



## Dune Shack Historic District Preservation and Use Plan/ Environmental Assessment /Assessment of Effect Cape Cod National Seashore





**U.S. Department of the Interior  
National Park Service**

**Cape Cod National Seashore  
Massachusetts**

**Dune Shacks of Peaked Hill Bars Historic District Preservation and Use Plan  
Environmental Assessment / Assessment of Effect**

**April 2011**

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**Proposed Action:** The Dune Shacks of Peaked Hill Bars Historic District, located in Cape Cod National Seashore, was determined eligible for the National Register of Historic Places in 1989 with documentation updated in 2011. Eighteen of the 19 dune shacks are owned by the National Park Service and are currently occupied by different groups and individuals under a variety of administrative instruments. The national seashore needs to develop a long-term approach to establish how the buildings and the adjacent landscape will be protected and interpreted, and how visitors will use the historic district in the future, consistent with the qualities for which the historic district was determined eligible for the National Register. Implementation of the NPS preferred alternative would result in a localized, long-term, minor adverse impact on the natural soundscape; a long-term, localized, minor to moderate beneficial change to the visitor experience within the historic district; a localized, long-term, moderate beneficial impact to the dune shack dweller experience; a long-term, localized, moderate beneficial effect on the structures and features of the historic district; a localized, long-term, moderate beneficial effect on the structures and features of the cultural landscape by preserving the shacks in the landscape; and a long-term, localized, minor beneficial effect on dune ecosystems..

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**Note to Reviewers and Respondents:**

If you wish to comment on this Environmental Assessment/Assessment of Effect, you may mail comments within 30 days to the name and address below or you may post them electronically at <<http://parkplanning.nps.gov/caco>>. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we would be able to do so.

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# ACRONYMS AND ABBREVIATIONS

**CEQ** – Council on Environmental Quality  
**CLR** – Cultural Landscape Report  
**commission** – Cape Cod National Seashore Advisory Commission  
**CZM** – Coastal Zone Management  
**CZMA** – Coastal Zone Management Act  
**CZMP** – Coastal Zone Management Program  
**DEP** – Department of Environmental Protection  
**DO** – Director’s Order  
**EA/AoE** – environmental assessment/assessment of effect  
**EPA** – Environmental Protection Agency  
**FEMA** – Federal Emergency Management Agency  
**GMP** – general management plan  
**historic district** – Dune Shacks of Peaked Hill Bars Historic District  
**HSR** – Historic Structure Report  
**IPCC** – Intergovernmental Panel on Climate Change  
**Mass CZM** – Massachusetts Office of Coastal Zone Management  
**MTCO<sup>2</sup>E** – Metric Tons Carbon Dioxide Equivalent  
**national seashore** – Cape Cod National Seashore  
**NEPA** – National Environmental Policy Act  
**NHESP** – Natural Heritage and Endangered Species Program  
**NHPA** – National Historic Preservation Act  
**NOI** – Notice of Intent  
**NPS** – National Park Service  
**NRCS** – Natural Resources Conservation Service  
**parks** – units of the National Park System  
**Plan/EA** – Preservation and Use Plan  
**SHPO** – state historic preservation officer  
**SOF** – statement of findings  
**Subcommittee** – Cape Cod National Seashore Advisory Commission Dune Shack Subcommittee  
**THPO** – Tribal Historic Preservation Officer  
**US 6** – U.S. Highway 6  
**USFWS** – U.S. Fish and Wildlife Service

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# 1

## INTRODUCTION: PURPOSE AND NEED

The Dune Shacks of Peaked Hill Bars Historic District (historic district), occupies approximately 1,960 acres within Cape Cod National Seashore (national seashore) and was determined eligible for the National Register of Historic Places in 1989. Documentation to support its eligibility was prepared in 2011. The historic district includes both historic buildings (dune shacks) and the dune landscape (Figures 1 and 2). According to the 2011 National Register documentation, the historic district is significant for its role in the development of American art, literature and recreation; for its association with the life of American poet, Harry Kemp; for its collection of dune shacks which represent a regional waterfront expression of a rare and fragile architectural type of shelters; and for its potential to yield further architectural information about prehistory or history. Eighteen of the 19 dune shacks within the historic district are owned by the National Park Service (NPS) and are currently occupied by different groups and individuals and used for a variety of purposes. This Preservation and Use Plan/EA/Assessment of effect (plan/EA/AoE) evaluates future visitor use of the buildings and landscape and how the historic district will be protected and interpreted. It also considers the qualities for which the historic district will be listed in the National Register.

The plan/EA/AoE was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the regulations of the Council on Environmental Quality (40 CFR 1500-1508), and the NPS Director's Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (DO-12) and accompanying DO-12 Handbook (NPS 2001). This plan/EA/AoE also complies with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. At this time and at least until the NPS Northeast Regional Director signs a decision document, selecting an alternative to implement, annual special permits or similar arrangements will continue under current protocols.

### PURPOSE OF AND NEED FOR ACTION

The purpose of taking action is to establish a plan for the preservation and use of the Dune Shacks of Peaked Hill Bars Historic District that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates.

Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is

economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments are long-term leases up to 20 years, medium-term leases of 3 to 10 years, and agreements of five to ten years.

The objectives of this EA, which support the purpose and need, are to:

- Continue to provide the opportunity for contemplative solitude in support of art and literature.
- Support the unique and long-term relationships as highlighted in Robert Wolfe's report, "Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod."
- Provide appropriate opportunities for the public to experience the themes and resource values of the historic district.
- Take advantage of partnership opportunities where appropriate.
- Minimize interference with the natural dune processes that are part of the overall dune system.
- Establish preservation maintenance practices and consultation processes between the national seashore and dune shack occupants that will protect the historic structures and cultural landscapes and adhere to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.



Dune Shack Historic District Preservation  
and Use Plan/ Environmental Assessment



National Park Service  
U.S. Department of the Interior

Cape Cod National Seashore

Figure 1  
Project Location

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Dune Shack Historic District Preservation and Use Plan/ Environmental Assessment



National Park Service  
U.S. Department of the Interior  
Cape Cod National Seashore

Figure 2  
Historic District/Area of Potential Effect

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## **RELEVANT LAWS, POLICIES, AND PLANNING STUDIES/RELATIONSHIP OF PROPOSAL TO OTHER PLANNING PROJECTS**

Alternatives developed and actions analyzed in this document are subject to an array of legal, policy, and administrative considerations. These constraints help to shape the basis for alternatives and provide a framework for analysis of the impacts within this document. Listed below are some of the laws, policies and plans that serve to shape the alternatives and analysis:

**National Environmental Policy Act of 1969**, as amended (NEPA) requires agencies to examine the environmental impacts of their proposed actions and potential alternatives. NEPA is implemented through regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500–1508). The NPS has in turn adopted procedures to comply with NEPA and the CEQ regulations, as found in DO-12 and its accompanying handbook (NPS 2001). This document is prepared under the provisions of NEPA and applicable NPS implementing policies and guidelines.

**National Historic Preservation Act of 1966**, as amended (NHPA): The goal of the NHPA is to have federal agencies act as responsible stewards of historic properties. Section 106 of the NHPA directs federal agencies to examine the impacts of their actions on properties on or eligible for listing in the National Register of Historic Places. Historic properties include districts, sites (both historic and prehistoric), buildings, structures and objects that are included in or eligible for inclusion in the National Register of Historic Places. This document is developed to serve as compliance with the provisions of the NHPA and the regulations of the Advisory Council on Historic Places.

The **NPS Organic Act of 1916** established the NPS as an agency under the direction of the Secretary of the Interior with the stated purpose of promoting use of national park lands while protecting them from impairment. Specifically, the Act declares that the NPS has a mission, both to conserve park resources and provide for their use and enjoyment “in such a manner and by such means as will leave them unimpaired” for future generations (16 U.S.C. §1).

**NPS Management Policies 2006** (NPS 2006) is the basic NPS-wide policy document, adherence to which is mandatory unless specifically waived or modified by the NPS director or certain departmental officials, including the U.S. Secretary of the Interior. Actions under this EA/AoE are in part guided by these management policies.

**NPS Management Policies 2006, Section 1.4: The Prohibition on Impairment of Park Resources and Values.** By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1a-1).

NPS *Management Policies* 2006 (NPS 2006), Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006 sec 1.4.5). A determination on impairment for the preferred alternative evaluated in this plan/EA/AoE is provided as Appendix A.

**Special Regulations, Areas of the National Park System** (36 CFR 7.67), modified in 2007 by the *Finding of No Significant Impact (FONSI) and Alternative Selection of Options for Managing ORV Access, Cape Cod National Seashore*, sets regulation strategies for off-road vehicles (ORV) in the national seashore. These regulations include allowable dates, times, and locations for ORVs to access beach areas. The document also gives the national seashore the ability to close access points or corridors to protect natural resources such as the piping plover during nesting season. These regulations are used to inform decisions about vehicle access to the dune shacks and historic district.

**Leasing of Properties in Park Areas** (36 CFR 18) and Director's Order #38: *Real Property Leasing* give parks the ability to lease properties for fair market value as long as the lease is compatible with park purposes and values and the lease would not be destructive to park resources. Since the 1990s, the national seashore has been using leases to ensure protection of the historic buildings and landscape. These regulations inform the decisions made about lease types that would be allowed under the Plan/EA/AoE alternatives.

**Director's Order #20: *Agreements*** establishes NPS policies and procedures for administering agreements; (2) identifies and describes the types of agreements that the NPS enters into with Federal and non-Federal entities; (3) identifies and describes the responsibilities and functions of NPS officials in administering agreements; and (4) affirms the NPS's commitment to comply with the regulations, policies and procedures imposed by the Office of Management and Budget (OMB) Circulars, the Code of Federal Regulations (CFR), the Federal Acquisition Regulation (FAR), Executive Orders (E.O.), the Department of the Interior (DOI) regulations and other applicable governmental laws and regulations. Three dune shacks have been managed by non-profit organizations under this authority since 1990. This document

guides the development and approval of agreements for uses that may be developed after final decisions are made on dune shack use.

**Director's Order #53: *Special Park Uses*** establishes NPS procedures for activities that take place on park land or waters and provides a benefit to an individual, group, or organization, rather than the public at large and requires written authorization and some degree of NPS management to protect park resources and the public interest. A special park use does not include any activity managed under the Concessions Management Improvement Act of 1998 (16 U.S.C. 5951), or any leasing activity managed under the National Historic Preservation Act (16 U.S.C. 470h-3) or Section 802 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 1a-2(k)). The Superintendent of each park unit is responsible for decisions to approve or deny requests to engage in special park uses at that particular park. The alternatives considered in this document would require compliance with this NPS standard.

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (NPS 1992) are used to guide management decisions in preserving historic properties. The standards are used to plan for the protection and treatment of historic structures and cultural landscapes to maintain their integrity.

The *Cape Cod National Seashore General Management Plan* (GMP) (NPS 1998) sets goals and guidance for the national seashore for resource management and visitor use and experience while analyzing the impacts of various proposed actions. The GMP states that the dune shack landscape should be "preserved as a setting associated with the humanities and the arts." The document also notes that leasing would be allowed for a variety of uses including residential and artist-in-residence programs.

*Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod* by Robert J. Wolfe (2005) provides a cultural history of the dune shacks including patterns of use, shack transference, ceremonies, and repositioning of shacks in response to environmental changes, among others. The report also details maintenance practices and preservation strategies that have been used by current and past residents.

*Traditional Cultural Property Assessment: Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore* prepared by Robert J. Wolfe and T. J. Ferguson (2006) is a supplement to *Dwelling in the Dunes* and was written in support of the historic district becoming eligible as a Traditional Cultural Property (TCP). The report details cultural uses of the dune shacks and the historic district as well as architectural descriptions and traditional maintenance strategies.

The *National Register Determination of Eligibility for the Dune Shacks of Peaked Hill Bars Historic District* (NPS 1989) provides information on the significant features of the historic district that make it eligible for listing on the National Register.

*The National Register Documentation for the Dune Shack of Peaked Hill Bars Historic District* (2011) lists specific elements that contribute to the historic character and cultural importance of the historic district that should be preserved through the plan/EA.

The 2007 *Determination by the Keeper of the National Register of Historic Places* that the historic district did not meet the National Register criteria for recognition as a Traditional Cultural Property.

The draft ***Historic Structure Report*** (HSR) (NPS 2009) provides descriptive information and guidelines for treatment recommendations for each of the historic structures. The HSR also records and describes specific details of each shack that potentially contribute to the historic significance of the structures.

The *List of Classified Structures* (LCS) provides an evaluated inventory of National Register eligible buildings in the historic district.

The draft ***Cultural Landscape Report*** (CLR) and ***Cultural Landscape Inventory*** (CLI) (NPS 2000) document the history, significance, and integrity of the historic district. The character-defining landscape features are listed in the CLI and are classified as either contributing or non-contributing to the significance of the historic district. The CLR builds upon the baseline information provided in the CLI by recommending preservation treatments for the landscape features.

## **SCOPING AND ISSUES**

NEPA regulations require an “early and open process for determining the scope of issues to be addressed and for identifying the relevant issues related to a proposed action.” Scoping is used to define the purpose and need of the project; identify significant issues to be analyzed and eliminate issues that are not relevant; allocate assignments among NPS interdisciplinary team members or other participating agencies; identify relationships to other planning efforts or documents; identify additional permits, surveys, or consultations required by other agencies; and define a time schedule for document preparation and decision-making. Scoping is conducted both internally, with appropriate NPS staff and agencies with jurisdiction by law or special expertise, such as the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and U.S. Fish and Wildlife Service (USFWS); and externally with interested and affected organizations and the public.

An initial internal scoping meeting was conducted in July 2009 and included park staff and resource specialists, NPS Northeast Regional Office staff, and staff from the NPS Environmental Quality Division (EQD). During this meeting, the interdisciplinary team developed draft purpose, need and objectives statements for the project, identified likely issues and concerns, and described the relationship of this project to other planning efforts at the national seashore.

Subsequently, the national seashore issued a press release to initiate external scoping. The press release briefly described the project and invited the public to attend a scoping meeting. The national seashore also created a project webpage on the NPS *Planning, Environment and Public Comment* (PEPC) website (<http://parkplanning.nps.gov/caco>) to post information, announce meetings, and provide a location for the public to make comments electronically. Information was also provided to the public on the park’s web site at [NPS.gov/caco](http://NPS.gov/caco). Additionally, an informational brochure was mailed to interested parties and posted on the project’s PEPC website. The brochure detailed the background of the historic district, provided information on the purpose and need for project, announced the public meeting, and explained how to participate in the development of the plan/EA/AoE. Initial consultation letters were also sent to the SHPO, THPO, FWS, and NHESP. These letters are contained in Appendix B.

The public scoping meeting, held on October 19, 2009 at the Provincetown Center for Coastal Studies, was jointly sponsored by the NPS and the Cape Cod National Seashore Advisory Commission (commission). The meeting was facilitated by the mediation team from the Consensus Building Institute (CBI). During this meeting, the NPS provided a short presentation about the project, including the purpose and need; briefly explained the planning process; responded to questions; and invited the public to submit comments, concerns, and suggestions. Verbal comments provided during the meeting were recorded on flip charts, including those made during individual discussion with members of the public. Interested parties were also invited to provide written comments either by direct entry into the PEPC website for the project or by letter directed to the national seashore. Public comments received during the scoping process were made available to NPS, the commission, the Dune Shack Subcommittee, and the public.

Based on information provided during the internal and public scoping meetings/discussion, the commission and subcommittee collaborated with the national seashore to develop the preferred alternative evaluated in this plan/EA/AoE. The subcommittee met eleven times between November 2009 and July 2010. All subcommittee meetings were publicly noticed and attended by the public. The subcommittee provided a detailed report to the commission in May 2010, and also held a public meeting to provide the public the opportunity to comment on the subcommittee's progress. The subcommittee's report was adopted by the full commission in July 2010. The report is the basis for the preferred alternative evaluated in this document.

## **ISSUES SELECTED FOR DETAILED ANALYSIS**

During the scoping process, specific considerations and concerns were identified as relevant to the proposed project's development. The most important of these issues to be considered during the planning process are: occupancy, non-occupancy uses, preservation of character-defining features, and natural processes. Along with the purpose and need for the proposed action, these topics, which are described below, guided the development of alternatives.

### **Occupancy**

Appropriate types of occupancy, which include overnight to long-term stays, must be established for the historic district and must be compatible with historic district resources and cultural traditions. Additionally, a system must be created to determine how the shacks will be used once reservations of occupancy, leases, and other existing administrative instruments expire.

### **Non-Occupancy Uses**

Non-occupancy uses include dune tours, interpretation, public access, and vehicle access. The appropriate level of public access in the historic district must be determined. Decisions also need to be made regarding how much and what manner of public access is acceptable while maintaining the character of the historic district and the integrity of sensitive natural resources.

## **Preservation of Character Defining Features**

Preservation and maintenance principles must be created to protect the character-defining features of the shacks, the overall landscape of the historic district, and circulation network of sand roads and social walking paths. The appropriateness of alternative technologies (solar panels, generators, etc.) also must be evaluated. Additionally, standards for routine maintenance must be established to determine the extent of changes or upgrades that would be permitted and the issue of rebuilding in the event of catastrophic loss must be addressed.

## **Natural Processes**

The historic district's physical location within a fluid dune and beach environment poses challenges to cultural resource preservation. The dynamic natural processes have the potential to destroy the structural features of the historic district. Decisions must be made regarding the best ways to preserve the natural process of the dunes and beaches while preserving the resources of the historic district. Conversely, efforts to protect the historic resources must also allow natural dune and beach processes to occur.

## **IMPACT TOPICS**

Impact topics are resources of concern that could be affected, either beneficially or adversely, by the range of alternatives presented in this plan/EA/AoE. Impact topics evaluated in this planning process were identified based on the issues raised during scoping, federal laws, regulations, Executive Orders, NPS *Management Policies* (NPS 2006), Director's Orders, and staff knowledge of the national seashore's resources.

## **Impact Topics Retained For Further Analysis**

Impact topics identified and analyzed in this plan/EA/AoE are listed below along with a brief rationale for their selection. Each impact topic is described in detail in Chapter 3: Affected Environment. An analysis of impacts associated with each of the alternatives, by impact topic, is provided in Chapter 4: Environmental Consequences.

**Soundscapes.** In accordance with NPS *Management Policies* (NPS 2006) and NPS Director's Order # 47: *Sound Preservation and Noise Management* (DO # 47) an important part of the NPS mission is preservation of natural soundscapes associated with national park units. Natural soundscapes exist in the absence of human-caused sound. The natural, ambient soundscape is the aggregate of sounds that humans can perceive and can be transmitted through air, water, or solid materials. The frequencies, magnitudes, and durations of human-caused sound that are acceptable varies among NPS units, and can vary within NPS units with greater tolerance in developed areas and less in undeveloped areas. The alternatives presented in this document will determine allowable uses in the historic district, including vehicle use and use of generators. Some of these uses could create additional noise in the historic district; therefore, the topic of soundscapes was retained for further analysis.

**Use and Experience.** Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks (NPS 2006). The NPS strives to provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the natural and cultural resources found in parks. The plan would determine appropriate use management strategies for visitors and local residents, including non-occupancy uses, such as tours and day hikes, and vehicle use and taxi tours in the historic district.

Currently, the historic district provides limited recreational opportunities for general park visitors and local residents who are not residing in the dune shacks. The alternatives could result in an increase in pedestrian and/or vehicle traffic which could potentially have an adverse effect on the historic district. Therefore, the impact topic of use and experience is retained for further analysis.

**Dune Shack Dweller Experience.** Providing dwellers of the dune shacks with the opportunity for contemplative solitude in support of art and literature and a connection to nature are key objectives of this plan/EA/AoE. Many families have also enjoyed the dune shacks as a place of isolation, removed from the fast-paced life of neighboring towns. Preserving those conditions characteristic to the historic district that create this sense of solitude is a major concern of the national seashore. Because the alternatives presented in this plan/EA/AoE could potentially change this experience of solitude and isolation, the topic of dune shack dweller experience is retained for further analysis.

**Historic Structures.** The NPS defines a historic structure as “a constructed work, usually immovable by nature or design consciously created to serve some human activity” (NPS 2002). For a structure or building to be listed in or eligible for listing in the National Register of Historic Places, it must possess historic integrity of those features necessary to convey its significance, particularly with respect to location, design, setting, feeling, association, workmanship, and materials. National Register Bulletin #15: *How to Apply the National Register Criteria for Evaluation* provides a comprehensive discussion of these characteristics.

The dune shacks and the dune landscape surrounding them are contributing elements to the historic district under criteria A and C of the National Register of Historic Places because they represent a rare and fragile property type and have associations with the historic development of American art, literature, and recreation. The proposed action would specify management strategies for the preservation of the dune shacks. Therefore, the impact topic of historic structures is retained for further analysis.

**Cultural Landscapes.** As described in DO #28 a cultural landscape is “a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values” (NPS 2002). Cultural landscapes are often expressed in the way land is organized and divided, patterns of settlement, land use, systems of circulation, and the types of structures that are built. Because the proposed alternatives have the potential to alter the landscape, the impact topic of cultural landscapes is retained for further analysis.

**Dune Processes.** The historic district is located in the interdunal area of outer Cape Cod, along the Atlantic Ocean. The dynamic and expansive dune system in this area is continuously changing as coastal winds reshape and scour the dunes. The location of the dune shacks has the potential to affect this natural process by redirecting wind movement causing sand drifts and scouring of the dunes. Some residents of

the dune shacks construct temporary measures to protect their structures from the moving sand and wind. These temporary measures manipulate the natural movement of the dunes and have the potential to adversely impact the dunes. Alternatives presented in this plan/EA/AoE may alter the current management of the dune shacks; therefore, the impact topic of dune processes is retained for further analysis.

## **Impact Topics Dismissed from Detailed Analysis**

The following impact topics were initially considered but were dismissed from further analysis because the resource is not present in the historic district or because any potential impacts would be negligible to minor. A brief rationale for the dismissal of these impact topics is given below.

**Air Quality.** The 1963 Clean Air Act, as amended (42 USC 7401 et seq.) requires land managers to protect air quality. Section 118 of the Clean Air Act further requires parks to meet all federal, state, and local air pollution standards and NPS Management Policies (NPS 2006) addresses the need to analyze potential impacts to air quality during park planning. The national seashore is classified as a Class II area per the Clean Air Act of 1973 and is within a non-attainment area (including, but not limited to, the entire Commonwealth of Massachusetts) for ozone.

The primary sources of air pollution in the historic district are emissions from vehicles and wood-burning stoves. Implementing some of the dune shack management strategies could potentially result in short-term, minimal impacts to local air quality; however, those pollutants would rapidly dissipate as a result of the coastal breezes and would not result in any long-term changes to local or regional air quality. Therefore, the impact topic of air quality was dismissed from further analysis.

**Water Quality and Quantity.** NPS *Management Policies* (NPS 2006), NPS DO #77: *Natural Resources Management*, along with the Clean Water Act, and other federal, state, and local regulations provide general direction for the protection of surface water and groundwater. The historic district is located over the Pilgrim Flow lens, an underground layer of fresh water overlaying saline groundwater. The Pilgrim Flow lens is self-contained and is not used by neighboring Provincetown. Water pulled from the Pilgrim Flow lens is high in salinity and iron and not considered a potable water supply, a limiting factor in development and use within the historic district. Currently, dune dwellers bring bottled water into the historic district for consumption and cooking. Some individual shacks have access to well water, however because of its brackish nature, well water is typically only used for bathing, washing clothes, and cleaning. The alternatives proposed in this document will not change the current management policy for water withdrawal and, therefore, would have no impact on water quantity.

Current management policies require that residents remove refuse from the property as they leave the historic district. The dune shacks currently have a variety of sanitation facilities: one shack has no facility, a few shacks have septic-type systems, and the remaining shacks have composting facilities where the compost material is ultimately removed from the historic district. The alternatives evaluated in this plan/EA/AoE would not change management strategies for activities that would affect water quality. Therefore, the topics of water quantity and quality have been dismissed from further analysis.



**Floodplains.** Executive Order 11988, "Floodplain Management," requires examination of impacts to floodplains and potential risks involved in placing facilities within floodplains. NPS Director's Order #77-2: *Floodplain Management* and accompanying *Procedural Manual* #77-2 establish procedures for implementing floodplain protection and management actions in units of the National Park System.

Flood Insurance Rate Maps created by the Federal Emergency Management Agency (FEMA), show the location of the historic district in zones B and C. Zone B indicates areas between the 100-year and 500-year flood boundaries. Zone C indicates areas of minimal flooding. The alternatives presented in this plan are not expected to modify or influence existing floodplains. Therefore, the topic of floodplains is dismissed from further analysis.

**Wetlands.** Executive Order 11990 (*Protection of Wetlands*) and NPS Director's Order # 77-1: *Wetland Protection* defines the NPS goal to maintain and preserve wetland areas. While dune slack wetlands occur within the boundaries of the historic district, none of the actions proposed in this document would result in impacts to those wetlands

**Federally Listed Threatened and Endangered Species.** Section 7 of the Endangered Species Act of 1973, as amended, directs all federal agencies to use their existing authorities to conserve threatened and endangered species and to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Federally listed threatened and endangered species that may occur in the waters off Cape Cod include the loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*), hawksbill sea turtle (*Eretmochelys imbricata*), and Kemp's ridley sea turtle (*Lepidochelys kempii*). Piping plover (*Charadrius melodus*) may be found within the historic district and occasionally nest in the interdunal areas.

The national seashore currently adheres to the piping plover protection guidelines in Appendix G of the Atlantic Coast Piping Plover Recovery Plan. These guidelines are designed to avoid adverse effects to piping plovers. All of the alternatives conform to these guidelines. As a result, the national seashore has determined that implementation of the alternatives evaluated in this EA are not likely to adversely affect the threatened piping plover. Therefore, federally listed threatened and endangered species was dismissed from further analysis. As part of the Section 7 consultation process, this EA will be submitted to the USFWS for review and concurrence.

**State Listed Endangered, Threatened, and Special Concern Species.** NPS *Management Policies* (NPS 2006) provides for the protection of threatened and endangered species including state and locally listed species. State listed species known to exist in the general location of the historic district include the piping plover (*Charadrius melodus*), Eastern spadefoot toad (*Scaphiopus holbrookii*), and the diamond-backed terrapin (*Malaclemys terrapin*).

As described under federally listed threatened and endangered species above, the national seashore currently adheres to the piping plover protection guidelines. The Eastern spadefoot toad is known to inhabit the Outer Cape where the vast sand dunes and many shallow, temporary ponds create an ideal habitat. The diamond-backed terrapin primarily inhabit salt marshes, but females move into adjacent sandy, dry, upland areas for nesting. The alternatives presented in this plan/EA/AoE do not involve any construction or other activities that would disturb the existing habitat of these species. Therefore, state-

listed endangered, threatened, and special concern species was dismissed from further analysis. See Appendix B for letters of concurrence from the Massachusetts Natural Heritage and Endangered Species Program (MA NHESP). This plan/EA/AoE will be submitted to MA NHESP for additional review and concurrence.

**Invasive Species.** NPS policy is to protect the components and processes of naturally occurring vegetative communities including the natural abundance, diversity, and ecological integrity of plants species native to ecosystems. According to the *Dune Shacks of the Peaked Hill Bars Cultural Landscape Inventory* (CLI), predominant vegetation in the historic district includes: scrub pine (*Pinus virginiana*), wild cherry (*Prunus serotina*), beach plum (*Prunus maritima*), bayberry (*Myrica pennsylvanica*), beach grass (*Ammophila breviligulata*), scotch broom (*Cytisus scoparius*), scrub oak (*Quercus ilicifolia*), and salt spray rose (*Rosa rugosa*). Alternatives presented in this document would not change current management strategies for vegetation in the historic district.

The potential for introduction and/or spread of non-native species or invasive species was also considered. Invasive species can compete with native species for food, water, and space, eventually winning out. This can drastically alter habitats and the overall landscape. Some residents of the historic district have planted small gardens surrounding individual dune shacks which has led to the introduction of some non-native species including Japanese knotweed (*Fallopia japonica*), and salt spray rose (*Rosa rugosa*). The salt spray rose is considered a contributing element to the cultural landscape because it was introduced to the dune landscape early in the history of shack construction and is still present throughout the district. In contrast, Japanese knotweed was introduced very recently and is identified as a non-contributing element that could spread and be difficult to control. As a result, management of the introduced salt spray rose will generally include retention while the non-native Japanese knotweed may be removed. Overall, the alternatives presented in this document would not increase the potential for spread of invasive species or introduction of new invasive species. Therefore, the topic of invasive species was dismissed from further analysis.

**Archeology.** The Archeological Resources Protection Act (ARPA) requires that archeological resources be identified and that proper permits be obtained prior to excavating any resources. There are foundations present in the historic district and there is potential that archeological artifacts exist in the historic district. The alternatives presented in this plan/EA/AoE do not include ground disturbance or new construction, so the potential of uncovering or otherwise disturbing archeological resources is minimal. If, however, any ground-disturbing actions are proposed in the future, those actions would be assessed at that time through the Section 106 and NEPA processes. Any archeological resources inadvertently discovered would be documented, significance assessed, and appropriate mitigation strategies developed in consultation with the SHPO. For these reasons, the topic of archeology is dismissed from further analysis.

**Ethnographic Resources.** Ethnographic resources are defined as any “site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it” (DO #28, 157). There are no known ethnographic sites in the historic district. In addition, the historic district does not meet the qualifications of a Traditional Cultural Property (TCP) with reference to criterion A. However, dune dweller traditions have been taken into account in developing the alternatives presented in this plan/EA/AoE. As a result of

the lack of formally recognized ethnographic resources within the historic district, the impact topic of ethnographic resources was dismissed from further analysis.

**Museum Collections.** The NPS *Management Policies* (NPS 2006) and NPS Director's Order #28 require the consideration of impacts on museum collections. The national seashore management strategies for museum collections would not be altered by the alternatives presented in this document. Because museum collections would not be impacted by the proposed management actions, the impact topic was dismissed from further analysis.

**Socioeconomics & Land Use.** NPS *Management Policies* (NPS 2006) requires the NPS to identify any impact to socioeconomic resources when determining the feasibility of a proposed action. The proposed plan/EA/AoE will create strategies for managing the historic district, which is entirely within the boundaries of the national seashore, would not change existing land use, extend the boundaries of the historic district, or impact adjacent or regional land uses. The alternatives may result in small benefits to local businesses, but any benefits to the local economy would be negligible. Impacts to socioeconomic and land use are not expected as a result of the alternatives presented in this document; therefore, the impact topic of socioeconomic and land use was dismissed from further analysis.

**Environmental Justice.** Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations," requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental impacts of their programs and policies on minorities and low-income populations and communities.

According to the CEQ, environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (CEQ 1997). Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

No minority or low-income populations are located in or near the historic district or adjacent to the national seashore. The proposed management alternatives would not have disproportionately adverse health or environmental effect on minorities or low-income populations. Therefore, the impact topic of environmental justice was dismissed from further analysis.

**Energy Conservation/Sustainability.** CEQ guidelines for implementing NEPA require examination of energy requirements and conservation potential as a possible impact topic in environmental documents. The objectives of sustainability are to design structures to minimize adverse impacts on natural and cultural values; to reflect their environmental setting; to maintain and encourage biodiversity; to construct and retrofit facilities using energy efficient materials and building techniques; to operate and maintain facilities to promote their sustainability; and to illustrate and promote conservation principles and practices through sustainable design and ecologically sensitive use. Essentially, sustainability is living in manner so as to have the least impact on the environment. The alternatives presented in this document perpetuate a low-consumption activity and would not contribute to the depletion of energy resources. Vehicle use in the historic district contributes to a minor consumption of energy, but vehicle trips through

the historic district are relatively infrequent and would not substantially increase under any of the alternatives. The alternatives would have negligible effect on energy requirements, energy resources, and energy conservation potential. Therefore, the impact topic of energy conservation potential is dismissed.

**Indian Trust Resources and Sacred Sites.** Secretarial Order 3175 requires that any anticipated impacts to Indian Trust resources from a proposed project or action by Department of the Interior agencies be explicitly addressed in environmental documents. The federal Indian Trust responsibility is a legally enforceable obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and it represents a duty to carry out the mandates of federal laws with respect to Native American tribes. There are no known Indian Trust resources within the national seashore, and the lands comprising the national seashore are not held in trust by the Secretary of the Interior for the benefit of Native Americans due to their status as Native Americans. Additionally, there are no known sacred sites located in the historic district. Therefore, the impact topic of Indian Trust resources and sacred sites was dismissed from further analysis. The national seashore has consulted with the two associated federally recognized tribes on a government to government basis and a copy of this plan/EA/AoE has been provided to those tribes.

**Climate Change.** Climate change refers to any significant changes in average climatic conditions (such as mean temperature, precipitation, or wind) or variability (such as mean temperature, precipitation, or wind) or variability (such as seasonality, storm frequency, etc.) lasting for an extended period (decades or longer). Recent reports by the U.S. Climate Change Science Program, the National Academy of Sciences, and the United Nations Intergovernmental Panel on Climate Change (IPCC) provide clear evidence that climate change is occurring and will accelerate in the coming decades. There is strong evidence that global climate change is driven by human activities worldwide, primarily the burning of fossil fuels and tropical deforestation. These activities release carbon dioxide and other heat-trapping gases, commonly called “greenhouse gases,” into the atmosphere (IPCC 2007).

There are two aspects of climate change that must be considered in an environmental impact analysis:

- our impact on climate change: i.e., through our actions, the potential to increase or decrease emissions of greenhouse gases that contribute to climate change
- the impact of climate change on us: i.e. how are the resources that we manage likely to change in response to changing climate conditions, and how does that change or otherwise affect our management actions and the impacts of those actions on the resource

As noted under the Air Quality and Energy Conservation/Sustainability sections above, the alternatives evaluated in this plan/EA/AoE would not notably alter greenhouse gas emissions at the national seashore and are not expected to contribute to climate change. Predicted elevation of sea levels are not anticipated to affect the dune shacks because they are primarily situated in areas of low to moderate vulnerability to coastal impacts resulting from sea level rise (Hammar-Klose E.S. 2003).

In consideration of these factors, the impact topic of climate change was dismissed from further analysis.

# 2

## ALTERNATIVES

This chapter describes the alternatives evaluated in this EA for the preservation and use of the Dune Shacks of Peaked Hills Historic District. Two alternatives are analyzed in this EA: Alternative A, the No-Action Alternative, which would continue current management direction; and one action alternative, Alternative B, Limited Mix of Use and Occupancy, which is the NPS Preferred Alternative. Alternative B was developed in cooperation with the commission and the commission's Dune Shack Subcommittee. More detail on the development of Alternative B is provided in the alternative description below. Also included in this chapter is:

- A brief description of other alternatives and alternative elements that were initially considered during the planning process but were subsequently dismissed from further analysis, including the rationale for dismissal;
- A description of the environmentally preferred alternative as defined by the CEQ implementing regulations for NEPA;
- A summary table that compares how well each of the two alternatives evaluated in this EA meets the purpose, need and objectives; and
- A summary table that compares the environmental impacts of the two alternatives.

Administering the management instruments (special use permits, agreements, and leases) for use of the shacks would be similar under both alternatives. Fair market value would be paid in consideration for use and evidence of general liability coverage would be required. If longer-term management instruments were allowed, the administrative burden on the national seashore to process annual permits and leases would be lessened.

### **ALTERNATIVE A: NO-ACTION ALTERNATIVE (CONTINUE EXISTING MANAGEMENT)**

Under the No-Action Alternative, current management, operations, and conditions would continue within the historic district. This is essentially the management structure that has been in place since the historic district was added to the National Register of Historic Places in 1989. Federal regulations require the NPS to analyze the No-Action Alternative and compare the associated environmental consequences to other alternatives considered in environmental documents. If the NPS selects the No-Action Alternative, they would respond to future needs and conditions associated with the preservation and use of the dune shacks without major actions or changes in the present course. The NPS would make decisions for dune shack

occupancy on a case-by-case basis, and would consult existing plans-of-record and research documents for guidance, without a comprehensive, systematic decision-making approach.

The 1998 General Management Plan (GMP) for the national seashore states that the Cohen dune shack and Margo-Gelb dune shack will be used for interpretation for visitors by the National Park Service or by cooperators through use agreements. It states that the Braaten, Fleurant, Jones, and Watson shacks would be available for the historic property leasing program or administration under a concession contract that would allow for public stays. At the time of GMP development, it was determined that the eleven other dune shacks (and seven outbuildings) still subject to life estates or use-and-occupancy reservations would be assigned to either of the previously mentioned categories.

Since the GMP was adopted, several important research documents have been prepared for the historic district, including an ethnographic report, “Dwelling in the Dunes,” by Robert W. Wolfe, CLR, and HSR. In addition, a National Register nomination is currently being prepared for the historic district. Future decision-making would take into account this developing information to ensure that key elements described in the research are maintained in the future.

Under the No Action Alternative, current uses associated with the 18 dune shacks would continue, including:

- Agreements with non-profit organizations that offer artist and writer residencies and short-term use by the general public;
- Long-term (15 – 20 year) private occupancies using existing management mechanisms; and
- One-year special use permits for transitions between expiring and new agreements and occupancies.

As existing reservations of use and occupancy and other management instruments expire, the national seashore superintendent would determine the best use or occupancy arrangement for a given shack on a case-by-case basis.

Under the No-Action Alternative, day visitors would continue to access the historic district on foot either on a self-guided basis, during occasional hikes organized by local hiking groups or Cape Cod Pathways as permitted and approved by the park, with private tour vendors, or on a ranger-guided walk to a resident artist shack. In addition, occasional introduction of the historic district’s themes and history to elementary through high school aged students would continue to be provided through established relationships between schools and park staff, volunteers, and non-profits. Additionally, the national seashore would continue to produce materials for its website and visitor centers to sensitize and orient visitors about the care needed to protect and maintain the dune resources by staying on trails, staying off dunes, and keeping a respectful distance from the shacks.

Vehicle access to the historic district would continue to be limited to NPS staff, emergency vehicles, dune shack dwellers, organizations occupying the dune shacks, and private tour vendors operating under commercial use authorization. Vehicle access would not be granted to the public; however, visitors would be able to use private dune taxis to access the historic district. The national seashore would continue to

maintain the inner-dune roads under the current management strategies including marking roads and ensuring that they remain passable.

Maintenance of the dune shacks, under the No-Action Alternative, would continue to be carried out by the current dwellers and lessees. The NPS would allow dwellers and lessees to install sand fences or other protective measures, or relocate shacks when threatened by blow outs or accreting sand. The NPS would make these decisions on a case-by-case basis. Current dune shack infrastructure would continue to include the use of self-contained and composting outhouses, as well as the introduction of modern elements, such as photovoltaic panels for electricity. Proposals for new amenities would be considered by the park on a case-by-case basis. Dune shack dwellers and visitors would be responsible for bringing in potable water and taking trash and waste from the historic district as they leave.

NPS review and approval of proposals to alter historic structures or cultural landscapes would occur on a case-by-case basis. Under the No-Action Alternative the national seashore would consult the new HSR and CLR, and other relevant document, to make specific decisions and recommendations. The draft HSR provides basic guidelines for maintaining the shacks, and states that the management and maintenance of the shacks will need to be flexible, adaptable, inventive and respectful of the broad range of character defining features of each shack. The HSR identifies character defining features common to all shacks, and lists specific interior and exterior character defining features that should be preserved at particular shacks.

The cultural landscape would continue to be managed under current policies, guided by information from the recently completed CLR. Some traditional activities that have been allowed in the historic district, such as planting small gardens and installing plastic fencing, would likely be curtailed in response to CLR recommendations.

In the event of catastrophic loss, shacks that are destroyed would be allowed to be rebuilt in accordance with NPS policies on reconstruction of historic properties (NPS 2006).

## **ALTERNATIVE B: LIMITED MIX OF USE AND OCCUPANCY**

Alternative B is the result of the collaborative efforts between the national seashore and the commission, including its Dune Shack Subcommittee. The subcommittee included long-time dune dwelling families; representatives of Truro and Provincetown; the three non-profit organizations that provide art, writing, and general public residencies; Art's Dune Tours, a dune taxi concession; Friends of the Cape Cod National Seashore; and the national seashore historian. The goal of the subcommittee process was to openly discuss the many elements of resource protection, historic structure preservation, public access, perpetuation of traditions, management models and mechanisms, transition between uses and users, and compliance to develop EA alternatives that meet the project objectives, as listed in Chapter 1.

On July 19, 2010 the commission discussed the recommendations provided in the *Dune Shack Subcommittee's final report on actions for preservation and use of the Peaked Hill Bars Historic District (Cape Cod National Seashore Advisory Commission)*. Following the discussion, the commission endorsed the report with minor edits. The commission forwarded their edits to the NPS with the recommendation

that the actions described in the report be included in an alternative evaluated in this plan/EA/AoE. Alternative B, described below, includes many of the recommended actions.

The intent of Alternative B is to provide for the long-term care and commitment to the historic district including, but not limited to the following:

- Maintaining the cultural significance of the historic district through living and sharing the dune experience, and the traditions, stories, and memories;
- Maintaining and preserving the dune shack structures;
- Maintaining and preserving the cultural and natural landscape; and
- Maintaining the district's historic connection to the development of art and literature in America.

## **OCCUPANCY AND USE**

Under Alternative B, frequent occupancy of the shacks would be encouraged and would consist of some combination of the following:

- Residential use (ranging from 3 to 20 years) by individuals, families and kinship groups;
- Programmatic and public use (1-3 weeks at a time) by the public, members of nonprofits, and artists in residence; and
- Recurrent caretaker use (1-3 weeks at a time).

It is anticipated that dune shack use would be distributed as approximately 40 percent long-term residential, 20 percent medium-term residential or nonprofit organizations (with 3-10 year rotations), and 40 percent non-profit organizations serving a range of appropriate programmatic and public uses.

Mixed use within individual dune shacks and for the shacks as a whole would be supported. Hybrid uses – where shack stewards (dune shack dwellers) reside in their shacks for a portion of the year and provide opportunities for public and programmatic uses during the remaining months– would be encouraged, but would not be expected for all shacks. Examples of programmatic uses under Alternative B would include:

- Artist-in-Residence or Writer-in-Residence programs that perpetuate the development of art and literature in the historic district, tied to its National Register significance, and assist the NPS in carrying out this NPS-wide program.
- Activities that assist the NPS in carrying out its preservation responsibilities, such as research papers, development and dissemination of best practices, preservation maintenance case studies, or serving as a team-member with NPS staff and other historic district stewards to solve problems.
- Training for NPS staff to improve interpretation and protection of the historic district.
- Public education programs that result from stays by the public or members, such as gallery exhibits in town; lectures or poetry readings in park facilities; behind-the-scenes tours for park partners.



In addition to considering current dune shack use, decisions about the use of particular shacks would be guided by recognition of what is most suitable, given a particular shack's history, size, location, and condition:

- *History*: As an historic district, the past uses of the individual shacks can provide a helpful guide for the appropriateness of each shack's future use. In particular, shacks with very consistent use over time (i.e., use by one family over many decades; use tied directly to historic figures of significance; use of shorter-duration by a larger number of people), would be strongly considered to maintain those uses into the future.
- *Amenities*: Shacks with more amenities may be better suited for uses involving longer stays, whereas more basic shacks (i.e., fewer amenities) may be sufficient for uses involving shorter stays, such as public/programmatic stays of 1-3 weeks.
- *Visibility*: The level of visibility and proximity to other shacks would be considered, as well as the value of clustering similar or compatible uses.
- *Condition*: Shacks in poor physical condition, which require extensive rehabilitation, are most appropriate for arrangements with long-term stewards.

## **MANAGEMENT INSTRUMENTS AND SELECTION CRITERIA**

A variety of management instruments would be used for preserving and allocating use of the dune shacks. Leasing would be favored for long-term residential stewards, and agreements or leases would be favored for non-profits for public and programmatic uses. The NPS Preferred Alternative establishes a list of criteria that the national seashore would consider when selecting stewards for the dune shacks. The national seashore would send a technical advisor with extensive knowledge of the uses and historical and cultural significance of the district to provide technical advice to the evaluation panel during the leasing process.

For long-term residential occupancy (up to 20 years) used to preserve and maintain the historic structures, landscape, and living culture, the following decision criteria (in no particular order) would be added to the standard NPS criteria for the leasing of historic properties:

- Experience or history of involvement with the historic district, which may include association with the traditions and living history of the shack;
- Association with the values and traditions that contribute to the shack's history and the cultural significance of the historic district;
- Commitment to participate in public access opportunities for the historic district;
- Desire and commitment to protect and promote the values and significance of the historic district and the continuation of tradition and cultural identity;
- Capacity to perform the required maintenance; and
- Availability and intent to use the shack.

For medium-term stewardship and occupancy (3-10 years), which would be used to provide the opportunity for new entrants into the values, culture, character, and practices of the historic district, the following decision criteria (in no particular order) would be added to the standard NPS criteria for the leasing of historic properties:

- Ability to perform preservation maintenance on rustic structures and knowledge of surrounding environment;
- Capacity to perform the required maintenance;
- Commitment to participate in public access opportunities for the historic district;
- Desire and commitment to protecting and promoting the values of the historic district and continuation of tradition; and
- Availability and intent to use the shack.

For programmatic/public stewardship and occupancy used to preserve and maintain the historic structures, landscape, and living culture, the following decision criteria (in no particular order) would be added to the standard NPS criteria for the leasing of historic properties:

- Experience partnering with the NPS;
- Experience or history of involvement with the historic district;
- History or involvement with one or more shacks;
- Experience managing programs to meet federal objectives;
- Ability to carry out programmatic activity with direct visitor benefit, developed in partnership with the NPS, that advances the mission of the national seashore and protects and promotes the values of the historic district;
- Ability to provide a meaningful educational component to its program and be available to members of the interested public; and
- Capacity to perform the required maintenance.

## **TRANSITION PROCEDURES**

Alternative B also establishes the following procedures for transitions in stewardship of a dune shack:

From current special year-to-year permits:

- In a time frame administratively feasible for the national seashore and the NPS, the national seashore would notify a shack's current occupant that the NPS intends to implement the plan at that shack and will be implementing a transition as outlined below under "predictable transitions."
- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or special agreement), the current occupant would remain and be provided a special use permit, issued annually, to do so.
- Upon award and approval of a new lease or agreement, assuming it is a new occupant, the current occupant would be able to remain through the termination date of the last annual special permit issued.

In an unpredictable transition, when a family member holding a long-term arrangement passes away:

- Annual special permits or similar arrangements would continue to be approved with a family member or kin of the deceased until this planning process is completed and a decision document is signed by the NPS Regional Director.

- In a time frame administratively feasible for the national seashore and the NPS, the national seashore would notify a shack's current occupant that the NPS intends to implement the plan at their shack and will be implementing a transition as outlined below under "unpredictable transitions."
- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or agreement), the occupant would remain and be provided a special use permit, issued annually, to do so.
- Execution of a new lease or agreement would dovetail with the expiration date of the existing management instrument.

In the event of a predictable expiration of terms of an existing agreement, lease, or stipulation of use, three years prior to the termination date of the administrative instrument (lease, agreement, etc.), the national seashore/NPS would:

- Determine (via the Superintendent) the future stewardship/occupancy of that shack, given the historic district plan, seeking to maintain the recommended mix of stewardship/occupancy. It is assumed that shacks would typically, but not always, remain in their current status in terms of general occupancy (residential or nonprofit). "Mixed" arrangements of residential and non-profit organizations would be possible.
- And then, either:
  - Initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or
  - Initiate development of a non-competitive lease or agreement for long-term stewardship for a non-profit organization undertaking a programmatic purpose consistent with the mission of the NPS and the national seashore.

Under Alternative B, RFP's would include selection criteria as described above under "Management Instruments and Selection Criteria".

In transitions of unpredictable expiration of terms of an existing agreement, lease, stipulation, or reservation of use (death of person, failure to comply with lease, sudden vacancy, or failure of an organization), the national seashore would:

- Immediately work to ensure the integrity and character of the structure, either by
  - Providing an annual special use permit to a family member or kin of the deceased or a constituent of the failed organization for the transition period (1 to 2 years), or
  - Employ other shack stewards (individual lease holders, organizational programs, and members) on a volunteer basis to physically secure the structure for the transition period (1 to 2 years) and inform the commission or its Dune Shack Subcommittee of the efforts.
- Then, within a reasonable time frame, determine (via the Superintendent) the future stewardship/occupancy of that shack given the historic district plan, seeking to maintain the mix of stewardship/occupancy. It is assumed that shacks would typically, but not always, remain in their current status in terms of general occupancy (residential or non-profit). "Mixed" arrangements of residential and non-profit organizations would also be possible.
- And then, either:

- Initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or,
- Initiate development of a non-competitive lease or agreement for long-term stewardship for a non-profit organization undertaking a programmatic purpose consistent with the mission of the NPS and the Seashore.

Under Alternative B, RFP's would include selection criteria as described above under "management instruments and selection criteria".

## **PUBLIC ACCESS**

Consistent with the national seashore's broad interpretation of public access to include both physical and intellectual access to the historic district's resources and themes, public access would encompass opportunities for intellectual, experiential, and interactive access. All stewards of the dune shacks, including leaseholders and agreement holders, would be encouraged to contribute to public understanding and access to the historic district through a range of diverse, low-impact opportunities for access that reflect the unique nature and sensitive resources, and the need for privacy to experience the values of dwelling in the dunes. Opportunities for education, outreach, and experiential activities would be carefully considered to ensure the level of use is consistent with preserving the qualities of the historic district.

Examples of these opportunities include interior and exterior exhibits at the visitor center or at access points to the historic district, publications, documentary film(s) or video footage, sales items in the national seashore bookstores, ranger-guided education programs at non-historic district venues, special events, lectures, and multi-media presentations. The national seashore would produce materials for its website and visitor centers to sensitize and orient visitors about the care needed to protect and maintain the dune resources through staying on trails, staying off dunes, and keeping a respectful distance from the shacks.

All stewards of the dune shacks, both individuals and non-profit organizations, would be expected to contribute to enhancing intellectual access to the historic district by undertaking one or more of the following (by way of example, but not limited to):

- Providing the NPS access to photographs, letters, stories, and oral histories of the shacks and their families, friends, and visitors;
- Participating in an exhibition, reading, video, or presentation at the national seashore visitor center, a local school, art gallery, library, community center, or other informational or educational program.

Under Alternative B, day access for the general public would be provided by guided, programmed ranger walks and dune taxi tours managed through a special permit. In addition to programmed day visits, independent walk-in day visitors would be allowed. The NPS would seek to obtain baseline data on the numbers of day visitors. To preserve the environment of solitude and contemplation recognized in the eligibility of the historic district, the national seashore would provide minimal, effective, clear signage about the privacy of the shacks that would also guide resource sensitive behavior. The NPS would work

with historic district stakeholders to encourage the use of traditional paths and roads, and to reduce and minimize the creation of new footpaths or trails that infringe on the shack dweller's opportunity for solitude or erode the natural landscape.

All stewards of the dune shacks, both individuals and non-profit organizations, would be encouraged to contribute to appropriate opportunities for experiential day access by undertaking one or more activities including, but not limited to:

- An artist in residence interpretive program;
- Participating in an opening or closing day or weekend;
- Hosting a volunteer work day for repairs and maintenance;
- Participating in a limited number of voluntary “open houses” or other events which provide an opportunity for the public to visit a shack;
- Participating in a volunteer work day for historic district-wide betterment activities, such as trail-clearing, sand-shoveling, etc.

Some, but not all, shacks would provide public access via short-term occupancy (defined as one to three weeks in residency in a specific shack). Examples of short-term occupancy are:

- Artist or writer residencies or other competitive programs;
- Some kind of fair allocation of time via lottery or other means;
- Caretakers; or
- Occupancy made available by residential leaseholders.

The national seashore and dune dwellers would work collaboratively to improve the current over-sand driving instructional video and/or develop new training strategies specifically about inner-dune driving to reinforce etiquette and care of the resource. Vehicle traffic would be minimized in the historic district outside of access to the shacks by residents, national seashore maintenance and resource and visitor protection staff, and permitted dune taxi tours. The NPS would consider implications of parking areas on historic district access and impact.

To clarify and simplify the expectation for maintenance, upkeep, and repair of the dune shacks, the national seashore would distribute “A Quick User’s Guide to Dune Shack Maintenance and Repair” providing guidance on acceptable repair methods and the list of compatible and incompatible materials for rehabilitation and repair to dune shack stewards. (The Quick User’s Guide is included in this plan/EA/AoE as Appendix C). Stewards would also receive the introductory and concluding chapters of the HSR, appropriate sections of the CLR, and the list of character-defining features for their shack to clearly identify the character-defining features that should not be radically changed, obscured, damaged, or destroyed when making decisions regarding maintenance, rehabilitation, and repairs to shacks.

Four levels of maintenance actions with different levels of documentation and review would be established as described below:

- **Routine preservation.** Examples include: hand shoveling to remove built-up windblown sand along exterior of shack to prevent wet-rot, properly board up doors and windows in winter to prevent leaks. These actions do not require documentation or review by the national seashore.
- **Minor maintenance and repair.** Examples include: re-fasten wall or roof shingles, re-flash chimney, patch holes, re-glaze missing windowpanes, and install a short string of sand fencing. This level of action does not require national seashore review, but should be documented in a journal or file for future use in an updated historic structure and landscape report.
- **Replacement and repairs with in-kind materials.** Examples include: re-roof, re-shingle walls, replace windows, replace wooden piers and decking. This level of intervention requires consultation with the with the national seashore's Section 106 Coordinator at least 4 weeks in advance of when the occupant wants to begin work in order for the park to review and advise the occupant on how to proceed.
- **Replacement and repairs that use different materials or otherwise make dramatic changes.** Examples include: moving sand with machinery, moving sand within 100 feet of a wetland or the coastal bank, new septic system or well, installing a significant amount of erosion control fencing, making permanent changes to existing driveways or vehicle route, changing materials or configuration of a character-defining feature (e.g. going to a wood roof when the shack always had rolled asphalt, modifying a roof line to solve chronic leaks, changing the footprint of the deck, or other modifications intended to improve the functionality of the shack). These interventions require 8 weeks lead time to allow for NPS consultation with the SHPO/Massachusetts Historical Commission or local conservation commissions.

In a true emergency (e.g., window or door blows out in a storm, major roof leak), users would be permitted to perform emergency repairs as needed, but would be required to consult with national seashore staff as soon as possible afterwards to assess the situation and communicate a long-term plan. In the event of catastrophic loss, shacks that are destroyed would be allowed to be rebuilt in accordance with NPS policies on reconstruction of historic properties (NPS 2006).

Experience of the shacks implies a simpler, rustic lifestyle, but certain amenities including heating, water retrieval and disposal (sink, shower, and toilet), lighting, and food storage and preparation mechanisms have been incorporated into several of the dune shacks. The national seashore would maintain the existing variety of amenity levels as appropriate to the use. Where possible, the present and historic level of amenities would be the basis for any decision regarding modernization or addition of amenities. Wherever possible the addition of amenities placed on the exterior of a shack would be discreet or hidden (minimally visible, if at all) and would be removable without disturbing the historic fabric of the structure. Outhouses located in the historic district must be self-contained and sewage is not permitted to seep into groundwater. Residents of the shacks must remove all refuse from the property. The national seashore would clarify expectations regarding amenities on a shack-by-shack basis during the leasing process.

Installing sand fencing would be encouraged, but installation of more than 1000 feet would be performed in consultation with the NPS. Plastic fencing, wooden plank pallets, and hay bales would be discouraged.

Additional beach grass plantings would be encouraged; however, plantings of a quarter acre or more would be conducted in consultation with the NPS. Additional plantings of salt spray rose would be discouraged in favor of native species. Use of imported fill would be discouraged. Weed-free soil that is reused or removed rather than disposed of in the landscape would be used in planters for seasonal vegetables, flowers, and herbs.

Under Alternative B, the national seashore would support commission action to establish a standing Dune Shack Subcommittee to ensure on-going dialogue among the dune shack stakeholders and the national seashore and to facilitate monitoring, assessment, and implementation of this plan/EA/AoE.

## **ALTERNATIVES CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS**

The following alternatives and alternative elements were considered during the early stages of the planning process but were rejected based on their inability to meet the purpose of the proposed action.

### **OVERNIGHT RENTALS**

*As life estates, use-and-occupancy reservations, agreements, and special use permits expire, convert all shacks to concessions for short-term overnight stays by the visiting public.* This alternative was considered but dismissed from further analysis because it would not meet the objectives of the plan to support long-term relationships as described in the Wolfe report. Overnight rentals would result in increased vehicle traffic that could affect resources and the character of the historic district. In addition, the NPS could not meet the health and safety requirements for operating a concession because of lack of public water and sewage system.

### **EXCLUSIVE PRIVATE RESIDENTIAL USE**

*As life estates, use-and-occupancy reservations, agreements, and special use permits expire, convert all shacks to 20-year leases with exclusive residential use (i.e., limited public access).* This alternative element was considered but dismissed from further analysis because it does not provide a sufficient level of public access to meet the NPS objectives to provide for visitor enjoyment as stated in the Organic Act. In addition, this alternative would not meet the objectives of this plan to provide opportunities for the public to experience the themes and resource values of the historic district.

### **EXCLUSIVE NON-PROFIT MANAGEMENT TO SUPPORT SEASHORE PROGRAMS AND SHORT-TERM OCCUPANCIES**

*As life estates, use-and-occupancy reservations, and special use permits expire, all shacks would be managed under agreements with non-profit organizations to maximize use by artists, writers, and the visiting public.* This alternative was considered but dismissed from further analysis because it does not support the long-term relationships that are characteristic of the district.

## **LEAVE SHACKS VACANT, DEMOLISH, OR MOVE OUT OF THE HISTORIC DISTRICT**

*As life estates, use-and-occupancy reservations, agreements, and special use permits expire, leave shacks vacant until destroyed by nature, actively demolish them, or move them out of the historic district and allow the area to return to its natural state.* This alternative was considered but dismissed from further analysis because the shacks are contributing resources to the historic district which has been determined eligible for listing on the National Register of Historic Places. NPS policy provides that National Register eligible properties be given the same management consideration as if they were listed on the National Register. This alternative would not meet the objectives of this plan to support long-term relationships nor would it provide appropriate opportunities for the public to experience the values associated with the historic district. Therefore, this alternative was dismissed from further consideration.

## **HISTORIC DISTRICT AS A MUSEUM**

In this option, the historic district would operate as a static museum with the 18 buildings viewable to visitors from the exterior, with the buildings opened periodically by the NPS for public interpretive programs. This alternative was dismissed because it disregards the living history of the historic district, requires additional funding and would not meet the objectives of this plan.

## **ALL SHACKS USED AS BACK COUNTRY SHELTERS**

This alternative element would allow for overnight use by visitors who walk in, and the dune shacks would be managed by a backcountry permit system. This element was dismissed from consideration as the transient nature of overnight use would change the character and feeling of the historic district, which would not meet the objectives of this plan.

## **CARETAKER PROGRAM UNDER NPS VOLUNTEER IN PARK PROGRAM (ADOPT A SHACK)**

Under this element, individuals or organizations would become caretakers of a shack (adopt a shack) for a set number of years. The NPS would supply materials and volunteers to maintain the structures and would provide occasional public programs in exchange for seasonal residencies which would run year to year. This alternative element was dismissed because there would be no long-term assurance of preservation, the NPS would not be able to guarantee the funding necessary to supply materials, and there would be no assurance of the continuation of long-term relationships.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The NPS is required to identify the environmentally preferred alternative in its NEPA documents for public review and comment [NPS 2001, Sect. 4.5 E (9)]. Pursuant to CEQ's *Forty Most Asked Questions*, "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least



damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a).

Alternative B best protects and preserves the cultural and natural resources of the historic district by establishing guidelines for use and maintenance of the dune shacks that would not only preserve the structures, but also preserve the experiential activities that are so closely linked to the historic district. Based on the analysis of environmental consequences of each alternative in Chapter 4, Alternative B is the environmentally preferred alternative.

Table 1 provides a comparison of alternatives and summarizes how well each alternative meets the purpose and need of the proposed action.

Table 2 provides a summary comparison of the impacts of the alternatives.

## **SUMMARY COMPARISON OF THE ALTERNATIVES**

**Table 1: Summary Comparison of Alternatives**

Alternative Elements	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
<b>Dune Shack Occupancy &amp; Use</b>	Occupancy mechanisms would be determined on a case by case basis as current leases/agreements expire. These would include: agreements for non-profit organizations leases for long-term private residencies one year special use permits	Occupancy and use of the dune shacks would be determined based on each individual shack's history, size, location, and condition. Specific procedures would be used to determine transitions in shack stewardship.
	Appropriate uses for each shack would be determined on a case by case basis.	Uses would consist of a combination of medium-term residential (3-10 years), long-term residential (10-20 years) use, programmatic and public use, and recurrent caretaker use.
		Administrative instruments would include agreements and leases. A list of criteria would be used by an evaluation panel when selecting stewards for the dune shacks.
<b>Public Access</b>	Day visitors would access the historic district on foot on a self-guided basis, with private tour vendors, or through ranger-guided tours. Interpretive educational opportunities would exist to introduce visitors to the historic district's themes and history. Existing media and wayside signs would be continued.	Day visitors would access the historic district on foot, with private tour vendors, or through one of the ranger-guided tours.
	Opportunities to visit the shacks would exist through non-profit organizations and private tour vendors.	Opportunities for education, outreach, and experiential activities would be provided for visitors including visitor center exhibits,

**Table 1: Summary Comparison of Alternatives**

Alternative Elements	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
		publications, and ranger-guided educational programs. Dune shack dwellers would be expected to participate in public educational outreach opportunities.
<b>Vehicle Access</b>	Vehicle access would be limited to NPS staff, emergency vehicles, dune shack dwellers, organizations, and private tour vendors.	Vehicle access would be limited to NPS staff, emergency vehicles, dune shack dwellers, organizations, and private tour vendors.
	The national seashore would ensure that sand roads remain passable.	The national seashore would ensure that sand roads remain passable
<b>Dune Shack Maintenance</b>	Maintenance would be carried out by current dwellers or nonprofits. Proposed changes to a dune shack, including the installation of protective measures or relocation of shacks, would require national seashore review and approval on a case-by-case basis. Consultation with the SHPO would also be required depending on level of impact.	Maintenance would be carried out by current lease or agreement holders. The national seashore would distribute instructional information on making repairs to the shacks as well as documentation on the character-defining features of that specific shack which should not be altered.
		Different levels of maintenance would require national seashore review and approval and could possibly require consultation with the MA SHPO. Modifications to the shacks would need to be documented in a journal or file for future use.
	In the event of catastrophic loss, shacks would be allowed to be rebuilt if provisions of the NPS Management Policies are met.	In the event of catastrophic loss, shacks would be allowed to be rebuilt if provisions of the NPS Management Policies are met.
<b>Amenities</b>	Amenities would be approved by the NPS on a case-by-case basis.	The addition of amenities would require NPS review and approval, but existing amenity levels would be allowed where appropriate. Allowable exterior amenities should be discreet or hidden.
	Outhouses must be self-contained and refuse must be removed from the property.	Outhouses must be self-contained and refuse must be removed from the property.
<b>Cultural Landscape</b>	Any changes to the cultural landscape, including installing fencing, small gardens, etc., would require national seashore review and approval.	Changes made to the cultural landscape would be done in consultation with the national seashore.
		Sand fencing would be permitted, but the use of plastic fencing, wooden pallets, and hay bales would be discouraged.

**Table 1: Summary Comparison of Alternatives**

Alternative Elements	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
		Beach grass plantings would be encouraged as would other native species. Additional plantings of salt spray rose, invasive plants, and the use of imported fill would be discouraged.
<b>Meets the Purpose and Need of the Proposed Action</b>	No. This alternative does not provide clear and consistent management direction for NPS managers as decisions affecting the historic district vary on a case-by-case basis.	Yes. This alternative specifies clear and consistent management direction for NPS managers to consult when making decision affecting the historic district.  Alternative B also provides clear guidelines and interpretive information to provide for the long-term protection of the cultural and natural resources as well as the historic themes of the historic district.

## SUMMARY OF ENVIRONMENTAL CONSEQUENCES

Table 2 provides a summary of the environmental consequences related to each alternative. A more detailed explanation of the impacts is presented in “Chapter 4: Environmental Consequences.”

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
<b>Soundscapes</b>	Natural sounds would continue to predominate through the historic district. Periodic noise intrusion from the nearby highways, airport and other uses outside of the historic district. Visitors and dune shack users would occasionally cause noise-from trail use or the use of the dune shacks as residences-above the natural ambient sound level. Motorized access, shack maintenance and gas generator use would continue to cause noise slightly above the natural ambient sound levels.	Natural sounds would continue to predominate throughout the historic district. Periodic noise intrusion from the nearby highways, airport and other uses outside of the historic district. Visitors and dune shack users would occasionally cause noise-from trail use or the use of the dune shacks as residences-above the natural ambient sound level. Motorized access, shack maintenance and gas generator use would continue to cause noise slightly above the natural ambient sound levels.
	Overall, impacts would result in a localized, long-term, minor adverse impact on the natural soundscape.	Overall, impacts would result in a localized, long-term, minor adverse impact on the natural soundscape.

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
	Cumulative Impacts Alternative A would contribute an imperceptible adverse increment to this cumulative impact, resulting in a local long-term, minor adverse cumulative impact on the natural soundscape.	Cumulative Impacts Alternative B would contribute an imperceptible adverse increment to this cumulative impact, resulting in a local, long-term, minor adverse cumulative impact on the natural soundscape.
Use and Experience	Day use visitors would continue to access the historic district on foot on a self-guided basis, with private tour vendors, on ranger guided tours, or on occasional hiking groups organized by Cape Cod Pathways or other local hiking groups. Interpretive educational opportunities would introduce visitors to the district's themes and history. Opportunities to visit the shacks would continue through non-profit organizations and private tour operators. Visitors may mistakenly enter occupied dune shacks or the areas around the shacks because of the lack of clear signs or formal interpretive access points to the historic district. Historic character of the district could be lost, along with the opportunity for visitors to experience the district's historic character.	Day visitors would access the historic district on foot, with private vehicle tour operators (dune taxis), on a ranger-guided tour, or with hiking groups organized by Cape Cod Pathways or other local hiking groups. Opportunities for education and experiential activities would be provided including visitor center exhibits, publications and ranger-guided educational programs. Dune shack dwellers might participate in public education; opportunities to work on the shacks or experience day-to-day activities of dune shack dwellers.
	Overall, implementation of Alternative A would result in localized, long-term, minor adverse impacts to the character of the historic district and resultant impacts to visitor experience.	Overall, implementation of Alternative B would result in a localized long-term, minor to moderate beneficial change to the visitor experience within the historic district.
	Cumulative Impacts <b>Impacts would contribute an imperceptible, long-term, minor adverse increment of change to the overall experience of visitors to the historic district.</b>	Cumulative Impacts <b>Impacts would contribute a localized, long-term, noticeable beneficial change to the overall opportunities for visitor use within the area.</b>
Dune Shack Dweller Experience	Occupancy determined on a case-by-case basis as current leases and agreements expire. Agreements include those for non-profit organizations, long-term private residence, and one-year special use permits. Over time longtime family connections could be severed, the national seashore would not	Decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location, and condition. Specific procedures would be followed for transitions in shack stewardship. The rules for shack maintenance and upgrades would be clear and predictable.

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
	be able to approve lease terms beyond what is provided under current NPS policy. As a result, the traditional use patterns of dune shack dwellers would gradually break down. Greater chance for vacant shacks during transitions. Occasional intrusions would continue and detract from the solitude of the dune shack dweller experience.	Dune shack dwellers could better plan their future occupancy of their shacks. Visitor use in the area would be better integrated with the dune shack dweller experience, and improved interpretation would make inadvertent intrusions by visitors less common.
	Overall, implementation of Alternative A would result in a localized, long-term, moderate adverse impact to the quality of the dune shack dweller experience.	Overall, effects of implementation of Alternative B would result in a localized, long-term, moderate beneficial impact to the dune shack dweller experience.
	Cumulative Impacts Implementation of would contribute a noticeable, long-term increment to the cumulative adverse effects on the experience.	Cumulative Impacts Implementation would contribute a localized, long-term, noticeable beneficial increment to the cumulative effects on the dune shack dwellers experience.
Historic Structures	Occupancy agreements determined on a case-by-case basis as current leases and agreements expire; no systematic approach to allocating the shacks among different uses or determining the appropriate combination of uses. Potential for changing the character of the historic district.	Decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location and condition. Specific procedures followed for transitions in shack stewardship.
	<b>Changes to the historic structures and cultural landscape would be guided by the HSR and CLR and other applicable standards.</b>	Changes to the historic structures and cultural landscape would be guided by the HSR and CLR.
	Day-to-day maintenance would be carried out by current dwellers with guidance from the NPS. Case-by-case determinations could lead to the installation of more modern amenities in the shacks, diminishing the rustic and isolated nature of the historic district.	Maintenance carried out by current lease or agreement holders. The national seashore would provide instruction about shack repairs and documents that identify the character defining features. Rules about different levels of maintenance would be clear and specify need for NPS approval or SHPO consultation. Modifications to the shacks would be documented.
	Overall, Alternative A would result in incremental changes to the use and occupancy of the shacks and to the structures themselves. This would result in a localized, long-term, minor adverse	Overall, implementation of Alternative B would result in a long-term, localized, moderate beneficial effect on the structures and features of the historic district.

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
	effect but would not diminish the overall integrity of the resource.	
	Cumulative Impacts <b>Past, present and reasonably foreseeable future actions have resulted in cumulative impacts on the historic structures in the district. These impacts have resulted from both past management actions and the loss of structures from natural processes. Implementation of Alternative A would contribute a noticeable, localized, long-term adverse increment to the overall adverse cumulative effect.</b>	Cumulative Impacts Past, present and reasonably foreseeable future actions have resulted in cumulative impacts on the historic structures within the historic district. These impacts have resulted from both past management actions and losses of structures from natural processes. Implementation of Alternative B would contribute a noticeable, long-term, beneficial increment to the overall cumulative adverse cumulative effect.
	<b>Section 106 Summary</b> Incremental changes to use and occupancy and modification and the potential for additional amenities installed by shack users would result in impacts to some features of the district. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative A would have <b><i>no adverse effect</i></b> on historic structures or the cultural landscape.	<b>Section 106 Summary</b> A defined management approach for the cultural resources of the district that includes incorporation of HSR and CLR recommendations and standards for shack maintenance by current lease or agreement holders would better preserve the character defining features of the structures and the district. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative B would have <b><i>no adverse effect</i></b> on historic structures or the cultural landscape.
Cultural Landscape	Trails and other over-sand access roads would remain the same. CLR would guide any changes proposed for the historic district. Occupancy agreements for the shacks determined on a case-by-case basis as current leases and agreements expire. Change in use could result in a modification to some of the elements of the historic landscape over time or lead to unsustainable use, such as overuse in some areas that could destabilize dunes.	Trails and other over-sand access roads would remain the same. CLR would guide any changes proposed for the historic district either by dune shack dwellers or the NPS. Decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location, condition, and sustainable level of use given the landscape setting. Rules for landscape maintenance and circulation systems would be clear and predictable. Inadvertent alterations to the landscape setting would be less common.
	Overall, implementation would result in a localized, negligible negative impact to the qualities and features of the cultural landscape.	Overall, implementation would result in a localized, long-term, moderate beneficial effect on the structures and features of the cultural landscape by preserving the shacks in the landscape.

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
	<p><b>Cumulative Impacts</b> Implementation would contribute an imperceptible long-term, beneficial increment to the overall adverse cumulative effect.</p>	<p><b>Cumulative Impacts</b> Implementation would contribute a noticeable localized, long-term, beneficial increment to the overall cumulative adverse effect.</p>
	<p><b>Section 106 Summary</b> Incremental changes to use and occupancy and modification and the potential for additional amenities installed by shack users would result in impacts to some features of the district and may, in turn, result in impacts to the historic landscape. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative A would have no adverse effect on historic structures or the cultural landscape.</p>	<p><b>Section 106 Summary</b> A defined management approach for the cultural resources of the district that includes incorporation of HSR and CLR recommendations and standards for shack maintenance by current lease or agreement holders would better preserve the character defining features of the structures and the district. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative B would have no adverse effect on historic structures or the cultural landscape.</p>
<b>Dune Processes</b>	<p>Dunes would continue to be impacted from continued use of roads and trails. Damage to dune vegetation caused by indiscriminate hiking can be expected to continue with potential for resulting blowouts. Dune shack residents would continue to remove windblown sand from shacks, outbuildings, and features. Efforts to ensure that sand roads and trails are passable would continue to be undertaken by the national seashore.</p>	<p>Sand fencing would be permitted but the use of plastic fencing, wooden pallets, and hay bales would be discouraged. This would lessen impacts as a result of persistent debris deposition from failed attempts at fencing. Planting native beach grass other native species for sand stabilization efforts would be encouraged. Use of potentially invasive plants and imported fill that might introduce exotics would be discouraged. Improved interpretation and trail designations would result in decreased off-trail use and increased protection of dune vegetation. Increased guidance to dune shack residents on maintenance practices, landscaping, and plantings would result in a decreased risk of blowouts and damage to dune processes.</p>
	<p>Overall, impacts associated would constitute a localized, long-term, minor adverse effect on dune ecosystems.</p>	<p>Overall, impacts associated with implementation of Alternative B would constitute a long-term, localized, minor beneficial effect on dune ecosystems.</p>
	<p><b>Cumulative Impacts</b> Past, present, and reasonably foreseeable future actions have and continue to contribute to the cumulative impact on the dune ecosystems within the historic district.</p>	<p><b>Cumulative Impacts</b> Past, present and reasonably foreseeable future actions have contributed and continue to contribute to the cumulative impacts on the dune ecosystems within the historic district.</p>

**Table 2: Summary of Environmental Consequences**

Resource	Alternative A: No-Action	Alternative B: Limited Mix of Use and Occupancy (NPS Preferred Alternative)
	Past actions have included construction of permanent structures and facilities within interdunal areas in the historic district. Implementation of Alternative A would contribute an incremental, localized, long-term, adverse impact to the overall cumulative effects on dune ecosystems.	Past actions have included construction of permanent structures and facilities within the dunal areas of the historic district. Implementation of Alternative B would contribute an incremental, localized, long-term, beneficial impact to the overall cumulative effects on dune ecosystems.



# 3

## AFFECTED ENVIRONMENT

This chapter describes existing environmental conditions in the area potentially affected by the alternatives. The affected environment is described for each of the impact topics retained for detailed analysis, as identified in Chapter 1 of this EA. For the purposes of analysis, the area of impact coincides with the boundaries of the National Register nomination for the Dune Shacks of Peaked Hill Bars Historic District (see Figure 2). Within the historic district are three other smaller groupings of shacks known as eastern (Figure 3), central (Figure 4) and western (Figure 5).

### SOUNDSCAPES

NPS policy (NPS 2006) considers natural and cultural sounds to be part of the spectrum of park resources and values. NPS policy requires the preservation of natural soundscapes, also referred to as “natural ambient sounds” or “natural quiet” to the greatest extent possible. The resources of the national seashore include a variety of natural sounds ranging from the call of shorebirds to the sound of the dominant physical processes of wind and waves

Other sources of noise originate beyond the park boundaries. These sources may include commercial or military aircraft overflights and nearby highway traffic. Within or adjacent to the boundaries of the national seashore, roads, trails, facilities, visitors, and park operations are additional sources of sound.

Both natural and human-caused sounds are present and can be heard within the historic district. Natural sounds include the waves against the shore, wind, the rustling of grass, and the call of birds. Human-caused sounds include sources adjacent to the historic district and sources within the historic district. The former category includes nearby highway use and permitted off-highway vehicle use, and commercial overflights to the Provincetown Airport, typically by small, single-engine planes. Within the historic district, human-caused sounds result from gas-powered generators located at some shacks, routine vehicle patrols by resource and visitor protection staff, traffic by dune tour operators, dune shack dwellers and their guests. Over-sand traffic that contributes to human-caused sound occurs primarily during the summer months along the adjacent over-sand corridor (NPS 2009). Site specific sound measurements are not available for the area that encompasses the historic district, but for the most part natural sounds predominate, especially in the interior of the district.

## **USE AND EXPERIENCE**

The seashore accommodated over 4.3 million recreational visits in 2009, with the majority of visits occurring between May and October (NPS 2010a). The national seashore and adjacent towns provide a wide variety of recreational opportunities and amenities for visitors and local residents. The seashore has 2 visitor centers, 2 environmental education centers, 12 self-guided trails, several picnic areas, 3 bike trails, historic buildings, cultural landscapes, and numerous beach facilities available to the public. While the majority of visitors to the seashore come from the Northeast, visitors from all 50 states, as well as the District of Columbia and Canada, were represented in a visitor survey completed by the University of Vermont in 1994. The primary activities of visitors to the seashore include: 1) viewing scenery, 2) sunbathing, 3) swimming in the ocean, 4) beachcombing, 5) hiking, and 6) driving scenic roads.

The 2010 Visitor Survey Project indicated that 96 percent of park visitors expressed overall satisfaction with the facilities, services, and recreational opportunities provided at Cape Cod National Seashore (NPS 2010b).

Statistics are not maintained for recreational users of the historic district. Vehicle access to the area is through three locked gates, which are only accessible to national seashore staff, dune shack occupants, and dune taxi companies that have historic district vehicle permits and gate keys. Because of the occasional shifting of the dunes or other environmental considerations, vehicle trails in the historic district are occasionally rerouted. Walking in the historic district on over-sand roads and trails is allowed but not regulated. Social trails into the district include a popular route at Snail Road and Route 6, and lesser-used social paths off the paved bike trail, near Province Lands Visitor Center. During the summer months, ranger guided tours and dune taxi tour provided by private vendors are available. In 2010 dune dwellers reported walkers accessing the district by climbing the dune face from the beach. Walking into the district involves trekking through soft sand, which is a limiting factor for some pedestrian visitors. Many people walk into the district and some use the trails for beach access. Anecdotal information from dune dwellers indicates that use has increased over the years, with some effects on privacy and natural resources.

## **DUNE SHACK DWELLER EXPERIENCE**

“Dune Shack Dwellers” is a term that has come to refer to the people who have built, occupy, or care for the “shacks” in the historic district. The residents, who have primarily lived in the area on a seasonal basis, have included writers, visual artists and others seeking a remote seaside experience within the dunes of Cape Cod. Shacks have been constructed from a variety of materials capable of being transported along the sometimes shifting sand roads or paths. Current residents associate their use of the area with the traditions of previous writers and artists who lived in the shacks, and with those seeking a more rustic, nature connected enjoyment of the Cape Cod experience (Wolfe 2005).





Dune Shack Historic District Preservation and Use Plan/ Environmental Assessment

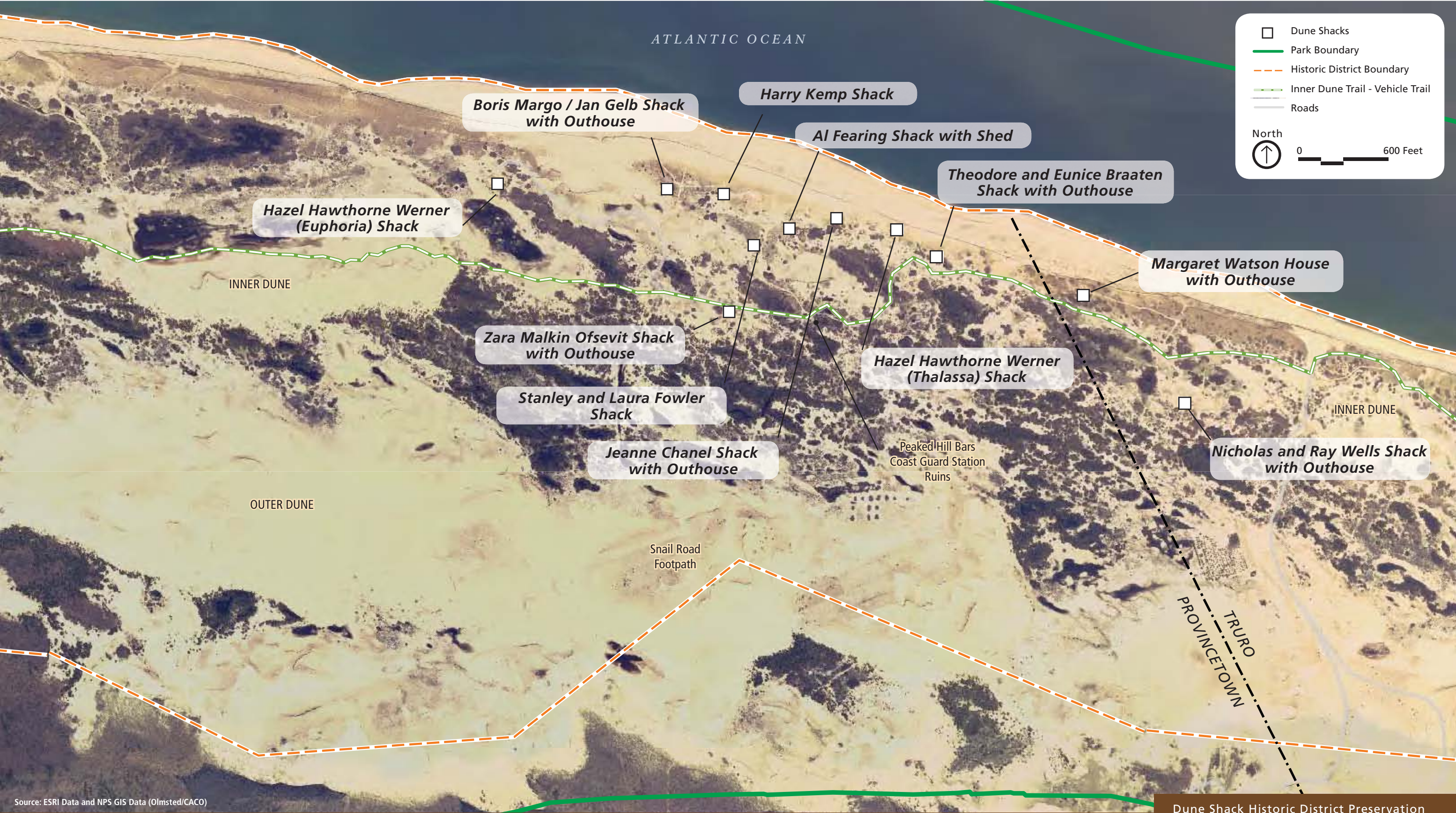
Figure 3  
Dune Shack Locations: Eastern





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National Park Service  
U.S. Department of the Interior  
Cape Cod National Seashore

Figure 4  
Dune Shack Locations: Central



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Dune Shack Historic District Preservation and Use Plan/ Environmental Assessment



Figure 5  
Dune Shack Locations: Western



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## HISTORIC STRUCTURES

Over the years, the dune shack area has been an important retreat for writers, artists, and others who have sought the isolation and simple lifestyle associated with these remote, rustic structures. Artists and others have developed a strong association with the area. In some instances the structures associated with significant individuals, such as Eugene O'Neill, have been destroyed by the elements. Today, 19 dune shacks (18 of which are NPS-owned) remain (Table 3). Some of the shacks are nestled in the dune setting in clusters while others are in isolation. The shacks are used by reservation holders (life estates or term of years), leases, permits, and agreements.

**Table 3. Historic Structures: Dune Shack Structures**

Name of Structure	Year Built	Builder	Location	Arrangement or Mechanism	Size (SQ FT)	Unique Features	Adjacency
Jean Miller Cohen Shack	1940 (moved 1978)	Edward and Albert Nunes	Western Group	Agreement (2011) Provincetown Community Compact	961	second floor loft, large structure, attached privy	isolated, near Fleurant shack and western group
Leo Fleurant Shack	1937	Edward, Albert Nunes and Jake Loring	Western Group	Lease (2019)	496	brick chimney, Victorian entrance door	near Adams-Guest Cottage
David and Marcia Adams Guest Cottage	1935 (expanded in 1984-2006)	Jake Loring and Dominic Avila	Western Group	Reservation (2014)		modernized, plumbed, loft	next to Fleurant and Adams Shack
David and Marcia Adams Shack	1935 (moved in 1978)	Jake Loring and Dominic Avila	Western Group	Reservation (2014)		brick fireplace, large, modernized, interior French doors	next to guest cottage and Champlin shack
Nathaniel and Mildred Champlin Shack	1936	Dominic Avila and Joseph Avila	Western Group	Reservation (life of children)	1050	large, driftwood chandelier, second story	near Adams shack
Hazel Hawthorne Werner (Euphoria) Shack	1930 (moved c. 1952)	Louis Silva	Central Group	Annual Permit (2011) Peaked Hill Trust	192	small shack	near Sunset Hill, and the Margo-Gelb shack
Boris Margo/Jan Gelb Shack	1942	Boris Margo and Jan Gelb	Central Group	Agreement (2011) Outer Cape Artists in Residency Consortium	192	small, one room, rebuilt 3 times in the same spot	near Euphoria and next to Tasha shack in central cluster
Harry Kemp Shack	1920	Frank Cadose	Central Group	Annual Permit (2011)	96	smallest shack, "open door" policy, originally a hen house,	near Margo-Gelb and Fowler shacks

**Table 3. Historic Structures: Dune Shack Structures**

Name of Structure	Year Built	Builder	Location	Arrangement or Mechanism	Size (SQ FT)	Unique Features	Adjacency
						historically minimally maintained	
Zara Malkin Ofsevit Shack	1991 – 1917, re-constructed in 1991 after 1990 fire	Charles Rogers	Central Group	Annual Permit (2011)	320	aluminum foil sheets on bedroom wall used to reflect lamp light	away from ocean, nearest to Fowler shack
Stanley and Laura Fowler Shack	1949	Stan and Laura Fowler	Central Group	Agreement (2011) Provincetown Community Compact	660	large, attached garage, original location	near Tasha and Fearing shacks
Al Fearing (Fuller-Bessay)	1920s	Raymond Brown	Central Group	Reservation (2016)	300	porch and bedroom modifications	near Fowler and Chanel shack
Jeanne Chanel Shack	1942 (built on top of in 1976)	Jeanne Chanel	Central Group	Reservation (life of daughter)	280	current shack built in 1976 on top of original, interior mural paintings	near Werner and Fearing shack
Hazel Hawthorne Werner (Thalassa) Shack	1931 (moved 1949)	Louis Silva	Central Group.	Annual Permit (2011) Peaked Hill Trust	120	small, single room shack, near beach	near Braaten and Chanel shack
Theodore and Eunice Braaten Shack	1931	P.C. Cook and Joe Mederios	Central Group	Annual Permit (2011)	224	sitting chair on roof ridge, winterized	near Thalassa shack
David and Connie Armstrong Shack	1926(moved in 1983)	Pat Patrick	Eastern Group	Reservation (life)	1050	large, 2nd story, cork wall in kitchen	most isolated shack, only standing shack in eastern group
Randolph and Annabelle Jones Shack	1935-36	Jesse Meade	Central Group	Annual Permit (2011)	120	small, single room, perhaps built on top of earlier shack	remote, most isolated shack in central group
Nicholas and Ray Wells Shack	1935-1936	"Bunny" Ellis	Central Group	Reservation (life)	494	older part of shack within existing shack	near Watson-Schmid shack, isolated, in exposed location
Margaret Watson Shack	1931	Phillip S. Packett and Morris Worth	Central Group	Lease (2014)	160	window pulley-system , lifted 7ft in 2004	isolated, near Wells shack

## **CULTURAL LANDSCAPES**

The Dune Shacks of Peaked Hill Bars Historic District displays an organic relationship between built and natural environments. The ever-changing nature of the dune landscape has influenced the placement of buildings, the selection of materials, and the methods of construction and workmanship, as well as accelerates the need for maintenance. Strung along the fore dune or inner dune valley, most shacks are tucked on the leeward side of a dune with their front doors and decks facing north or east toward the ocean. Due to the harsh environment, the buildings are typically low to the ground and constructed on pilings to facilitate raising, lowering, or relocation. The shacks stand in isolation or in clusters, with the largest group near the former site of the Peaked Hill Bars Life-Saving Station. Cultural features that contribute to the landscape setting include a circulation network of vehicle trails, driveways, and footpaths that connect the shacks to the outside world, adjacent features, and the ocean. Utilitarian features associated with the shacks include outhouses, clotheslines, wellheads, hand pumps, and in some cases solar panels. The palette of vegetation is limited, with a predominance of beach grass. Several shacks are surrounded by clusters of salt-spray roses and a few maintain planters with flowers, herbs, and vegetables. Some shacks are decorated with found objects and surrounded by bird houses, which attract swallows to consume insects. Outdoor seating areas for dune dwellers and guests are typically made of found materials and set on the crest of a dune for views. Broad views within in the district include the open dune landscape, ocean, Pilgrim Monument, Provincetown water tower, and in some locations, neighboring shacks and the Province Lands Visitor Center. (NPS 2010c)

## **DUNE PROCESSES**

Dunes are terrestrial landforms that develop from buildup of wind-deposited sands. Throughout the Province Lands, dunes represent the most prominent feature on the landscape. This is because of the relatively abundant supply of sand provided by the prevailing longshore currents that formed the Province Lands Hook, in combination with exposure to high winds that direct and deposit sand inland (Zeigler et al. 1965, Schwarzman 2002). Although dunes in general tend to migrate over time (Bauer and Sherman 1999), the dune fields at Cape Cod are relatively stable due to the abundance of colonizing vegetation, as well as human-induced stabilization measures (Schwarzman 2002). Dune vegetation is generally divided into either grassland or woody communities, the latter being characteristic of more stable dunes.

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# 4

## ENVIRONMENTAL CONSEQUENCES

### GENERAL METHODOLOGY FOR ASSESSING IMPACTS

Potential impacts associated with the proposed alternatives are described below in terms of type (beneficial or adverse), context (site specific, local, or regional), duration (short-term or long-term), and intensity (negligible, minor, moderate, or major). Both indirect and direct impacts are described; however, they may not be identified specifically as such. These terms are defined below. The impact analyses and conclusions were based on the review of existing literature and studies, information provided by on-site experts and other government agencies, professional judgments, and national seashore staff insight.

#### TYPE

- Beneficial:** A positive change in the condition or appearance of the resource or a change that moves the resource toward a desired condition.
- Adverse:** A change that moves the resource away from a desired condition or detracts from its appearance or condition.
- Direct:** An impact that is caused by an action and occurs at the same time and place.
- Indirect:** An impact that is caused by an action but is later in time or farther removed in distance, but still reasonably foreseeable.

#### CONTEXT

Context is the setting within which an impact occurs:

- Site specific:** The impact would occur within project area.
- Local:** The impact would occur within the general vicinity of the project area.
- Parkwide:** The impact would affect an area beyond the historic district but within the national seashore.
- Regional:** The impact would affect cities, or towns or other areas around the national seashore.

## **DURATION**

**Short-term:** Impacts that are temporary in duration and are expected to last less than one year.

**Long-term:** Impacts that are expected to last longer than one year after the initial impact occurs.

## **LEVEL OF INTENSITY**

Level of intensity means the severity or magnitude of an impact. Intensity definitions are presented below and apply to each impact topic. Beneficial impacts are described but are not assigned a level of intensity.

**Negligible:** Impacts would be at the lowest levels of detection and would have no perceptible effect on resources, values, or processes.

**Minor:** Impacts would be perceptible but slight. If mitigation were needed to offset any adverse effects, it would be relatively simple to implement and would likely be successful.

**Moderate:** Impacts would be readily apparent and measurable. The resource might deviate from normal levels but would remain viable. Mitigation measures would probably be necessary to offset adverse effects and would likely be successful.

**Major:** Impacts would be readily apparent and widespread, and would result in a substantial alteration or loss of resources, values, or processes and would likely be permanent. Mitigation measures to offset adverse effects would be necessary, extensive, and their success could not be guaranteed.

## **CUMULATIVE IMPACT METHODOLOGY**

Cumulative impacts are defined as impacts that result when the impact of the proposed action is added to the impacts of past, other present, and reasonably foreseeable future actions, regardless of who (federal or nonfederal entity) undertakes such other actions (40 CFR 1508.7).

### **Cumulative Impact Scenario**

To determine the potential cumulative impacts, existing and anticipated future projects in the vicinity of the historic district were identified, including projects within lands administered by the NPS, the Commonwealth of Massachusetts, Barnstable County, and the Town of Provincetown. Potential projects identified as cumulative actions include planning or development activity currently being implemented or expected to be implemented in the reasonably foreseeable future. The projects identified as contributing to cumulative impacts on the resources addressed by this plan/EA/AoE include the *Cape Cod National Seashore Integrated Bicycle Feasibility Study*, the Province Lands Bike Trail renovations, Herring Cove Beach facilities development, the Shorebird Management Plan/EA, and the *Capital Improvements Plan for the Provincetown Municipal Airport EA*.

The ***Cape Cod National Seashore Integrated Bicycle Feasibility Study*** (otherwise known as the *Integrated Bicycle Plan*) was completed in August 2010. The Integrated Bicycle Plan will help assure the national seashore attractions, town centers, available transit systems, and other bicycle facilities are connected in an efficient manner, and that NPS efforts are coordinated with proposals by the Commonwealth of Massachusetts and local communities. The study identifies potential projects to continue the region's investment in bicycle facilities both outside and inside the park. This would create more effective bicycle links to the national seashore and between localities resulting in a unified and integrated bicycle network can be developed to help mitigate the reliance on automobile travel, particularly for short trips and when visiting national seashore destinations. This project has impacted dune ecosystems, public use and experience, public safety, and operations and infrastructure, and continues to do so, with the potential for additional impact in the future.

The ***Shorebird Management Plan/EA*** is being developed to guide future decisions related to protecting listed shorebirds while accommodating public use. The over-sand corridor near the historic district is a major shorebird nesting area.

The **Province Lands Bike Trail renovations** were completed in January 2009. *The Province Lands Bike Trail Renovations EA* was completed in December 2006. This plan included renovation of the 7.34 mile loop and its spur trails, to address general design deficiencies, improve safety, and enhance resource protection (NPS 2006). The project has impacted dune ecosystems, special status species, public use and experience, public safety, and operations and infrastructure, and continues to do, with the potential for additional impact in the future.

**Herring Cove Beach facilities development** is expected as a reasonably foreseeable future project. An EA for renovation of the source of electricity at the Herring Cove Beach facilities was completed in May of 2008 because the current lines that carry electricity from Provincetown along Moors Road are old and unreliable. The preferred alternative would provide electricity to Herring Cove Beach facilities by use of photovoltaic cells and a small-scale wind turbine. Plans are also underway to improve the existing bath house and associated facilities. This development has the potential to impact dune ecosystems, visual resources, public use and experience, and operations and infrastructure.

The ***Capital Improvements Plan for the Provincetown Municipal Airport EA*** is currently being drafted. The airport is located on NPS land in the Province Lands. The Town of Provincetown leases the land from the NPS and operates the airport under a special use permit. The Provincetown Municipal Airport Commission is in the process of completing a Capital Improvements Plan to improve safety and implement facility improvements. The associated projects have a potential to impact wetland resources, and to continue to contribute to impacts to natural soundscapes.

## **Cumulative Impact Contribution Methodology**

In defining the contribution of each alternative to cumulative impacts, the following terminology is used:

**Imperceptible:** The incremental effect contributed by the alternative to the overall cumulative impact is such a small increment that it is impossible or extremely difficult to discern.

<b>Noticeable:</b>	The incremental effect contributed by the alternative, while evident and observable, is still relatively small in proportion to the overall cumulative impact.
<b>Appreciable:</b>	The incremental effect contributed by the alternative constitutes a large portion of the overall cumulative impact.

## **SOUNDSCAPES**

This section qualitatively analyzes impacts to soundscapes associated with the historic district. NPS policy is to preserve, to the extent possible, the natural quiet and natural sounds associated with the physical and biological resources of parks. NPS policy also requires the restoration of degraded soundscapes to the natural condition whenever possible, and the protection of natural soundscapes from degradation due to noise (undesirable human-caused sound) (NPS 2006).

### **IMPACTS OF ALTERNATIVE A: NO-ACTION**

#### **Impacts**

Under Alternative A, there would be no change from the current use of the dune shacks or management of the historic district. Natural sounds would continue to predominate through the historic district with only periodic noise intrusion from the nearby highways, airport and other sources outside of the historic district. Within the historic district, visitors and dune shack users would occasionally cause noise-from trail use or the use of the dune shacks as residences-above the natural ambient sound level. Examples of noise sources include human voices, permitted vehicles, people working in shacks and generators running at some shacks.

Overall, impacts resulting from the continuation of existing management would result in a localized, long-term, minor adverse impact on the natural soundscape.

#### **Cumulative Impacts**

Past, present, and reasonably foreseeable actions have impacted and would continue to impact the natural soundscape within the historic district. These actions include continued use of the Provincetown Airport, and potential construction activities associated with projected road and trail work in the areas outside of the historic district. Alternative A would contribute an imperceptible adverse increment to this cumulative impact, resulting in localized, long-term, minor adverse cumulative impact on the natural soundscape.



## **IMPACTS OF ALTERNATIVE B**

### **Impacts**

Under Alternative B decisions about occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location and condition. Specific procedures would be followed for transitions in shack stewardship. It is unlikely that such decisions would impact the natural soundscape. Natural sounds would continue to predominate throughout the historic district. Visitors and dune shack users would make occasional noise beyond the natural ambient sound level from trail use or use of the dune shacks as residences. Motorized access, shack maintenance, and generator use would continue to cause noise slightly above the natural ambient sound levels.

Overall, impacts resulting from Alternative B would result in a localized, long-term, minor adverse impact on the natural soundscape.

### **Cumulative Impacts**

Past, present, and reasonably foreseeable actions would contribute to impacts to the natural soundscape within the historic district. These actions include continued use of the Provincetown Airport and potential construction activities associated with projected road and trail work within the area but outside the historic district. Alternative B would contribute an imperceptible adverse increment to this cumulative impact, resulting in localized, long-term, minor adverse cumulative impact on the natural soundscape.

## **USE AND EXPERIENCE**

This section analyzes the visitor experience in light of its consistency with the Cape Cod National Seashore's purpose of preserving scenic, natural, and recreational values and providing opportunities for present and future generations to experience, enjoy, and understand these values and associated resources (NPS 1998).

## **IMPACTS OF ALTERNATIVE A: NO-ACTION**

### **Impacts**

Under Alternative A, day use visitors would continue to access the historic district on foot either on a self-guided basis, with private tour vendors, on ranger guided tours, or with occasional hiking groups organized by Cape Cod Pathways or other local hiking groups. Interpretive educational opportunities would introduce visitors to the district's themes and history. Opportunities to visit the shacks would continue through non-profit organizations and private tour operators. Visitors would continue to be curious about the shacks and shack occupants. Anecdotal evidence indicates that, occasionally, visitors mistakenly enter occupied dune shacks or the areas around the shacks due to the lack of clear signs or

formal interpretive access points for the historic district. Over time, if the allocation of shacks changed or inappropriate modern amenities were added to the shacks, the historic character of the district could be lost, along with the opportunity for visitors to experience the district's historic character.

Overall, implementation of Alternative A would result in localized, long-term, minor adverse impacts to the character of the historic district and resultant impacts to visitor experience.

## **Cumulative Impacts**

Past, present, and reasonably foreseeable future actions have contributed and continue to contribute to impacts to the visitor experience. These impacts have resulted from both past management actions and losses of structures from natural processes, resulting in changes to the district's historic character over time. This has, in turn, affected the visitor experience of the area. Impacts associated with Alternative A would contribute an imperceptible, long-term, minor adverse increment of change to the overall experience of visitors to the historic district.

## **IMPACTS OF ALTERNATIVE B**

### **Impacts**

Alternative B would improve visitor experience of the historic district. Day visitors would access the historic district on foot either with private vehicle tour operators (dune taxis), on a ranger-guided tour, or with hiking groups organized by Cape Cod Pathways or other local hiking groups. Opportunities for education and experiential activities would be provided, including visitor center exhibits, publications and ranger-guided educational programs. Dune shack dwellers might participate in public education. This would provide a new opportunity for visitors to meet dune shack dwellers and better understand the relationship between the park, historic uses, and the current shack occupants. There would also be opportunities to work on the shacks or experience day-to-day activities of dune shack dwellers.

Overall, impacts associated with implementation of Alternative B would constitute a long-term, localized, minor to moderate beneficial change to the visitor experience within the historic district. However, visitor use of the district would need to be evaluated on a periodic basis to assure that the atmosphere of solitude and contemplation associated with the district is not impacted. Benefits of enhanced education, interpretation, and outreach would increase understanding of the park and its resources and broaden the recreational and interpretation experiences available to visitors.

## **Cumulative Impacts**

Past, present, and reasonably foreseeable future actions have contributed and continue to contribute to impacts to the visitor experience. These impacts have resulted from both past management actions and losses of structures from natural processes resulting in changes to the district's historic character over time. This has, in turn, affected the visitor experience of the area. Implementation of Alternative B would

contribute a localized, long-term, noticeable beneficial change to the overall opportunities for visitor use within the area.

## **DUNE SHACK DWELLER EXPERIENCE**

NPS *Management Policies 2006* (NPS 2006) recognizes that cultural and natural features of a park may be connected to “communities that have been associated with a park for two or more generations (40 years), and whose interests in the park’s resources began before the park’s establishment.” The Management Policies also note that people associated with traditional park uses differ from other park visitors in their assignment of significance to historic attributes of an area. This section focuses on the ways in which dune shack dwellers experience the resources of the district and potential impacts associated with implementation of the alternatives.

### **IMPACTS OF ALTERNATIVE A: NO-ACTION**

#### **Impacts**

Under Alternative A, occupancy would be determined on a case-by-case basis as current leases and agreements expire. Agreements include those for non-profit organizations, long-term private residence, and one-year special use permits. Over time, longtime family connections could be severed, and the national seashore would not be able to approve lease terms beyond what is provided under current NPS policy. As a result, the traditional use patterns of dune shack dwellers would gradually break down. Also, if short-term leases and agreements become the main instruments, shacks would be vacant more often and would deteriorate during transitions following expiring terms or the passing of elderly residents. Both of these conditions would erode the sense of place associated with the dune shack dweller experience.

Anecdotal information suggests that, occasionally, visitors mistakenly enter dune shacks or their periphery because of a lack of clear signs or interpretive information at entry points to the district. These occasional intrusions would continue and detract from the solitude of the dune shack dweller experience.

Overall, implementation of Alternative A would result in a localized, long-term, moderate adverse impact to the quality of the dune shack dweller experience.

#### **Cumulative Impacts**

Past, present, and reasonably foreseeable actions have shaped the dune shack dweller experience and have the potential to affect their experience in the future. These impacts have resulted from both past management actions and losses of structures from natural processes lessening the available housing stock for potential dune shack dwellers and uncertainty concerning the potential future uses of dune shacks. Implementation of Alternative A would contribute a noticeable, long-term increment to the cumulative adverse effects on the experience.

## **IMPACTS OF ALTERNATIVE B**

### **Impacts**

Under Alternative B decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location, and condition. Specific procedures would be followed for transitions in shack stewardship. The rules for shack maintenance and upgrades would be clear and predictable. Dune shack dwellers could better plan their future occupancy of their shacks. Visitor use in the area would be better integrated with the dune shack dweller experience, and improved interpretation would make inadvertent intrusions by visitors less common.

Overall, effects of implementation of Alternative B would result in a localized, long-term, moderate beneficial impact to the dune shack dweller experience.

### **Cumulative Impacts**

Past, present, and reasonably foreseeable actions have shaped the dune shack dweller experience and have the potential for modification on that experience in the future. These impacts have resulted from both past management actions and losses of structures from natural processes lessening the available housing stock for potential dune shack dwellers and uncertainty concerning the potential future uses of dune shacks. Because of the more stable rules for maintenance and transitions in shack stewardship, implementation of Alternative B would contribute a localized, long-term, noticeable beneficial increment to the cumulative effects on the dune shack dwellers experience.

## **HISTORIC DISTRICT/STRUCTURES**

### **IMPACTS OF ALTERNATIVE A: NO-ACTION**

#### **Impacts**

Under Alternative A, occupancy agreements would be determined on a case-by-case basis as current leases and agreements expire. There would be no systematic approach to allocating the shacks among different uses or determining the appropriate combination of uses. Over time, without a systematic approach, a disproportionate number of shacks could eventually fall into public access or private residential categories. Because it is easier for parks to non-competitively award an agreement to a non-profit than to competitively award a private residential lease, the numbers of shacks operated by non-profits could increase changing the character of the historic district.

Changes to the historic structures and cultural landscape would be guided by the HSR and CLR and other applicable standards such as the Secretary of the Interior's Standards for historic preservation; however the HSR notes that management and maintenance of the shacks needs to be flexible, adaptable, inventive and respectful of the range of character defining features of each shack. The HSR identifies features

common to all shacks and specific interior and exterior features that should be preserved at particular shacks. Similarly, the CLR notes that the shifting, fluid nature of the dune landscape is essential to the character of the historic district. The CLR states the importance of preserving the landscape setting that allows for use of the dune shacks as a remote inspirational retreat.

Day-to-day maintenance would be carried out by current dwellers with guidance from the NPS. Changes to a dune shack, including the installation of protective measures such as sand fencing and other efforts to control sand or wind scour or relocation of shacks would require NPS approval on a case-by-case basis.

These case-by-case determinations could lead to the installation of more modern amenities in the shacks, diminishing the rustic and isolated nature of the historic district.

Overall, Alternative A would result in incremental changes to the use and occupancy of the shacks and to the structures themselves. This would result in a localized, long-term, minor adverse effect but would not diminish the overall integrity of the resource.

## **Cumulative Impacts**

Past, present and reasonably foreseeable future actions have resulted in impacts on the historic structures in the district. These impacts have resulted from both past management actions and the loss of structures from natural processes. Implementation of Alternative A would contribute a noticeable, localized, long-term adverse increment to the overall adverse cumulative effect.

## **Section 106 Summary**

Incremental changes to use and occupancy, and modification and the potential for additional amenities installed by shack users, would result in impacts to some features of the district. After applying the Advisory Council's regulations (36 CFR 800), the NPS finds that Alternative A would have no adverse effect on historic structures or the cultural landscape.

## **IMPACTS OF ALTERNATIVE B**

### **Impacts**

Under Alternative B, decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location and condition. Specific procedures would be followed for transitions in shack stewardship. As with Alternative A, changes to the historic structures and cultural landscape would be guided by the HSR and CLR; however the HSR notes that management and maintenance of the shacks needs to be flexible, adaptable, inventive and respectful of the range of Character Defining Features of each shack. The HSR identifies features common to all shacks and specific interior and exterior features that should be preserved at particular shacks. Similarly, the CLR notes that the shifting, fluid nature of the dune landscape is essential to the character of the historic

district. The CLR states the importance of preserving the landscape setting that allows for use of the dune shacks as a remote, inspirational retreat.

Maintenance would be carried out by current lease or agreement holders. The national seashore would provide instruction about shack repairs and documents that identify the character defining features that should be preserved. Rules about different levels of maintenance would be clear and would also identify maintenance important enough to require NPS approval or SHPO consultation. Modifications to the shacks would be documented. These provisions would prevent adverse incremental changes to the shacks or district that result in a loss of character defining features.

Overall, implementation of Alternative B would result in a long-term, localized, moderate beneficial effect on the structures and features of the historic district.

## **Cumulative Impacts**

Past, present and reasonably foreseeable future actions have resulted in impacts on the historic structures within the historic district. These impacts have resulted from both past management actions and losses of structures from natural processes. Implementation of Alternative B would contribute a noticeable, long-term, beneficial increment to the overall cumulative adverse cumulative effect.

## **Section 106 Summary**

A defined management approach for the cultural resources of the district that includes incorporation of HSR and CLR recommendations and standards for shack maintenance by current lease or agreement holders would better preserve the character defining features of the structures and the district. After applying the Advisory Council's regulations (36 CFR 800), the NPS finds that Alternative B would have no adverse effect on historic structures or the cultural landscape.

# **CULTURAL LANDSCAPES**

## **IMPACTS OF ALTERNATIVE A: NO-ACTION**

### **Impacts**

Alternative A does not propose modification to natural or cultural features associated with the historic landscape. Trails and other over-sand access roads would remain the same and would be consistent with historic use. The CLR would guide any changes proposed for the historic district either by dune shack dwellers or the NPS. Occupancy agreements for the shacks would be determined on a case-by-case basis as current leases and agreements expire. There would be no systematic approach to allocating the shacks among different uses. Without a systematic approach, a disproportionate number of shacks could eventually fall into public access or private residential categories. This change in use could result in a

modification to some of the elements of the historic landscape over time or lead to unsustainable use, such as overuse in some areas that could destabilize dunes.

Overall, implementation of Alternative A would result in a localized, negligible beneficial impact to the qualities and features of the cultural landscape.

## **Cumulative Impacts**

Past, present and reasonably foreseeable future actions have resulted in impacts on the historic structures in the district. These impacts have resulted from both past management actions and losses of structures from natural processes. Implementation of Alternative A would contribute an imperceptible long-term, beneficial increment to the overall adverse cumulative effect.

## **Section 106 Summary**

Incremental changes to use and occupancy and modification and the potential for additional amenities installed by shack users would result in impacts to some features of the district and may, in turn, result in impacts to the historic landscape. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative A would have no adverse effect on historic structures or the cultural landscape.

## **IMPACTS OF ALTERNATIVE B:**

### **Impacts**

Alternative B does not propose modification to natural or cultural features associated with the historic landscape. Trails and other over-sand access roads would remain the same and would be consistent with historic use. The CLR would guide any changes proposed for the historic district either by dune shack dwellers or the NPS. Decisions about the occupancy, appropriate use, and other treatments to the dune shacks would factor in each shack's history, size, location, condition, and sustainable level of use given the landscape setting, such as the susceptibility to dune erosion or accretion of sand. The rules for landscape maintenance and circulation systems would be clear and predictable. Inadvertent alterations to the landscape setting would be less common.

Overall, implementation of Alternative B would result in a localized, long-term, moderate beneficial effect on the structures and features of the cultural landscape by preserving the shacks in the landscape.

## **Cumulative Impacts**

Past, present and reasonably foreseeable future actions have resulted in impacts on the historic structures in the district. These impacts have resulted from both past management actions and losses of structures from natural processes. Implementation of Alternative B would contribute a noticeable localized, long-term, beneficial increment to the overall cumulative adverse effect.

## **Section 106 Summary**

A defined management approach for the cultural resources of the district that includes incorporation of HSR and CLR recommendations and standards for shack maintenance by current lease or agreement holders would better preserve the character defining features of the structures and the district. After applying the Advisory Council's regulations 36 CFR 800, the NPS finds that Alternative B would have no adverse effect on historic structures or the cultural landscape.

## **DUNE PROCESSES**

### **IMPACTS OF ALTERNATIVE A: NO ACTION**

#### **Impacts**

Under Alternative A, access to the historic district would be maintained for both vehicles on existing designated roads and for pedestrians on the existing trail system. Dunes would continue to be impacted by road and trail use. Damage to dune vegetation caused by indiscriminate hiking can result in degradation of the integrity of dune systems and result in a "blowout" effect. A blowout forms when protective vegetation is lost or damaged, allowing strong winds to blow out sand and form a depression. Vegetation damage occurs with the initial passage of vehicles or pedestrians along travel routes. Off trail use by vehicles and pedestrians could result in additional damage to vegetation resulting in additional loss of dune integrity. Dune shack residents would continue to remove windblown sand from shacks, outbuildings, and features. Efforts to ensure that sand roads and trails are passable would continue to be undertaken by the national seashore.

Overall, impacts associated with Alternative A would constitute a localized, long-term, minor adverse effect on dune ecosystems.

#### **Cumulative Impacts**

Past, present, and reasonably foreseeable future actions have resulted in impacts to the dune ecosystems within the historic district. Past actions have included construction of permanent structures and facilities within interdunal areas in the historic district. Implementation of Alternative A would contribute an incremental, localized, long-term, adverse impact to the overall cumulative effects on dune ecosystems.

### **IMPACTS OF ALTERNATIVE B**

#### **Impacts**

Under Alternative B, sand fencing would be permitted but the use of plastic fencing, wooden pallets, and hay bales would be discouraged. This would lessen impacts as a result of persistent debris deposition from failed attempts at fencing. Planting native beach grass and other native species for sand stabilization



efforts would be encouraged. Use of potentially invasive plants and imported fill that might introduce exotics would be discouraged. Improved interpretation and trail designations would result in decreased off-trail use and increased protection of dune vegetation. Increased guidance to dune shack residents on maintenance practices, landscaping, and plantings would result in a decreased risk of blowouts and damage to dune processes.

Overall, impacts associated with implementation of Alternative B would constitute a long-term, localized, minor beneficial effect on dune ecosystems.

### **Cumulative Impacts**

Past, present and reasonably foreseeable future actions have resulted in impacts to the dune ecosystems within the historic district. Past actions have included construction of permanent structures and facilities within the dunal areas of the historic district. Implementation of Alternative B would contribute an incremental, localized, long-term, beneficial impact to the overall cumulative effects on dune ecosystems.

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# 5

## CONSULTATION AND COORDINATION

This chapter provides additional information on the scoping process and agency consultations, and includes the list of preparers for the document.

### THE SCOPING PROCESS

The scoping process is initiated at the beginning of a planning process to identify the range of issues, resources, and alternatives to be addressed in the EA/AoE. Typically, and in preparation for this plan/EA/AoE, both internal and public scoping is conducted to address these elements. State and federal agencies were also contacted to identify any additional planning issues and fulfill statutory requirements. The planning process for the proposed action was initiated during the internal, agency, and public scoping in 2009. Through the scoping process, interested parties were introduced the purpose and need of the project and invited to participate in the planning process, as described below.

### PUBLIC SCOPING

On October 8, 2009, the national seashore released a public scoping brochure for the plan/EA/AoE for public review and comment. The public was invited to submit comments on the scope of the planning process, issues, concerns and potential alternatives through November 12, 2009. During the scoping period, a public scoping meeting was co-sponsored by the national seashore and the commission. This meeting was held at the Center for Coastal Studies in Provincetown, MA, on October 19, 2009. The meeting presented information about the development of the plan and planning processes. NPS and consultants were on hand to answer questions, provide additional information to meeting participants, and record public input. During the scoping period, 84 pieces of correspondence were entered into the NPS PEPC system either from direct entry by the commenter or by uploading hard copy letters received by the NPS. Seven of the pieces of correspondence were duplicates where the commenter entered his or her comments directly into PEPC and also sent the same comments in a letter to the NPS. Thus 77 original correspondences were received.

## **AGENCY CONSULTATION**

### **Section 7 of the Endangered Species Act**

Responses regarding special status species were received from both the USFWS and the Massachusetts NHESP. The USFWS response was received on November 12, 2010. The USFWS stated that piping plovers are the only federally listed species known to occur in the project area and referred to their 2007 concurrence with the seashore's "not likely to adversely affect" determination for essential vehicle use on the road. Plovers within the entire national seashore are managed in accordance with protective measures identified in appendix G of the revised recovery plan for the Atlantic Coast piping plover. This response is included in "Appendix B: Relevant Correspondence."

### **Section 106 of the National Historic Preservation Act**

The national seashore sent letters to the Advisory Council on Historic Preservation and the SHPO on November 2, 2009. The letters sent by the national seashore are included in "Appendix B: Relevant Correspondence." The park will provide the Advisory Council and the SHPO with a copy of this document and will continue to coordinate with both agencies as the project moves forward. As described earlier in this document, it is the intent of the NPS to use this plan/EA/AoE for review and comment as part of the Section 106 consultation process.

## **OTHER CONSULTATION**

The national seashore has solicited review of this document from the NHESP on state-listed special status species in addition to federally listed species. The letter to NHESP is included in "Appendix B: Relevant Correspondence."

## **TRIBAL CONSULTATION**

The national seashore sent letters to the THPO of the Wampanoag of Gay Head – Aquinnah and the Tribal Chairman of the Mashpee Wampanoag Tribe on November 2, 2009. The letters sent by the national seashore are included in "Appendix B: Relevant Correspondence." The park will provide the tribes with a copy of this document and will continue to coordinate with them as the project moves forward.

## **COASTAL ZONE MANAGEMENT**

The Coastal Zone Management Act of 1972 requires that federal agencies adhere to state Coastal Zone Management Plans when conducting projects or activities that affect the coastal zone. All of Cape Cod is within the coastal zone; however, this plan is not expected to affect coastal resources or require federal or state permits or licenses to proceed. Further, the plan content is not an activity subject to federal consistency review, which for the NPS is defined as "location, design, construction or disposal of facilities, or real property acquisition or disposal". The NPS will send a copy of this document to the

Project Review Coordinator of the Massachusetts Coastal Zone Management program expecting concurrence that consistency review will not be required for the proposed alternatives.

## **LIST OF PREPARERS AND CONTRIBUTORS**

This document was prepared by Vanasse Hangen Brustlin, Inc. and the staff at Cape Cod National Seashore, the NPS Environmental Quality Division, and the NPS Northeast Region Office.

**Table 4. Preparers**

<b>Vanasse Hangen Brustlin, Inc.</b>		
Margaret Beavers	Environmental Scientist	Graphics and GIS analysis
Doug DeBerry	Senior Environmental Scientist	Natural resource review and analysis
Tracy Hamm	Environmental Planner	Document preparation; natural resources review and analysis
Rita Walsh	Cultural Resources Specialist	Cultural Resources
Jacob Hoogland	NPS Market Leader	NEPA/Environmental Impacts
Tricia Wingard	Project Manager	Guidance of NEPA process; document review; and project management

<b>Cape Cod National Seashore</b>	
George Price	Superintendent
Kathy Tevyaw	Deputy Superintendent
Lauren McKean	Management Assistant/Planner
Craig Thatcher	Supervisory Park Ranger
Stephen Smith	Ecologist
William Burke	Historian/Section 106 Coordinator
Bob Cook	Biologist
Sue Moynihan	Chief of Interpretation and Cultural Resources
Shelley Hall	Chief of Natural Resources

<b>Environmental Quality Division</b>	
Mark Husbands	Project Manager
Sandra Hamilton	Project Manager (Former)

<b>Northeast Region Office</b>	
Jacki Katzmire	Environmental Protection Specialist
Amanda Jones	Resource Planning Specialist

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2010c *Draft Cultural Landscape Report for the Dune Shacks of the Peaked Hill Bars Historic District*. Report on file at the National Park Service Headquarters, Cape Cod National Seashore, MA.

Natural Resources Conservation Service

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# **APPENDIX A: DRAFT IMPAIRMENT DETERMINATION**

The National Park Service has developed *Interim Guidance for Impairment Determinations in NPS NEPA Documents*. That guidance builds upon the statutory direction of the NPS Organic Act to manage resources “unimpaired for future generations” and the interpretation by the NPS of legislative direction in the *NPS Management Policies 2006*.

The *NPS Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006 sec 1.4.5).

The Dune Shacks of Peaked Hill Bars Historic District Preservation and Use Plan/Environmental Assessment/Assessment of Effect analyzes impacts to the following resources: soundscapes, dune shack dweller experience, historic districts and structures, cultural landscapes, and dune resources. NPS guidance provides that:

impairment findings are not necessary for visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, etc. because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired the same way that an action can impair park resources and values.

As a result, for purposes of this document, impairment findings are required for soundscapes, historic districts and structures, cultural landscapes, and dune resources.

## **SOUNDSCAPES**

Within the Dune Shacks of Peaked Hill Bars Historic District, natural sounds predominate. Occasional noise intrusion exists from the nearby highways, airport, and other uses outside of the historic district. The uses proposed for the historic district would not result in activities that would impact the natural soundscape. Visitors and dune shack users would make occasional noise above natural ambient sound levels through use of hiking trails and use of dune shacks as residences. Limited motorized access as well as generator use would continue to cause noise slightly above the ambient sound levels. Maintenance of the natural soundscape is a recognized value in planning documents for the national seashore and in the National Register nomination for the historic district. As a result of the management structure established under the preferred alternatives, new uses contributing to impacts to the natural soundscapes are unlikely and the existing condition where natural sounds predominate will be perpetuated. Impacts to soundscapes would not result in an impairment.

## **HISTORIC DISTRICTS, STRUCTURES, AND CULTURAL LANDSCAPES**

The preferred alternative is structured to continue the preservation and use of the dune shacks within the historic district and the cultural landscape. Provisions of the alternative provide for predictable cooperative management of the shack structures and seek to maintain a continuity of use within the historic district. Proposed changes to the structures will be subject to appropriate levels of review both within the national seashore and under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation. This review process is designed to provide for continuing use of the dune shacks while allowing for acceptable modifications for maintenance and adaptive use. The historic resources of the district, including structures and landscapes, are recognized within the general management plan for the national seashore and in the National Register nomination for the historic district. The preferred alternative would minimize impacts to the cultural resources of the historic district while continuing use of the dune shack structures in an isolated setting. Impacts to the historic district and structures would not result in an impairment.

## **DUNE PROCESSES**

The preferred alternative allows for continuing use of the dune shacks within the dynamic setting of the dunes of Cape Cod. Some measures would be allowed to provide a level of minimal protection for the dune shacks. The management approach for the dune shacks would encourage beach grass plantings and use of other native species to stabilize dunes. Use of invasive plants would be discouraged and steps taken to remove selected exotic species. Improved interpretation and trail designation would lessen off-trail use and increase understanding of the need to protect sensitive dune vegetation. Improved maintenance practices, landscaping and plantings would result in a decreased risk of blowouts and damage to dune

processes. Preservation of dune resources and processes is recognized in the enabling legislation for the national seashore and within planning documents, including the general management plan. Impacts resulting from implementation of the preferred alternative would result in a beneficial effect to dune resources and would not constitute an impairment.

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## **APPENDIX B: RELEVANT CORRESPONDENCE**

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# United States Department of the Interior

NATIONAL PARK SERVICE  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

IN REPLY REFER TO:  
L7617

October 7, 2010

Susi VonOettingen  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Ms. VonOettingen:

Under the terms of the National Environmental Policy Act (NEPA), the National Park Service (NPS) at Cape Cod National Seashore (the park) is preparing an Environmental Assessment (EA) for the development of a Dune Shack District Preservation and Use Plan for the Dune Shacks of the Peaked Hill Bars Historic District in Provincetown and Truro.

The Dune Shacks of the Peaked Hill Bars Historic District is eligible for the National Register of Historic Places. Its approximately 1,500 acres includes both the dune shacks and the dune landscape (see attached map). Eighteen of the nineteen historic dune shacks are owned by the NPS and currently occupied by different groups and individuals under a variety of management tools.

The purpose of this project is to develop a Dune Shack District Preservation and Use Plan/Environmental Assessment that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates. Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments.

This letter serves as notification that we have begun the compliance process and are proposing to have an EA available for public and regulatory review in spring 2011. We appreciate your input on this project and any species of concern, and will provide a copy of the review draft EA as soon as it is available. If you have any questions regarding the project, please contact Shelley Hall, Chief of National Resources Management, at (508) 957-0737.

Sincerely,

George E. Price, Jr.  
Superintendent



# United States Department of the Interior

## NATIONAL PARK SERVICE

Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

IN REPLY REFER TO:  
L7617

October 7, 2010

Massachusetts Natural Heritage Program  
Division of Wildlife and Fisheries - Field Headquarters  
Route 135  
Westborough, Massachusetts 01581

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Staff Reviewer(s):

Under the terms of the National Environmental Policy Act (NEPA), the National Park Service (NPS) at Cape Cod National Seashore (the park) is preparing an Environmental Assessment (EA) for the development of a Dune Shack District Preservation and Use Plan for the Dune Shacks of the Peaked Hill Bars Historic District in Provincetown and Truro.

The Dune Shacks of the Peaked Hill Bars Historic District is eligible for the National Register of Historic Places. Its approximately 1,500 acres includes both the dune shacks and the dune landscape (see attached map). Eighteen of the nineteen historic dune shacks are owned by the NPS and currently occupied by different groups and individuals under a variety of management tools.

The purpose of this project is to develop a Dune Shack District Preservation and Use Plan/Environmental Assessment that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates. Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments.

This letter serves as notification that we have begun the compliance process and are proposing to have an EA available for public and regulatory review in spring 2011. We appreciate your input on this project and any species of concern, and will provide a copy of the review draft EA as soon as it is available. If you have any questions regarding the project, please contact Shelley Hall, Chief of National Resources Management, at (508) 957-0737.

Sincerely,

George E. Price, Jr.  
Superintendent

# United States Department of the Interior

**NATIONAL PARK SERVICE**  
**Cape Cod National Seashore**  
**99 Marconi Site Road**  
**Wellfleet, MA 02667**  
**508.771.2144**  
**508.349.9052 Fax**

IN REPLY REFER TO:

L7617

November 2, 2009

Ms. Brona Simon  
State Historic Preservation Officer  
Massachusetts Historical Commission  
220 Morrissey Blvd.  
Boston, MA 02215

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Ms. Simon:

Under the terms of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act, the National Park Service (NPS) at Cape Cod National Seashore (the park) is preparing an Environmental Assessment/Assessment of Effect (EA/AoE) for the development of a Dune Shack District Preservation and Use Plan for the Dune Shacks of the Peaked Hill Bars Historic District in Provincetown and Truro.

The Dune Shacks of the Peaked Hill Bars Historic District is eligible for the National Register of Historic Places. Its approximately 1,500 acres includes both the dune shacks and the dune landscape. Eighteen of the nineteen historic dune shacks are owned by the NPS and currently occupied by different groups and individuals under a variety of management tools. The National Register determination of eligibility found that the district is an important historical cultural landscape significant for its architecture; its role in the development of American art, literature, and theater; and its association with the life of the American poet Harry Kemp.

The purpose of this project is to develop a Dune Shack District Preservation and Use Plan/Environmental Assessment that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates. Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. The park is collaborating with the Cape Cod National

Seashore Advisory Commission, its dune shack subcommittee, and the Consensus Building Institute (CBI) to facilitate public input and develop a range of alternatives.

This letter serves as notification that we have begun the compliance process and are proposing to have draft alternatives available for public review in spring 2010, and an EA/AoE available for public and regulatory review in fall and winter 2010. We appreciate your input on this project and will provide a copy of the review draft EA/AoE as soon as it is available. If you have any questions regarding the project, please contact Bill Burke, Cultural Resources Program Manager, project, please contact Bill Burke, Cultural Resources Program Manager, at [Bill\\_Burke@nps.gov](mailto:Bill_Burke@nps.gov) or (508) 255-3421, ext 14.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Price", written in a cursive style.

George E. Price, Jr.  
Superintendent

cc: Wampanoag Tribe of Gay Head - Aquinnah  
Mashpee Wampanoag Tribe  
Advisory Council on Historic Preservation

# United States Department of the Interior

NATIONAL PARK SERVICE  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667  
508.771.2144  
508.349.9052 Fax

IN REPLY REFER TO:

L7617

November 2, 2009

Cedric Cromwell  
Tribal Chairman  
Mashpee Wampanoag Tribe  
P.O. Box 1048  
Mashpee, MA 02649

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Mr. Cromwell:

Under the terms of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act, the National Park Service (NPS) at Cape Cod National Seashore (the park) is preparing an Environmental Assessment/Assessment of Effect (EA/AoE) for the development of a Dune Shack District Preservation and Use Plan for the Dune Shacks of the Peaked Hill Bars Historic District in Provincetown and Truro.

The Dune Shacks of the Peaked Hill Bars Historic District is eligible for the National Register of Historic Places. Its approximately 1,500 acres includes both the dune shacks and the dune landscape. Eighteen of the nineteen historic dune shacks are owned by the NPS and currently occupied by different groups and individuals under a variety of management tools. The National Register determination of eligibility found that the district is an important historical cultural landscape significant for its architecture; its role in the development of American art, literature, and theater; and its association with the life of the American poet Harry Kemp.

The purpose of this project is to develop a Dune Shack District Preservation and Use Plan/Environmental Assessment that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates. Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. The park is collaborating with the Cape Cod National

Seashore Advisory Commission, its dune shack subcommittee, and the Consensus Building Institute (CBI) to facilitate public input and develop a range of alternatives.

This letter serves as notification that we have begun the compliance process and are proposing to have draft alternatives available for public review in spring 2010, and an EA/AoE available for public and regulatory review in fall and winter 2010. We appreciate your input on this project and will provide a copy of the review draft EA/AoE as soon as it is available. If you have any questions regarding the project, please contact Bill Burke, Cultural Resources Program Manager, at [Bill\\_Burke@nps.gov](mailto:Bill_Burke@nps.gov) or (508) 255-3421, ext 14.

Sincerely,

A handwritten signature in black ink, appearing to read 'GEP', with a stylized flourish at the end.

George E. Price, Jr.  
Superintendent

cc: Wampanoag Tribe of Gay Head - Aquinnah  
Massachusetts Historical Commission  
Advisory Council on Historic Preservation

# United States Department of the Interior

**NATIONAL PARK SERVICE**  
**Cape Cod National Seashore**  
**99 Marconi Site Road**  
**Wellfleet, MA 02667**  
**508.771.2144**  
**508.349.9052 Fax**

IN REPLY REFER TO:

L7617

November 2, 2009

Bettina Washington  
Tribal Historic Preservation Officer  
Wampanoag Tribe of Gay Head - Aquinnah  
20 Black Brook Road  
Aquinnah, MA 02534-1546

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Ms. Washington:

Under the terms of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act, the National Park Service (NPS) at Cape Cod National Seashore (the park) is preparing an Environmental Assessment/Assessment of Effect (EA/AoE) for the development of a Dune Shack District Preservation and Use Plan for the Dune Shacks of the Peaked Hill Bars Historic District in Provincetown and Truro.

The Dune Shacks of the Peaked Hill Bars Historic District is eligible for the National Register of Historic Places. Its approximately 1,500 acres includes both the dune shacks and the dune landscape. Eighteen of the nineteen historic dune shacks are owned by the NPS and currently occupied by different groups and individuals under a variety of management tools. The National Register determination of eligibility found that the district is an important historical cultural landscape significant for its architecture; its role in the development of American art, literature, and theater; and its association with the life of the American poet Harry Kemp.

The purpose of this project is to develop a Dune Shack District Preservation and Use Plan/Environmental Assessment that provides clear direction and consistency for NPS managers, dune shack dwellers, users, and advocates. Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. The park is collaborating with the Cape Cod National

Seashore Advisory Commission, its dune shack subcommittee, and the Consensus Building Institute (CBI) to facilitate public input and develop a range of alternatives.

This letter serves as notification that we have begun the compliance process and are proposing to have draft alternatives available for public review in spring 2010, and an EA/AoE available for public and regulatory review in fall and winter 2010. We appreciate your input on this project and will provide a copy of the review draft EA/AoE as soon as it is available. If you have any questions regarding the project, please contact Bill Burke, Cultural Resources Program Manager, at [Bill\\_Burke@nps.gov](mailto:Bill_Burke@nps.gov) or (508) 255-3421, ext 14.

Sincerely,

A handwritten signature in black ink, appearing to be 'GEP', written over a horizontal line.

George E. Price, Jr.  
Superintendent

cc: Mashpee Wampanoag Tribe  
Massachusetts Historical Commission  
Advisory Council on Historic Preservation



# United States Department of the Interior

## NATIONAL PARK SERVICE

Cape Cod National Seashore

99 Marconi Site Road

Wellfleet, MA 02667

508.771.2144

508.349.9052 Fax

IN REPLY REFER TO:

L7617

November 2, 2009

John Fowler, Director  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 803  
Old Post Office Building  
Washington, D.C.

Re: Development of a Dune Shack District Preservation and Use Plan/Environmental Assessment for the Dune Shacks of the Peaked Hill Bars Historic District, Provincetown and Truro

Dear Mr. Fowler:

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This letter serves as notification that we have begun the compliance process and are proposing to have draft alternatives available for public review in spring 2010, and an EA/AoE available for public and regulatory review in fall and winter 2010. We appreciate your input on this project and will provide a copy of the review draft EA/AoE as soon as it is available. If you have any questions regarding the project, please contact Bill Burke, Cultural Resources Program Manager, at [Bill\\_Burke@nps.gov](mailto:Bill_Burke@nps.gov) or (508) 255-3421, ext 14.

Sincerely,

A handwritten signature in black ink, appearing to be 'GEP', written over a horizontal line.

George E. Price, Jr.  
Superintendent

cc: Wampanoag Tribe of Gay Head - Aquinnah  
Mashpee Wampanoag Tribe  
Massachusetts Historical Commission



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office

70 Commercial Street, Suite 300

Concord, New Hampshire 03301-5087

<http://www.fws.gov/northeast/newenglandfieldoffice>



NOV 12 4:23  
RECEIVED  
NATIONAL SEASHORE  
CAPE COD  
November 8, 2010

George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Dear Mr. Price:

This is in response to your October 7, 2010 letter requesting that we review the Peaked Hill Bars Historic District in Provincetown and Truro, Massachusetts, for information on the presence of federally endangered or threatened species in preparation of a proposed Environmental Assessment (EA) for a Dune Shack District Preservation and Use Plan. Our comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1533).

Federally threatened piping plovers (*Charadrius melodus*) primarily nest on the outer sandy beaches of the Province Lands; however, plovers and their broods have occasionally been observed using the inner dunes and dune slack wetlands. The inner dune road at Province Lands, consisting of two non-contiguous sand roads, may be crossed by plovers while moving between the outer beach and inner dune habitat, or may be used as a travel corridor. In a July 7, 2007 letter, our office concurred with a "not likely to adversely affect" determination for essential vehicle management of this road based on a number of protective measures proposed in your May 30, 2007 letter requesting our concurrence.

Essential vehicle use or proposed construction activities that are identified in the Dune Shack District Preservation and Use Plan should include the protective measures outlined in your May 30, 2007 letter in order to avoid adversely affecting piping plovers. Additionally, to avoid disturbing breeding piping plovers, time-of-year restrictions should be identified for proposed construction activities that may occur near or within piping plover breeding habitat.

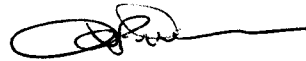
Based on information currently available to us, no other federally listed or proposed species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area.

George E. Price, Jr.  
November 8, 2010

2

Thank you for your cooperation. Please contact Susi von Oettingen of this office at 603-223-2541, extension 22, if you have any questions or need additional assistance.

Sincerely yours,



*Hehns*  
Thomas R. Chapman  
Supervisor  
New England Field Office

# **APPENDIX C: THE QUICK USER'S GUIDE**

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**Cape Cod National Seashore Advisory  
Commission Report  
on the Preservation and Use  
Plan/Environmental Assessment  
for the Dune Shacks of the Peaked Hill Bars  
Historic District**

**July 2010**

On July 19, 2010, the Cape Cod National Seashore Advisory Commission adopted this report from its Dune Shack Subcommittee. In recommending this report to the Superintendent, Cape Cod National Seashore, the commission wishes to make the following points:

- The National Seashore should maintain the essence/spirit of the District's historic association with the development of the arts and literature, and its traditionally simplistic lifestyle.
- The solitude and privacy of those occupying the dune shacks should be respected and protected to the extent possible. At the same time, the National Seashore should continue to promote public access consistent with its designation as a unit of the National Park System. There is a not-yet-defined carrying capacity for visitation that needs further study.



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## CHAPTER 1: Background

The Dune Shacks of the Peaked Hill Bars Historic District, located within Cape Cod National Seashore (CCNS), is eligible for the National Register of Historic Places. The Historic District is composed of approximately 1,500 acres that includes both the historic buildings (dune shacks) and the dune landscape. Eighteen of the nineteen dune shacks are owned by the National Park Service (NPS) and are currently occupied by different groups and individuals under a variety of management tools (administrative instruments such as leases, special permits, etc.).

### Purpose and Goals of the Planning Process

CCNS is undertaking a planning process to establish how the buildings and the adjacent landscape will be protected and interpreted, and how visitors will use the Historic District in the future, consistent with the qualities for which the Historic District was determined eligible for the National Register.

The determination of eligibility found that the Historic District is significant for its role in the development of American art, literature, theater and architecture; because the shacks are a rare and fragile property type; and because of its association with the life of American poet Harry Kemp. Although in 2007 the Keeper of the National Register of Historic Places determined that the Historic District did not meet the National Register criteria for recognition as a Traditional Cultural Property, in the planning process for the Dune Shack Historic District Preservation and Use Plan/Environmental Assessment, the NPS seeks to recognize both the elements that made the Historic District eligible for the National Register and its traditional cultural ethnographic value.

The purpose of this project is to prepare a Preservation and Use Plan/Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the regulations of the Council on Environmental Quality (40 CFR 1508.9), and the NPS Director's Order # 12: *Conservation Planning, Environmental Impact Analysis, and Decisionmaking* and its accompanying handbook. The plan will provide clear direction and consistency for NPS managers as well as for dune shack dwellers, users, and advocates.

Action is needed at this time to provide for the long-term protection of the Historic District as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments include long-term leases (up to 20 years) and short-term agreements.

The Preservation and Use Plan will be developed to accomplish the following objectives (listed in no particular order):

- Continue to provide the opportunity for contemplative solitude in support of art and literature.
- Support long-term relationships as ethnographic values highlighted in Robert Wolfe's 2005 report *Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod* and the related Wolfe and Ferguson 2006 report *Traditional Cultural Property Assessment, Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore*.
- Provide appropriate opportunities for the public to experience the themes and resource values of the Historic District.
- Take advantage of partnership opportunities where appropriate.
- Minimize interference with the natural dune processes that are part of the overall dune system.
- Describe preservation maintenance practices and consultation processes between CCNS and dune shack occupants that will protect the historic structures and adhere to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

#### Purpose of the Subcommittee

The planning process involved the re-establishment of the Dune Shack Subcommittee of the Cape Cod National Seashore Advisory Commission. Subcommittee membership included long-time dune dwelling families; representatives of Truro and Provincetown; the three non-profit organizations that provide art, writing, and general public residencies; Art's Dune Tours; Friends of the Cape Cod National Seashore; the National Seashore historian; and the Cape Cod National Seashore Advisory Commission. The work of the Subcommittee was facilitated by the Consensus Building Institute, under contract to the NPS.

The goal of the Subcommittee process was to openly discuss the many varied elements of resource protection, historic structure preservation, public access, perpetuation of traditions, management models and mechanisms, transition between uses and users, and compliance in order to develop EA alternatives that meet the six objectives listed above. The elements of this report and the draft alternatives will be further analyzed during the NEPA/EA process.

It is noted that none of the alternatives or recommendations in this report are intended to interfere with, alter, or affect any existing agreements, stipulations, and leases currently active, legal, and binding. Rather, they are focused on a future approach to preservation and use of the Historic District as existing instruments of various kinds retire over the coming decades.

## Description of Process

The Subcommittee met 11 times between November 2009 and July 2010. The Subcommittee members also met in numerous workgroups between meetings, via conference call, to advance ideas and issues. Cape Cod National Seashore and the National Park Service provided personnel to participate in the work, provide background information and detail, and offer the views and perspectives of the Seashore and the Park Service.

The Subcommittee meetings were posted and members of the public attended every meeting. A public comment period was provided during each meeting. The Subcommittee provided a detailed update to the Advisory Commission in May 2010 and also held a public meeting to provide the public an opportunity to comment on the Subcommittee's progress.

The Subcommittee met diligently and worked hard during these eight months. The Subcommittee adhered to agreed ground rules, with consensus as a key objective. These ground rules and Subcommittee membership are attached.

It is noted that members of the Subcommittee believe that they could have benefited from additional time to meet and discuss the issues at hand, given the decades-long challenges of managing the Historic District to broad stakeholder satisfaction, and that the level and detail of their work is a reflection of this eight-month time frame. The Subcommittee concludes that this report has involved thousands of person-hours and is the product of substantial, extensive, and intensive work. At the same time, the Subcommittee acknowledges that a future Subcommittee might find gaps in their recommendations, but that they performed to the best of their abilities under the time limitations and existing constraints of the CCNS and NPS.

## Previous Subcommittee Efforts

There has been a Dune Shack Subcommittee to the Advisory Commission since the early 1990s. Subcommittee membership has been variable throughout the decades; however, there have been a few members who have participated since the first subcommittee was established.

Previous subcommittee efforts were usually focused on particular issues that were relevant at the time. For example, in 1992 the subcommittee was engaged to help the Advisory Commission provide guidance to the superintendent about leasing, repairs to structures, amenities, and access. The subcommittee convened again in 1995 to help the superintendent develop a philosophy of use that reflected the full rich history of the shacks. This subcommittee stated that the preponderance of the 1992 report remained valid in 1996, and further reiterated and clarified elements of the 1992 report.

The subcommittee convened again in 2001 and met for 15 months. That subcommittee validated the philosophy of use from 1992, and responded to 15 questions posed by the

NPS about access, use, preservation, constituency-building, and challenges facing the Historic District. The final reports or recommendations of these past efforts are included in an appendix.

## CHAPTER 2: History

The Peaked Hill Bars Historic District has a long and storied history, reaching back to Native American use and occupation to the present constellation of uses, occupants, and structures. This chapter can in no way do justice to the stories, events, landscape and people who have made up the history of the District. The Subcommittee has developed a timeline of key events since the 19<sup>th</sup> century and a record of the shacks that have been lost due to a variety of causes over the years. The Subcommittee also recommends the reader view numerous reports, studies, and other documents that have sought to capture the history of the District, referenced in this chapter.

The shacks themselves have their roots in the lifesaving huts of the maritime era in the mid-19<sup>th</sup> century. The first lifesaving station was built in 1872. In 1914, the first recorded transition from a lifesaving station to a private residence took place in the District. The 1920s and 1930s saw the construction of the shacks that exist today, and of several that no longer exist. In 1961, when Cape Cod National Seashore was created,<sup>1</sup> dune dwellers continued to live in the shacks. Several shacks were destroyed by a variety of actors (including the National Park Service) and causes (see Lost Shacks section below) after the National Park Service gained control of the area. The 1970s and 1980s saw multiple civil actions between shack dwellers and the federal government. In 1989, the District was found eligible for the National Register as a result of concerted efforts by long-term dune dwellers, long-term dune shack users, and other advocates, some of who formed non-profit groups to support dune shack use, as well as the Town of Provincetown and the Massachusetts Historical Commission.<sup>2</sup> In the 1990s, a few locally based non-profit organizations began to offer programs and maintain some shacks in the District. In 2003, the Board of Selectmen of Provincetown (which borders that part of the District containing the largest number of dune shacks) asserted that Cape Cod National Seashore had legal obligations to manage the District as a protected cultural resource in the way that best would maintain, perpetuate, and strengthen that cultural group's continued access to and use of the dune shacks in which they lived. Starting in June 2004, an ethnographic study was conducted by Robert W. Wolfe, titled "Dwelling in the Dunes."<sup>3</sup> A subsequent phase on National Register eligibility for Traditional Cultural Property (TCP) significance was also undertaken by Wolfe and T.J. Ferguson, who concluded that the dune shacks qualified as TCP and that there were "traditionally

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<sup>1</sup> Public Law 87-126, August 7, 1961.

<sup>2</sup> National Park Service. (1989). *Determination of Eligibility Notification* (E.O. 11593). Washington, DC: Government Printing Office.

<sup>3</sup> Robert J. Wolfe. "Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod". (Final Report for the Research Project, "Traditional Cultural Significance of the Dune Shacks Historic District, Cape Cod National Seashore" (No. P4506040200), Supported by the National Park Service, U.S. Department of the Interior), August 2005.

associated peoples” connected to the TCP.<sup>4</sup> The Massachusetts Historical Commission and the Town of Provincetown agreed with these conclusions. However, in 2007, the Keeper of the National Register determined that the District did not meet criteria for additional significance as a TCP.<sup>5</sup> In 2009, the CCNS/NPS obtained funds to initiate an Environmental Assessment (EA) for developing a management plan for the District, to conduct several studies, and to reestablish a Dune Shack Subcommittee of the Advisory Commission, which convened in November 2009.

The following pages of this chapter seek to offer at least a partial outline of the District’s key events in the 19<sup>th</sup> century and to capture the shacks that were lost due to a variety of causes in the last several decades. This timeline was compiled by members of the Subcommittee, and reflects the memory and records of numerous Subcommittee members and participating members of the public. It is not meant to be a complete or official history of the District.

### **Dune Shack Draft Timeline (in progress)**

**Mid-19<sup>th</sup> century**—Roots in the maritime-based community and lifesaving huts of the Massachusetts Humane Society

**1872**—First lifesaving station built – Peaked Hill Bars Lifesaving Station

**1899**—Cape Cod School of Art founded

**1914**—Provincetown Art Association founded

**1914**—Peaked Hill Bars Lifesaving Station decommissioned (because of site erosion) and sold to Sam Lewisohn. Lewisohn shared building with Mabel Dodge who had overseen the conversion from lifesaving station to residence.

**1915**—New lifesaving station constructed – the Peaked Hill Bars Coast Guard Station.

**1917**—Malkin-Ofsevit Shack “Zara’s” constructed

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<sup>4</sup> Robert J. Wolfe and T. J. Ferguson. “Traditional Cultural Property Assessment: Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore”. (Phase II Report of the Research Project, “Traditional Cultural Significance of the Dune Shacks Historic District, Cape Cod National Seashore” (No. P4506040200), Supported by the National Park Service, U.S. Department of the Interior), May 2006. See also “Guidelines for Evaluating and Documenting Traditional Cultural Properties”, U.S. Department of the Interior, National Park Service, National Register, History and Education, Bulletin 38 (1990, revised 1992 & 1998).

<sup>5</sup> Keeper Janet Snyder Matthews to Acting Regional Director Chrysandra Walter, May 24, 2007, U.S. Department of the Interior, “Potential New Area of Significance, Dune Shacks of the Peaked Hill Bars Historic District, Barnstable County, Massachusetts”, H32(2280).

**1919**—Lewisohn sold old station and land to James O'Neill who gave it to Eugene O'Neill and Agnes Boulton as wedding present

**1919**—Hazel Hawthorne Werner arrives in the dunes

**1920**—Tasha Shack “Kemp” constructed

**1920s**—Fearing Shack “Bessay-Fuller” constructed, owned by Raymond Brown

**1926**—Armstrong Shack constructed

**1930**—Eugene O’Neill gives old station to Gene Jr (his oldest son)

**1930**—Werner Shack “Euphoria” constructed

**1931**—Old station lost to storm – new station moved back from beach to existing location.

**1931**—Likely date of loss of Frank Mayo’s shack from same storm

**1931**—Werner Shack “Thalassa” constructed

**1931**—Braaten Shack constructed

**1931**—Watson-Schmid Shack constructed

**1932-35**—Raymond Brown sold Fearing Shack to Ann Kleinman (est. 1932-1935 possessory title in land and building)

**1935**—Adams Shack constructed

**1935**—Adams-Guest Cottage constructed

**1935-6**— Wells Shack constructed

**1935-6**— Jones Shack constructed

**1936**—Champlin Shack “Mission Bell” constructed

**1937**—Fleurant Shack constructed

**1939**—New station closed – burned by arson 1958



**1939**—Ann Kleinman sold Fearing Shack to Dorothy Fearing (Al's wife); deed dated November 25, 1939, Book 802, Page 123

**1940**—Cohen Shack constructed

**1942**—Margo-Gelb Shack “Boris’s” constructed

**1942**—Chanel Shack constructed

**1946 or 1947**—Quonset Shack built on high dune near the Jones Shack

**1948**—Armstrong Family moved into abandoned shack in North Truro with approval of Junia and Elizabeth Hannah, who owned the land

**1949**—Fowler Shack constructed; Fowlers had an unsigned agreement and Bill of Sale with E. Jeffs Beede to buy the land they were building on, but by the time Beede signed the agreement with Fowlers the cut-off date included in CCNS legislation for having land and building ownership in the same name had passed.

**1954-5**—Commonwealth of Massachusetts acquired land now known as CCNS, including 745 acres owned by Hannah sisters

**1955**—Carlotta O'Neill (Eugene's wife) sells the old Lifesaving Station land to Ray Wells

**1960**—Death of Harry Kemp

**1960s**—Tasha Shack was blown apart in a winter storm and rebuilt

**1961**—Creation of Cape Cod National Seashore – all but one shack purchased by NPS in the ensuing years, and several lost over the post-1961 period due to either demolition by NPS, storms, arson or neglect.

**1962**—Formation of Great Beach Cottage Owners Association

**1967**—Vevers Shack burned by NPS citing its abandoned and vandalized condition

**June 30, 1967**—Red Shack burned down by vandals

**1969**—Dorothy Fearing sells her shack to Andrew Fuller (and Grace Bessay)

**1970**—Ford Shack destroyed by accidental fire

**1975**—Peter Clemons and Marianne Benson are invited to stay at the Fuller-Bessay (Fearing) shack and help with repairs/caretaking

**1976**—Chanel Shack rebuilt on top of original shack by the Del Deos and friends.

**1980**—On November 11<sup>th</sup>, Armstrongs received formal notice of Civil Action No. 80-2425-C: United States of America, Plaintiff vs. 733 Acres of Land, etc., which included defendants: David G. Armstrong, Constance E. Armstrong, and 14 others including the Art Department of Purdue University

**1981**—Andrew Fuller dies and leaves the cottage to Grace E. Bessay as part of his estate. Grace Bessay asks that Peter Clemons and Marianne Benson continue to use the shack as guests and to help with caretaking.

**1981**—Conclusion of Armstrong trial; Armstrongs and others signed an official document giving them life tenancy, but not to their future generations. The penalty for not signing the document was for the government to take possession of the shacks and bulldoze them.

**1982**—Death of Charlie Schmid

**1982**—Zara Ofsevit shack burned to the ground

**1984**—Schmid shack bulldozed by NPS

**1985**—letter from Barbara A. Meade, Chairman of the Truro Historical Commission stating that with the assistance of the Massachusetts Historical Commission they were trying to protect the remaining dune shacks in Truro from being destroyed

**1985**—Peaked Hill Trust (PHT) formed to save the shacks and provide a program for ongoing use of the shacks. The program started with use of Euphoria and Thalassa with permission of Hazel Hawthorne Werner, leaseholder.

**1989**—District found eligible for National Register

**1989**—Zara Ofsevit and the NPS agreed to the re-building of Zara's shack based on its original plans. The work was done by Peaked Hill Trust and volunteers along the same idea as a "barn raising" in August.

**1990**—Stan and Laura Fowler give Peter Clemons and Marianne Benson use of their shack and ask that they help with caretaking of it. The Fowlers were 80 years old and living in Florida.

**1991**—Grace E. Bessay signs a 25-year Use and Occupancy Stipulation (under the threat of immediate eviction) after losing a long and expensive battle to reverse the condemnation and taking of her land and cottage (Bessay-Fuller shack). Bessay includes Peter Clemons and Marianne Benson in the Stipulation as her heirs should she die before 2016 (the final year of the 1991 stipulation).

**1991**—Peaked Hill Trust begins management of Zara's at request of Zara Ofsevit, leaseholder

**1994**—Provincetown Community Compact awarded a NPS agreement to manage the Cohen shack for an Artist-in-Residence program.

**1995**—Death of Boris Margo. The NPS awards the Margo-Gelb shack to the Outer Cape Artist-in Residence Consortium (OCARC) for an artist-in-residence program. The shack continues to be managed by Peaked Hill Trust.

**1996**—Grace Bessay dies in October. Peter and Marianne are officially recognized as Bessay Cottage residents and stipulation holders.

**1990s**—3 Shacks leased by NPS – Jones, Fleurant and Watson-Schmid – artist-in-residence programs begun by NPS using non-profits in Margo and Cohen Shacks

**April 2000**—Hazel Hawthorne Werner passes away. Special Use Permit issued to Peaked Hill Trust, which had been caretaking and providing public stays at Thalassa and Euphoria. Renewed annually since 2000.

**November 2001**—CCNS activates CCNS Advisory Commission Dune Shack Subcommittee. Massachusetts State Historic Preservation Officer (SHPO) advised by letter that the subcommittee would be undertaking a process to provide guidance to CCNS regarding future use and preservation. Town of Provincetown and interested parties receive copy of the letter.

**Late 2001-January 2003**—Subcommittee meets several times. Presents its report to the full Advisory Commission in January 2003.

**March 1, 2003**—Advisory Commission holds public meeting at Province Lands Visitor Center to discuss the subcommittee report.

**May 30, 2003**—At CCNS Advisory Commission meeting the Town of Provincetown presents a letter urging NPS to explore cultural resource laws and policies governing cultural resources and asserting that “some, perhaps all, dune shack dwellers are a protected cultural resource” and that CCNS “has legal obligations to manage this cultural

resource in the way that best maintains, perpetuates, and strengthens this cultural group's continued access to and use of the dune shacks in which they live"

**October 2003**—NPS convenes two-day meeting of federal, state and private sector cultural resource experts to discuss the District and the TCP question. Group recommends that NPS undertake ethnographic study, prepare an environmental assessment, and permit the lifting of the Watson-Schmid shack by lessees, residents, and volunteers, rather than through government contract.

**Winter 2003**—NPS obtains funds to conduct ethnographic research on the people associated with the Historic District and the shacks.

**February 2004**—NPS hosts a public meeting at Truro Public Library to receive input into the scope of work being prepared for the research study.

**June 2004 to Spring 2006**—Ethnographic study conducted by Robert W. Wolfe. "Dwelling in the Dunes" is presented to the public in Fall 2005. Subsequent phase on National Register eligibility for TCP significance is undertaken by Wolfe and T.J. Ferguson.

**March 2005**—Reservations for Tasha and Ofsevit shacks expire. Zara Jackson and the Tasha Family are given one-year Special Use Permits (renewed annually since while planning is pending). Peaked Hill Trust continues the management of the Ofsevit-Malkin shack.

**January 2006**—Life estate holder Laura Fowler passes away, and the Fowler Shack comes under the direct management of the NPS.

**Winter 2006**—NPS develops scopes of work for the preparation of Historic Structure Reports and a Cultural Landscape Report for the Historic District.

**April 2006**—NPS holds Advisory Commission dune shack subcommittee meeting to bring people up to date.

**Early May 2006**—The NPS receives a draft copy of Phase 2 of the ethnographic research. NPS disagrees with recommendations.

**June 2006**—Fieldwork for Historic Structure Reports (HSR) and a Cultural Landscape Reports (CLR) for the District is underway. NPS informs Clemons-Bensons and Fowlers to vacate the Fowler Cottage.

**July 2006**—NPS grants the Clemons-Benson an extension to occupy the Fowler Cottage until Sept. 4, 2006.

**September 2006**—Clemons-Bensons vacate the Fowler Cottage. CCNS renews consultation with SHPO, recaps planning from 2003-present, expresses difference of opinion with the researchers concerning whether the District meets the criteria for TCP.

**October 2006**—The Provincetown Community Compact is chosen for a short-term agreement to use Fowler Cottage for a writer-in-residence program. SHPO responds that she is unable to agree with NPS about the TCP designation, and suggests that NPS ask for formal determination from the Keeper.

**November 2006**—TCP assessment and statement about NPS disagreement with researchers sent to all dune dwellers. Town of Provincetown agrees with SHPO conclusion on TCP designation.

**December 2006**—Richard Delaney selected by CCNS Advisory Commission Chair to be new dune shack Subcommittee chair. Reconstitution of Subcommittee and selection of new members begins.

**Winter-Spring 2007**—NPS sends TCP packet to Keeper of the Register for determination.

**May 2007**—Keeper determines that the District does not meet criteria for additional significance as a TCP. NPS signs new agreement with Provincetown Community Compact for use of the Fowler Cottage and continued use of the Cohen shack through December 2009. NPS signs new agreement with Outer Cape Artist in Residency Consortium for continued use of Margo-Gelb shack through 12/09.

**Summer 2007**—NPS is urged to list the District on the National Register. Chairman Delaney steps down due to scheduling conflict with his new position as director with the Provincetown Center for Coastal Studies. NPS reviews draft HSR/CLR for the District.

**Winter 2007**—Ray Wells asks Peaked Hill Trust to assume the caretaking of the Wells shack, but continues to use it herself.

**Winter 2007-2008**—CCNS Superintendent continues to seek funds to carry out dune shack EA. Next draft of Cultural Landscape Report and Historic Structure Report reviewed by CCNS staff.

**Winter-Summer 2008**—Ron Kaufman steps down as Chair of the CCNS Advisory Commission. Superintendent confers with a number of NPS offices and staff and re-defines the approach for the development of a Use Plan, which would include public/stakeholder involvement and result in an understandable short and long term occupancy plan while protecting the resources. Superintendent unable to move to the

next steps because of a lack of secure funding and the current changes within the NPS regarding contracting and agreements.

**Summer 2008**—Provincetown Community Compact requests an extension of its agreement to partner with the Mailer Writers Colony to offer writer residencies. NPS grants extension to December 31, 2011.

**2009**—NPS prepares scope of work and contracting documents to prepare the National Register nomination in 2009.

**Summer 2009**—Lease for Jones Shack expires. The lessee (Dunn Family) is offered a one-year Special Use Permit to occupy and preserve the shacks while the District's planning process is still underway.

**Fall 2009**—CCNS receives planning funds. NPS Environmental Quality Division awards contracts to Consensus Building Institute for facilitation and Vanasse Hangen Brustlin, Inc. for preparation of a Dune Shack District Preservation and Use Plan/EA. Public scoping meeting held on October 19, 2009. Start-up meeting is held with Public Archeology Laboratory for preparation of National Register documentation to list the District.

**November 2009**—First Dune Shack Subcommittee meeting is held on November 9. Rich Delaney appointed by Secretary of the Interior to chair the CCNS Advisory Commission. Outer Cape Artist in Residency Consortium agreement for use of Margo-Gelb Shack is extended to December 31, 2011 while District planning continues.

## Specific Shack Histories

Prepared by Dune Dwellers records and recollections

The Adams shack was built in 1935 by local carpenters Jake Loring and Dominic Avila. The Loring and Avila families, and later the Loring family, regularly occupied the shack until World War II, when the shack was used less frequently and fell into disrepair. David and Marcia Adams purchased the shack from Jake Loring in 1952. The Adams revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Adams family.

The Adams Guest shack was built shortly after 1935 by local carpenter Jake Loring as a generator shed to service the main building (the Adams Shack). David and Marcia Adams purchased the shack from Jake Loring in 1952. The Adams revived the shed for use as a small shack for family and guest use, and at the time of this report (2010), the shack still is regularly used by the Adams family.

The Armstrong shack was built in about 1926, probably by local entrepreneur Pat Patrick. The shack was abandoned and derelict when it was discovered by David and Connie Armstrong in the summer of 1948. The Armstrongs revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Armstrong family.

The Bessay-Fuller shack was built in the mid to late 1920s by Raymond Brown. Brown sold the land and building (possessory title) to Ann Kleinman in 1934. Kleinman sold the property to Dorothy and Al Fearing in 1939. The deed is dated November 25, 1939. The Fearings summered in the shack with their two children from 1939 through the late 1960s. Andy Fuller bought the cottage and land from the Fearings in December of 1969. They had met one another during meetings of the Great Beach Cottage Owners Association. Andy introduced the shack to Peter Clemons and Marianne Benson in the early 1970s and encouraged them to use and enjoy the shack in exchange for repairs and maintenance. When Andy Fuller died in 1981, he felt the shack to his life partner Grace Bessay who continued to share her summers in the dunes with the Clemons and their three children. Grace named the cottage "The Grail" during this period in part because the effort to save this place from government bulldozers had become the oldest pending federal court case in the United States. Grace Bessay signed a 25-year use and occupancy stipulation in 1991 and included the Clemons in the agreement. When she died in 1996, the NPS honored the terms of this document. This shack has been a family residence since it was first built. There is no record of it ever being rented to people outside of the family or for profit. At the time of this report (2010), the shack still is regularly used by the Clemons family.

The C-Scape shack was built in the 1940s by Eddie and Albert Nunes. The Nunes family regularly lived in the shack until they sold it to Howard Lewis, a local upholsterer in about 1953. After Lewis's death in the 1960s, the shack was sold to artists Jean Miller Cohen and John Grillo, who occupied or leased the shack to others until the mid-1970s, when they sold it to Bob Abramson and Larry McCready. After the shack was abandoned for a few years, the Provincetown Community Compact began an artist-in-residence program in 1996 and continues to use the shack in 2010.

The Champlin shack was built in 1936 by local carpenters Dominic and Al Avila. The Avila family regularly occupied the shack until World War II, when the shack was used less frequently and fell into disrepair. Nathaniel and Mildred Champlin purchased the shack from Dom Avila in 1952. The Champlins revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Champlin family.

The Fleurant shack was built in around 1937 by local businessmen Albert Nunes and Jake Waring. The Nunes and Waring families regularly lived in the shack until they sold it to Howard Lewis, a local upholsterer, who regularly occupied the shack until his death in the 1960s. Lewis left the shack to his friend, Leo Fleurant, who lived year-round in the shack from about 1963 until his death in 1984. The shack fell into disrepair, and was eventually leased by the CCNS to Emily Beebe and Evelyn Simon in 1993, who continue to use the shack in 2010.

The Fowler shack was built in 1948-9. Stanley and Laura Fowler first visited the dunes as guests of Dorothy and Al Fearing in the early 1940s and then constructed their own shack. They were promised a piece of land by E. Jeffs Beede, which they thought they had secured via a deposit and verbal agreement, but by the time the deal was finalized the Fowlers had missed the cut-off date included in CCNS legislation for having land and building ownership in the same name. Additions were made to the shack in the 1950s and 1960s to make it the shack that stands today in 2010. The Fowlers raised their son here every summer, and the shack was never rented. They wanted the shack to stay in use by families when they were no longer able to travel from Florida to Provincetown. The Fowlers asked Peter Clemons and Marianne Benson to take care of the shack from 1991-2006. When Laura Fowler died, CCNS evicted the Clemons family and leased the shack to the Provincetown Community Compact, which remains its current use in 2010.

The Jones shack was built in 1935 by Jesse Meade and used exclusively by the Jones family and friends until the late 1980s when they gave the rights to maintain the shack to Charlie Schmidt. During this time, Dr. Michael Sperber used the shack and was willed the shack. It then sat empty for eight years before being leased by CCNS. In 2010, the current lessees were John and Marsha Dunn.



The Kemp shack was part of the Peaked Hill Life Saving Station complex, used by actors and playwrights, constructed in 1920 by Frank Cadose. This shack was given to Harry Kemp in the 1930s and used by him until his death in 1960. He willed the shack to Rose Tasha, and the Tasha family continues to use the shack regularly also adopting an open-door policy allowing anyone to use the shack as needed.

The Malkin-Ofsevit shack was built in 1917 and sold by Irving Rogers, the Provincetown Clerk, to Zara's mother in 1925. The family used the shack for decades also allowing friends and others to stay there until it burned down in 1982. Seven years later in 1989, the shack was rebuilt to its original specifications with help from Peaked Hill Trust and volunteers. In 1991, Peaked Hill Trust began managing the shack at the request of Zara Ofsevit. At the time of this report (2010), the shack continues to have mixed use between Zara's family and the Peaked Hill Trust.

The Margo-Gelb shack was built in 1942 by Boris Margo and Jan Gelb, and used exclusively by the family and friends until Boris' death in 1995. At this time the NPS arranged an agreement with Outer Cape Artist-in Residence Consortium (OCARC) for an artists-in-residence program at the shack. At the time of this report (2010), Peaked Hill Trust continues to manage the shack.

## **“Lost Shacks”**

Prepared by Cape Cod National Seashore and Dune Dwellers records and recollections

### **Eastern Group**

1. Vever's Shack—NPS demolished in 1967; CCNS records state that it was in derelict condition and vacant for 4 years prior. Others note that it was not derelict nor unoccupied year round and that the dweller locked it and went to Indiana for the winter and returned to see it demolished, with all of his personal belongings inside.
2. Red Barn or Red Shack (Grace Bessay and formerly Charles Gushee)—Had not been used since 1953; others note that it was built in 1930; acquired by Grace Bessay from Charles Gushee on July 10, 1957 and lived-in from that time until June 30, 1967 when it was burnt down.
3. Stanard/New York Shack—files report "burned to the ground April 1973" by the CCNS, apparently with permission from the Stanards, who had no further use for it.
4. Stone/Cement Shack (Grace Bessay and formerly Andy Fuller)—It was destroyed by NPS on September 12, 1984 and owners/dwellers were sent a letter requiring that they tear down this and the Oliver shack. Others note that the owners did not comply and the shacks were torn down and costs billed to the owners/dwellers by CCNS.
5. Joe Oliver's Shack (Grace Bessay and formerly Andy Fuller)—Bulldozed by NPS on September 12, 1984 at cost of Grace Bessay.
6. Gracie's little shack—burned (accidental) in June 1968.
7. Charlie Schmid—NPS bulldozed it after Charlie died in 1984. Some note that his personal belongings & papers were inside.

### **Central Group**

8. Ford Shack (Gerald Hill)—destroyed by accidental fire on September 5, 1970
9. Frank Mayo's Shack—destroyed in 1931 storm
10. Quonset Shack—near the Jones Shack; unsure when or how it was demolished; well documented by neighbors as being in derelict condition in the years before it disappeared

### **Western Group**

11. Squid Woman's Shack—unsure when or how it was demolished
12. Concrete House/Igloo – designed by a Provincetown architect; as referenced by the Champlins in the Ethnographic Report; still standing in 1967– fate unknown
13. O'Neill/Wells Shack—just east of Malicoat - not THE lifesaving station, but a little shack recorded by the NPS as very run down in 1967; gone by 1970 but demise is unknown

## CHAPTER 3: Dune Shack Traditions

The Dune Shacks of the Peaked Hill Bars Historic District is located in Provincetown and Truro, Massachusetts. It is within Cape Cod National Seashore. It was determined eligible for the National Register of Historic Places in 1989. The Historic District is comprised of approximately 1,500 acres that include both the historic buildings (19 dune shacks) and the dune landscape. The determination of eligibility found that the District is significant for its role in the development of American art, literature and theater; because the shacks are a rare and fragile property type; and because of its association with the life of American poet, Harry Kemp. The dune landscape is the linchpin of the District's cultural importance.

Fifteen years after the District was found eligible for the National Register, the Board of Selectmen of the Town of Provincetown and other local community members asked the National Park Service to document the traditional cultural practices associated with the District. Subsequently, these cultural practices were recorded by Dr. Robert J. Wolfe in an ethnographic study in 2005 entitled, "Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod." Shortly after its release, Dr. Wolfe and Dr. T.J. Ferguson were engaged by the National Park Service to prepare an evaluation of the cultural significance of the District using National Register Traditional Cultural Property (TCP) criteria ("Traditional Cultural Property Assessment: Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore"). Under TCP guidelines, the traditional cultural significance of a historic property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Wolfe and Ferguson concluded that the Historic District met the criteria for a TCP. Their assessment stated: "The traditional cultural significance of the Dune Shacks of the Peaked Hill Bars Historic District is derived from the role the property plays in the historically-rooted beliefs, customs, and practices of the Provincetown-Lower Cape community . . . and whose traditional use has sustained the district for more than a century."

In 2007, the Keeper of the National Register of Historic Places determined that the District did not meet the National Register criteria for recognition as a Traditional Cultural Property. However, in the current planning process for the Dune Shack District Preservation and Use Plan/Environmental Assessment, the NPS seeks to recognize both the elements that made the District eligible for the National Register and its traditional cultural ethnographic values.

Many authors have sought to define the significant historic traditions that need to be maintained in the District. Dr. Wolfe, in his report, described three identifiable traditions of contemporary dune dwellers. First, traditions identified with "Old Provincetown" included foraging, salvaging, training children, and retreating from small town pressures.

Second, the expressive traditions of the fine arts colony extended into the dunes, with the shacks offering centers for writing, art and other creative expression. Third, the concepts of environmentalism associated with Thoreau and Beston found expression in the close relationship the dune dwellers celebrated with nature.

Long-time dune dweller and historian Josephine Del Deo captured the philosophical approach to the traditions of the District as embodied in the physical shacks themselves. The dune shacks, she wrote, are “metaphorically speaking, almost an archeological resource, having been structures used at various periods for varying purposes: the several buildings of the Coast Guard Stations at Peaked Hill, a boat house, a half-way house to poet’s abodes, painters’ studios, naturalists’ lookouts, a home of essential spiritual retreat and rejuvenation for persons from every walk of life . . . these small, nameless abodes by their very simplicity serving to teach and retain for our society the first lesson of nature, the law of survival for all the creatures of the earth. Hundreds, perhaps thousands, have sought inspiration here, and many more will come to worship in these shelters of the human spirit.”

In the 1992 Dune Shack Subcommittee report, the authors stated that the dune shacks offer “...a rare privilege of experiencing a survivalist relationship with nature. Only thoughtful guardianship of this way of life will keep it from disappearing from its unique place in the American landscape. Their use should relate to and derive from this history.” The report went on to state: “While the area may be historic because of the noted artists and writers who worked there, those occupied in more ordinary pursuits contributed to the structures, themselves, and to the environment that proved so inspirational, as is the case in other Historic Districts”. The 1996 subcommittee wrote, “The essence of the shacks is isolation and contemplation, neither of which can be observed”. In 2003, the subcommittee added that, “. . . we see the purpose of our dune shack role as keeping alive the practice of the past that still has unique value to contemporary, and hopefully future, society. Put another way, it is less like saving an historic building . . . or reenacting the 1775 muster in Concord, but more in keeping a wild creature or any living entity from going extinct.” As also stated in the Wolfe report: “The dunes provide the final resting place for the remains of a number of dune shack residents...permanently fused with the dunes and its dwellings.” (Chapter 4, page 96). In 2010, the current Subcommittee concludes that without the unique combination of long-term families, kin, and local, deeply committed non-profits that has evolved over time and who own, lease, use, and maintain the shacks, the traditional, independent, multi-generational culture of the District will be diminished, if not outright lost.

It is also important to note that the upkeep, restoration, and rebuilding of the shacks is also part of the cultural tradition of the District. Given the dynamic and harsh nature of the dune environment, the dune shack dwellers of all kinds have developed unique knowledge, skill, and innovation in order to maintain the shacks for continuous use. The Wolfe report noted this connection between cultural traditions and the physical shacks.

“For dune shack residents, a significant part of dune living consisted of working on the shacks themselves, through maintenance, repairs, and upgrades, managing sand and plants around the shack, and periodic shack relocations. Such work was said to be unending. And it was primarily a ‘labor of love’ by family and friends, typically done without monetary rewards. The severe conditions of the Backshore would destroy shacks except for the vigilant care of residents. Strong winds, blowing water, and shifting sands quickly overwhelm the vulnerable shacks without intervention.” (Chapter 11, page 225).

Lastly, the Subcommittee notes that among the traditions of the District are the unique arrangements various dune dwellers have made among themselves, with kin, and with non-profits, to continue the well being of the District. Just one example is that of shack stewards who occupy their shacks for residential use for a portion of the year, and then provide opportunities for public and programmatic uses during other times, and vice-versa.

## CHAPTER 4: Stewardship and Occupancy of the Dune Shacks

The Subcommittee worked diligently and in detail to develop an overall conceptual framework for how stewardship, use, occupancy, and access could be managed in the District. This chapter details a conceptual framework for stewardship, use and occupancy, including an overall vision for the District, a definition of stewardship and occupancy, a framework for the appropriate mix of uses, and considerations on the future uses of each shack.

### *Vision for Preservation and Use of the Peaked Hill Dune Shacks:*

The Peaked Hill Dune Shacks are valued for (in no particular order of importance):

- the experience and greater understanding of nature and co-existence with the landscape
- the beauty and protection of the surrounding environment
- the opportunities they provide for solitude, contemplation, inspiration, and creativity
- the rustic, spartan nature of the dwellings and the lifestyle within them
- the historical connections to the artists and writers who lived in them
- the living, personal histories, cultural traditions, and guardianship of long-time dune dwelling users, owners, families, friends, caretakers, and others
- the community of shared experiences, traditions, and identities with other committed shack users
- the unique and individual history and character of each dwelling

These values are experienced, lived, and supported by:

- long-term shack residents, their families, and friends
- one-time and recurring visitors to the shacks, be they artists or others
- non-profit associations
- affiliated businesses
- the local communities
- the National Seashore
- the public

The values and significance of this District can best be upheld by maintaining and nurturing the current mix of uses into the future. A partnership between dune shack users and CCNS/NPS is essential to preserving and managing these dwellings and their natural environment for this and future generations.

## *A Framework for Preservation and Use*

The Peaked Hill Bars Historic District, with its cultural, human, and natural resources, can best be maintained, protected, and sustained in the future through ensuring stewardship of this fragile, dynamic, valuable resource. The Subcommittee recommends that the preferred alternative in an EA and Preservation and Use Plan be built upon a framework that clearly delineates stewardship, use and occupancy, and access.

### *Recommendations for Stewardship*

**Stewardship** is the long-term care and commitment to the District that entails, but is not limited to (in no particular order):

- maintaining the cultural significance of the District through living and sharing the dune experience, and the traditions, stories, and memories;
- maintaining and preserving the dune shack structures;
- maintaining and preserving the natural landscape.

Stewardship requires active, sensitive **engagement**. This engagement includes not only attention to individual shacks or areas, but also a concerted effort to preserve and interpret the District as a whole. All individual and non-profit stewards and their constituents of the District are all expected to contribute to the District, recognizing that CCNS is publicly supported and protected.

The Subcommittee envisions that stewardship of the shacks consists of individual and family residents and their kin and non-profit organizations and their members committed to ongoing care of the shacks and their cultural and historic significance. In order to provide opportunities for new individuals and groups to engage in the District, the Subcommittee also supports reserving up to 20% of shacks for medium-term and rotating stewardship with 3-10 year durations, provided that maintenance and upkeep of the physical shacks can be assured. Recognizing that the stewardship of any given shack cannot be set in stone, the Subcommittee supports a distribution of approximately 40% long-term residential, 20% medium-term residential or non-profit organizations, and 40% non-profit organizations serving a range of appropriate programmatic and public purposes. The Subcommittee notes that both residential and non-profit stewardship are fully acceptable within National Park Service policy, which has mechanisms to implement such stewardship and occupancy, and are in keeping with the goals of preserving and maintaining the District in terms of maintaining the built, natural, and cultural resources of the District including historic structures, landscapes, and living traditions.



### *Recommendations for Use and Occupancy*

The District is not a museum or set of structures to be fixed in time and history. The District, as a living resource populated by people, requires **occupants** who can use the shacks and reside in a manner that protects and promotes the cultural and historic values of the District, as delineated in the vision statement above.

Given the importance of shack occupancy to the value of the District, and the observation that shacks used consistently are generally better maintained, the Subcommittee recommends that frequent occupancy of the shacks be encouraged – by the long-term user, by a network of individuals, family and kinship ties, by public or programmatic use, or by some combination of these.

The National Park Service describes programmatic use as a program of activities carried out by a non-profit organization, individual leaseholders, or others that benefits the Historic District, and in the case of a non-profit organization, is fundamental to the organization's mission. Programmatic use involves more than preservation maintenance, caretaking, and overnight public or member use. It involves a higher level of partnership and consultation with the NPS that helps attain sustainable, effective and efficient management of the District, the enhancement of public understanding, and protection of the District's resources and values.

#### Examples:

- Artist-in-Residence or Writer-in-Residence programs that perpetuate the development of art and literature in the District, tied to its National Register significance, and assist the NPS in carrying out this NPS-wide program.
- Activities that assist the NPS in carrying out its preservation responsibilities, such as research papers, development and dissemination of best practices, preservation maintenance case studies, or serving as a team-member with NPS staff and other District stewards to solve problems.
- Training for NPS staff to improve interpretation and protection of the Historic District.
- Public education programs that result from stays by the public or members, such as gallery exhibits in town; lectures or poetry readings in park facilities; behind-the-scenes tours for park partners.

In any given year, occupancy of the shacks would consist of some combination of the following:

- Residential use (long-duration or consistent) by individuals, families & kinship groups;
- Programmatic and public use (1-3 weeks at a time) by the public, members of non-profits, and artists in residence; and,

- Recurrent caretaker use (1-3 weeks at a time).

The Subcommittee supports a mix of uses for the dune shacks, both across shacks and within each shack. Hybrid uses – where shack stewards who occupy their shacks for residential use for a portion of the year and then provide opportunities for public and programmatic uses during other times, and vice-versa – are encouraged, but should not be expected for all shacks. Such hybrid approaches are currently deployed in some shacks in the District and are reported to work quite well. The arrangement with Malkin-Ofsevit shack provides a practical model of this.

The following chart shows the Subcommittee’s vision for stewardship and occupancy of the dune shacks:

CATEGORIES	DESCRIPTIONS		
<b>Approximate Percentage</b>	~ 40% of shacks	~ 20% of shacks	~ 40% of shacks
<b>Stewardship (By Whom)</b>	Individuals, families and kinships	Individuals, families and kinships or non-profit organizations	Non-profit organizations and their members
<b>Use: Primary</b>	Residential	Residential <i>or</i> programmatic and public	Programmatic and public use and recurrent short-term care-taker use (1-3 wks)
<b>Duration (time)</b>	Long-term (likely current lease option is 20 years) <sup>6</sup>	Medium term (3 to 10 years)	Goal of long-term with medium term by agreement (5 yrs plus 5 renewal)

### *Access*

Because the District is a public resource, all stewards of the dune shacks are expected to contribute to public understanding and access to the District through a range of diverse opportunities for **access** that reflect the unique nature and the sensitive resources and the

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<sup>6</sup> But see “Caveat” in this Chapter.

need for privacy to experience the values of dwelling in the dunes. This approach is detailed further in Chapter 5.

### *Available and desired NPS mechanisms*

The Subcommittee is cognizant that NPS mechanisms change over time. The following mechanisms, then, are the closest approximation to the Subcommittee's vision *given* the current existing range of mechanisms as stated by NPS.

The Subcommittee favors the use of **leases** for long-term residential stewards and **agreements or leases** with non-profits for public and programmatic uses.

The Subcommittee's understanding of the current legal and regulatory framework is as follows: 36 CFR, applicable across all federal agencies, allows a federal agency to lease a federal property for as long as sixty years. It is the current practice of the National Park Service to offer leases of no more than twenty years and that leases whose terms are for more than ten years require the approval of the Director of the National Park Service.<sup>7</sup> These leases may be extended for only one year beyond the term of the lease. Non-profit agreements are entered into for five years and may be extended for up to five more years for a total of ten years.

### *Selecting Stewards*

The administrative requirements for residential leases include competition via a Request for Proposals (RFP). The Subcommittee understands that current NPS rules require RFP evaluations to occur at the regional level.<sup>8</sup> These rules also allow that "an official of the applicable park area ... serve as a technical advisor to the evaluation panel", and the Subcommittee strongly recommends that CCNS send a technical advisor with extensive knowledge of the uses and historical and cultural significance of the District to advise the panel during the RFP process. The District and its values are unique and are best understood through long-term experience with the District.

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<sup>7</sup> Neither the Subcommittee nor CCNS/NPS staff was able to identify written regulations, policies, or guidance that codify the current practice of twenty-year lease terms. See 36 CFR 18.10, which states in relevant part: "All leases entered into under this part shall have as short a term as possible, taking into account the financial obligations of the lessee and other factors related to determining an appropriate lease term. No lease shall have a term of more than 60 years...." See also the notes that accompany this regulation: "...Under [Director's Order] 38, leases with a term of up to 60 years are permissible if the deciding official determines that a long term lease is necessary in order to provide a viable leasing opportunity in light of investment requirements and other relevant factors." See also 16 U.S.C. §§1 et seq., particularly 16 U.S.C. §1a-2(d) and §470h-3.

<sup>8</sup> According to the National Park Service's Director's Order #38 on Real Property Leasing: "In circumstances where an RFP concerns an existing or prior lease that is to be reissued and the incumbent or prior lessee submits a proposal in response to the RFP, the evaluation panel shall not include any officials of the applicable park area. An official of the applicable park area may serve as a technical advisor to the evaluation panel." January 20, 2006.

In addition to a set of standard criteria, NPS regulations allow each NPS unit to specify evaluation criteria for RFP processes that reflect the specific needs and requirements of that area.<sup>9</sup> To guide the selection of appropriate stewards, the Subcommittee recommends the use of the following criteria in any selection process.

For long-term residential stewardship and occupancy, the Subcommittee recognizes that the ethnographic values and traditions of the Historic District (as evidenced by the Wolfe and Wolfe/Ferguson reports and other relevant materials) are rich, real, and historically important. Although the Keeper of the National Register determined that the District did not qualify as Traditional Cultural Property, the letter to the Superintendent specifically states that “the plan will recognize all of the elements that made the District eligible for listing in the National Register, including the values highlighted in Dr. Wolfe’s ethnographic report.” The cultural significance and history of the District is embodied in the continuity of living communities. Long-term resident families have made and make a significant contribution to retaining the cultural values of the District including as described in the Wolfe report and associated materials.

For long-term residential stewardship and occupancy, used to preserve and maintain the historic structures, landscape, and living culture, the Subcommittee recommends the following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Experience or history of involvement with the District, which may include association with the traditions and living history of the shack;
- Association with the ethnographic values and traditions that contribute to the shack’s history and the cultural significance of the District;
- Commitment to participate in public access opportunities for the District (see detailed suggestions in the Chapter 5 on access);
- Desire and commitment to protect and promote the values and significance of the Historic District and the continuation of tradition and cultural identity;
- Capacity to perform the required maintenance;
- Availability and intent to use the shack.

For programmatic/public stewardship and occupancy used to preserve and maintain the historic structures, landscape, and living culture, the Subcommittee recommends the

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<sup>9</sup> See 36CFR18.8 (e): “(1) The criteria to be used in selection of the best proposal are: (i) The compatibility of the proposal’s intended use of the leased property with respect to preservation, protection, and visitor enjoyment of the park; (ii) The financial capability of the offeror to carry out the terms of the lease; (iii) The experience of the offeror demonstrating the managerial capability to carry out the terms of the lease; (iv) The ability and commitment of the offeror to conduct its activities in the park area in an environmentally enhancing manner through, among other programs and actions, energy conservation, waste reduction, and recycling; and (v) any other criteria the RFP may specify. (2) If the property to be leased is an historic property, the compatibility of the proposal with the historic qualities of the property shall be an additional selection criterion...”

following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Experience partnering with the National Park Service;
- Experience or history of involvement with the District;
- History or involvement with one or more shacks;
- Experience managing programs to meet federal objectives;
- Ability to carry out programmatic activity with direct visitor benefit, developed in partnership with the NPS, that advances the mission of CCNS and protects and promotes the values of the Historic District;
- Ability to provide a meaningful educational component to its program and be available to members of the interested public;
- Capacity to perform the required maintenance.

For medium-term stewardship and occupancy, used to provide the opportunity for new entrants into the values, culture, character, and practices of the District the Subcommittee recommends the following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Ability to perform preservation maintenance on rustic structures and knowledge of surrounding environment;
- Capacity to perform the required maintenance;
- Commitment to participate in public access opportunities for the District (see detailed suggestions);
- Desire and commitment to protecting and promoting the values of the Historic District and continuation of tradition;
- Availability and intent to use the shack.

### **Categorization of Shacks:**

Beyond the allocation of shacks to uses by percentages, the Subcommittee recommends that decisions about the use of particular shacks be guided by recognition of what is most suitable given their *history*, *size*, *location*, and *condition*. A description of each of these criteria is below. The Subcommittee as a whole has not assigned each shack a particular type of stewardship, occupancy or use, but recommends that the CCNS Superintendent seriously take into account the current use of each shack and the factors noted below as a guide for determining future use.

*History:* As a Historic District, the past uses of the individual shacks can provide a helpful guide for the appropriateness of each shack's future use. In particular, shacks with very consistent use over time (i.e., use by one family over many decades; use tied directly to historic figures of significance; use of shorter-duration by a larger number of

people), should be strongly considered to maintain those uses into the future. The Subcommittee notes that a number of shacks have remained continuously occupied by family and kin with direct ties to the historic period of significance. For more information on historic use, see Chapter 2 of this report, the Historic Structures Report, and the Wolfe Report, and other related documents.

*Amenities:* Shacks with high levels of amenities may be better suited for uses of longer duration. Public/programmatic stays of 1-3 weeks may be more easily facilitated in simpler shacks.

*Visibility:* The level of visibility and proximity to other shacks should be considered, as well as the value of clustering similar or compatible uses. For example, the weekly or monthly turnover of public and programmatic uses is likely to be incompatible with long-term residential uses. Furthermore, shacks in isolation may be less compatible with public and programmatic uses, as such users are sometimes unfamiliar with the District and may require assistance.

*Condition:* Shacks in poor physical condition, which require extensive rehabilitation, are most appropriate for arrangements with long-term stewards.

The following chart shows the Subcommittee's analysis of these criteria for the dune shacks.

Shack	Historic Use	Size	Condition	Amenities	Location
Adams	long-term residential	large	excellent	high	close to guest; visible
Adams guest	long-term residential	small	excellent	high	close to Adams
Armstrong	long-term residential	large	excellent	high	Isolated
Champlin	long-term residential	large	good	high	within view
Braaten	long-term residential	small	poor	high	within view
Wells	long-term residential	medium	poor	low	within view
Bessay-Fuller	long-term residential	medium	good	medium/high	Close
Fowler	long-term residential	large	good	medium/high	Close
Kemp	long-term residential	tiny	fair	none	within view
Fleurant	long-term residential / mixed	medium/large	excellent	medium	within view
Jones	long-term residential / some mixed	small	fair	low	Isolated
Watson-Schmid	long-term residential/ some mixed	small/medium	excellent	medium	within view
Chanel	mixed / some long-term residential	small	fair	low	within view
Malkin-Ofsevit	mixed	medium	excellent	low	Isolated

C-Scape	mixed	large	very good	medium	Isolated
Thalassa	mixed	small	excellent	low	within view
Margo-Gelb	mixed; artist connection	small/medium	good	low	within view
Euphoria	mixed; artist connection	small/medium	good	low	Visible

### *Caveat*

The Subcommittee recognizes that federal laws, NPS policies and regulations evolve over time. It therefore recommends that the Cape Cod National Seashore Advisory Commission establish a standing Dune Shack Subcommittee (to be appointed by the Chair) to ensure on-going dialogue among the dune shack stakeholders and CCNS, and to facilitate monitoring, assessment, and implementation of the recommendations of this report and the plan that follows.<sup>10</sup>

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<sup>10</sup> The Subcommittee understands that it has been asked by CCNS/NPS to make its recommendations within existing legal limitations in creating its report, and it has endeavored to do so. Some members of the Subcommittee are concerned that existing legal limitations, legislation, policies and/or regulation may be insufficient, and it is noted the public does not forego its right to pursue such changes in the future without prejudice.

The Subcommittee believes that a CCNS-based local approach to selection, given that those closest to the resource understand its values, uniqueness, and character, is best for the long-term history and cultural values of the District. The existing requirement that the provision of leases be determined under the auspices of the Regional Office is considered to not serve the best interests of preserving the cultural values of the District.

A number of members of the Subcommittee are also concerned that the current length of terms of mechanisms (20-year leases, 5+5 year agreements) may be insufficient to ensure the continuance of cultural values and traditions, effective maintenance, stewardship, and commitment to the District. Some Subcommittee members encourage CCNS and NPS to consider and explore longer-term leases or agreements to fulfill the vision described in this report.

## CHAPTER 5: Public Enjoyment and Understanding and Vehicle Access

The Subcommittee emphasizes that public enjoyment, including access, and understanding of the Dune Shack District should be appropriate to its history, character, culture, and landscape. Because the landscape of the Dune Shacks of the Peaked Hill Bars Historic District is a very sensitive resource, the subcommittee recommends that all persons minimize physical impact on the built and natural resources of the District while providing for public enjoyment and understanding.

The Subcommittee notes that CCNS interprets “public access” broadly to include both physical and intellectual access to the Historic District’s resources and themes. Section 7 of the National Seashore’s enabling legislation states broadly: “...the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific, features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding.” The subcommittee recognizes and respects the right of occupants to maintain privacy.

The Subcommittee recommends that public access take three forms: intellectual, experiential, and interactive. Of these three, the Subcommittee encourages CCNS to maximize low-impact opportunities. Because the District is a public resource, all stewards of the dune shacks, including leaseholders and agreement holders, are encouraged to contribute to public understanding and access to the District through a range of diverse opportunities for **access** that reflect the unique nature and sensitive resources, and the need for privacy to experience the values of dwelling in the dunes.

### *A. Intellectual Access: Interpretation, Education and Outreach*

CCNS should provide visitors an opportunity to learn more about its resources and themes, including the Dune Shacks of the Peaked Hill Bars Historic District. Interpretation, education and outreach activities are opportunities for the public to learn about the District in a manner consistent with its carrying capacity. There are various methods available to enhance public understanding of this unique resource, including its structures, people, and landscape, and CCNS must analyze which methods would best serve this purpose. Educational opportunities may include (by way of example, but not limited to):



- interior and exterior exhibits at the visitor center or at access points to the District
- publications
- documentary film(s) or video footage
- sales items in National Seashore bookstores
- ranger-guided education programs at non-District venues
- special events
- lectures
- multi-media presentations.

These educational elements should highlight the District's history, multiple uses, connection to arts and literature, cultural history, solitude, and the valuable and fragile natural resource. Stories about long-time families, artists, and the activities of the non-profit organizations could all be highlighted. CCNS should be careful to not identify too specifically exact locations and coordinates of individual shacks to discourage specific attention to their location and physical accessibility.

The Subcommittee recognizes that most visitors to the District will respond positively to messages about how to respect the historic and natural resources of the dunes and protect the fragile environment and buildings. CCNS should produce materials for their website and visitors' centers to sensitize and orient visitors about the care needed to protect and maintain the dune resources through staying on trails, staying off dunes, and keeping a respectful distance from the shacks.

All stewards of the dune shacks, both individuals and non-profit organizations, are expected to contribute to enhancing intellectual access to the district by undertaking one or more of the following (by way of example, but not limited to):

- Provide CCNS access to photographs, letters, stories, and oral histories of the shacks and their families, friends, and visitors;
- Participate in an exhibition, reading, video, or presentation at a national seashore visitor center, a local school, art gallery, library, community center, etc.

### *B. Experiential Access: Day Use*

For those visitors who wish to experience the District, CCNS and dune taxi companies should continue to provide several means for day physical access.

In order to preserve the environment of solitude and contemplation envisioned in the eligibility of the District, the CCNS should provide minimal, effective, clear signage

about the privacy of the shacks and to guide resource sensitive behavior. Though the exact nature of such signs should be determined by CCNS in conjunction with shack users, the signs would indicate the need for the general public to respect the privacy of users of the shack for the continued preservation of solitude and contemplation and the protection of the shacks themselves.

Furthermore, the CCNS should work with District stakeholders to encourage the use of traditional paths and roads, and to reduce and minimize the creation of new footpaths or trails that impede on the shack's opportunity for solitude and contemplation and erode the natural landscape.

In addition to the independent walk-in day visitors, day access for the general public should be provided by (by way of example, but not limited to):

- Guided, programmed ranger walks; and
- Dune taxi tours managed through a special permit.

The District's carrying capacity has not been established. However, the Subcommittee notes that the District currently receives day visitors in numbers that could be approaching or have exceeded carrying capacity for resource protection. Therefore, the Subcommittee does not seek to encourage a significant increase in experiential access. The CCNS should obtain data about day users to develop a baseline for future discussions about carrying capacity. Access and carrying capacity are likely important subjects for the recommended on-going Dune Shack Subcommittee.

All stewards of the dune shacks, both individuals and non-profit organizations, are encouraged to contribute to appropriate opportunities for experiential day access by undertaking one or more of the following (by way of example, but not limited to):

- An artists in residence interpretive program;
- Participating in an opening or closing day or weekend;
- Hosting a volunteer work day for repairs and maintenance;
- Participating in a limited number of voluntary "open houses" or other events which provide an opportunity for the public to visit a shack;
- Participation in volunteer work day for District-wide betterment activities, such as trail-clearing, sand-shoveling, etc.

Like the CCNS education and outreach activities described earlier, all of the above elements should be carefully considered to ensure that they do not increase use to the point where the qualities of the District are affected.

### *C. Interactive: Short-Term Occupancy as Access*

The Subcommittee recommends that some shacks should provide public access via short-term occupancy. Short-term occupancy as access is defined as one to three weeks in residency in a specific shack. This kind of access is valuable in order to provide the public a direct interaction with the significance of the District, including contemplative solitude, the simple nature of the shacks, and sustainable living. Residencies, on the part of creative people, help perpetuate one of the District's significant traditions - nascent creativity being worthy of nurturing in this conducive environment.

The Subcommittee wishes to preserve the cultural and historic value of the District, including its mix of uses, from public/programmatic to private residential. The subcommittee does not recommend that every shack must provide short-term occupancy. The subcommittee emphasizes that on-going education of short-term users is essential to preserve the visitors' health and safety, as well to sustain the cultural, historic, and natural resources of the District. Examples include (by way of example, but not limited to):

- Short-term occupancy of a shack through artist or writer residencies or other competitive programs;
- Short-term occupancy of a shack through some kind of fair allocation of time via lottery or other means;
- Short-term occupancy of a shack through caretakers;
- Short-term occupancy made available by residential leaseholders;

### *Vehicle Use and Parking*

The Subcommittee recognizes that access to some shacks is extremely difficult without vehicle access. Furthermore, the Subcommittee considers that managed vehicle tours of the District by a skilled, permitted operator are appropriate. At the same time, extensive use of vehicles in the District, other than for access to and from the shacks, would have an adverse impact on the fragile natural resources and the solitude and contemplative nature of the District. Currently, to obtain an occupant pass to drive in the Historic District, individuals must watch the video designed for over-sand driving, which is more specific to beach driving. The CCNS and dune dwellers should work

collaboratively to improve the current over-sand video and/or develop new training strategies specifically about inner-dune driving to reinforce etiquette and care of the resource. The Subcommittee did not consider it in its purview to make specific recommendations regarding vehicle management, but encourages the CCNS to minimize vehicle traffic in the District outside of access to the shacks by residents, maintenance by CCNS, and permitted tours, and to consider implications of parking areas on District access and impact.

## CHAPTER 6: Transitions

The Subcommittee discussed three kinds of transitions that would occur over time in the District. The first type of transitions will occur as current terms of year-to-year special permits expire under the current management approach, and as the District becomes subject to the new management plan. The second type of transitions will occur when other existing, fixed-term leases and agreements expire. The third type of transitions will occur when instruments with unpredictable end dates, such as life estates, expire, or failures of leaseholders to uphold their leases require early termination. Please note that the Subcommittee did not take up the issue of how best to achieve the practical and important transition of use and knowledge from one long-term leaseholder to another.

The Subcommittee below offers recommendations on these three kinds of transitions.

### Transitions from the Current Special Permits

The transition from special, year-to-year permits, for those currently without longer term administrative mechanisms for occupancy of their shacks would occur as follows:

- Annual special permits or similar arrangements would continue to be approved with current occupants until the final management plan is approved.
- Upon approval of the management plan, and in a time frame administratively feasible for the CCNS and NPS, the CCNS would notify a shack's current occupant that the NPS intends to implement the plan at that shack and will be implementing a transition as outlined below under "Predictable Transitions."
- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or special agreement), the current occupant would remain and be provided a special permit, issued annually, to do so.
- Upon award and approval of a new lease or agreement, assuming it is a new occupant, the current occupant would be able to remain through the termination date of the last annual special permit issued.

In an unpredictable transition, when a family member holding a long-term arrangement passes away, the transition would occur as follows.

- Annual special permits or similar arrangements would continue to be approved with a family member or kin of the deceased until the final management plan is approved.
- Upon approval of the management plan, and in a time frame administratively feasible for the CCNS and NPS, the CCNS would notify a shack's current

occupant that the NPS intends to implement the plan at their shack and will be implementing a transition as outlined below under “Unpredictable Transitions.”

- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or special agreement), the occupant would remain and be provided a special permit, issued annually, to do so.
- Execution of a new lease or agreement will dovetail with the expiration date of the existing mechanism.

### Transitions of Predictable Expiration of Terms

In cases of predictable expiration of terms of an existing agreement, lease, stipulation, or reservation of use and sufficient lead time, the transition from one legal occupant to another (please note that the previous occupant may become the future occupant) would occur as follows:

Three years prior to the termination date of the administrative instrument (lease, agreement, etc.) CCNS/NPS will:

- First determine (via the Superintendent) the future stewardship/occupancy of that shack given the District plan, seeking to maintain the recommended mix of stewardship/occupancy. It is assumed that shacks will typically, but not always, remain in their current status in terms of general occupancy (residential or non-profit). Please note as outlined in Chapter 3 that “mixed” arrangements of residential and non-profit organizations are possible.
- And then, either:
  - initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or,
  - initiate development of non-competitive lease or agreement for long-term stewardship for a non-profit organization undertaking a programmatic purpose consistent with the mission of the NPS and CCNS.

The RFPs for long-term residential use must include a special set of criteria to distinguish qualities for long-term stewardship and to preserve the cultural traditions and vitality of the District. The RFPs for medium-term residential and non-competitive leases or agreements for non-profits must also include special criteria. These are noted in Chapter 4.

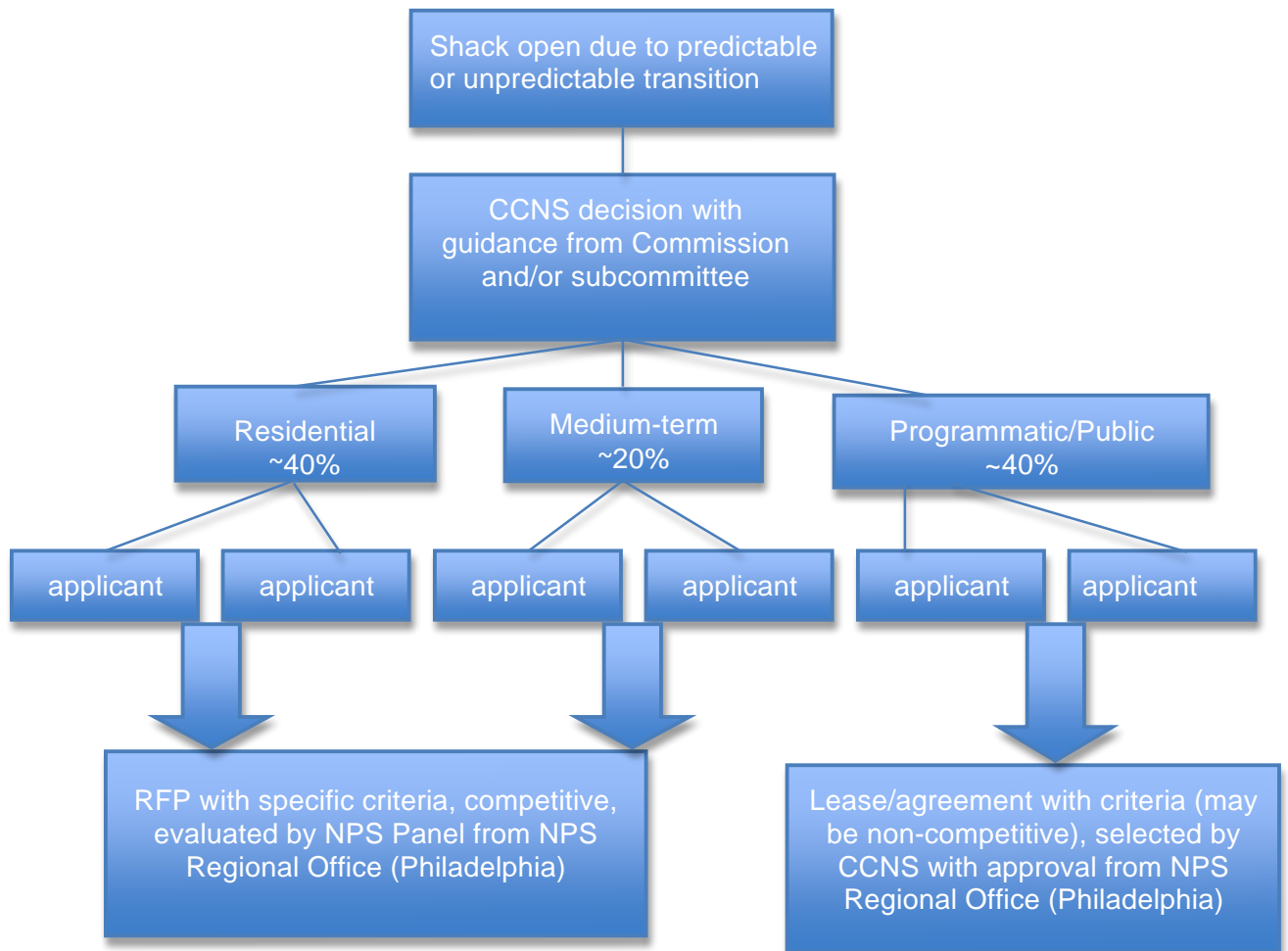
## Transitions of Unpredictable Expiration of Terms

In cases of *unpredictable* expiration of terms of an existing agreement, lease, stipulation, or reservation of use (death of person, failure to comply with lease, sudden vacancy, failure of an organization), the CCNS/NPS will:

- First, immediately work to ensure the integrity and character of the structure, either by
  - providing an annual special use permit to a family member or kin of the deceased or constituent of the failed organization for the transition period (1 to 2 years), or
  - including employing the other shack Stewards (individual lease holders, organizational programs, and members) on a volunteer basis to physically secure the structure for the transition period (1 to 2 years) and inform the Advisory Commission or its Dune Shack Subcommittee of the efforts.
- Then, within a reasonable time frame, determine (via the Superintendent) the future stewardship/occupancy of that shack given the District plan, seeking to maintain the mix of stewardship/occupancy. It is assumed that shacks will typically, but not always, remain in their current status in terms of general occupancy (residential or non-profit). Please note as outlined in Chapter 3 that “mixed” arrangements of residential and non-profit organizations are possible.
- And then, either:
  - initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or,
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The RFPs for long-term residential use must include a special set of criteria to distinguish qualities for long-term stewardship and to preserve the cultural traditions and vitality of the District. The RFPs for medium-term residential and non-competitive leases or agreements for non-profit organizations must also include special criteria. These are noted in Chapter 4.

## Transitions Summary Flow Chart





## CHAPTER 7: Physical Structures

### Dune Shack Maintenance and Repair:

The Subcommittee differentiates four levels of maintenance actions, which each require a different level of documentation and review.

- 1. Routine Preservation.** Some examples: hand shoveling to remove built-up wind blown sand along exterior of shack to prevent wet-rot, properly board up doors and windows in winter to prevent leaks. These actions do not require documentation or CCNS review.
- 2. Minor Maintenance and Repair.** Some examples: re-fasten wall or roof shingles, re-flash chimney, patch holes, re-glaze missing windowpanes, install a short string of sand fencing. This level of action does not require CCNS review, but should be documented in a journal or file for future use in an updated historic structure and landscape report.
- 3. Replacement and Repairs with in-kind materials.** Some examples: re-roof, re-shingle walls, replace windows, replace wooden piers and decking. This level of intervention requires consultation with the with the Park's Section 106 Coordinator at least **4 weeks in advance** of when the occupant wants to begin work in order for the park to review and advise the occupant on how to proceed.
- 4. Replacement and Repairs** that use different materials or otherwise make dramatic changes. Some examples: moving sand with machinery, moving sand within 100 feet of a wetland and/or the coastal bank, new septic system or well, installing a significant amount of erosion control fencing, making permanent changes to existing driveways or vehicle route, changing materials or configuration of a character-defining feature (e.g. going to a wood roof when the shack always had rolled asphalt, modifying a roof line to solve chronic leaks, changing the footprint of the deck, or other modifications intended to improve the functionality of the shack). These interventions require **8 weeks lead time** to allow for NPS consultation with the Massachusetts Historical Commission or local conservation commissions.

In a true emergency (e.g. window or door blows out in a storm, major roof leak), users should perform emergency repairs as needed but consult with CCNS staff as soon as possible afterwards to assess the situation and communicate a long term plan.

In order to clarify and simplify the expectations for maintenance, upkeep, and repair of the dune shacks, the Subcommittee has developed the following two documents to give concise, simple guidelines on maintenance for Shack Users:

- A Quick User's Guide to Dune Shack Maintenance and Repair, and

- A list of materials for rehabilitation and repair which are compatible with the dune shack structures, and those that would likely be incompatible and would require specific CCNS or NPS approval before being used.

These documents should be available and should be distributed to all stewards of dune shacks, along with the Introduction and Conclusion of the Historic Structures Report (HSR), and the Character-Defining Features (CDF) section of the HSR report for that shack. The CDFs are elements of an historic structure that should not be radically changed, obscured, damaged, or destroyed, and should be used to assist in making decisions when maintenance, rehabilitation and repair issues arise. When considering alterations or additions to shack structures it is most important that such alterations or additions do not radically change, obscure, or destroy character- defining spaces, materials, features, or finishes.

### **Amenities**

Amenities are defined as creature comforts including heating, water retrieval and disposal (sink, shower, toilet), lighting, and food storage and preparation.

The dune shacks currently have different levels of amenities, based on their histories, use and present occupancies. The Subcommittee recommends maintaining this variety of amenity levels as appropriate to the use. Where possible, the present and historic level of amenities should be the basis for any decision regarding modernization or addition of amenities.

The highest level of amenities refers to those shacks with all or many of the following: running water from a tap, indoor plumbing, and electric lights and sockets. Mid-level amenities might include an indoor pump for water, indoor or attached outhouse, solar powered water heaters, propane cooking stove and refrigerator, and oil lamps. Low-level amenities include external water pumps, detached outhouses or composting toilets, and wood stoves.

Careful consideration needs to be given to amenities that are placed on the exterior of the dune shacks. Wherever possible the addition should be discreet or hidden (minimally visible, if at all) and should be removable without disturbing the historic fabric of the structures. The Subcommittee agreed that the experience of the shacks implied a simpler, rustic lifestyle. The Subcommittee recommends that CCNS clarify expectations regarding amenities on a shack-by-shack basis during the leasing process.

### **Catastrophic Loss**

Shacks that are destroyed should be allowed to be rebuilt in accordance with NPS guidelines on reconstruction of cultural heritage.

## Quick User's Guide to Dune Shack Maintenance and Repair

As a dune shack caretaker, your actions regarding the maintenance and repair of your shack and its environs are critical in preserving the character and fabric of the Dune Shacks of the Peaked Hill Bars Historic District. Since this is an historic district eligible for the National Register of Historic Places, caretakers need to familiarize themselves with the Historic Structure Report (HSR) for the shacks, and the Cultural Landscape Report (CLR) for the surrounding landscape. These reports list Character-Defining Features (CDF's) that give the District its visual character and should not be radically changed, obscured, damaged, or destroyed. For example, some of the Adams Shack CDF's are:

*“rectangular shape, north/south orientation towards ocean, low horizontal roof profile with center gable, organization and size of windows, brick chimney, simple flat trim boards, wood pier foundation, shingled exterior “*

For guidance on maintenance and repair, the NPS uses the Secretary of the Interior Standards for the Treatment of Historic Properties and Cultural Landscapes. These emphasize the following basic approach to maintaining the District:

1. First, **Retain and Preserve** features (e.g. hand shoveling to remove built-up wind blown sand along exterior of shack to prevent wet-rot, properly board up doors and windows in winter to prevent leaks).
2. Then, if needed, **Stabilize and Repair** (e.g. re-fasten wall or roof shingles, re-flash chimney, patch holes, re-glaze missing window panes, stabilize dunes around the shack with beach grass planting, other native vegetation, and sections of sand fencing).
3. Finally, if features are too deteriorated then **Replace** them (e.g., re-roof, re-shingle walls, replacing windows, replace wooden piers and decking).

As a general rule of thumb, if you are performing maintenance under 1 and 2 above, no prior consultation with the NPS is needed, but please document all significant maintenance of the shack and landscape with a journal for the NPS for future use in an updated historic structure and landscape report.

If you are performing maintenance under 3 above, then you need to consult with the Park's Section 106 Coordinator at least **4 weeks in advance** of when you want to begin work in order for CCNS staff to review and advise you on how to proceed. In a true emergency (e.g. window blows out in a storm), perform emergency repairs as needed but consult CCNS as soon as possible afterwards to assess the situation and communicate a long-term plan.

In a few cases, an **8-week lead time** is needed for proposed actions that require NPS consultation with the Massachusetts Historical Commission or local conservation commissions. This would be needed for the following: moving sand with machinery, moving sand within 100 feet of a wetland and/or the coastal bank, new septic system or

well, installing a significant amount of erosion control fencing, making permanent changes to existing driveways or vehicle route, changing materials or configuration of a character-defining feature (e.g. going to a wood roof when the shack always had rolled asphalt, modifying a roof line, changing the footprint of the deck)

### Materials for Maintenance and Rehabilitation

<b>Structures</b>	<b>Compatible</b>	<b>Likely subject to NPS review</b>
<b>Siding and Trim</b>	degradable and/or subject to weathering	non-degradable, non-organic
	untreated wood	plastic or petroleum based
	cedar	"dipped" or pre-stained
	pine	chemically treated
	painted wood	composite materials
	copper based, non-arsenic pressure treated lumber	Aztec or similar
<b>Windows</b>	single glaze	aluminum
	untreated wood	vinyl
	multi-lite	insulated glazing
<b>Decks and Pilings</b>	untreated wood	
	copper based, non-arsenic pressure treated lumber	
<b>Roofing</b>	cedar shake	rolled rubber (EPDM or similar)
	asphalt shingle	
	rolled asphalt	
	cedar shingle	
	copper based, non-arsenic pressure treated lumber	
<b>Found materials*</b>	drift wood, bone, utility poles	
<b>Salvaged or recycled*</b>	wood trim boards, wood doors, wood windows, bricks, blocks, glass, shells, buoys, pylons, others	

**\*The use of found, salvaged or recycled materials should be done in consultation with the Seashore. If the material proposed can be shown to be compatible with the history of**

**resourcefulness and ingenuity of shack maintenance, then it may be allowed.**

<b>Landscape</b>	<b>Compatible</b>	<b>Likely subject to NPS review</b>
<b>Erosion control</b>		
	wooden snow fencing	plastic fencing
	beach grass	black erosion matting
	wooden pallets	salt spray roses
	weed-free hay	
	jute matting	
<b>Walkways</b>	wooden slat	concrete
	wooden planking	

## CHAPTER 8: Cultural Landscape Issues

Issues affecting the cultural landscape within the Dune Shacks of the Peaked Hill Bars Historic District include preserving the historic character of the District, managing the shifting sand associated with access and circulation, managing changes in vegetation, protecting viewsheds, preserving land uses, and ongoing maintenance requirements.

**Preserving Historic Character.** The dune shacks are sited in isolation or clusters, on the leeward side of the foredune and further inland. Some shacks are visible from other shacks, while others are hidden between dune forms. Domestic features surrounding each shack are minimal, and typically include an outdoor seating area, clothesline, outhouse, birdhouses, sand fencing, and a parking area. Shacks are linked by the dune vehicle trails and include driveways and footpaths, but disturbance to the landscape is minimal to reduce the movement of loose sand and the associated effects of erosion or accretion of sand. Vegetation is sparse and predominantly native, including beach grass, beach plum, scrub oak, pine, and other drought tolerant seaside species. Wet lowland areas in the inner dune valley contain heathland communities and cranberry bogs. Salt spray rose is the only prevalent non-native species and was likely introduced before the period of significance. The minimal development associated with each shack should be preserved.

**Managing shifting sand associated with access and circulation.** High winds and storm waves continue to alter the dune landscape. Minimizing disturbance to the dunes, particularly vehicle and foot traffic, allows vegetation to take hold and reduces the amount of blowing sand. In addition to encouraging vegetation, sand is typically managed with wood slat sand fencing, placed in rows perpendicular to the prevailing wind. Vehicle traffic on the foredune is minimized with most vehicle travel concentrated in the inner dune valley or along the beach. Recognizing that there is inevitably some disturbance around each shack, most of the shacks are constructed on pilings in order to allow their occasional relocation, raising, or lowering in the ever-shifting dune environment. For dune shacks in vulnerable locations, particularly on the foredune, networks of sand fencing surround shacks to collect sand in front of or at a distance from the shack. Some shacks install additional fencing in the winter months. The practice of installing sand fencing should be encouraged, but installation of more than 1000 feet of sand fencing should be done in consultation with the National Park Service. Additional materials have been used for managing sand, including plastic fencing, wooden plank pallets, and hay bales. While these materials are effective, they were not used during the historic period. Please see Chapter 7 on Physical Structure for the suggested guidance for the District. Furthermore, hay bales are discouraged because of the potential to introduce non-native, invasive plants to the District. Vegetation is also used for managing sand as described below.

**Managing Changes in Vegetation.** After the deforestation of the dunes during the Colonial period, land stewards have implemented re-vegetation projects with variable success in discrete areas within the dune landscape. Plantings have predominantly consisted of beach grass interspersed with native tree and shrub seedlings. Since the historic period, the vegetative cover has, and continues, to increase. Ultimately, the open character of dune landscape will diminish as succession continues. Re-vegetation of the dunes is a slow process that will need to be monitored to strike a balance between the historic feeling of the area and the natural resource objectives to stabilize the landscape. Additional beach grass plantings are encouraged, though plantings of a quarter acre or more should be done in consultation with the National Park Service.

Some non-native species have colonized in the dune landscape. Salt spray rose was likely introduced to the area from seeds that washed ashore from a shipwreck. While the plant is prevalent throughout the District and contributes to the character, particularly near the shacks, additional plantings are discouraged in favor of native species. Non-native species such as Japanese knotweed have recently been found in the District. Like the salt spray rose, seeds could have washed ashore, or been brought into the dunes with imported soil used for fill or container plantings. To minimize the introduction of non-native invasive plants, use of imported fill is discouraged. Planters used for seasonal vegetables, flowers, and herbs should contain weed-free soil that is reused or removed rather than disposed of in the landscape.

**Protection of Viewsheds.** Spanning approximately 1,500 acres, the vast open feeling of the Historic District is largely unchanged. Views looking out across rows of dunes, to neighboring shacks, or to the distant Pilgrim Monument or water tower for the most part remain unchanged from the time when the majority of the shacks were constructed in the first half of the twentieth century. Additional structures, including the Race Point Light and Province Lands Visitor Center, can only be seen from a few locations in the District. Indeed, the boundary of the Historic District is largely informed by the ridgeline within the viewshed from the shacks. Construction of additional structures within the viewshed of the Historic District would diminish the setting and feeling of the District.

**Land Use.** The dune shacks derive their character from human responses to natural features and systems. Thus introduction of features that isolate and separate the dune shacks from the surrounding environment are not in character with the Historic District. At the same time, the continuity of use should be demonstrated by new adaptations to the environment, such as small wind and solar power units associated with individual shacks. Uses during the historic period should continue, including development of the arts, recreation, leisure, permitted hunting and fishing, foraging, wildlife observation, and life saving.

**Maintenance Requirements.** The severity of the climate in this area accelerates the need for ongoing maintenance of the shacks. The dune shacks are rustic, small, and weathered buildings, many of which were originally associated with the old Peaked Hill

Bars Life-Saving Station and its residents. Transient in character, the shacks are constructed on pilings in order to allow their occasional relocation, raising, or lowering in the ever shifting dune environment. The use of local, recycled, simple materials, the use of wood rather than plastic, and a lack of ornamentation are characteristics shared by the landscape features associated with each shack.



## CHAPTER 9: Natural Resource Issues

The Dune Shacks of the Peaked Hill Bars Historic District lies within a fluid dune environment, and along the coastal bank. The District encompasses a variety of natural resources and systems that are significant to Cape Cod National Seashore.

The natural soundscape that exists in the absence of human-caused sound is a resource quality the NPS seeks to maintain. In addition to their natural values, natural sounds (such as waves breaking on the shore, the call of a bird) form a valued part of the visitor experience. Conversely, the sounds of motor vehicle traffic, an electric generator, or loud music can greatly diminish the ability to hear a bird singing its territorial song or the effectiveness of an interpretive program. Human-caused sounds anticipated with this plan include vehicles operated by individuals and organizations accessing dune shacks; dune taxi tours; non-amplified music; and occasional gatherings of dune dwellers at a central location.

Dune slack wetlands are found within the District, and are distinct ecological communities that the NPS seeks to preserve. They are formed by the scouring action of wind, which can lower ground elevations to the point that they intersect the groundwater table for part of the year. These seasonally flooded wetlands, also known as dune slacks, develop distinctive plant communities and are virtual oases of biodiversity in an otherwise desert-like environment. Dune slacks are one of the last refuges on the outer Cape for species such as the insectivorous sundews (*Drosera* spp.) and orchids (*Calapogon tuberosus*, *Pogonia ophioglossoides*). From a wildlife perspective, they are critical habitat for the reproduction and survival of numerous invertebrates and amphibians such as the spadefoot (*Scaphiopus holbrookii*) and Fowler's toad (*Bufo fowleri*). For larger mammals and birds, dune slacks are an important source of drinking water, succulent forage, and prey.

Several species of concern are found within the District. These include federally listed threatened and endangered species, as well as species on the Massachusetts list of endangered, threatened, and special concern species. Piping plovers occasionally nest in the inter-dune areas, and the District is a critical habitat for the Eastern spadefoot toad.

In addition, the NPS values the presence of algal crust, a living community of filamentous green algae that exists among the sand grains. The algae tolerate long periods of desiccation, surviving much of the time in a hardened, dry state and coming alive when sufficient amounts of dew or rainfall allow for bursts of productivity.

The dynamic and expansive dune system where the Historic District is located is continuously changing as coastal winds reshape and scour the dunes.

Surface and groundwater are resources to be protected. The Historic District is located over a self-contained lens that is continually recharged from rainwater. For these reasons, residents remove refuse from the property, and outhouses are self-contained and sewage is not permitted to seep into groundwater.

Vegetation in the Historic District includes scrub pine, wild cherry, beach plum, bayberry, beach grass, scotch broom, American cranberry, and salt spray rose. Non-native species or invasive species can compete with native species for food, water, and space, and eventually overrun them. Some non-native species have been planted in gardens in the District.

The Environmental Assessment will evaluate the impacts that plan alternatives will have on natural resources.

## Appendix A

**Subcommittee  
for  
Providing Recommendations  
To the Cape Cod National Seashore Advisory Commission  
On the Establishment of a Dune Shack District Preservation and Use Plan  
  
Groundrules**

### **I. Purpose and Need for the Dune Shack District Preservation and Use Plan**

The following details the purpose and need for the intended plan.

*Purpose:* The purpose of this project is to establish a Dune Shack District Preservation and Use Plan that provides clear direction and consistency for CCNS managers, dune shack dwellers, users, and advocates.

*Need:* Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments are long-term leases up to 20 years and short-term permits.

### **II. Purpose and Tasks of the Subcommittee**

The Subcommittee's task is to develop a set of recommendations to the Cape Cod National Seashore's Advisory Commission (known as the Commission) on the establishment of a Dune Shack District Preservation and Use Plan.

Minimally, the subcommittee is tasked to develop, in conjunction with the Seashore, a range of reasonable alternatives to recommend to the Commission for the NPS that will, upon Commission support or revision, be analyzed fully in an Environmental Assessment (EA) undertaken by the National Park Service. If possible, though not imperative, the subcommittee will seek to recommend a preferred alternative to the Commission.

Alternatives to be analyzed will need to preserve and maintain the Dune Shack Historic District, be sustainable over time, economically feasible, conform with National Park Service policies, and be implemented with federal administrative

instruments. Alternatives that are fully analyzed in the Environmental Assessment must resolve the purpose and need of the plan and meet the objectives outlined.

### **III. Membership**

- A. The subcommittee members are appointed by the Commission.
- B. Subcommittee membership is intended to reflect the range of views and interests regarding the dune shacks.
- C. Any member of the Subcommittee may withdraw from the negotiations at any time by notifying the Commission chair in writing.
- D. The Commission will then seek to appoint a new representative, to the extent possible, to ensure representation of diverse interests on the Subcommittee.

### **IV. Developing Recommendations to the Commission**

- A. Formal advice to the Seashore on these matters will and must remain under the purview of the federally-appointed Commission. Thus, all subcommittee decision-making is in regard to developing recommendations to the Commission.
- B. The Subcommittee, to the extent possible, will operate by consensus, which the Committee defines as unanimous concurrence of the members. Members may also “abstain” or “stand aside.” Abstaining means not offering consent or endorsement, but also not blocking an agreement. Abstaining/standing aside members will not be counted in determining if consensus has been reached. Absence of a member is the equivalent of abstaining, though absent members can sign on in concurrence later. Abstaining members will be noted by name and organization in any final report.
- C. Members should not block or withhold consensus unless they have serious reservations with the approach or solution that is proposed for consensus. Consent means that members can at least “accept,” however reluctantly, the package agreement that emerges.

- D. Members may dissent. If a member disagrees with the approach or solution proposed, she or he will make an affirmative good faith effort to offer an alternative satisfactory to all members.
- E. The Subcommittee should reach a consensus on the range of alternatives to be considered but may not necessarily reach consensus on a preferred alternative.
- F. On those issues or topics where consensus cannot be reached, the Subcommittee will offer a range of options as possible to assist the Commission in their deliberations. On topics where consensus is not reached, the Subcommittee will delineate the advantages and disadvantages of remaining options and explain the members' differences clearly, accurately, and fairly.
- G. Nothing in these groundrules prohibits or limits the rights of individuals to pursue their rights as citizens such as free speech and taking legal or political action. However, it is strongly encouraged that during the deliberations of the subcommittee that members' make their primary focus the work of, and work within, the subcommittee.

## **V. Subcommittee Meetings**

- A. Subcommittee meetings will be held at the convenience of the members and the Seashore at accessible locations in appropriate facilities on the Outer Cape.
- B. Subcommittee meetings will be announced at least one week in advance: 1) via email; 2) a notice to the Towns of Provincetown and Truro; and, 3) a press release to local newspapers.
- C. The meetings are intended primarily for the deliberation of the Subcommittee. A public comment period will be provided at each Subcommittee meeting and interested commenters will be given limited time to address the Subcommittee as a whole (singling out individuals on the Subcommittee is strongly discouraged). Interested commenters may also submit comments to the Subcommittee directly at the meeting or by providing written comments to the facilitators to copy and distribute to the Subcommittee.
- D. Brief summaries of Subcommittee meetings will be prepared by the facilitators and, after review and approval by the Subcommittee, will be

made available to the Commission. The summaries will identify points of tentative agreement and final agreement and generally be written without attribution. The summaries are not intended to be transcripts or detailed meeting minutes, but summaries of key points, issues, and ideas.

- E. The Subcommittee may form work groups to advance discussion, generate options, and develop preliminary proposals. Such work groups must be created by the full Subcommittee, have a clear charge, and ensure participation of a diversity of interests.
- F. The facilitators will be responsible for developing an agenda for all meetings of the Subcommittee and the agenda will be distributed ahead of time. This agenda will be developed in consultation with the Subcommittee.
- G. CCNS personnel will participate actively in the deliberations, explain and advocate for CCNS and NPS policies, seek creative solutions, prepare draft alternatives and other written documents, as needed, provide background information, and not take part in the final consensus on recommendations since CCNS will ultimately receive the recommendations of the Commission.

#### VI. Roles and Responsibilities of Representatives consistent with the Subcommittee Charter

- A. Subcommittee members commit to the principles of decency, civility, and tolerance. Members accept that there are different views, and the different stakeholders each have a legitimate interest and right to be part of expressing views and determining solutions.
- B. Subcommittee members will not attribute statements to others involved, seek to present or represent the views or position of other members or alternates, nor attempt to speak on behalf of the Subcommittee as a whole in or to the media. “Media” for these purposes includes the press, television, radio, websites, blogs, and any other public information distribution mechanism. Subcommittee members will abide by these groundrules in all communications during the process in and out of Subcommittee meetings.

- C. NPS or the Commission, with the facilitators, will periodically review and assess the Subcommittee's progress to determine if the process is meeting their needs and the interests of the participants.
- D. Members on the Subcommittee also agree to the following.
- Represent the interests and concerns of their families, organizations, and constituents as accurately and thoroughly as possible, and work to ensure that any recommendations developed by the Subcommittee are acceptable to their organization or constituency.
  - Arrive at the meetings prepared to discuss the issues on the agenda, having reviewed the documents distributed in advance.
  - Strive throughout the process to bridge gaps in understanding, to seek resolution of differences, and to pursue the goal of achieving consensus on the content of the potential alternatives under discussion.
  - Make a good faith effort to participate in all scheduled meetings or activities.
- E. In order to facilitate an open and collaborative discussion, the Subcommittee members also agree to abide by the following rules.
- Only one person will speak at a time and no one will interrupt when another person is speaking.
  - Each person will express his or her own views, his or her organization's and constituents' views, rather than speaking for other Subcommittee participants. Participants shall make clear when they are speaking on behalf of themselves as individuals versus when they are speaking on behalf of their constituency.
  - Each person will refrain from making personal attacks, name calling, distributing personal or inaccurate information about other participants, and other such negative behaviors.
  - Each person will make every effort to stay on track with the agenda, and avoid grandstanding and digressions in order to move the negotiations forward.
  - Subcommittee members will share all relevant information with other Subcommittee members in a timely manner. Members understand that a

decision to withhold or not share key information in a timely manner may seriously compromise negotiations.

## **VII. Role of the Facilitators**

- A. The facilitators will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing draft and final summaries, generating draft agreements, and helping the parties resolve their differences and achieve consensus, to the extent possible, on the issues to be addressed by the Subcommittee.
- B. The facilitators will be available to consult confidentially with Subcommittee participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators prefer would be made available to the full group. Confidentiality protections do not extend to threats or reports of criminal action.
- C. The facilitators have no decision-making authority and cannot impose any solution, settlement, or agreement among any or all of the parties. The role of the facilitators is to assist parties in developing their own solutions. The role of the facilitators is not to solve problems for others, render judgment on particular options, nor take ownership of one or another solution.
- D. The facilitators will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: “The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.”
- E. Parties will express any concerns about the facilitator’s role or action: first, to the facilitators directly, and secondly, as needed, to the Commission chair.

## **VIII. Subcommittee Support Resources and Timeline**

The subcommittee and Advisory Commission process is expected to be completed not later than June 2010. Additionally the Seashore and Advisory Commission will co-host a public scoping meeting October 19, 2009. Following the Commission’s comments on the range of alternatives developed by the subcommittee and revisions, a second public meeting to seek public comment on the alternatives will be held not later than May 2010.



The National Park Service will provide the Seashore and the Subcommittee the support of a facilitator and related activities (i.e., meeting space, audiovisual, etc.). Seashore staff will also support and participate in the Subcommittee. The facilitation and meeting support is constrained by budget and staff availability and therefore the Seashore and Subcommittee agree to work efficiently within the time frame described above.

## Appendix B

### Cape Cod National Seashore Subcommittee on Dune Shack District Preservation and Use Plan

#### Subcommittee Member List

##### **Subcommittee**

Sally L. Adams	Long-time dune shack family
Janet Armstrong	Long-time dune shack family
Regina Binder	Representative of Provincetown Community Compact
Brenda Boleyn	Representative of CCNS Advisory Commission
Carole Carlson	Representative of Peaked Hill Trust
Robert A. Costa	Art's Dune Tours
Rich Delaney	Chair of CCNS Advisory Commission
Hatty Fitts	Representative of OCARC
William R. Hammatt	Representative of CCNS Advisory Commission
Joyce Johnson	Representative of Truro
Richard W. Philbrick	Representative of CCNS Advisory Commission
Austin Smith	Representative of Friends of CCNS
Paul Tasha	Representative of Provincetown
John Thomas	Representative of Provincetown

##### **NPS and CCNS**

Bill Burke	Cultural Resources Program Manager, NPS
Sandy Hamilton	Environmental Protection Specialist, NPS
	Chief, Interpretation and Cultural Resources
Sue Moynihan	Management / Volunteer Coordinator, CCNS
George Price	Superintendent, CCNS

##### **CBI**

Patrick Field	Facilitator
Stacie Smith	Facilitator
Meredith Sciarrio	Facilitation Support



As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

United States Department of the Interior – National Park Service