

Cape Cod National Seashore
Subcommittee on Dune Shack District Preservation and Use Plan
MEETING 5

Center for Coastal Studies Library

Friday, March 12

9am-1pm

Meeting Summary

Attendees:

Subcommittee Members Present: Sally Adams, long-time dune shack family; Janet Armstrong, long-time dune shack family; Regina Binder, Representative of Provincetown Community Compact; Bill Burke, Cultural Resources Program Manager, NPS; Carole Carlson, Representative of Peaked Hill Trust; Rob Costa, Art's Dune Tours; Bill Hammatt, Representative of CCNS Advisory Commission; Joyce Johnson, Representative of Truro; Paul Tasha, Representative of Provincetown; John Thomas, Representative of Provincetown.

Subcommittee Absent Members: Brenda Boleyn, Representative of CCNS Advisory Commission; Rich Delaney, Chair of CCNS Advisory Commission; Hatty Fitts, Representative of OCARC; Richard Philbrick, Representative of CCNS Advisory Commission; Austin Smith, Representative of Friends of CCNS.

CCNS and NPS: George Price, Sue Moynihan

CBI Facilitation Team: Patrick Field, Stacie Smith, Meredith Sciarrio

Members of the Public: Andrew Clemons, Julie Schecter, Will Hapgood, Peter Clemons, Marianne Benson, Jane Rosett, Laura Shabat, Kaimi Lum, Mildred Champlin, Nat Champlin

Action Items from Meeting:

- CBI revise February draft meeting summary to respond to comments raised.
- CBI send out additional research on national parks with cultural properties
- Bring NPS leasing rating criteria for next meeting
- Distribute updated document on NPS mechanisms
- CBI prepare initial research on non-profit status options
- CBI add existing non-profit outreach and education programs to draft text on public access
- CBI rethink the use and occupancy categories for the next meeting
- CBI revise vision statement
- CBI revise report outline
- CBI revise "access" draft text
- Physical Structures workgroup develop one or more alternatives for subcommittee consideration

Introductions and Welcome

Participants introduced themselves, including names and affiliations. CBI outlined the agenda for the meeting. It was noted that once meeting summaries and draft agendas were approved by the subcommittee that they would be accessible to the public via the CCNS PEPC (Planning, Environment, and Public Comment) website (<http://parkplanning.nps.gov/CACO>).

Preliminaries

Participants were invited to submit any additions or corrections to the draft February meeting summary. One participant noted that there needed to be page numbers for clarity. Another suggested that under the section on use and occupancy concerning the program/organizations criteria, the term “overnight users” should change to “short-term users”. An additional participant commented that when referring to long-term families creating a non-profit entity, there should be an additional note on how difficult this task would be. Another comment pointed out that PHT has been advising other organizations and individuals in other parks, which was not made sufficiently clear in the summary. The subcommittee approved the February meeting summary with these corrections.

A participant asked about the following action items from the February meeting: additional research on national parks with cultural properties, NPS leasing rating criteria, and an updated document on NPS mechanisms. CBI responded that the research would be distributed early next week, the NPS leasing rating criteria would be covered in a future meeting, and the updated NPS mechanisms document was distributed at this meeting. Also CBI mentioned that they would be providing the information on non-profit programs at the next meeting.

Participants were asked to formally approve the groundrules. The subcommittee approved the groundrules.

A participant asked the CCNS/NPS members of the subcommittee to ensure that all of the documents the subcommittee was generating fit the language of what could be approved by higher levels within NPS. The concern was that the subcommittee should not be wasting their time or drafting documents which could not later be approved. CCNS/NPS assured that they were there to help, and they would alert the subcommittee if they found that something would be unacceptable to NPS. CBI also asked CCNS/NPS that if there was a document that the subcommittee was producing which would create a weak argument or be in contradiction to NPS policy, to please inform the group.

Review Vision

CBI presented the revised draft vision statement to confirm that the vision was a useful tool for the subcommittee and reflected what was important for the District. It should indicate what values the subcommittee thought should be upheld, how they should be upheld, and by whom. Participants were asked to confirm if they agreed with the vision statement, and if it was what they thought should guide how the subcommittee made decisions moving forward.

One participant mentioned that the vision didn't sufficiently address the issue of occupancy, and that the term "users" wasn't sufficient. Another participant agreed that the first section should better distinguish that there are people who live in the shacks and live there for the long-term.

NPS mentioned that the vision was supposed to be for the whole District and not just the structures, and suggested that the title be "Vision for Preservation and Use of the Dune Shacks of the Peaked Hill Bars Historic District." NPS also explained that the EA process would help to define their use of the property, and the vision statement was a great example of that. They added that the vision for the District was not a small decision, and once it was codified it would be official.

A participant asked if the subcommittee's documents could be revised throughout the process and not finalized until the end. CBI responded that all documents would be open to edit until the report was completed and approved by consensus.

Another participant commented on the terminology of dwellers, users, and occupants, and how none of these terms specifically identified those who live in the shacks. He stated concern for clarity on these terms to protect the individuals living in the shacks. NPS added that the vision statement should be as unambiguous as possible.

One participant questioned having "affiliated businesses" listed, because although it referred to Art's Dune Tours, he was concerned that it could be stretched into future interpretations. CBI suggested adding a section that listed the activities of use, i.e. Types/Terms of Occupancy: Long-term, short-term, 1-2 weeks, seasonal, year round. NPS pointed out that other than the dune taxis there were no other affiliated businesses currently, so the subcommittee could change "affiliated businesses" to "dune taxis" to be safe from future interpretation.

Use and Occupancy of Shacks

CBI presented a suggested way of categorizing the shacks in terms of use and occupancy. They mentioned that the whole presentation would be a starting point for discussion, and they were looking to the subcommittee for feedback to shape this dialogue moving forward.

In the presentation, the shacks were broken down into current categories of use: long-term dwelling use with ongoing interest, long-term dwelling use with uncertain future use, leases/annual permits, and existing non-profit use. CBI drafted an initial breakdown of individual shacks into these categories.

Participants were asked the following questions:

- Can these categories overall be improved in any way?
- Given the categories, are the individual shacks placed accurately?
- Is there general agreement on the use and occupancy vision for the families/kin and non-profits categories?
- What is the vision for use and occupancy for the middle two categories?
 - Are there characteristics of particular shacks that make them better suited for one use or another?
 - How should transitions be handled when current mechanisms come due? What would be the process?
 - Is there interest in having a middle-length use going forward (i.e. RFP leases to new people, say 10 years rather than longer term lease for others)?

In response to a question about the category for the Wells shack, CBI clarified that the “long-term dwelling with uncertain future use” category referred to a shack that was currently and had long been occupied by a single family or individual, but where that family or individual was not interested or able to continue that occupancy into the medium-term future. So the category was meant to imply that some transition of use would be forthcoming at the conclusion of the existing stipulation.

There was some questioning about the usefulness of these categories, and particularly their implication of one-or-the-other. While participants agreed that the shacks listed under the long-term dwelling use with ongoing interest and the existing non-profit use categories were accurate descriptions of how the picture looked today, some felt that there needed to be the opportunity for the sharing of shacks between the long-term dune dwellers and the non-profits. One participant added that a shack owner should be able to determine who would best maintain their shack, if they were no longer able to, and that would include the option of reaching out to the non-profits for cooperation.

The group had a short conversation about the monetary settlements that some families received for their shacks when they were taken by NPS. One participant stated concerns about the implications of families who received sizable monetary settlements now staying in their shacks. CBI cautioned against trying to reopen those agreements, given the individuality and complexity of each. Another participant stated that the settlements were all involuntary and there was not an option to trade time for money. The terms of the settlement came down to the strength of the claim that the occupant had to the land and the shack. One participant added that, as a long-term dune dwelling family, they received no monetary compensation and is unsure as to how many others received any funds. NPS clarified that they could not make any changes to the existing agreements and stipulations, and were now focused on the question of future use. They reminded participants that all of those agreements have an end point. Another participant agreed that those decisions had already been made in the past, and it was time to move on and look to future agreements.

One participant asked the subcommittee to confirm that long-term family use and the existing non-profit use could be agreed upon as the boundaries for now. She added that they set a great framework to then create other categories that fit between them for the non-categorized shacks. When asked what might fall outside of this frame, NPS gave the example of a concession shack

for overnight use, which they clarified they did not think appropriate for this District. Another example outside this frame would be a site for tours, not occupancy, like George Washington's house, which NPS restated would not be appropriate for the Dune Shacks.

CBI noted that the transition question would still come into the discussion, but they first wanted to verify with the subcommittee that they were comfortable with these two outer categories. The subcommittee generally agreed with these two categories of use and occupancy for the dune shacks.

Participants were then asked how they would like to categorize the remaining shacks: would they prefer to divide them into the two existing categories, or to have new categories created? If they created new categories then what would those be and what would they be based on?

A participant asked if the current users in the leases/annual permits group would have a say with their shacks, and if the subcommittee would ask them what they would like to do with their shacks. A comment was made that this question should apply to all shacks and their existing occupants. Also it was suggested that the shacks in the leases/annual permits category could also be considered in the first category of long-term dwelling use with ongoing interest.

Another participant mentioned that it was important to remember that individuals should matter because they care about the shacks, not just because they had been there for decades.

NPS voiced concerns for stating that the shacks were sorted in these same categories for the future. He thought that the breakdown of individual shacks into the categories in the chart accurately reflected the existing situation, but that the future was unknown and none of these classifications should be considered permanent. Another participant agreed with NPS and thought that the subcommittee should be looking within the current framework to then determine what the future would look like and what the balance of shacks would be. Also NPS reminded the subcommittee that in the vision statement, everyone agreed to mixed use, and the question was what percentage of shacks will belong to which type of use and for how long.

A participant suggested removing the names of the shacks from the chart and instead to focus on the chart as a tool to show the range of acceptable uses. Another participant raised concerns about this, because the personal connections were paramount to the situation and these were not just land and buildings but also families, non-profits, and connections.

CCNS mentioned that it was important to distinguish shacks for long-term dweller use and non-profit use into the future, but that it would be much more difficult to defend a specific family's or non-profit's use for specific shacks. Another participant restated that the subcommittee should want to keep the status quo in mixed use but not necessarily address each individual shack/family/non-profit by name. He also suggested how some of the other national parks with cultural properties created Trusts, so they should remember that there could be other options.

CCNS was asked if specific shacks, not the people in them, could be categorized for future use, or if there could be a list of criteria to determine which shacks would best fit either the long-term dweller use or non-profit use categories. CCNS was unsure, but suggested some potential

examples, such as the link between certain shacks and a use focused on the arts due to the significance of the artists who had resided there historically.

Participants were asked to think more about the middle categories for the next meeting: what should they be and which shacks should be there?

Public Comment

A member of the public stated that everyone in the room was attracted to the dune shack community and characteristics of it. She urged everyone to remember that the life out in the dunes was much more fluid, and not to be too fixated on the categories but to think about what the perceptions were in reality.

Another member of the public stated that the categories were reflective of realities imposed by the government. For example, for the shack he lived in, the stipulation stated that he could not rent out the shack for less than 90 days at a time, very different terms than the agreements with the non-profits. He commented that the families had generational history and were trying to maintain this into the future. Also that they were not necessarily interested in what category they fell under.

An additional member of the public commented that there could be someone who had a long-term relationship with a shack, and then they could loan out the shack for short-term leases through a non-profit to fulfill a public access component.

Another member of the public stated concern about using the current chart and recommended that the subcommittee go back to the vision statement to generate a chart that more accurately reflected it.

A member of the public told the subcommittee to remember that just because someone didn't have a life association with a single shack that they were new to the dune shacks. She added that some of the people, who only have one week a year available to them to reside in a shack, have been going out there for years, and their voices need to be heard within the subcommittee too. Also she mentioned that many of these individuals participated in encouraging the government to recognize that these buildings were important and to gain the ability to be in the shacks today.

A subcommittee member commented that the chart truly reflected the current situation with the shacks. Another subcommittee member noted that she was not entirely comfortable with the categories, because of the variations between the two extremes of long-term individual use and non-profit collective use. A member of the public voiced that she was uncomfortable with the categories and added that it was a potentially dangerous document if it left the room, because it did not necessarily acknowledge all of the other interests.

CBI agreed that they would take people's comments and revise the chart and categories for future discussion.

Participants were asked to formally approve the draft February meeting summary. Participants asked CBI to add the aforementioned edits in redline strikeout to the document and then email out to the subcommittee for approval.

Review & Discuss Draft Report Outline

CBI outlined the draft report outline for participants.

A participant commented that it should be clearer which Wolfe Report was being listed, and also he asked if there could be a checklist to indicate which shack would be best for which type of use under section 5a. Another participant asked that they also include in section 3 the PHT letters of response to the Wolfe Report.

A participant suggested that there should be a section compiling information from existing reports, and using that information to determine what would best fit the needs of NPS and residents in the long-term.

Another participant asked if there would be specific recommendations in the report. CBI responded that the recommendations would be indicated in each section.

An additional participant suggested that the subcommittee refer to the document “Rethinking the NPS for the 21st C”, which might be helpful for the subcommittee’s task. Participants were informed that the document could be found on the NPS website.

Access

Participants were asked to review draft text for section 8 of the report on public and vehicle access and discuss with the group any potential revisions.

A participant commented that under the subsection “Short-Term Use as Access”, the phrase “or even most” should be removed so that the sentence would read “The subcommittee does not recommend that every shack must provide this experience” in relation to public access via short-term use.

Another participant raised concern about stating, “CCNS should provide all visitors to the national seashore an opportunity to learn more about its resources and themes...” in the first sentence of the “Education and Outreach” subsection, because it sounded like a command. CCNS stated that the phrase reflected their mandate. CBI responded they would rephrase the clause so it stated something more like “provide an opportunity to all visitors of the national seashore”.

NPS stated that they would like to hear suggestions from the subcommittee and wanted to verify that this document reflected what participants thought about public and vehicle access. A

participant reminded the group that this document was generated from what subcommittee members stated in their survey responses as well as the conversation from the previous meeting.

Another participant stated that part of the opportunity they had was to communicate the fragility of the District, and this should be a main message in the interpretative aspects of this report.

NPS was asked if the “Education and Outreach” subsection should be reframed as an “Interpretation” section. A participant responded that interpretation needed to be part of this, though wasn’t the same thing.

A detailed conversation ensued regarding the fragility of the dune environment and threats to the ecology and dune dweller’s privacy. Several participants stated that people coming into the dunes were not sufficiently educated about designated paths and protected areas. One participant added that there were many visitor-created paths, which have contributed significantly to erosion, and caused the destruction of Peaked Hill itself. Also the suggestion was made that dune dwellers need to be able to deflect some of the visitors to a designated path/road.

A participant stated that the USGS indicated where the shacks were on their maps. Some participants suggested that if the shacks have to be indicated on the maps then to make it clear that they should not be approached. They noted that it was important to educate the public about the environment and walking in the dunes, so that people would not continue to walk anywhere for the easiest route to the beach.

CBI responded that the document does not currently address pathways but that a section could be added with the help of CCNS. Also CCNS added that they do not produce the maps and do not tell people to park at Snail Rd, but maybe they could bar or block undesigned paths in the future.

Many participants commented that it would be helpful to have official NPS signs around the shacks and for NPS to help define what dune dwellers could do to defend the integrity of the dwellings and surrounding environment.

A participant stated that although the majority of the public would respect their space, that there would also be people who never would regardless of the amount of education that was done. NPS agreed that there would always be people who would not respect the rules. They also stated concern for the numerous public-created paths, which they were unaware of, and commented that they could be more directive and work with the rangers to make the designated paths better defined. Also NPS asked the subcommittee for advice on guiding the public so that they could experience the parabolic dunes without straying from paths and walking by the shacks.

NPS also stated concern about their capacity to enforce public access policies beyond posting signs. A participant suggested that NPS should create a trail completely separate from the dunes and have it be the established trail for the public. Another participant asked NPS if they could meet and address some of these important issues with paths. A third participant mentioned the old beach access roads that had traditional use and access and suggested that the signage should direct people to those since they historically have been what was used.

CBI asked the subcommittee if they wanted the public to be able to comment throughout this section instead of just at the public comment designated period. The subcommittee approved for the public to contribute to this section.

Public Comment

A member of the public seconded that there were USGS maps, which had all of the shack locations.

Another member of public commented that she had old NPS signs that she still used around the shack and asked if there could be new signs talking about the grasses.

A third member of the public, who had spent extensive time in the dunes, thought that there should be signs, which stated, “beach this way” on a designated path and “no erosion here” where they should not be walking. Additionally she stated that it was not people’s intention to destroy the dunes, but they needed direction and fences. She suggested that “private residence/property” signs could create resentment and backlash, but that “no erosion” signs would be more acceptable.

Another member of the public stated that some signs would be good, but they should be minimal, because it was a pristine environment and should not be cluttered with signs. He also agreed that CCNS/NPS signage would be good, and “no erosion” would be good phrasing.

A subcommittee member made a suggestion to remove the text referenced from the 1992 report from the section about vehicle use in the draft report.

Amenities

Participants were updated on the preliminary discussions of the maintenance workgroup on the topic of amenities and new technologies. The workgroup asked the subcommittee what they thought were “amenities” in the shacks; i.e. ways of heating, getting water, removing sewage, cooking, and lighting. NPS gave water as an example: for water the range of options includes a pump that brings in water at the turn of a tap, a sink with a hand pump in the shack, a pump outside, or no water at all. He added that the amenities are particular to each shack, and the range is important since it would take away from the experience of certain shacks if they had modern amenities in the future.

A participant commented that it could be helpful to categorize shacks based on current and historic use. NPS asked the subcommittee if it would be helpful to classify the shacks based on what amenities are in them.

Another participant stated that some shack occupants change their amenities over time, and it should not be more restrictive for them. CCNS shared their concern that if there were no

guidelines for the future, then all of the shacks could end up with full amenities over time. They asked the subcommittee, would the shacks still offer the same value that they offer people now? A member of the workgroup noted that they were trying to remove some of the restrictions for shacks with long-term users.

A participant asked if amenities were in the character-defining features which had already been established, then if people wanted to update or add an amenity they could check with NPS on a case-by-case basis.

Another participant commented that water should not be an issue whereas huge solar panels or wind turbines should be because they would affect the landscape. A comment was made that how you get water is a difference in your dune experience for some people. CCNS also added that the 1992 subcommittee report highlighted the need to maintain a “primitive” state, including no new amenities. Also CCNS mentioned that as much guidance from the subcommittee as possible on this topic would be helpful.

The workgroup was asked to create a few alternatives around amenities and generate a document for the subcommittee to comment on for the next meeting, and they agreed. CCNS stated that they would refer to the historic structures report for amenities information, and then the workgroup would reach out to all dune dwellers for their opinions.

Public Comment

A member of the public commented that if the mentioned restrictions on amenities were put into place then there would need to be some adjustment for dwellers as they aged.

A subcommittee member noted that it was intentional how primitive and basic his shack was. Another subcommittee member wanted to be sure that these comments were being captured for those who did not want an amenity-rich shack. He added that the subcommittee should look at the significance of the shacks as a retreat, which could be lost with the addition of amenities.

A member of the public added that the Fowler shack had more amenities, but eventually the residents tried to remove a lot of the amenities because they found that it was no longer the same experience that they had originally wanted out there.

Next Steps

Participants were asked if they could meet on March 24 from 9am-1pm for an additional subcommittee meeting. Some agenda points would be case studies from other parks, next steps in discussing the use and occupancy categories, and transition issues. CBI stated that they would send out a link with March/April/May meeting date options, including March 24, and asked that subcommittee members responded by the end of the following week with their availability. Also it was confirmed that there would definitely be a subcommittee meeting on April 5.

A participant mentioned that he most likely would not be able to make May and definitely not June meetings. He asked that we have two meetings a month leading into May, because there was a lot of information to cover. Other subcommittee members agreed that their schedules would also become more difficult going into May/June, so it would be best to plan more meetings for March and April.

Adjourned at 1pm.