

**Cape Cod National Seashore**  
**Subcommittee on Dune Shack District Preservation and Use Plan**  
**MEETING FOUR**  
**Center for Coastal Studies Library**  
**February 11, 10am-1pm**

**Meeting Summary**

**Attendees:**

*Subcommittee Members:* Sally Adams, Janet Armstrong, Regina Binder, Brenda Boleyn, Bill Burke, Carole Carlson, Rob Costa, Rich Delaney, Hatty Fitts, Joyce Johnson, Richard Philbrick, Austin Smith, John Thomas

*NPS/CCNS:* Sue Moynihan, Sandy Hamilton

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

*Members of the Public:* Julie Schechter, Will Hapgood, Peter Clemons, and Jane Rosett

**Introductions and Welcome**

Participants introduced themselves, including names and affiliations. CBI outlined the agenda for the meeting, and participants were invited to submit any additions or corrections to the draft January meeting summary by the end of the meeting to CBI. 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**

CCNS staff brought a hard copy of public scoping comments, which was made available for subcommittee members to review. These comments are also accessible to the public on PEPC.

**Sample NPS Cultural Properties**

CCNS Bill Burke presented examples of other NPS sites containing cultural properties for the subcommittee to explore as models for the Dune Shacks. Subcommittee members asked for additional details on some of the examples. A highlight of points made and questions:

- Sequoia (Mineral King)
  - Close parallel to the Dune Shacks. In 1978 there was a proposal for it to be a ski area but community fought it and won. Then they became a part of NPS. In 1999, the cabins were listed on National Register of Historic Places. An Omnibus bill passed in 2004 gave renewable special use permits to the families who had owned them prior to NPS transfer. The users have ownership over the structures but not the land, with the right to transfer these rights to anyone (not just family) without need for Park approval. Can't make architectural changes. Users pay a \$1000 annual fee.
  - Question: are there taxes involved?
  
- Biscayne
  - 27 Structures (houses on stilts in the Bay) built 1930s-1960s. Used as bait and beer joints, gambling, social clubs, and residences. In 1968 the Biscayne National Park was established, unsure if cottages would remain. All but 7 were destroyed by hurricanes. In late '90s, users of these structures fought to put them on the National Register but were found ineligible. With leases expiring in 1999, The Stiltsville Trust was formed, with 15 trustees –7 former owners and 8 members of public. The Trust works with NPS and controls the buildings and who uses them. Now if a house is damaged > 50% from a storm, then NPS will demolish it. Original owners don't have rights over the structures but have a certain number of nights per year that they can stay in them; there's also a caretaker program to trade for night stays.
  - Question: how do you determine 50% of damage?
  
- Isle Royale
  - 20 recreational cabins and commercial fishing sites located in Michigan's upper peninsula, acquired by NPS in the 1930s and 40s. The site has some close parallels to the Dune Shacks. Dwellings are currently used via life leases, permits and volunteer-in-park agreements. (Volunteer-in-park terms include volunteers working to enhance park operations, assist trail maintenance, lead tours, etc., while maintaining and living in the structures.) Isle Royale Family and Friends Association—helps to maintain and tour structures. A handful of structures are currently being used by the original families. They're awaiting a Cultural Resource Plan in 2011—they haven't figured out their full plan for the structures, and are looking to this Dune Shacks process to provide ideas. They have 3 formal commercial fishing sites (used for generations) and have an annual summer meeting to go over the rules. Some structures are on National Register but not all and there's a great deal of uncertainty about the future of the shacks.
  
- Indiana Dunes
  - 5 houses from 1933 Chicago World's Fair—houses were relocated to park. There is significant modern architecture with many of the houses and strict regulations on architectural changes; one of them is Lustron house (type of architecture). The houses leased to Historic Landmarks Foundation of Indiana, who sublease them to occupants. There doesn't seem to be any public access to inform people about

them other than from the street and driving by (*Note: there are annual public tours.*) At the time these were linking the National Park with industrial/economic activity.

- Questions: What criteria do the leases have to follow? How flexible is master lease and sub lease?
- Delaware Water Gap
  - Tocks Island Dam was proposed in the '50s, would be largest east of Mississippi River. Part of the project was to create a recreational area by the dam. 1000 homes were taken and people relocated. Dam was never built and de-authorized in 1992. However, recreational area was created, park inherited 500 buildings, 100 were historic, all had been unused for 30+ years. Adaptive reuse now occurring by non-profits like Millbrook Village Society. Many buildings are now art centers, and some are historic structures in NP being used; one woman created a foundation to maintain/repair the home. Not very comparable to Dune Shacks
- Shenandoah
  - In 1935, 400 private properties existed in NPS boundaries. Most were taken down and people were relocated. Only 42 elderly residents were given life residency, all ended. Several structures still exist, Potomac Appalachian Club leases some of the cabins for backcountry use—club has been a partner to the park since 1936.
- Cuyahoga
  - Park established in 1974, purchased private properties. In 1999 Cuyahoga Valley Countryside Conservancy begins leasing small family farms with sustainable crops and livestock. CVCC is partner of NPS that manages leases. Original owners can apply through CVCC.
  - Question: what are the lease terms?
- Apostle Islands
  - Closest example to the Dune Shacks, located in northern Wisconsin. When Park was created, all camps had to be sold to NPS. The Apostle Islands Historic Preservation Conservancy currently manages some of the cabins. Conservancy is made up of community members, local tribe members, holders of life estates (7 existing life estates), and family members of former owners. AIHPC maintains other properties but none are lived-in other than the 7 privately occupied. Currently working on general management plan, document should be available on PEPC
  - Question: how many structures/sites are there in total?
- Great Smokies (slide not included in presentation)
  - Just south of Shenandoah, similar but on bigger scale. 1200 landowners left the land, and 70 structures are preserved by NPS. Largest collection of historic buildings in the east. Last occupant died in '01. All are different types of museums now: churches, mills, schoolhouses and NPS maintains them. One day each year the families can come back for a celebration/festival.

One participant asked if there should be an intermediary organization between dune shack families/programs and NPS so that the leaseholders wouldn't be working directly with NPS but instead through this intermediary, such as a Trust like in some of these examples.

Another participant suggested looking at the NPS mechanisms that these examples use and to review their operating plans and any other documents. Another participant requested an updated list of NPS mechanisms, which include the CFR numbers, links to statutes and volunteer-in-park agreements.

CBI stated that they would distribute additional research on Mineral King to the subcommittee and would work further with CCNS to answer the questions previously mentioned and find more information on: Biscayne, Mineral King, Isle Royale, and Apostle Islands.

## **Access**

CBI presented the results from the public access survey of subcommittee members. It was noted that not all members responded to the survey, and that the questions and comments were meant to be just a starting point, which was subject to change as the subcommittee moved through this process. The main topics were Education and Outreach, Day Access and Short-Term Shack Occupancy.

### *Education and Outreach*

- Options included displays at the Visitors' Center, printed brochures, a film/documentary
- It was noted that there should be enough education to be informative and engaging but not too much which could adversely affect the resource

### *Day Access*

- Options included dune taxi tours, guided ranger programs/walks, and self-guided tours
- Goal should be to provide access but protect privacy, solitude and natural resources

Many participants raised concerns about self-guided tours. They recognized that there is a need to balance privacy and access. Many thought that there should be an educational piece about the shacks but not signs indicating each shack's location. One participant suggested that there should be a designated private area around each shack, enforced by NPS.

One participant stated that once people are informed of the fragility/sacred nature of a site, then people would respect that—that the combination of education and word of mouth on sense on privacy/fragility would help to support the protection/preservation of the shacks.

### *Short-Term Shack Occupancy Access*

- Survey respondents had a range of views on whether the available amount of access is sufficient. Some felt it was, some expressed a need for more, and one mentioned that all shacks should have an element of physical public access, along with participation of the lessees in public outreach.

- It was noted that in general, short-term occupancy was acceptable/good as balanced with minimal impact on land and character of the area

Many participants spoke out against the third option requiring an element of physical public access for all shacks. One alternative mentioned was to have a voluntary open house once a year so those who live in the shacks would them to the public.

A comment asked for clarification about whether there was a distinction between shacks under private use and those in the public domain. CCNS stated that they would honor the existing stipulations reserving use and occupancy as they are, not adding requirements.

Another participant asked the group to first define public access, because it did not necessarily mean having to enter the shacks. CCNS responded that it defines public access as both physical and intellectual access to the resource, such as an exhibit at the Visitors' center, Art's dune tours, and an overnight visit. This is a very broad perspective and does not require overnight occupancy.

One participant asked what NPS's public access policy is currently? NPS responded that it was to stay off vegetation and not to remove anything natural/cultural. A subcommittee member referred to current general management plan for CCNS and recited the legislation under section 7 (b)(1), which does not state that people should be able to tour inside the shacks.

One participant suggested that one shack could be managed by CCNS for short-term access. Another participant raised objections to CCNS managing any of the shacks, given their history. A third urged the Subcommittee to not harden their opinions about the NPS based on past experiences, but rather to and look forward anew and use the examples they presented today to keep an open mind about the future.

Provincetown Community Compact said it could expand PCC's program to encompass learning about the fragility and broader themes of the dunes.

Peaked Hill Trust noted that they send out newsletters about environment, dune life, and privacy. They also have opening and closing weekends so any members can learn about how shack life works and participate hands-on. PHT always reviews what visitors should/shouldn't do, safety procedures, etc., so people know how to respect the dune environment and use the shack wisely.

CBI stated that they would add the programs that the non-profits currently provide to the education and outreach information.

### **Public Comment**

A member of the public commented that the subcommittee is setting a precedent and needs to be careful, because others are looking to them for guidance. She also noted that PHT has been very thorough in educating those who use their shacks, and PHT had been consulted in the past by organizations with other cultural properties concerning access and use of the dune shacks. Some

people using the PHT shacks have been waiting for years to get out there and take this very seriously, so the subcommittee should consider their interests carefully.

Another member of the public stated concern over the public access to the central section of dune shacks, which is accessible by the intersection of Snail Rd. and Rt. 6. He suggested that there should be information posted there about the fragility of the dunes and the dune shack culture, because people tend to park there. Also he thought that Snail Rd. should be acknowledged by CCNS as an access route or not. Additionally he commented that although the Malicoat property is privately owned, it is still publicly accessible and therefore should be part of the subcommittee's conversation.

### **Use and Occupancy of Shacks**

CBI presented the subcommittee's results from the use and occupancy survey. They reminded the subcommittee again that not all subcommittee members participated in the survey, and that the information was just a starting point for dialogue and discussion.

#### *Long-term Dwellers Criteria*

- Asked about what criteria might help to preserve the occupancy of long-term dune dwellers, survey respondents suggestions included an established connection/history of participation and involvement in dune shack care, relationship to/wishes of previous dwellers, and knowledge/means/proven history for preservation maintenance
- CBI further defined maintenance as financial and/or ability/know-how/history of being able to do it.

Many participants stated that long-term knowledge of dune property and respect of dune culture would be a more effective frame than family relationship to previous dwellers. They felt this knowledge was more important than someone who has a family connection but has never been out to the dunes. One participant suggested narrowing the options to either continuing occupancy for an existing dune shack family/user, or if no one else in family shows interest then the shack goes into a quasi-public domain.

CCNS clarified that this discussion applied to what might happen next, after existing terms of leases, stipulated agreements, etc., had expired. The subcommittee was told to assume that they were planning for the new CCNS mechanisms that would be put into place at the end of existing terms.

A participant asked if CCNS had the ability to sole source leases or if everyone needed to go through a public bidding process. CCNS responded that under current law, leases had to be competitive, except for a non-profit with a public program. CCNS added that the subcommittee could help define what the competitive terms were, but noted some concern about relying solely on weighted criteria in a competitive process to preserve use and occupancy for existing families. He suggested that a rating process therefore may not relieve the uncertainty for the long-term dune dwellers. One participant asked CCNS that the previous rating panel criteria be made available for the subcommittee to review. One participant suggested that perhaps long-term

families could create a non-profit entity so that they would not have to compete for their shacks. Some participants commented that creating a non-profit could be a difficult endeavor.

Many participants were interested in creating an alternative that would allow for long-term families to have long-term agreements. One participant commented that the families had invested their lives in the shacks and needed to be treated generously in terms of the length of the lease, but at some point the agreement should come to an end and someone else should be given the opportunity to experience shack life. Another participant suggested that long-term families, who maintain their connection to the shacks, be given a 25-year lease to be reviewed after 10 years and allowed to extend if deemed possible. He added that this would preserve status quo of long-term use, and would give families some flexibility.

#### *Program/Organizations Criteria*

- Asked about what criteria might help to preserve the occupancy of existing non-profit uses, survey respondents suggestions included non-profit status, proposed use consistent with the history, philosophy, traditions of cultural significance and/or dune dweller way of life and NPS goals and objectives, and equitable process of selecting short-term users

In the interest of time, CBI did not complete their presentation and suggested that the discussion be reopened moving forward.

One participant suggested that the idea of an overarching 501(c)(3) for the dune shacks that would encompass the portion of the shacks that are in the quasi-public domain already as well as the privately used shacks. It was proposed that this non-profit organization could write the long-term leases similar to other cultural examples that CCNS Bill Burke mentioned in his presentation earlier in the meeting. Several participants seemed to like this idea, but some suggested that this might be highly complex financially. CBI agreed to look more into the possibility of such a 501(c)(3).

## **Maintenance**

The workgroup on maintenance reported to the subcommittee on their discussions about rehabilitation and maintenance, and offered a preliminary list of compatible and incompatible materials for use. Also, CCNS Bill Burke would be creating a Routine Maintenance Checklist for shack users, which would help them to determine whether their planned repairs required advanced permission, and which would help CCNS keep track of the routine maintenance taking place in the shacks.

When asked about the use of the compatible/incompatible list, a workgroup member suggested that the compatible materials would be guidelines of pre-approved materials, but that dune dwellers would need to have unlisted or incompatible materials approved before they could be used.

A subcommittee member stated that she was interested in learning more about cost-effective compatible materials and the reasoning why certain materials would be considered incompatible.

The workgroup responded that they would look more into this further. Another subcommittee member suggested that rolled rubber roofing was a good option that should be added as being compatible roofing materials. No one on the working group disagreed. The subcommittee was reminded that the list was supposed to be an easy reference but not all-inclusive, and should just be used to help the review process.

The workgroup stated that they would be working on a list of compatible/incompatible new technologies for an upcoming subcommittee meeting.

### **Next Steps**

Participants were reminded that the next subcommittee meeting would be on Friday March 12 from 9am-1pm at the library at the Center for Coastal Studies. They were also informed that CBI would be sending out options for an additional meeting in March. Participants tentatively approved the draft January meeting summary.

Participants were asked to give final approval on the revised groundrules and vision statement by Friday February 19. Once these were approved, they would be made available on PEPC. Participants were also asked to review the list of common and individual character-defining features and to send any comments to CCNS Bill Burke before the March subcommittee meeting.

### **Adjourned at 1pm**