general condition of these habitats. General topographic conditions, hydrology, general vegetation cover and composition, invasive species, erosion, will be noted, evaluated and mapped during a site examination. Notes to be made will include observations of species encountered, water quality, general extent of wetlands and streams, and any occurrences of erosion, structure failure, or invasive or non-native species establishment.*
- *Action: Establish reference sites for photographs and prepare a site map showing the reference sites for the file. Reference photographs will be taken of the overall site at least every f--- year(s) (no less than five) from the beginning of the long-term management plan, with selected reference photos taken on the ground more frequently, _____ times per year (if applicable).*

Special attention should be paid to any area adjacent to or draining into the property from off-site lands. Streams and wetlands should be observed near bank boundaries to observe if increased sediment deposition has occurred. The monitoring report should provide a discussion of any recent changes in the watershed (i.e., subdivision being developed upstream of stream bank).

2. *Ecological Monitoring for Threatened/Endangered/Rare/Special Concern Species (If applicable).* *The methodology used may vary for different plant and animal species as determined in consultation with the appropriate agencies.*

Objectives: *Monitor population status and trends. Manage to maintain habitat for _____.*

- *Action: Monitor status every year by conducting population assessment surveys. The annual survey dates will be selected during the appropriate period as identified by the applicable agencies and will generally occur from _____ through _____ each year. Occupied habitat will be mapped and numbered to allow repeatable data collection over subsequent survey years.*
- *Action: Visually observe for changes to occupied habitat, such as changed hydrology or vegetation composition. Record any observed changes. Size of population (1 acre, etc.).*
- *Action: Implement other actions that enhance or monitor habitat characteristics for _____.*

3. *Invasive Species, Pests and Pathogens*

Note: *Given the growing problem with invasive species, an invasive species inventory should be carried out at regular intervals on all sites.*

Objectives: *Monitor and maintain control over invasive species, pests and pathogens that diminish native natural resources on the site. If invasive species are present, an Invasive Species Control Plan (ISCP) shall be developed and attached to this management plan as an Appendix (see ISCP Template in Appendix).*

Action: *Mapping of presence of invasive species, pests and pathogens presence shall occur during the first two years of site management, to establish a baseline. Mapping shall be accomplished through use of available technologies, such as GIS, GPS, and aerial photography. Note: Invasives are easier to control if they are located and a control plan is undertaken before they become established. It is recommended that all properties be evaluated for the presence of invasive species, even if none are known to occur on the site]*

- *Action: Each year's annual walk-through survey (or a supplemental survey) will include a qualitative assessment (e.g., visual estimate of cover) of invasive species and actions taken, in accordance with an Invasive Species Control Plan.*
- *Action: Actions shall be taken to control invasive species in accordance with the Invasive Species Control Plan in Appendix A.*

4. *Forest/Vegetation Management (if approved)*

Objectives: *Adaptively manage vegetation based on site conditions and data acquired through monitoring to maintain biological values. Analyze effects of any authorized forestry, agricultural or field maintenance activities on the wetland, streams, and buffers on the site. If determined appropriate, develop and implement specific vegetation management techniques (e.g., selective thinning) in coordination with the U.S. Army Corps of Engineers. [Site specific targets for vegetation may be specified here and actions revised or added to achieve those targets].*

- *Action: If determined appropriate, develop a forest, or other vegetation, management plan for review and approval by the Corps.*
- *Action: Implement forest/vegetation management techniques.*

B. Infrastructure and Facilities, Security and Public Access

1. Gates, Parking, Fences, Signage, and Property Boundaries

Objective: *Monitor and maintain condition of gates, parking areas, fences, signage, and property boundaries to prevent casual trespass, allow necessary access, and facilitate management.*

- *Action: During each site visit, record condition of parking areas, gates, fencing, signs, crossings, and property boundaries. Record location and type of any maintenance issues, with actions to be taken for resolution, if applicable. Action: Maintain gates, fences, signs, crossings and property boundary markers as necessary. Repair or replace as necessary, and as funding allows.*

2. Roads, Trails and Structures

Objectives: *Create/maintain trails to allow public access as necessary and as approved by the Corps. Any construction or maintenance of trails shall be conducted in such a manner as to avoid any disturbance to wetland habitat and buffers or habitat for sensitive species. Monitor and maintain condition of roads, trails and structures to facilitate management, public use, and prevent adverse impacts to wetlands, streams and other resources. Retire unnecessary sections of existing road.*

- *Action: During each site visit, record condition of roads, trails and structures. Record location and type of any maintenance issues, with actions to be taken for resolution.*
- *Action: Maintain roads, trails and structures as necessary. Replace as necessary, and as funding allows.*

3. Trash and Trespass

Objectives: *Monitor sources of trash and trespass. Collect and remove trash, repair vandalized structures, and rectify trespass impacts. Specifically address any ATV issues, existing or potential.*

- *Action: During each site visit, record occurrences of trash and/or trespass. Record location and type of any trespass issues, with actions to be taken to avoid, minimize, or rectify trash and/or trespass impacts.*
- *Action: At least once yearly collect and remove as much trash as possible and repair and rectify vandalism and trespass impacts.*
- *Action Take appropriate action to address issues of vandalism, trespass, or ATV violations including but not limited to:*
 - *Outreach to violators*
 - *Placement of boulders, gates or other obstructions to prevent access*
 - *Contacting local law enforcement*

VII. Funding and Task Prioritization

A. Funding

Long-Term Steward will oversee implementation of the management plan, monitoring activities, and long-term stewardship of the property. With assistance from stewardship volunteers, the Long-Term Steward will maintain and monitor the property in perpetuity.

Table 1 summarizes the anticipated start-up/development costs for the site. Table 2 summarizes the anticipated annual costs for long-term management for the site. After initial start-up costs, annual costs associated with the long-term maintenance of the property are estimated to be \$_____. \$_____ will be/has been placed into a stewardship endowment to be maintained by _____ and distributions from the endowment will cover costs associated with stewardship of the property, if applicable. With the current annual estimated capitalization rate of _____ the total endowment amount required will be \$_____.

[The sample lists of tasks in Tables 1 and 2 are not meant to be exhaustive. Some sites may have more elements to consider and some may have fewer depending on the attributes of the site.]

B. Task Prioritization and Cost Estimates

Table 1: Schedule of Start-up Activities (examples)

Goal	Action	Priority	Target Date	Completed By	Cost	Other Cost	Notes
Natural Resources	Establish baseline for monitoring	2	Summer 201x	Steward & volunteers	\$200		
Natural Resources	Invasive species baseline	1	Summer/Fall 201x	Steward & volunteers	\$200		
Infrastructure	Boundary Line Marking	1	Summer 201x	Steward	\$200		
Infrastructure	Install Gates and locks	1	Summer 201x	Contractor	\$1,000		
Infrastructure	Install Boulders/Barricades	1	Spring 201x	Contractor	\$4,000		
Infrastructure	Parking lot development	2	Fall 201x	Contractor		\$5,000	Gravel and equipment costs
Infrastructure	Trail Planning & Development	3	Spring-Fall 201y	Steward & volunteers		\$1,000	Mileage & equipment
Infrastructure	Signs & Installation	2	Summer 201y	Steward & volunteers	\$500		Mileage & equipment
Infrastructure	Garbage Dump Cleanup	2	Summer 201x	Contractor	\$5,000		

Total Start-up Costs: _____

Table 2 Estimated Annual Costs (examples)

Cost	Cost per year*	Notes
Staff Time	\$2,000	
Trail Maintenance	\$500	
Property Taxes	\$5,000	
Boulder/Road Barricade Maintenance	\$400	

<i>Sign Maintenance/replacement</i>	\$100	
<i>Trash Removal</i>	\$500	
<i>Brochures, Information</i>	\$100	
<i>Mileage</i>	\$200	
<i>Monitoring</i>	\$500	
<i>Boundary Marking (every 5 years)</i>	\$100	<i>5 year cost/5 for cost per year</i>
<i>Management Plan Update (every 5 years)</i>	\$50	<i>5 year cost/5 for cost per year</i>

Total Annual Costs: _____

*These costs are examples only and don't necessarily represent expected costs.

Total stewardship account that will be used to fund these costs: _____

VIII. Literature Cited

IX. Appendices

May include:

Invasive Species Control Plan

Maps (if not incorporated into the main body of the plan)

Legal Documents

Species lists,

Restoration plan (if a restoration project),

Historical documents,

etc.

Appendix A

Invasive Species Control Plan (ISCP) Template

General Notes on this template: Invasive species are an ever-increasing issue all across New England. Removal of invasive species when there are very few plants is critical and should be given the highest priority. Most light infestations can be controlled by pulling or digging and this should be done when invasives are found, or immediately after. Larger infestations may require the use of a licensed herbicide applicator.

The New England District of the US Army Corps of Engineers has information on Invasive Species and control on their website. The Invasive Species Plant Atlas of New England includes descriptions, as well as links to management information on other sites. It may also be useful to consult with appropriate state or federal agencies for guidance on what species may threaten the site and or management of those species.

iMapInvasives website: <http://www.imapinvasives.org/>

iMapInvasives Invasive plant Management Decision Analysis tool:

http://www.imapinvasives.org/IPMDAT_v1.1_06-30-11.pdf

The template that follows is designed to help project sponsors create a plan of action when invasives are found on their property. It also includes forms that can be used to track inventory, actions taken and progress over time. Information in the template and form is based on information collected by a number of other organizations and agencies. The level of detail needed will depend on the level and type of infestation.

There are many sources of information about invasives species and their control online.

Links to Invasive Plant Information and Fact Sheets to include with your plan:

The Plant Conservation Alliance Alien Plant Working Group Fact Sheets. Includes management information. <http://www.nps.gov/plants/alien/fact.htm>

Invasive Plant Fact Sheets from the State of Michigan have good detailed information, particularly on control. http://www.michigan.gov/dnr/0,4570,7-153-10370_59996_61470---,00.html

Vermont Invasives “Gallery of Invaders.” Includes description, control measures and videos on website, with links to fact sheets. <http://www.vtinvasives.org/invaders/imagesall>

Additional information:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/InvasiveSpecies/ISCPGuidance.pdf>

http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

<http://umaine.edu/invasive-species/>

http://umaine.edu/invasive-species/home/id_resources/

<http://www.invasivespeciesinfo.gov/index.shtml>

<http://www.vtinvasives.org/invaders/imagesall>

<http://www.fws.gov/contaminants/Documents/GuidanceIPMPlan.pdf>

<http://www.fws.gov/invasives/staffTrainingModule/planning/plans.html>

<http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/invasiveplants/docs/Par.42434.File.dat/IWMhandbook.pdf>

<http://www.invasive.org/gist/products.html>

<http://www.weedcenter.org/management/planning.html>

<http://clean-water.uwex.edu/pubs/pdf/InvasivePlants.pdf>

https://extension.unh.edu/resources/files/Resource000988_Rep1135.pdf

Invasive Species Control Plan Template

For Project name

Organization

Author(s) and Title(s)

Date

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- I. Introduction
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- IV. Implementation (monitoring?)
- V. Evaluation

I. Introduction

Write a brief discussion of the context of the invasive species problem within the project, project site management objectives, and conservation targets.

II. Baseline Invasive Species Inventory

- A. Survey the property and nearby areas and make a list of the invasive/nuisance species found. Attach information (such as fact sheets) for all invasive/non-native species known to be present on the site and those that might pose a danger of infestation from other locations nearby. (see links to sources of fact sheets at the beginning of the template). Specifically locate each site where invasive species are found, preferably with GPS coordinates. Label each site with a unique ID for reference and tracking purposes. See the survey form in the Appendix for an example of the kinds of data to collect.
- B. Describe each area where invasives were found noting species, size of area infested and level of infestation (percent cover) for each area. Note the type of infestation, such as single plant or small patch, large patch; linear patch such as along road or stream, and whether it is increasing, decreasing or staying the same at each location, if this can be determined.
- C. Identify the threats and/or issues posed by specific invasive species and how they are interfering, or could interfere in the future, with your site management objectives.
 1. Within the project area
 2. From adjacent properties and/or the surrounding area, watershed and/or region. (To the extent possible. Surveying the surrounding areas helps to determine potential sources of re-infestation)
- D. Create baseline maps showing extent of the invasive species on and/or around the project area and identify photo reference points for use in monitoring. Show boundary of project site and, if the entire site has not been searched for invasives, indicate on the map which areas have been searched.
- E. Prioritize species and/or infestation areas to be controlled. Include a rationale for the level of priority assigned. Priorities may be numbered or categorized as "High", "Medium", or "Low". In the long run, it is usually most efficient to devote resources to preventing new problems and immediately addressing recently established infestations. The following may be useful in determining which areas to focus on first:
 1. current extent of the species on or near the site;
 2. value of the habitats/areas that the species infests or may infest; and
 3. current and potential impacts on the management goals for the project site;
 4. ability to manage a particular species/difficulty of control

III. Plan Objectives/Goals

A. Goals and Anticipated Results of Control Plan. Outline the goals for management of invasive species on the site. Include measures for success, such as reduction of % cover or size of area impacted by the invasive species and the timeframe in which you hope to achieve this.

Establish measurable objectives for the planned control activities. Include:

- *the impact on numbers, density, cover, etc. that you want to achieve;*
- *the size of the area in which you hope to achieve this;*
- *the period in which you hope to achieve it.*

B. Summary of Actions Planned: Identify the control / management method(s) selected for each species. Different invasives may need different control methods so be sure to research each species, particularly what not to do, so you avoid spreading the problem further. Some methods of control may require permits or professional applicators. Indicate which of the available control options are preferred for this site and why, and the circumstances under which they may be used. Summarize the techniques, including disposal methods, if applicable. Escalating measures may need to be outlined in case the first measures don't work.

1. Prevention
2. Mechanical/Physical methods (such as cutting, digging, pulling, mowing, prescribed burning)
3. Chemical Methods (such as herbicides)
4. Biological Control Agents
5. Cultural control (altering the habitat to make it less suitable to the invasive; such as maintaining a level of forest canopy closure that impedes shade intolerant species, or restoration/re-vegetation of native plants)
6. No Treatment (explain the rationale)

C. Constraints. Identify any constraints such as site conditions or regulatory issues that impact practicable solutions.

D. Required Resources

1. Personnel Qualifications and permits
2. Equipment
3. Sanitation/recontamination considerations

E. Project Partners (government agencies and/or others available for technical, administrative or practical support)

IV. Implementation

- A. Implementation Schedule. A table is one way of outlining the schedule, or text format may
- B. Best Management practices and record-keeping methods to be used.
- C. Budget

V. Monitoring Program

- A. Describe monitoring plan, frequency of monitoring and outline procedures if re-treatment or alternative methods of control are needed.

VI. Evaluation: *This section is to be filled in later, after treatment and evaluation of preliminary monitoring results. The evaluation should be used to determine whether any of the sections above should be modified.*

Invasive Species Treatment and Monitoring Form

Project Name: _____

Date: _____

Personnel Names and roles: _____

Activity Type: (circle one) initial evaluation, pre-treatment evaluation, post-treatment monitoring, other

Infestation site ID: _____ Location Lat/Long (center point)

Invasive Species Scientific and Common Name: _____

Attach photos of invasive species.

Estimated Infested Area size with unit of measure (i.e., sq. ft.): _____

An infested area is defined by drawing a line around the actual perimeter of the infestation. If multiple invasive species exist in an area, a separate form should be filled out for each one.

Estimated Gross Area size with unit of measure: _____

Like Infested Area, Gross Area is the area occupied by an invasive species. Unlike Infested Area, the area is defined by drawing a line around the general perimeter of the infestations, not the area covered by individual or groups of invasive species. Gross area may contain significant parcels of land that are not occupied by invasives. Gross area is used in describing large infestations. When a value is entered for gross area, the assumption is that the area within the perimeter of the invasive population (area perimeter) is an estimate, or the product of calculating the area within a described perimeter. It is not a measured value. If a value for Gross Area is entered, a value for Infested Area must still be entered. Infested Area is derived from estimating the actual or percentage of area occupied by invasives.

(Helpful Gross Area and Infested Area article with diagram:
<http://www.se-eppc.org/wildlandweeds/pdf/Spring2009-Price-pp4-6.pdf>)

Total Area Surveyed with unit of measure: _____

Total area surveyed is the entire land area surveyed for invasive species, whether invasives were found or not. This provides a general understanding of the locations that may be resistant to invasion, provides an estimation of the extent of invasions, and allows examination of areas searched so gaps in searched area and habitats can be assessed.

Abundance: Single plant or clump Scattered individuals or clumps Scattered dense patches or clumps Linear patches (e.g. along stream, trail, road) Dominant cover/Dense throughout Monoculture, Other _____

Life stage at time of observation: Seedling Vegetative Flowering Fruit Seeds Sapling Mature >4" dbh Dead

Percent of area covered by invasive plant: Trace (less than 1%) Low (1 - 5%) 5-25% 26-50% 51-75% 75-100%

Habitat in which invasive is located:

Habitat description: _____ (such as community type, wetland, lakeshore, forest edge or interior, field, disturbed ground, roadside, etc.)

Disturbance factors (*logging, grazing, mowing, erosion/sedimentation, etc.*) _____

Control method(s) used / planned (circle all that apply)

- None
- Herbicide*: Pre-emergent / Foliar / Basal bark / Cut stump
- Mechanical: Clip Pull Mow
- Fire: Controlled burn / Torch
- Soil: Bulldoze / Soil removal / Disk / Till
- Other: Flooding Plastic / Shade cloth / Biological

Herbicide Formulation(s): _____

Herbicide application method: _____

Herbicide rates used: _____

Acres treated: _____ Is this a re-treatment, if so, how many previous visits? _____

**If area to be treated is within an aquatic resource a permit is likely needed, as well as a licensed applicator to do the work.

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
September 16, 2021	Letter	TOW	USACE	Support for Town of Wellfleet application for maintenance dredging.
September 17, 2021	Letter	TOW	USACE	Provided possible options to satis USACE mitigation requirements including Herring River Restoration Project, HDYLTA Trust, Wellfleet Conservation Trust, Reactive Protective Barrier, Pre-restoration assessment of spat settlement in Herring River estuary, Wellfleet efforts regarding water quality, salt marsh restoration, Mayo Creek, Hawes Pond, Shellfish aquaculture.
October 18, 2021	DTF meeting minutes			No discussion on permit.
October 27, 2021	Letter	USACE	GEI	USACE stated that HDYLTA Trust and Wellfleet Conservation Trust had potential to be compensatory mitigation to offset the impacts of dredging. USACE provided a template for the requirements of a mitigation plan. This letter was overlooked when it came until brought to our attention on January 10, 2022.
November 8, 2021	DTF meeting minutes			No permit activity to report.
December 6, 2021	DTF meeting minutes			The lobbyist is active with USACE and the congressional delegation. Congressman Keating has a meeting scheduled with Asst. Secretary of the Army to discuss the permitting process for Area 2, the mooring field. Senator Markey has recently opened discussion with USACE. The Corps expressed to him that they felt positive about reaching a resolution; they need time to touch base with the New England Division people.
January 10, 2022	DTF meeting minutes			We learned today was that the Corps had responded to our letter with their letter on October 27. It was a 2-page letter with 27 documents (i.e. the mitigation plan template) enclosed, pushing us toward formal mitigation. This letter had been overlooked when it came in.
February 14, 2022	DTF meeting minutes			There was a recent notice from USACE stating that in 2 weeks they may withdraw our application if certain conditions are not met. There was a recent call on this issue with US ACE, GEI, and Will Sullivan. It was a working call and USACE explained various positions we could take with questioning the calculations on the mitigation credits and how that credit was derived.
March 14, 2022	DTF meeting minutes			Permit updates: In a Feb 9 discussion, USACE noted that HDYLTA Trust and Wellfleet Conservation Trust are considered acceptable options. Feb. 18 strategy session (Congressional delegation, GEI, Town representatives, Town's lobbyist) discussed the (2) acceptable options.
April 7, 2022	DTF meeting minutes			3.1 -3.7 Extensive discussion about HDYLTA Trust and the other 2 parcels.3.2: HDYLTA Trust and Wellfleet Conservation parcels being reviewed to determine if HDYLTA alone or in conjunction with the other parcels will generate sufficient mitigation credits.

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
May 9, 2022	DTF meeting minutes			3.2: HDYLTA Trust and Wellfleet Conservation parcels being reviewed to determine if HDYLTA alone or in conjunction with the other parcels will generate sufficient mitigation credits.
June 13, 2022	DTF meeting minutes			3.1-3.4: Two properties were approved for transfer to the Wellfleet Conservation Trust. GEI is coming up with a presentation for the Selectboard on the mitigation plan that has been coordinated by our lobbyist and Congressional delegation who have worked on the plan with USACE.
August 1, 2022	DTF meeting minutes			4.1.2: 4.1.2. Congressman Keating's office is waiting for an update as well and were advised that tomorrow night's Selectboard meeting will include a discussion on the mitigation plan formulated with the assistance of our lobbyist and the congressional delegation to present to USACE as the only feasible plan in lieu of a \$14 million payment to obtain the permit. Tomorrow night's meeting will include an update to the Selectboard and will allow them to work on the possibility of a mitigation plan and a monitoring plan for those properties that have been under discussion for several months.
August 2, 2022	Selectboard meeting			BOS passed a motion to task DTF to seek mitigation options for properties other than HDYLTA Trust, by presenting previously transferred to conservation trust going back to 2010. (Refer to Town Media recoding at time 2:01:20 in the recording).
August 29, 2022	DTF meeting minutes			At the August 2 Selectboard meeting, we were tasked to go back and seek mitigation properties, other than HDYLTA that would be acceptable to the USACE. A list of potential (alternate) properties was circulated by Ryan Curley and is being reviewed by GEI. An initial review by GEI suggests it will be a bit of a challenge to get to the prescribed mitigation acreage, although there is also some leeway and how the mitigation credits are calculated. In addition to the recently circulated list, we'll go back and revisit some of the potential mitigation opportunities that we had listed in our September letter to USACE. 3.2 - 3.27: Extensive discussion on how to move forward. A working group was proposed that would would develop a detailed list so we know which properties are likely to be acceptable to USACE, with on-going discussions with USACE so we don't get too far down the road only to find out certain properties are not acceptable or do not generate sufficient mitigation credits. Lengthy discussion ensued on the make-up of the working group.

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
September 19, 2022	DTF meeting minutes			<p>Rich Waldo provided an update: As follow up from our last meeting, he recently had a call with our lobbyist for gathering historical perspective. Rich and Rebecca Roughley then had a call with Congressman Keating's office, specifically with Andrew Nelson. Rich proposed setting up a meeting with USACE and the Congressional Delegation. They also discussed strategy to get the project moving forward. The discussion at the meeting should concentrate on the issue of maintenance dredging vs. mitigation and see if there is any movement there. As conveyed previously, mitigation is extremely difficult since much of Wellfleet land is already tied up in the National Seashore and other conservation lands. A fallback would be to discuss the Herring River Restoration Project which has 200 acres of restored shellfish flats on the south side of the bridge plus extensive estuary improvements. When previously reviewed by USACE, they considered it as an unfunded project at that time. Since that time additional funding has been obtained including some state funding.</p>
October 24, 2022	DTF meeting minutes			<p>Rich Waldo provided an update: Congressman Keating's office had reached out to Rich and Rebecca about two weeks ago, looking to schedule a meeting, including Senator Markey's office and Senator Warren's office. Rich and Rebecca provided their availability for such a meeting, but no meeting has yet been scheduled. Rich and Rebecca will follow-up on scheduling a meeting. Rich stated his opinion that the next meeting would likely be Town Administration, Congressman Keating's office, Senator Markey's office, and Senator Warren's office to discuss strategy and then try to get USACE to Wellfleet for an in-person meeting. Rich advised Andrew Nelson that it is our intent to have an in-person meeting, not a virtual meeting. Andrew alluded it might be easier to get everyone together for a virtual meeting; Rich reiterated our preference for an in-person meeting so USACE can see the harbor, see the area that needs to be dredged, etc. Rich concurred that "no mitigation" is our strategy. The back-up would be the Herring River Restoration Project. However, we'll await the discussion with Congressman Keating's office, Senator Markey's office and Senator Warren's office, to see if they have alternate ideas or strategies.</p>
November 28, 2022	DTF meeting minutes			<p>Will Sullivan provided an update that he had received earlier today from Rich Waldo: Rich spoke at length today with Congressman Keating's office, Mr. Andrew Nelson, who has been in communication with the Army Corps. of Engineers (ACOE). Mr. Nelson feels that scheduling an in-person meeting will be very difficult to organize. He feels he can get a virtual meeting set up soon. Mr. Nelson will request a more expeditious approach again to obtaining a permit.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
December 19, 2022	DTF meeting minutes			<p>Rich Waldo provided an update on recent permit activity/discussions: Congressman Keating's office arranged a virtual meeting for last Thursday (December 15, 2022) but only provided a 2-hour notice. The meeting was declined due to schedule conflicts/short notice. A re-scheduled meeting is targeted for some time January 3 – 5.</p> <p>Additional discussion ensued about how best to prepare for the meeting and various discussion points including the extent of Town land already under conservation, some key points and funding details about the Herring River Project which should be attractive to USACE, observations on mitigation calculations for mudflats, the risks to the shellfish industry if we can't dredge, etc. An additional important point is the EOHEd \$2.5 million grant can be used for 2023 dredging, but a dredging contract must be awarded by June 30, 2023.</p>
January 9, 2023	DTF meeting minutes			<p>Curt provided an update on recent discussions with USACE the initial meeting was on January 4, 2023. Discussion highlighted where the USACE had some significant property concerns in looking at different mitigation options for the Town. USACE had been reviewing the HDYLTA Trust and were pretty far along in the process. Based on concerns from the Selectboard to not pursue the HDYLTA property, focus shifted to alternate properties including the Herring River. The discussion included getting a sense from the USACE as to what the constraints would look like. Several items that came out were:</p> <ol style="list-style-type: none"> 1. USACE can't consider something that is a federal project; the Herring River is viewed primarily as a federal project in that it is largely Federally funded. 2. In order to get a mitigation plan approved, the town or local entities must demonstrate significant contribution. <p>USACE is looking at it being a \$14 million mitigation, based on their evaluation of the 23 acres. Progress was made in helping USACE understand that Area 2 mooring field it should not be evaluated at \$14 million. Area 2 is not a mudflat nor is it a productive oyster ground – it is a disturbed area; moorings go in and get pulled out; the area is constantly disturbed. Because of the black custard, Area 2 does not support oyster cultivation and in fact the black custard poses a threat to the adjoining shellfish grants and the industry as a whole.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>USACE requested GEI and Will Sullivan to work on a document to show what we think the mitigation value should be. In addition, (non-cash) mitigation options should also be reviewed and submitted.</p> <p>A Herring River option represents such an option, and the parameters were discussed with USACE,</p> <p>A Herring River option must demonstrate significant local content. USACE recognizes that there are 60 acres that are currently prohibited shellfish areas (30 acres above the dike; 30 acres below the dike). USACE suggested focusing on some type of conservation or no take or some restrictions, essentially habitat improvement in the lower reach of the Herring River Project that is clearly within the town's jurisdiction and within the Town's control. Such a plan would be looked upon favorably by USACE and would accelerate the permit progress.</p> <p>A conservation plan within the lower reaches of the Herring River Project would also result in a reduction to the acreage required for mitigation, as compared to USACE wanting 127 acres of protected land under a HDYLTA mitigation scenario. Anything the Town would pledge would require a detailed written agreement in perpetuity for whatever option we want to present to USACE.</p>
				<p>In summary, USACE would look very favorably on a Herring River alternative that is ecosystem -restoration. It was noted that:</p> <ol style="list-style-type: none"> 1.USACE does not look favorably on something that was going to happen anyway because it's really not mitigation. 2.A mitigation area cannot be subject in the future to any commercial exploitation such as piers, structures, moorings, i.e., commercial improvement would not be allowed in the future. <p>Having some sort of shellfish harvest in an area that didn't exist previously, but which is now productive, or which is improved and serving an ecosystem benefit is appropriate. Shellfish harvest per se, was not explicitly rejected but they might want some type of "no take" or recreational/non-commercial harvesting in an area. Additional clarity from USACE on this issue is required. The path forward is to concentrate on a Herring River option and to begin discussion immediately with affected groups such as Shellfish Constable, Shellfish Advisory Board, and Selectboard to gather thoughts and suggestions. Criticality of timing: in order to maintain the \$2.5 million EOHED Dredging Grant for 2023, we must award a dredging contract by June 30, 2023.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>Tom Siggia advised that the next SAB meeting is scheduled for January 30, 2023, at which time Tom will gather thoughts and comments from the shellfish community. Initial concerns are a hesitation to give up any (future) bottom opportunities for the commercial shellfish community, particularly if after the Herring River Restoration Project is implemented, the area became highly productive.</p> <p>An overview of the current acreage and usage: 60 acres are currently prohibited so no one is able harvest at this time. An additional 120 acres downstream are conditionally restricted due to coliform issues. Hopefully, the Herring River Restoration Project will result in improving the area and remove the restrictions, thus opening up a significant additional area for shell fishing.</p> <p>Mitigation could include placing some type of restrictions on a portion of the 60 acres, perhaps on 20 acres. Possible restrictions might be limiting it to recreational harvesting, maintaining a minimum (shellfish) population level, etc. The return to the Town in implementing such a mitigation plan includes being able to utilize the \$2.5 million grant; being able to dredge an area (Area 2) that poses a direct threat to grant holders and wild fishery in Chipman's Cove; avoid sloughing off of Area 2 sediments into areas that have been recently dredged; avoid increased (inflationary) dredging costs for each year we delay the work.</p>
				<p>The intent of carving out 20 acres is to improve the water quality by using spat or cultch to implement ecosystem restoration which is what mitigation is all about. Tom suggested we place spat out and eventually create an area like Chipman's Cove, restricted for part of the year but open for portions of the year to provide a place for the commercial people to harvest.</p> <p>Curt cautioned that USACE is opposed to any commercial exploitation. Harvesting was not rejected but recreational shell fishing may be acceptable whereas commercial shell fishing may not. Clarification is necessary.</p> <p>Nancy supported Tom's suggestion of creating another Chipman's Cove type area which is closed for portions of the year and open for other portions of the year. Nancy would like to learn more about the available options (and nuances) of "ecosystem conservation", "commercial exploitation", "no-take", etc. She also would like to learn more about what restrictions, if any, USACE would require on HDYLTA. If the current activities on HDYLTA would be allowed to continue as is, then HDYLTA might be a viable solution. It would be good to know what options we have and let the shellfish community weigh in on them. Curt reiterated that placing cultch in a defined (mitigation) area would be viewed very favorably by USACE.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>It was agreed that further discussion with the shellfish community prior to the SAB on January 30, 2023, would be appropriate. Tom Siggia and Nancy Civetta will spearhead this activity ahead of January 30 so we can be prepared to address any issues and concerns at the SAB meeting on the 30th. Nancy proposed a working group which hopefully could identify any other options, including understanding the conditions necessary for HYDLTA to be a viable option.</p> <p>Nancy and Tom will initiate the process of communication with the shellfish community.</p>
January 23, 2023	DTF meeting minutes			<p>Update on permit activity, Area 2 – communication with the shellfish community on the possible mitigation plans to obtain the USACE Permit to dredge Area 2</p> <p>The Shellfish Advisory Board (SAB) will meet on January 30, 2023. Tom and Curt are going to prepare a document for that meeting. Curt noted that Nancy has been having discussions with members of the shellfish community to gather feedback. Tom has also had conversations with shell fishermen. The 1/30/23 SAB meeting will require a Q & A discussion as people seek information to understand the various mitigation option(s) as well as the process for obtaining a permit. Curt stated that USACE wasn't sure that HDYLTA property had sufficient acreage to satisfy the mitigation requirements. In looking at Herring River options, USACE indicated great interest in it as a solution as well as finding out the thoughts of the shellfish community for such an option. Of yet, we don't have details on the parameters on what USACE will accept. However, it is clear that USACE has interest in Herring River option. As such, we would likely be looking at 20 acres in the Herring River watershed instead of 120 acres for HDYLTA land.</p>
				<p>Tom will provide a list of the questions he has received, to CurThe document for the SAB meeting will include details on where we are on the permit, the timing, the urgency associated with the \$2.5 million grant, questions posed by interested parties, possible scenarios involving the acreage above and below the dike, restrictions likely required by USACE, etc.</p>
January 30, 2023	SAB Meeting			DTF provided mitigation plan information/details to SAB.

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
February 6, 2023	DTF meeting minutes			<p>There was a recent meeting with USACE which mirrored many of the points that had been discussed at the recent Shellfish Advisory Board (SAB) meeting (January 30, 2023). The SAB had many comments and questions about what could be involved in some sort of enhancement and restoration in the Herring River. There were discussions on the 30 acres to the north (of the dike) and the 30 acres to the south, what type of restrictions might be imposed, etc. The items from the SAB meeting were discussed with USACE in an informational meeting which also discussed the mitigation ratios and acreage required for an acceptable mitigation plan. Emphasis was placed on a plan that would be viewed as “restoration” and the fewer number of acres associated with such a plan. USACE noted that work on a mitigation plan must start before dredging could start; the mitigation plan work does not have to be completed prior to dredging but must at least be started. USACE exhibited flexibility in the duration for monitoring a plan, possibly being 5 years. 6 The south acreage represents an area of 14 acres that could be started prior to dredging, whereas the north acreage work cannot start until after the Herring River Restoration Project (HRRP) is nearly completed. The key to qualifying the mitigation plan as a “restoration project” is the amount of ecosystem uplift – how much of an improvement is being made and to what degree it demonstrates permanence.</p>
				<p>The recent discussion with USACE included a presentation of the Town’s oyster restoration project from approximately 10 years ago, starting around 2010 and 2011, which restored 2 acres of area. The presentation to USACE included data covering the equipment used, our capabilities, what was done, water quality improvement, biodiversity changes, and monitoring activities that were undertaken. Additional observations from the USACE discussions: USACE interest was in 14 acres south of the dike, so the mitigation could start prior to the start of dredging. USACE discussion was very collaborative and cooperative; USACE emphasized that if we have any questions, we should call them – “don’t suffer in silence”. USACE is aware of the Town’s \$2.5 million State Grant and the urgency it imparts to resolving the permit issues in order to dredge this season. USACE is receptive to shellfish harvesting possibly with some restrictions, at least initially, such as recreational or relay or a “Chipman’s Cove look-alike”. Input from the SAB meeting included the observation that giving up 14 to 28 acres in return for dredging the mooring basin which will provide protection to 100 acres of existing shellfish area and grants is a “no brainer”. This relatively small number of acres in the Herring River that is currently prohibited is appealing.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>USACE understands it will take some time for a prohibited area to clean-up for harvesting and therefore are receptive to it being a Town relay area. Future discussions will include: Can we reduce the total number of credits required; Details of how we want to proceed. It is up to us to propose details in a 14-acre area, including how we plan to manage it, how we plan to characterize it, how we plan to restrict it on maps, what we envision or propose the ecosystem uplift to look like. Rich Waldo noted that next steps should include discussions with other stakeholders i.e., National Seashore and various funding entities such as DER (Department of Ecological Restoration), NRCS (Natural Resources Conservation Services), and NOAA (National Oceanic and Atmospheric Administration) to confirm we have support from all the various entities. Rich will set-up a meeting with the entities – preferably all at once.</p>
February 7, 2023	DTF Presentation at BOS Meeting.			<p>DTF provided mitigation plan information and details to SAB. BOS passed a motion supporting the dredging mitigation plan presented in concept with a request to USACE to consider commercial hand harvesting.</p>
February 13, 2023	SAB Meeting			<p>DTF provided mitigation plan information/details to SAB.</p>
February 27, 2023	DTF meeting minutes			<p>Rich Waldo advised: We recently reached out to stakeholders of the Herring River Restoration Project (HRRP) to explain our culching program for the restoration project. The discussion included various HRRP stakeholders including the technical review board and the funding agencies, including National Resources Conservation Services/US Department of Agriculture (NRCS/USDA), Division of Ecological Restoration (DER), MA Department of Environmental Protection (MA DEP, National Oceanic and Atmospheric Administration (NOAA), and the National Parks. The group provided very good comments. In general, they wanted additional information. One stated concern by DER was that 2 projects cannot have funding from the same source. The projects must be treated separately, i.e., the dredging mitigation/culching plan cannot be a tag-on to the HRRP. All parties agreed that the projects are in fact separate. National Park had concerns on where we plan to culch since they have previous models on erosion and sedimentation. GEI will get copies of the Park Service models. National Parks would like more information on the culching proposal including where, what elevations, etc. The group would also like information on the Adaptive Management Plan – how it gets incorporated into the Herring River project, how are the projects are different.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>USDA/NRCS were very supportive of the project. They want water quality and enhancement of shellfish beds. Next step is for GEI to start the actual details of the mitigation plan for USACE. We will work in parallel with the other stakeholders while we put together the mitigation plan for USACE. Nancy Civetta is reaching out to DMF, another stakeholder. Submitting information for a propagation permit is a normal and routine requirement. USACE has offered to participate in those meetings. Town already has a Chapter 91 Permit for culching in a substantial area of the harbor.</p>
<p>March 20, 2023</p>	<p>DTF meeting minutes</p>			<p>Zoom call at 8:00 pm tonight with Shellfish Advisory Board (SAB) to review the current known details of the mitigation plan and the discussions and progress we have made with US Army Corps of Engineers (USACE). Discussions have continued with USACE, and we have made progress on the document itself, the extensive mitigation plan template. The discussions with USACE have continued to focus on a solution in the Herring River, where we would define a 14-acre site below the dike where we would cultch to increase spat set and oyster population. Eventually, the 14 acres could "slide" (while maintaining its 14-acre size) into an area further north into the area that is currently prohibited – but only when water quality has improved sufficiently. Curt advised that Division of Marine Fisheries (DMF) has been quite clear they will not allow clutching (in prohibited areas) until water quality improves sufficiently to allow oysters to be harvested. USACE envisions a 5-year time frame to see that we are meeting the criteria of the mitigation plan, including eco-system uplift and biodiversity. The proposed area in the Herring River already has a Chapter 91 permit for cultching. Map details for the proposed locations, including alternates will be discussed in depth on tonight's 8:00 pm SAB call. The maps have been posted to the SAB webpage.</p>
				<p>USACE has demonstrated flexibility on the location(s) of the 28 acres. Therefore, we should have alternatives, while remaining mindful of the progress to date, the ability of the locations to meet the metrics of eco-system performance, and the timeline necessary to maintain the \$2.5 million dredging grant.</p>
<p>March 20, 2023</p>	<p>SAB Meeting</p>			<p>DTF provided mitigation plan information/details to SAB. SAB stated a strong preference is to utilize 28 acres in Blackfish Creek instead of sites in the Herring River. SAB passed a motion endorsing a preference for starting the mitigation plan in the Herring River then move to Blackfish Creek when cultching is allowed.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
March 23, 2023	USACE call			Presented the option of starting the mitigation plan in the Herring River then moving to Blackfish Creek when cultching is allowed. USACE was receptive and very supportive of such a plan.
April 3, 2023	DTF meeting minutes			DTF will be providing an update to BOS tomorrow night; information can be found in the Selectboard packet, pages 83-90. DTF will be providing an update to Herring River Restoration Project Technical Team on Wednesday morning.
				<p>The mitigation plan envisions 28 acres to offset the 23.4 acres we will dredging in Area 2, South Mooring field. The initial site is 14 acres in the Herring River below the dike, below the existing line of demarcation between the prohibited area and the conditional area. This year we would cultch and put some seed stock in as well. We have an existing Chapter 91 permit to cultch in this area. We will go for an amended Chapter 91 permit to cultch in Blackfish Creek. Once we obtain that amended permit, we would move ahead with clutching in Blackfish Creek, presumably in 2024. That area would be the 28 acres. Once the Blackfish Creek site is established, the initial site in Herring River would disappear; it would be subsumed by the 28 acres in Blackfish Creek site. Establishment of the Blackfish Creek site is satisfied by performing the initial cultch in Blackfish Creek; therefore, it would be a quick transition from the site in the Herring River to the Blackfish Creek site. Cultch would consist of 8 – 10 strips of cultch and 80,000 to 100,000 seed oysters as spawning stock. A monitoring plan will be required, probably for about 5 years after Blackfish Creek site is established. USACE is looking for various metrics on populations, density, biodiversity, and eco-system uplift. USACE is looking for us to designate an area, manage it appropriately with some uplift. Under no circumstances are we giving away the land. USACE does not take control or ownership of the land; it stays with us, and it stays under our management.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>A brief timeline on the permitting efforts going back to 2021:</p> <p>October 2021 - listed several possible mitigation options which were reviewed and discussed. Most of the options were filtered out based on the technical merits and conversations that the engineer, GEI, had with USACE.</p> <p>February 2022 – USACE had expressed interest in HDYLTA Trust as a viable option, so HDYLTA was being considered. Based on feedback from the shellfish community including concerns over access to grants, The Selectboard (BOS) stated HDYLTA should not be pursued. Rather, look at other options based on some past Town conservation initiatives.</p> <p>USACE criteria pertains to replacement of mudflat.</p> <p>Duck Creek and other options were proposed. Herring River was considered and was seen as a viable option in July/August (2022).</p> <p>2022 Fall – a Herring River option was looking possible.</p> <p>Town Administrator requested DTF to reach out to HRRP, Division of Marine Fisheries (DMF) and the SAB. Consensus within the shellfish community was that the Herring River was too valuable an asset.</p> <p>January (2023) serious discussions started with USACE over the two shellfish options. Blackfish Creek has very little shellfish population; it is contiguous acreage.</p>
				<p>Blackfish Creek designated area would be 28 acres.</p> <p>We'll get an amended Chapter 91 permit to cultch, presumably in 2024. At that point, all our efforts would be in Blackfish Creek.</p> <p>The area would be closed to harvest for several years while we restore the area and establish a minimum shellfish population.</p> <p>DMF requires the area to open for harvest after 3 years, for a duration that we determine, envisioned to be very short (a day or a weekend) while we continue to enhance the population density. We'll continue to manage the area to a minimum sustainable population. Going forward, we can open the area as appropriate, based on the population while still maintaining a minimum density.</p>

Wellfleet Harbor Mitigation Plan Timeline

Date	Document	From	To	Summary
				<p>The plan is not "about cultch"; cultch just happens to be a vehicle that the Town of Wellfleet has used for about 100 years which has demonstrated that if we put substrate down, we get good settlement of oysters, so you get a good solid bed. It is very well scientifically supported by efforts throughout the country including in Chesapeake Bay, Virginia, SE Coast of the Carolinas, and the Houston area. The east coast uses cultch and has found that oysters present on shell is an extremely good way of jump-starting or restoring or recreating a population of oysters. Oysters being a keystone species, the whole idea is to get that started and the oysters themselves, through their own propagation, will begin to set on each other and begin to knit together a community and host a variety of other biodiverse species, that improve water quality, fish protection, and a host of other eco-services. USACE has asked for an uplift of the eco-system, and this is one of the strongest tools in our toolkit.</p>
				<p>USACE is not exercising control. USACE has referenced outside resources and scientific publications to say here are some standards that have been worked out to define what an improved healthy eco-system looks like. If we meet these standards for a healthy eco-system, USACE would be thrilled; as should the Town. The Town is looking at the acreage that moorings have been in for a very long time, and seemingly arbitrarily the government has said because you haven't dredged since 1957 mitigation is required. However, the mitigation request is not arbitrary. The standards are neutral and analytical, and definitely are not arbitrary.</p>
				<p>The mitigation plan (once accepted) will be in effect for the future, thus additional mitigation plans will not be required for dredging of Area 2 Mooring Field, out into the future.</p> <p>We, the Town, come up with the plan that will be monitored; we come up with the plan and we present it to the Army Corps. It's not like the Army Corps says you have to do this, that, and the other. We are defining what success looks like; the inputs we're going to do, the way we are going to manage it, the things we're going to measure. We present it to the USACE, and they will accept our plan (or not). We submit the plan to USACE, and they can accept it (or not). Under federal law USACE needs 3rd party reference and standards. Therefore, we need to go to a documented authoritative documented sources when we propose various benchmarks.</p>
April 4, 2023	DTF Presentation at BOS Meeting.			

Rebekah Eldridge

From: Diane Brunt <dibrunt@yahoo.com>
Sent: Tuesday, April 25, 2023 1:33 PM
To: Richard Waldo
Cc: Ryan Curley; Rebekah Eldridge
Subject: Fw: Issues with Proposed Mitigation in order to , and the dredging of Area 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have not received a response from you . Did I miss an email or letter in the mail?

Diane

----- Forwarded Message -----

From: Diane Brunt <dibrunt@yahoo.com>
To: Board of Selectmen <bos@wellfleet-ma.gov>
Cc: Ryan Curley <ryan.d.curley@gmail.com>; Richard Waldo <richard.waldo@wellfleet-ma.gov>
Sent: Sunday, April 16, 2023 at 05:45:08 PM EDT
Subject: Issues with Proposed Mitigation in order to , and the dredging of Area 2

- Both in the meeting 4/4/23, by John Wolf, and in the hall by Curt Felix and Chris Allgeier I was told that the DTF and GEI , WSD and USACE never changed the required acreage from 14 to 28 , that it was in fact always 28 acres. **This is not accurate.** Furthermore, 28 acres is not consistent with the formula for restoration acreage 2:1 (7.16 credits required) that we have been given numerous times.
Restoration = 14.3 acres .

1 - I think it is important to recognize that the reason for the "urgency" expressed is not substantiated with evidence. There are alternatives to this type of expensive draconian dredging that are not being entertained. The studies of the harbor and potential harm this proposed dredging may do the the very grants, wild area, and mooring revenue, that are being used as reasons to rush forward, are absent.

2 - The 2.5 million is a relatively small fraction of the 15-25 million dollars it will cost the town to dredge in this way. That does not include the extensive and on going ("in perpetuity") costs to monitor and mitigate 14 or 28 acres and potential penalties for failed mitigation.

3 - This agreement is "in perpetuity". We can not anticipate the changing of the water and land or the needs and desires of the future citizens of Wellfleet. We will be prohibited from using that land and water the way we see fit.

4 - It is not discussed or clear who will receive the money if nitrogen mitigation money will result from mitigation .

5 - We are at best , being misrepresented by DTF, GEI, WSD .

These are the BOS and SAB minute markers from the meetings and relevant minutes of the DTF in 2023 which provide evidence of the confusion, contradictions, inconsistencies, and inaccurate information shared by GEI, DTF, and WSD. This issue was not brought to SAB before 1/30/23. I can't find any BOS meetings with dredging on the agenda between 8/2/22 and 2/7/23. This is not comprehensive.
These are in reverse Chronological order .

- **BOS 4/4/23 -**

NOTE: the sub-titles underneath the dredging discussion read "business" not dredging

Meeting:

2:20- Diane Brunt - **there have been changes each meeting 14 to 28.** Lists all meetings.

2:35 -John Wolf -"we got it down" from 140 to 28. **"It wasn't 14. It was never 14 " (back ground in audience and on zoom saying " not true") John responds "no it wasn't. The record is clear on this."**

NOTE : THERE WAS ALMOST AN 8+ SECOND GAP AND NO ONE CORRECTED JOHN WOLFE - THEN OR AT ANY TIME DURING THE REMAINDER OF THE MEETING. GEI CONSULTANTS ALYSSA RICHARDS AND DAN ROBBINS, CURT FELIX AND NANCY CIVETTA WERE AWARE OF THE CHANGE FROM 14 TO 28 ACRES, as they either made the changes and/or have been working to implement the increased acreage.

DTF - 3/20/23 -

Minutes:

3.1.3: "The discussions with USACE have continued to focus on a solution in the Herring River, **where we would define a 14- acre site below the dike where we would cultch and increase spat set and oyster population. Eventually, the 14 acres could 'slide '(while maintaining its 14 acre size) into an area further north into the area that is currently prohibited - but only when water quality has improved sufficiently."**

3.1.9 -" The USACE has has demonstrated flexibility on the **location(s) of the 28 acres."**

3.1.10.1 -" Helen Wilson asked if the **14 acres would be in perpetuity... Curt responded that it is 28 acres total permanently"**

3.1.12 -"Helen asked if that area would not be harvestable (by wild fishers) . Curt F clarified that USACE has stated they want performance metrics..."

SAB 3/20/23 -8pm

The meeting:

2:00-CF explains some history (without any formula for acreage ever provided)

2:30- CF- **says that "they" were able to get the acreage from 140 down to "28 acres for restoration" .**

NOTE: no explanation for this change is given here.

3:34 - DMF wont allow enhancement or improvement in prohibited area until water quality improves

4:35 - CF - mitigate North of dyke when prohibited area improves

7:10 - CF - **"under gun" or loose 2.5 million ,by waiting until next year it will cost another 2 million - cost "4.5 million or more " if we wait.**

12:15 - CF - ..."a **restoration** would look like"

14:40. Johnny Clam - **"week long opening every 3 years " our community would be ok with that.**

18 - Dave S asks if we would loose that area and CF says yes . DS says for how long and CF says for 3-5 years.

37:33 - AI, GEI - herring river meets the AC. "restoration" requirements

59 -John Duane says "I am on the SAB so this has been on my radar for a while, I still have questions I keep hearing 14 acres then 28 acres. So just to be clear we are talking about 28 acres?"

1hour 1min - Alyssa says "It is 28 acres John, that is the number the Corps has given us".... the original plan was to move north of the dyke in two stages of 14 and 14 .

NOTE: no explanation as to why the previous formula was discarded. DURING THIS MEETING THE TERMS ENHANCEMENT AND RESTORATION ARE USED, STUMBLER OVER AND INTERCHANGED BY THE CONSULTANTS AND BY CURT FELIX AND IT IS NO LONGER CLEAR WHAT IS MEANT BY EITHER. ON THE ARMY CORP SITE IT IS UNCLEAR AS WELL.

NOTE: John Duane is on the SAB and is confused by the change. Please note that this is the first time some are hearing this information so they do not know the formula or that the acreage has changed nor do they have any reason to question this .

1:55:35: Nick proposes a motion. **There is much confusion about what they are voting on.**

1:59:00: a motion is decided upon and seconded

1:59:10: NC says she has two letters/texts from shell fishermen she "forgot to read" .

AS READ BY NANCY C 1 - David Ziemba " I am against any mitigation of wild harvest areas. That mooring basin is fine to access and I agree with the Army Corp that it has reverted back to natural habitat and it is classified as a harbor improvement. Furthermore, that is almost all the time accessible except in the negative tides so I see no need to spend the money when we need maintenance of the channel. Already it has filled in a few feet. ...Also channel maintenance will naturally drain the basin from the muck and we won't need special funding the Army Corp. It will take time, but surely be deeper as we maintain the channel. "

2 - Letter from Ross S - he suggests looking at duck creek.

- After determining that there is a quorum they vote.

NOTE: no discussion of the comments and suggestions in either letter takes place.

NOTE: They are not sure there is a SAB quorum. In the WSD office only Nancy, Johnny, Becca Taylor and Adrien Kmiec remain.

SAB 2/13 -

minutes:

The minutes read " **If decision is restoration, then we would decide 14 acres, if enhancement then we are looking at 28 acres.**"

The meeting :

6:15 - Curt Felix says meeting with AC to discuss in detail what they are looking for.

6:40 - Curt Felix explains **if we choose restoration we need 14 acres "just to be clear" and if enhancement 28.**

10:00 - Curt Felix says **"5 year window for this to work"**

12:00- Curt Felix illustrates with map **7 acres SW of dike in prohibited area (can not be fished) and 7 acres NE of dike also in prohibited area.**

14:00- John Duanne asks **if DMF cares what we do, enhance or restore?**

14:53 - Curt Felix answers and steers away from this **1 - because "trying to keep acreage down "** and **2 - "30 acres is a lot to culch"**

15:00-CF **no commercial fishing on foot**

17:00- Nick S thanks Curt for keeping all of this in the prohibited area .

18:40 - John Duanne asks **if we wouldn't be better off with enhancement of 30 rather than restoring 14. He asks what is involved.**

20:25 -Curt Felix says **"30 acres is a lot of area to culch" and I don't know what other restrictions the Corp would be looking for as far as enhancement versus restoration."**

21:00 Stephen Pickard asks **if once the HRP opens and water clears will this all open up to the wild fishery**

21:10 Curt Felix says **"yes , exactly"**

BOS meeting 2/7/23 -

NOTE: The titles under the zoom of the dredging discussion say "Business" not dredging"

2:14 - Chris A - **discusses area of 14 acres south of the dike in prohibited area to be carved out.** (This area can't be fished currently due to water quality, but could be prolific after HRP evolves) .

2:15 - Chris A - says once the HRP cleans up at an **"appropriate time" they would carve out 14 acres to the north "either in addition to or presumably as a replacement to the 14 acres to the south "** He explains that if it is not a replacement the south could open to fishing via relay or recreational (not commercial?)

**DTF - 2/6/23
minutes**

3.10 - A brief discussion of the various mitigation ratios.

3.10.1 - Restoration is 2:1

3.10.2 - Enhancement is 3:1

NOTE: We have never discusses 21 acres

3.10.3 - preservation is 20:1

3.10.4 - The ratios are applied to the credits we must achieve ie; the 7.16 credits at a 2:1 ratio, that results in 14 acres

3.11. "Input from SAB meeting included the observation that giving up 14-28 acres in return for dredging the mooring basin which will **provide protection to 100 acres of existing shellfish area and grants** is a "no brainer"

NOTE: This was actually Curt's input

3.12.1.2. **It is up to us to propose details in a 14 acre area**, including how we plan to manage it how we plan to characterize it , how we plan to restrict it on maps, what we envision or proposed the ecosystem uplift will look like."

SAB - 1/30/23

The minutes read:

" based on the Army Corp formula 14.1 acres must be identified to be restored ""Culching was proposed along with grasses in the north side of the dyke".

The meeting:

12:00 - Curt Felix. - **states AC says "no commercial exploitation"**

13:50 - CF follows up with explanation of this " we can not build a pier " and that recreational fishing ok not commercial.

14:00 No problem with relay

18:05 - Nancy Civetta says she has not had contact with the Army Corp and is learning about this as SAB does.

NOTE: She attended all Jan DTF meetings

23:20 - Curt Felix explains the **AC formula to determine acreage .**

APROX. 7.1 credits required to dredge the area we are proposing (later referred to as area 2). If land is designated for **Preservation the ratio is 20-1 (143)** , if it is designated for **Creation the ratio is 3-1 (21.4)** if it is designated as **Restoration the ratio is 2:1 (14 .3 acres)**

25:00 - CF - **So with 30 acres north of the dike we have twice as much acreage as would be required by the Corps without having to add anything.**

NOTE: WE ARE "RESTORING" - THIS HAS NOT BEEN CHANGED AT THE BOS OR SAB.

28:48 - Curt Felix says that the Corp is looking for 14 acres for mitigation.

30:35 - John Duane says since we havent discussed this yet, questions **if we culch heavily the north side of the dike will that qualify us to dredge?**

30:57 - Curt Felix says "Yes that is exactly what they are looking for... They were very excited about that kind of idea"

34:00 -Helen M Wilson says if AC prohibits commercial fishing you will loose this area and I think this is a mistake. What is this answer?

38:50 - Curt Felix, **"What the Corp is looking for is something on the order of 14 acres"**

55:55 - John Clam "...dredging is a golden goose. It just has to happen. However we get that done..."

DTF 1/23 /23 -

- minutes

NOTE: Shellfish constable present.

These minutes say that both Nancy C and Tom S have been "having discussions " with fishermen to get feedback

NOTE: The issue was not brought to SAB until 1/30/23. Shellfish Constable was on vacation out of the country for the month of February. She returned to work on 3/6/23. No"Criers" were sent during this time.

DTF - 1/9/23 -

Minutes:

NOTE : shellfish constable present .

3.1.23: "Curt cautioned that **USACE is opposed to any commercial exploitation. Harvesting was not rejected but recreational shellfishing may be acceptable whereas commercial fishing may not.**

NOTE: is these meetings it is repeatedly said that there is **extensive outreach to the shellfishing community** . This is **not accurate**. Our Warden was out of the country the month of Feb 2023 and returned to work 3/6/23. If outreach to some fishermen was made it is important to know what they were told by Tom S and Nancy C ?

Were they told 14 or 28 acres?

Were they told Herring river or Black fish creek or a combination,

Were they told restoration or enhancement?

Were they told prohibited area or non-prohibited area?

Were they told the area would be opened to wild harvest, recreational harvest, residential harvest, harvest one week every 3 years, one weekend every 3 years, or never?

The above speaks for itself. The fact that citizens of Wellfleet are being mislead, misinformed (if at all informed) and misrepresented by consultants we pay , employees of the town, we pay, and leaders of the dredging task force, tasked with representing our best interest, is **not acceptable**. What they are doing is wrong. As five people

elected to represent and protect this town, its land and its citizens , please act now.

Please include this email in the agenda packet for the 5/2/23 meeting.

Diane Brunt



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023



REORGANIZATION OF THE SLECTBOARD

~ A ~

REQUESTED BY:	The Wellfleet Selectboard
DESIRED ACTION:	To discuss and vote on new positions for the five selectboard members.
PROPOSED MOTION:	I move to vote _____ as the Selectboard Chair. I move to vote _____ as the Selectboard Vice Chair. I move to vote _____ as the Selectboard Clerk.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

VI

USE OF TOWN PROPERTY

~ A ~

REQUESTED BY:	Richard Cohen
DESIRED ACTION:	To approve the use of Indian Neck Beach for a small adult birthday party on Thursday August 3, 2023, 4:30pm-8:30pm.
PROPOSED MOTION: Summary:	I move to approve the use of Indian Neck Beach for a birthday party on August 3, 2023, from 4:30pm – 8:30pm. The beach to be cleaned to be left as it was found; to the satisfaction on the DPW and Beach Director; for a fee of \$110.00
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Richard Cohen Affiliation or Group None

Telephone Number 617-515-1375 Mailing Address 134 Standish Road, Watertown, MA 02472

Email address sma@schoolmediation.com

Town Property to be used (include specific area) Indian Neck Beach

Date(s) and hours of use: Thursday August 3, 2023. @ 4:30 to 8:30 pm

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

This is a small 60th birthday party for @ 12-15 people. No children. Not more than 1/2 dozen cars parked. We are having it catered by Matt and Kristi Eldredge of Backside Bakes in Chatham, who will have a food truck there and 2 staff people. They will set up a couple of tables on the beach. Food will be clam bake-related food, along with beverages. No fees will be charged

Describe any Town services requested (police details, DPW assistance, etc.)

NONE

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

Processing Fee: \$50.00

Fee:

Police Department: ok - per

Comments/Conditions: daPaco

Building Department: ok - Victor

Comments/Conditions: Stacey

Fire Department: ok - Chief

Comments/Conditions: Pauley

Health Department: need a

Comments/Conditions: catering

license
per Hillary

DPW Department: ok - Jay

Comments/Conditions: Newton

Town Administrator: _____

Comments/Conditions: _____

Other: _____

Other: _____

Date Received

Fee

Date Issued



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

VI

USE OF TOWN PROPERTY

~ B ~

REQUESTED BY:	Barbara Leddy
DESIRED ACTION:	To approve the use of a portion of Newcomb Hollow Beach Parking lot Thursday July 13, 2023, from 6:30pm-10:30pm for a pre-wedding welcome event.
PROPOSED MOTION: SUMMARY:	I move to approve the use of a portion of Newcomb Hollow Beach parking lot, Thursday July 13, 2023, from 6:30pm – 10:30pm for a pre-wedding welcome event; for a fee of \$110. The parking lot to be cleaned and left in its original form, to the satisfaction of the DPW and Beach Director.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

**TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667**

Applicant Barbara Leddy Affiliation or Group _____

Telephone Number +1(703) 628-2787 Mailing Address 50 Gulch Road, Wellfleet, MA 02667

Email address barbleddy@aol.com _____

Town Property to be used (include specific area) portion of Newcomb Hollow Beach parking lot by the beach

Date(s) and hours of use: Thursday July 13th 2023, 6:30 -10:30 pm

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

We would like to host about 80 to 100 people for a pre-wedding welcome event on Thursday. It will be run by Joey's Food truck, who also submitted an application for this date, time, and location. They will be providing tacos but no money will be exchanged on site – there will be no public vending – as we are paying for our guests' tacos.

Describe any Town services requested (police details, DPW assistance, etc.)

None. Joey's will ensure trash removal.

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: \$50.00

Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:	Inspector of Buildings: N/A
Comments/Conditions:	Comments/Conditions:
Permits/Inspections needed:	Permits/Inspections needed:

Police Department:	Fire Department: ok - check
Comments/Conditions:	Comments/Conditions:

DPW:	Community Services Director:
Comments/Conditions	Comments/Conditions:

Harbormaster:	Shellfish:
Comments/Conditions	Comments/Conditions

Recreation:	Town Administrator:
Comments/Conditions	Comments/Conditions



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

VI

USE OF TOWN PROPERTY

~ C ~

REQUESTED BY:	Joey's Joint & Food Truck
DESIRED ACTION:	To approve the use of a portion of Newcomb Hollow Parking lot on Thursday July 13, 2023, from 6:30pm- 10:30pm for a private event to serve food.
PROPOSED MOTION: SUMMARY:	I move to approve Joey's Joint & Food Truck to serve food previously paid for on Thursday July 13, 2023, from 6:30pm – 10:30pm for a welcome event. Vendor to be responsible for all trash clean up generated by the event.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant: Joey's Joint & Food Truck

Affiliation or Group: Leddy x Gilmore

Telephone Number: (774) 573-6529

Mailing Address: 4885 State Highway, Eastham MA 02642

Email address: joeysfoodtruck@gmail.com

Town Property to be used (include specific area):

Newcomb Hollow Beach Parking Lot

Date(s) and hours of use:

Thursday, July 13, 2023 (6:30-10:30pm) 4 hours respectively

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Private catering services provided to the Leddy & Gilmoor party by Joey's 16ft Food Truck. No money will exchange on site. Catering invoice will billed to Leddy x Gilmoor Wedding party for services rendered. There will be no public vending.

Trash created by Joey's Food Truck will be removed upon the end of the catering service.

Describe any Town services requested (police details, DPW assistance, etc.)

None

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date: _____

Processing Fee: \$50.00

Fee:

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>needs a catering license</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: <i>NIA</i> Comments/Conditions: Permits/Inspections needed:
---	---

Police Department: Comments/Conditions:	Fire Department: Comments/Conditions:
---	---

DPW: Comments/Conditions	Community Services Director: Comments/Conditions:
--	---

Harbormaster: N/A Comments/Conditions	Shellfish: N/A Comments/Conditions
--	---

Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
---	---



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

VII

BUSINESS

~ A ~

REQUESTED BY:	Richard Waldo ~ Town Administrator
DESIRED ACTION:	To present to the board and public a follow up and recap of the Annual Town Meeting held on Saturday May 29, 2023, and discuss a possible special fall town meeting.
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



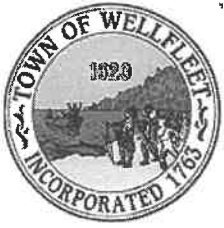
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

VIII

SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

IX

TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 2, 2023

X

VACANCY REPORTS

*****Please see the packet for full report*****

Date: May 2, 2023
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members) ~ This group no longer meets ~
Vacant Positions Appointing Authority Length of Term
2 Positions Selectboard 1 year (complete term)
Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)
Vacant Positions 0 Appointing Authority Length of Term
1 Alt Position Selectboard 3 years
Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)
Vacant Positions 0 Appointing Authority Length of Term
0 Alt Positions Selectboard 3 years
Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)
Vacant Positions 0 Appointing Authority Length of Term
2 Alt Positions Selectboard 3 years
Requesting Appointment: ONE application on file

Cable, Internet and Cellular Service Advisory Committee (5 Members)
Vacant Positions 0 Appointing Authority Length of Term
0 Voting Positions Selectboard 1 year

Commission on Disabilities (up to 5 Members)
Vacant Positions 1 Appointing Authority Length of Term
Selectboard 3 years
Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)
Vacant Positions 1 Appointing Authority Length of Term
Selectboard
2 Alt Positions 3 years
Requesting Appointment:

Council on Aging (11 Members)
Vacant Positions Appointing Authority Length of Term
3 Voting Positions Selectboard 3 years
Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)
Vacant Positions Appointing Authority Length of Term
5 voting Positions Selectboard 3 years
Requesting Appointment: no applications on file

Dredging Task Force (5 Members)

Vacant Positions Appointing Authority Length of Term
0 Positions Selectboard 3 years
Requesting Appointment: No applications on file

Energy and Climate Action Committee

Vacant Position Appointing Authority Length of Term
2 Voting Positions Selectboard
2 Alternate Positions

Finance Committee (9 members, 2 alternate)

Vacant Positions Appointing Authority Length of Term
1 Alternate Position Town Moderator 3 years
Requesting Appointment: **one** application on file ~ Timothy Sayer

Historical Commission (7 members)

Vacant Positions Appointing Authority Length of Term
0 Vacancies Selectboard 3 years
Requesting Appointment: **no** application on file

Local Housing Partnership (at least 10 members)

Vacant Positions Appointing Authority Length of Term
0 Vacancy Selectboard 1 year
Requesting Appointment: **ONE** application on file ~ **Lara Henry**

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions Appointing Authority Length of Term
0 Alternate Position Selectboard 2 years
Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions Appointing Authority Length of Term
3 voting Positions Selectboard 3 years
Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions Appointing Authority Length of Term
0 Positions Selectboard 1 year
Requesting Appointment: **No** application on file

Planning Board (7 members + 2 alternates)

Vacant Positions Appointing Authority Length of Term
1 voting position Selectboard 5 years
2 Alternate Position
Requesting Appointment: No applications on file

Recreation Committee (7 Members)

Vacant Positions Appointing Authority Length of Term
2 Positions Selectboard 3 years
Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

1 Voting Positions Appointing Authority Length of Term
2 Alternate Positions Selectboard 3 years
Requesting Appointment: One application for ALTERNATE member on file

Rights of Public Access (5 Members)

Vacant Positions

Appointing Authority

Length of Term

2 Positions

Selectboard

1-2 years

Requesting Appointment: No application on file

Shellfish Advisory Board (7 members + 2 Alternates)

1 Vacant Positions

Appointing Authority

Length of Term

1 Alternate Position

Selectboard

3 years

Requesting Appointment: No application on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions

Appointing Authority

Length of Term

0 Position

Selectboard

3 years

Requesting Appointment: No applications on file



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: May 2, 2023

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of the Meeting Minutes of April 18, 2023
PROPOSED MOTION:	I move to approve the minutes of April 18, 2023, as printed in draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Tuesday April 18, 2023; 7pm
Hybrid Meeting ~ Zoom & 715 Old King's Highway, Wellfleet
Meeting Minutes

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Kathleen Bacon, John Wolf, Barbara Carboni

Others Present: Richard Waldo, Town Administrator; Nancy Civetta, Shellfish Constable; Stephen Pickard, resident; Helen Miranda Wilson, resident; Gregg Corbo, KP Law representative, Evan Bruinooge, Wellfleet Shellfish Grant owner; Bruce Bierhans, Lawyer for Michael DeVasto; Michael DeVasto, Shellfisherman; Chad Williams, Shellfisherman; Jude Ahern, resident; Chris Murrell, resident

Chair Curley Called the meeting to order at 7:05pm

I. *Announcements, Open Session and Public Comments*

Note: *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Chair Curley announced the town meeting is Saturday April 29, 2023, at 10am. He announced the town election will be held at the Wellfleet Community Center on Monday May 1, 2023, from 12pm – 7pm.

Bacon announced that the Wellfleet Community Forum will be holding a pre-town meeting event to answer any questions anyone might have regarding town meeting.

II. *Consent Agenda*

A. 36th Annual Swim for Life ~ Provincetown Community Comp, ~ Great Pond, September 9, 2023; 8am-11am. ~ **Chair Curley Moved this out of consent agenda.**

Chair Curley explained he took this out of the consent agenda because there was no fee attached with the motion, there is a \$300 fee for swim events.

Chair Curley Moved; Board Member Wolf Seconded and it was voted to approve the use of great pond for the 36th annual swim for life event to be held on September 9, 2023, from 8am – 11m for a fee of \$300.

Roll Call Vote: 5-0

B. Appointment to the Recycling Committee as an alternate ~ Carol Magenau

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Carol Magenau as an alternate to the Recycling Committee for a term of three years to end on June 30, 2026.

Roll Call Vote: 5-0

III. *Public Hearings ~ Board Member DeVasto Recused himself from all shellfish hearings.*

A. **Deleting Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas** from the Town of Wellfleet Shellfishing Policy and Regulations

Chair Curley moved to open hearing A:

Civetta spoke to the board, stating that there were a few fishermen that didn't like the idea of hydraulic harvesting in the grant areas, and she explained the Shellfish Advisory Board spoke about this a number of meetings and eventually voted to delete this section from the regulations. Chair Curley asked if there were any public comments. S. Pickard came to the microphone he read from the shellfish minutes and stated it says to prohibit it, not to remove it. He asked for an amendment. There was discussion, they asked Corbo who was present to see if they could amend the motion to prohibit, Corbo explained that yes, the board could change the language.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to amend Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas to read Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas is Prohibited and further the use of hydraulic harvesting gear for the purpose of harvesting shellfish from within the boundaries of a licensed areas is prohibited and to strike the remainder of Section 7.22.

Roll Call Vote: 4-0-1

Curley moved to close public hearing A.

- B. Assignment of shellfish grant license # 95-16 consisting of approximately 0.92 acres on Egg Island to the Dec. 20, 2022, lottery winner Ross Scherma (Wellfleet, MA).

Chair Curley Opened Public Hearing B

Civetta gave an update on this grant and stated the Scherma won the lottery for this grant at the lottery in December of 2022. Bacon thanked Scherma for his patience during this process.

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the application from Ross Scherma for shellfish grant license #95-16 consisting of approximately 0.92 acres on Egg Island for a term ending April 30, 2025.

Roll Call Vote 4-0-1

Chair Curley Closed Public Hearing B

- C. Application received on 2/21/2023 from Russ Apgar (Wellfleet, MA) for the renewal of shellfish grant license #s 95-27/28 consisting of approximately two acres on Egg Island for ten years and 28 days beginning April 2, 2023, and expiring April 30, 2033.

Chair Curley opened Public Hearing C

Civetta spoke to this application, stating that most of the hearing items moving forward would be easy as they are all in compliance.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the application received on February 21, 2023, from Russ Apgar for the renewal of shellfish grant license #'s 95-27/28 consisting approximately of two acres on Egg Island for a term expiring April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing C.

- D. Application received on 3/31/2023 from Edwin C., Jr. (Wellfleet, MA) and Lisbeth Berrio (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-11/12 consisting of approximately two

acres on Egg Island for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.

Chair Curley opening Public Hearing D

Civetta spoke to this renewal stating there were no issues,

Chair Curley Moved; Board member Carboni Seconded; and it was voted to approve the application received March 31, 2023, from Edwin C. Jr., Elisabeth Berrio, and Jeffrey Pickard for the renewal of shellfish grant license #’2 95-11/12 consisting of approximately two acres on Egg Island for a term ending April 30, 2023.

Roll Call Vote: 4-0-1

Chair Curley closed public hearing D.

Chair Curley moved Board Member Carboni seconded, and it was voted to reconsider the previous vote.

Roll Call Vote: 4-0-1

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application received March 31, 2023, from Edwin C. Jr., Elisabeth Berrio, and Jeffrey Pickard for the renewal of shellfish grant license #’2 95-11/12 consisting of approximately two acres on Egg Island for a term ending April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley moved to close public hearing D.

- E. Application received on 3/28/2023 from Jacob Dalby (Wellfleet, MA) and Justin Dalby (Wellfleet, MA) for the renewal of shellfish grant license #s 95-31/32 consisting of approximately two acres on Egg Island for 10 years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing E.

Civetta spoke to this renewal again stating there were no issues and that the applicants were in full compliance.

Chair Curley Moved; Board member Bacon Seconded; and it was voted to approve the application dated March 28, 2023, from Jacob Dalby and Justin Dalby for the renewal of shellfish grant license #’s 95-31/32 consisting of approximately two acres on Egg Island for a term ending April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing E.

- F. Application received on 4/3/2023 from Andy Jacob (Wellfleet, MA) for the renewal of shellfish grant license # 16-01 consisting of 0.78 acres on Old Wharf Point for ten years, one month, and six days beginning March 24, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing F.

Civetta again stated there were no issues with this renewal.

Chair Curley Moved, Board member Bacon Seconded; and it was voted to approve the application dated on April 3, 2023, from Andy Jacob for the renewal of shellfish grant license #16-01 consisting of 0.78 acres on Old Wharf Point for a term to end April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Moved to Close Public Hearing F.

- G. Application received on 4/3/2023 for the transfer of grant license # 16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob (Wellfleet, MA) to Andy Jacob and James Kearing (Wellfleet, MA).
Chair Curley Opened Public Hearing G
Civetta explained the transfer of this license. She stated James meets all the requirements to be added to this grant.
Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the application dated April 3, 2023, from Andy Jacob to transfer grant license #16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob to Andy Jacob and James Kearing.
Roll Call Vote: 4-0-1
Chair Curley Closed Public Hearing G.
- H. Application received on 3/29/2023 from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.
Chair Curley Moved to open Public Hearing H.
Civetta stated that this came before the board last year and it was discussed to sub-divide the grant. Town Counsel was contacted for their opinion. Civetta explained that town counsel explained there needed to be an updated regulation. She stated it was discussed at both the Shellfish Advisory Board and the Selectboard and it was not acted upon. She continued that she wanted to renew the license, so they didn't lose it. Chair Curley stated he was approached about waiving the public hearing fee and the board agreed that the fee would stand. Chair Curley stated he knew there was some conflict.
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated March 29, 2023, from Nate Johnson and Rodney Avery for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for a term ending April 30, 2033.
Roll Call Vote: 4-0-1
Chair Curley Closed Public Hearing H.
- I. Application received on 3/28/2023 from Robert Olson (Wellfleet, MA) and Barbara Olson (Wellfleet, MA) for the renewal of shellfish grant license #s 95-1/2/3/4 consisting of approximately four acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.
Chair Curley Opened Public Hearing I.
There were no issues with this renewal.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated March 28, 2023, for the renewal of Shellfish grant license #'s 95-1/2/3/4 consisting of approximately four acres on Egg Island for a term to end April 30, 2033.
Chair Curley Closed Public Hearing I.
- J. Application received on 4/4/2023 from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) for the renewal of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing J.

Civetta spoke to this application stating this was again a good standing grant with no issues.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the Application dated April 4, 2023, from Michael Seiser and Will Barrio for the renewal of shellfish grant license #95-17/18 consisting of approximately two acres on Egg Island for a term ending on April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing J.

- K.** Application received on 4/4/2023 for the transfer of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) to Michael Seiser, Will Barrio and Krista Lee (Wellfleet, MA).

Chair Curley opened Public Hearing K.

Civetta stated that Krista Lee was in good standing and able to on this grant.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated April 4, 2023, for the transfer of grant license #'s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser and Will Barrio to Michael Seiser, Will Barrio, and Krista Lee.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing K.

- L.** Application received on 3/23/2023 for the transfer of shellfish grant license #s 771 and 771 Ext, consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge (Wellfleet, MA) and Evan Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA).

Chair Curley Opened Public Hearing L.

Civetta explained that Berta wanted to come off the grant and add Casey, Evan read a letter to the board in support of adding Casey to the grant. He explained what great experience she had and has been involved with his grant since she was 12 years old.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the application dated March 23, 2023, for the transfer of shellfish grant license #'s 771 and 771 ext. consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge and Evan Bruinooge to Evan Bruinooge and Casey Semple.

Roll Call Vote: 4-0-1

- M.** Application received on 4/4/2023 for the transfer of shellfish grant license # 2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

Chair Curley Opened Public Hearing M

Civetta spoke to this transfer, stating that like the other applicants Kaitlyn has all the experience to be added to this grant.

Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve the application dated April 4, 2023, for the transfer of Shellfish

grant license #2008-02 consisting of 1.5 acres on Field point from Clinton Austin to Clinton Austin and Kaitlyn Sarazin.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing M.

- N. **CONTINUED FROM 3/21/2023** ~ Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA).

Chair Curley Re-Opened Public Hearing N.

Civetta spoke to the board, stating that the board continued this hearing to get advice from town counsel. She stated there was some correspondence and they had met, Corbo was online and spoke to the board giving his legal opinion. He stated he looked at the application, looking at the new regulation that the board put into place back in December of 2022. He spoke about the regulations and explained he would answer any questions that the board and public may have. They discussed this transfer and the liability related to it.

Bierhans spoke on behalf of DeVasto stating he has the right to become a corporation as a small business to protect his liabilities. He stated he was just hearing Corbos advice at this meeting and didn't have a lot of time to process and respond but would like to have more conversations and explanations. DeVasto spoke to the board regarding his business and making his case as to why he wanted a corporation. There was a lot of debate on this topic.

Ahern questioned the address of DeVasto, stating it wasn't a legal address.

DeVasto answered her questions. There was some back and forth which ended with Chair Curley. The corporation was discussed.

A hardship exemption was discussed, Carboni spoke to Corbo requesting his legal opinion. Chair Curley read the hardship exemption from the regulations.

There was a heated discussion with Chair Curley and DeVasto about hardship and unusual circumstances.

DeVasto withdrew without prejudice.

Chair Curley Moved, Board Member Bacon Seconded, and it was voted to accept the withdrawal without prejudice of the application of the transfer of Shellfish grant license dated January 18, 2023, for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto and Michael Ramsdell to Northern Collective, Inc.

Roll Call Vote: 4-0-1

Civetta questioned her discretion on issuing permits late for newcomers who didn't realize the regulations had changed. She asked about hardship. Chair Curley stated there can be hardship permits issued if a person meets the requirement. The hardship was discussed and there was a lot of disagreement and argument.

Chair Curley Closed Public Hearing N.

- O. **CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Chair Curley RE-Opened Public Hearing O.

Civetta spoke to this extension, she explained she was contacted by Angela Osowski to continue this hearing to May 23, 2023, as she and Rebecca Taylor are working on a compromise. She stated this is a positive experience.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to continue this hearing to May 23, 2023, at 7:30pm.

Roll Call Vote: 4-0-1

- P. **Moratorium on Aquaculture Licenses ~ Section 7.7**

Chair Curley Opened Public Hearing P

Chair Curley explained his intentions with this agenda item. Discussing aquaculture licenses and addressing issues that have been raised regarding LLC's. Bacon Agreed with this moratorium and stated it could be 90 days so that they can focus. They discussed the moratorium and who it would affect. DeVasto stated he was against this moratorium and gave his reasons why. Chair Curley stated he wanted longer than 90 days as the summer is approaching. Corbo stated the board does have the ability to put a moratorium on licenses, he stated the board has some discretion with this moratorium.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to establish a moratorium on the transfer of shellfish licenses as stated in Section 7.7 relative to one of the transferees is a non-natural person until September 30, 2023, including a finding that this action is appropriate in the best interest for the fishery and the environment.

Chair Curley closed Public Hearing P.

IV. Business

- A. **Town Administrator Performance Review ~ Selectboard.**

Chair Curley began the discussion of the performance review. Asking the board how they found the process. Carboni stated she felt it was a great process, being able to meet Christine, the new HR director, was nice and felt that was an important aspect of the review. The rest of the board agreed with Carboni's statement, stating that the discussions with Ezersky was easy and important. Waldo was asked if he had any issues with the process, where he stated that he wasn't involved with the process and was pleased that all the members were able to meet with HR. He suggested that in the future if the TA could be involved with those discussions so that he could give some input.

They discussed the review and the process at great length. DeVasto questioned having the staff have some input on this process.

The board went through each section discussing questions that they had, and that Waldo had. The Board was pleased with Waldo's performance.

Bacon proposed to the board that they score Waldo between 7-8 and increase his salary by 5%. There were no objections. Waldo was congratulated by the board on his Master's Degree status in Public Administration.

Board Member Wolf Moved; Board Member Bacon Seconded; and it was voted to increase the score to a 7-8 for Rich Waldo and increase the percent increase of his compensation from 4% to 5%.

Roll Call Vote: 5-0

V. *Selectboard Reports*

A. There were no reports given.

VI. *Town Administrator's Report*

- Waldo explained that he received a letter of resignation from the Health Agent Hillary Lemos. Commending her on all of her work in the town, he explained that she is moving to the town of Eastham. He explained again that the Building Commissioner Jim Badera was no longer in the town, but Victor Staley was working on an interim level and would help with any transition. He stated that the building department would be closed for two afternoons a week so that the building permits are able to be processed. He proceeded to give the hours of the department for the public's knowledge. He stated to the board that the Assistant Town Administrator Rebecca Roughley would be spending one day a week at the building department to help with any issues that are there.
- Waldo announced that Christine Young, the current assistant collector and treasurer, has been hired as the new Principal Clerk and would be supporting the first-floor financial department.
- HE stated that S&P has downgraded the town of Wellfleet bond rating from an AAA to an A with a negative outlook. He gave their reasoning as to why this grade was given.
- The board spoke highly of Lemos and stated they will miss her bright light.

VII. *Topics for Future Discussion*

VIII. *Vacancy Reports*

IX. *Minutes*

A. April 4, 2023

Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the meeting minutes as amended for April 4, 2023.

Roll Call Vote: 5-0

X. *Adjournment*

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting Adjourned: 10;15pm



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 2, 2023

XII

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn the Meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____