

# PROVINCETOWN CONSERVATION COMMISSION

## EXECUTIVE SESSION

March 4 2008

8:00 P.M.

**Members Present:** Dennis Minsky, Elaine Anderson, Lynne Martin and David Hale.

**Members Absent:** Dieter Groll (excused).

**Others Present:** Brian Carlson (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Brian Carlson updated the Commission on the legal matter involving Captain Jon Nordahl. Captain Nordahl met with Brian on February 28, 2008, and, at that time, filed an application for a Notice of Intent. Brian then sent that application to Natural Heritage, the Department of Environmental Protection and the Department of Marine Fisheries for review and comments. He also sent a copy to Town Counsel for review. Brian has not yet, however, received the application fee for the NOI.

The Commission needs to decide how to proceed in this matter. There is a hearing on Captain Nordahl's appeal in Orleans District Court on March 18, 2008. The Commission can let the appeal go proceed, dismiss the matter or stay the Court date and reschedule it for a later date, after the NOI is heard. Town Counsel recommended staying the Court date until Nordahl's NOI is heard. The Commission decided to wait until the next hearing to make a decision on how to proceed.

The Commission then examined and briefly discussed the NOI application. Brian and Dennis reported that they had met with the Shellfish Constable to discuss the issue of whether the area in question is a resource area and whether there is eel grass present. Brian and Dennis will contact their sources and obtain the name of an independent scuba diver who would be willing to explore the resource area for the Commission and give them an independent assessment of what is there.

These minutes were approved by a vote of the Conservation Commission at their meeting on \_\_\_\_\_, 2008.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2008  
Dennis Minsky and Elaine Anderson, Co-Chairs