

### CACO Annual Narrative, FY 03

**General:** The park's authorized ONPS budget was \$5,957,900 compared to 5,918,200 in FY02. We made significant reductions in operations and services in FY 2002. We were able to get by in FY 2003 without significant additional reductions due to using funds from lapsed permanent positions to maintain the seasonal program and the lingering cost savings from the previous cutbacks. We continue to be recommended by the Federal Salary Council for admission to the Boston Locality Pay Area, and once again a request for that action will go to the President's Pay Agent in January. Any such action would create a severe budget shortfall that would substantially curtail park operations if not covered by an additional appropriation.

Kevin FitzGerald, the park's chief ranger, accepted a transfer to the Intermountain Region; otherwise the management team was stable.

Relationships with the towns also remained stable. Perhaps our biggest challenge this year was reacting to a proposal from Eastham residents to turn town-owned property south of Nauset Light Beach into a new public beach for town residents only. Speaking assertively to protect the adjacent federal interest without appearing to sabotage the effort required walking a fine line. We conveyed our dismay at the concept, but also specified the resource and public safety concerns we had in as much detail as possible. The proposal has significantly improved over the year as a result and is now before the Cape Cod Commission. The group hopes to avoid MEPA review; we have indicated clearly that we will push for it.

Our cameo event this year was the celebration of the 100<sup>th</sup> anniversary of Guglielmo Marconi's transatlantic radio transmission. Park interpretive staff organized the event a year out, and did a superb job. The event lasted a week, and included 24-hour world-wide ham radio commemorative contacts, a huge education component with lots of kids, a live contact with the international space station and a visit from Marconi's daughter, Elettra. FCCNS donated funds and labor to spiff up the site and to pay for publicity services that were invaluable. Media attention was enormous (for Cape Cod), with wire services and major newspapers in attendance. Public attendance exceeded anyone's expectations for an early January event and community response was overwhelmingly positive.

**Lawsuits:** The appeal of the ruling in our favor in the horseshoe crab lawsuit remains underway. The pheasant lawsuit morphed into a suit on the entire hunting program, with plaintiffs alleging that NEPA compliance was inadequate for the entire program. At a hearing for summary judgment in August the judge's displeasure that pheasant hunting was still proposed for this fall (despite our AUSA's assertions the previous fall that we would be phasing it out) was evident. It came as no surprise at the very end of the year that the judge enjoined the pheasant hunt and required us to do some additional compliance on the rest of the program (though she did not enjoin the general hunt). Apparently she misconstrued our general statement of intent to phase out over an unspecified time period as meaning we would do so immediately.

**Environmental Management:** The U.S. EPA conducted multi-media compliance inspections at Cape Cod National Seashore in October and November of 2002, then issued the park a Notice of Violation in March 2003 for hazardous waste management violations observed during the inspection. In June 2003 we filled a first-ever full-time environmental management/safety management position (term) using fee demonstration funds. The selected employee, Nicole Brooks White, came to us with a strong environmental management background and the ability to learn the safety parts of the job. During her first few months on the job she made major inroads into correcting the hazardous waste compliance violations, initiated weekly inspections of maintenance shops and hazardous waste accumulation areas, began work on our safety and EMS SOP backlogs, conducted a number of training sessions for park staff, and established a corrective action tracking database to ensure follow-up occurs after inspections and hazard reports. The park is one of seven environmental management system (EMS) pilot parks servicewide. As such, the staff has been developing EMS documents and programs and sharing information and resources with Boston NHP, another EMS pilot park. In general, improvements in our EMS program can be summarized as follows: the park is in compliance with hazardous waste management requirements and is well on its way to completing and implementing an environmental management system.

**Safety:** During the fourth year of our OSHA partnership, we have continued to make substantial improvements again in our safety training program and SOPs. Improvement has been enhanced as a result of hiring a full-time employee in EMS and safety in June 2003. We developed numerous job hazard analyses for recurring maintenance tasks, and developed a corrective action database to ensure follow-up occurs for inspection findings and safety concerns. In 2003 we had 17 recordable injuries (i.e., medical treatment + lost time cases) compared to 9 in 2002. In 2003 we had 6 lost time incidents compared to 4 in 2002. All 17 cases in 2003 involved non-permanent employees (seasonal, temporary or term). The leading mechanisms of recordable injuries in 2003 were (6) tick/insect bites, (2) hand/finger injuries from power tools, and (2) lifting injuries. The cause for the increase in injuries since 2002 is difficult to determine; however, the number of incidents in 2003 is similar to our 5-year averages for both total incidents and lost time cases. A 2004 goal will be to develop a systematic accident prevention program. OSHA has encouraged the park to apply for Voluntary Protection Program (VPP) status; however, we decided to delay applying due to concerns about employee buy-in and supervisory commitment to the safety program in the Maintenance division. The Deputy Superintendent continued to serve on the servicewide OSHA-NPS partnership steering committee.

A significant visitor safety hazard for many years, the Province Lands bike trail claimed a fatality this year. A 51 year-old woman who was riding a rental bike and not wearing a helmet fell unobserved and later died of head trauma. Although her accident did not appear to relate to any safety or maintenance trail issue it still generated a great deal of media attention and we had to explain our plans to upgrade the trail. Because our LIC request for this work had disappeared from the official list of servicewide priorities that

was difficult. [In a later modified version of the list issued early in FY04 the trail reappeared in FY07.]

**Natural Resources:** We continued a very successful effort to reopen Pilgrim Lake (East Harbor) to tidal flushing. This year the midge population has disappeared entirely, probably never to return as long as salinity levels stay up. The herring run was not an issue this year as state officials agreed it mattered less than restoration efforts. Local residents and the Conservation Commission seem quite pleased. The one remaining issue for the foreseeable future is the culvert, which may be failing. The town and we are monitoring it and we may be able to access state funds if failure seems imminent.

The Inventory and Monitoring program and the Atlantic Learning Center continue to thrive and are showcases for these programs elsewhere in the Service. The Washington Office conducted a 5-year program review of the I&M program and gave it high marks for the progress made to date. Regular exposure to the public has enhanced local understanding of the program's purpose and benefits. The community is developing a much greater awareness of the role science plays in park management decisions and in the communities as a result.

Once again, this portion of the park's budget appears relatively healthy because of the recent infusion of funds from the Natural Resource Challenge. However, now that the I&M program is more or less fully staffed, while the program funding remains flat, we are starting to see the initial signs of erosion of I&M funds over time similar to the rest of the park budget.

**Cultural Resources:** The overall condition of the park's historic structures remained roughly static. NPS cyclic/LIC monies funded repairs to the Pamet bog house and the Penniman House, as well as the rehab of Salt Pond Visitor Center, which was not complete at the end of the FY. Partners made significant contributions with exterior work on the Highland House – windows, exterior shingling – and the Highland Light – interior painting. AmeriCorps put new doors and windows on Le Hac house. Some deteriorating structures, such as the Sousa gas station, got no attention. A note: Race Point Light is held by a partner of the United States Coast Guard and is operated as a B and B. Significant work was done on the light and the keeper's cottage. Although this building is our responsibility on the LCS, we have no authority over its maintenance or operation.

Archeological compliance continued to improve, with the part-time archeologist completing 21 Section 106 assessments, 6 test pits and some consultation. We continue to be unable to do any Section 110 work in archeology due to lack of funds.

During the year a new genre of historic structure was tentatively identified. Local Wellfleet residents brought to our attention the presence in town of some two dozen "International Style" or "Bauhaus Style" houses which they felt were possibly historic. Bill Burke began a draft determination of eligibility for SHPO concurrence. It is not clear whether they might be independently eligible, or only as a district. If research

shows them to be eligible, the park will need to consider management options as we own at least three, maybe four, of them. There is a certain amount of local interest in the houses as most of them date to the mid-20<sup>th</sup> C. and some folks knew the architects and/or original owners.

We also continued to investigate the most appropriate way to manage the dune shacks. The advisory commission subcommittee looking into this completed its work and forwarded some operating guidance to us via the commission. However, the commission also referred to us a question raised by the Town of Provincetown as to whether or not the historic district is actually a Traditional Cultural Property and any persons associated with the shacks are a Traditionally Associated People as defined by National Register Bulletin 38. The issue is quite contentious, highly charged and emotional, as it involves whether or not any of the folks whose use and occupancy reservations are expiring have any particular right to remain in the district. At the end of the FY we had arranged for a blue-ribbon group of top cultural resource managers and the Mass SHPO to help us decide.

As called for in our GMP, UMass Amherst began work to help us continue the debate over "way of life" and traditional activities and landscapes. Through a series of conversations with the public, as well as a variety of other research, grad students began to elicit information on what people's perceptions are of the character of the Outer Cape. This relates to issues such as vegetation management, public use limits, zoning and the like. There will be additional activities over time and the conversation will always be a work in progress, as the "character" will always be evolving.

**Transportation Planning:** This work continues to be very productive. The local 25-year planning process for the Outer Cape initiated last year has been completed, with each of the six towns holding a plan for an initial route design. Park/Congressional efforts to secure additional funding have been successful and it looks like we will have \$3.4 million to purchase 12 additional shuttle buses in FY04. The buses will be used throughout the 6-month visitor season, and will be available for year-round service as well. They will provide trunk service between Provincetown and Orleans, enabling visitors to take regional commercial bus service to Orleans/Provincetown, and then be able to access some park venues as well as all the other historic town centers by shuttle. This "spine" service is key to supporting the development of peripheral jitney/B Bus service to reach beaches, guesthouses, trailheads, ponds and other areas not right on Rte. 6.

**Zoning:** We remain hopeful that Truro will take action on a new Seashore District zoning bylaw. A first effort was placed on town meeting warrant in the spring, but was pulled at the last minute as inadequate. Additional work is going on in hopes of putting something on next spring's warrant. We will begin work with Wellfleet as soon as staff is able.

**Provincetown airport SUP/Agreement:** We met with representatives of the airport and the town to resolve our differences over the text of a new, 30-year general agreement for the airport (to replace the outdated and inappropriate SUP). The two major areas of disagreement were over the airport's right to be there (we say that right expired at the end

of the 20-year lease from the state, they say it is perpetual) and the insurance requirement, which they say they cannot meet. We await their suggested draft revisions.