

CAPE COD NATIONAL SEASHORE

ADVISORY COMMISSION

HANDBOOK

NOVEMBER 2008



Cape Cod National Seashore  
99 Marconi Site Road  
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# CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION HANDBOOK

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To Henry Foster, great friend of Cape Cod National Seashore –

It is with warm thanks and genuine appreciation that we dedicate this *Cape Cod National Seashore Advisory Commission Handbook* to the man who started it and who has been the chief architect of our commission functions.

Dr. Charles H.W. Foster, serving as the first chairman for the Commission, was most influential in articulating the philosophy for its conduct and establishing guidelines for its operation. He really ‘set the compass’ for this commission, served again as its sixth chairman, and is to be credited for much of our success as we strive to meet his high standards.

This document bears his imprint throughout, as you will see. Henry (‘Hank’) maintains a keen interest in the happenings at CCNS, and always stands ready to offer his sage advice. The value of his devotion and energy dedicated to this matchless national seashore over a span of nearly 50 years is incalculable.

*B.J. Boleyn  
for the Advisory Commission  
2004*

## Welcome to New Members

*Welcome to the Cape Cod National Seashore Advisory Commission!*

*You are now a part of a process of citizen participation that began with the signing of the Mayflower Compact in Provincetown Harbor on November 11, 1620 more than a hundred years before the Federal Government was formed. Shortly thereafter, in 1794, President George Washington created the first federal advisory committee – a group of private citizens charged with investigating and reporting on the Whiskey Rebellion.*

*By 1982, nearly 20,000 citizens were serving on more than 800 federal advisory committees and participating actively in the decision-making process of government. The National Park Service alone lists fifty-four official advisory committees. Collectively, advisory committees are so influential that they have been described as the fifth branch of government.*

*You can expect meetings of the Advisory Commission to be lively, interesting, relevant, and even passionate at times – qualities that describe an institution that really cares.*

*Serving as an advisory commissioner will be time-consuming, hard work, but ultimately, a source of great pride to you and others. For what you will really be doing is searching out for all America how humankind can live compatibly and responsibly with its natural environment. No assignment could be more compelling, more timely, nor more challenging.*

Henry W. Foster, Chairman 1992

## **Use of Advisory Commission Handbook**

This handbook is designed to be a “work in progress,” one that can be readily amended and modified. It is paginated with that in mind.

I hope that you will find the Handbook to be helpful, perhaps even interesting.

The Advisory Commission will be well served if its members review the document carefully, and offer suggestions from time to time to help keep it current and make it more useful.

At the end of a commissioner’s service, the Handbook will pass to his/her successor.

B.J.B. 2004

## **The Mission of the National Park Service**

On August 25, 1916, President Woodrow Wilson signed the act creating the National Park Service, a new federal bureau in the Department of the Interior responsible for protecting the 40 national parks and monuments then in existence and those yet to be established.

This “*Organic Act*” of August 26, 1916, states that “*the Service thus established shall promote and regulate the use of Federal areas known as national parks, monuments and reservations... by such means and measures as conform to the fundamental purpose of the said parks, monuments and reservations, which purpose to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.*”

*National Park Service Organic Act, 16 U.S.C.1.*

### ***Mission of the National Park Service***

***The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The park service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.***

## **The Purposes of Cape Cod National Seashore**

*The purposes of Cape Cod National Seashore are to*

- *Preserve the nationally significant and special cultural and natural features, distinctive patterns of human activity, and ambiance that characterizes the Outer Cape, along with the associated scenic, cultural, and recreational values.*
- *Provide opportunities for current and future generations to experience, enjoy, and understand these features and values.*

*CCNS General Management Plan, 1998 (p.8)*

## I. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

### A. Introduction

Federal advisory committees can be divided into four categories:

1. *Peer or grant review* committees that assist in screening research proposals;
2. *Technical review* committees related to the programmatic aspects of an agency's work;
3. Special *fact finding* or investigative committees triggered by an event of particular significance; and
4. *General policy* by advisory committees.

During its thirty year history, the Cape Cod National Seashore Advisory Commission has functioned in all four capacities.

Since 1972, advisory bodies have been subject to the Federal Advisory Committee Act (P.L. 92-463). The provisions apply to three kinds of advisory committees:

1. those established by statute or reorganization plan;
2. those established or utilized by the President; and
3. those established or utilized by one or more agencies.

Unless exempted by special act, each must be chartered every two years by the department within which it is located (in Cape Cod's case the Department of the Interior). Members appointed under the charter's provisions serve for two years, but they may be reappointed to additional terms. The act also specifies the following uniform procedures:

1. meetings open to the public;
2. records available for public inspection;
3. detailed minutes of each meeting;
4. annual reports;
5. a designated presiding officer; and
6. meetings built around an official, published agenda.

During his tenure as third superintendent of the CCNS, Leslie P. Arnberger set forth his six basic principles for utilizing an Advisory Commission:

1. Keep it fully informed (even beyond statutory requirements);
2. Encourage staunch independence;
3. Keep park service presentations objective;
4. Be open and candid;
5. Develop mutual trust; and
6. Demand competent, intelligent and objective leadership at all times.

*The Cape Cod National Seashore – A Landmark Alliance, C.H.W. Foster, 1985 (p. 77)*

## **I. B. Establishment and Purpose**

The enabling legislation of Cape Cod National Seashore addresses the establishment and purpose of the Advisory Commission. (Appendix A; USC, Title 16, Section 6 459b-7)

*There is hereby established a Cape Cod National Seashore Advisory Commission . . .*

An excerpt from the final report of the congressional conference committee:

*The purpose of this Commission is to serve in various matters relating to the administration and development of the seashore by the Federal Government as a liaison between the Federal Government on the one hand and the State and local governments on the other. The bill goes not attempt to specify in rigid detail the exact methods to be followed by the Commission in playing its important role. This should properly be left to the wisdom and good judgment of the persons who will serve on the Commission and the responsible officials of the Department of the Interior whose joint task and opportunity it will be soundly to develop and administer the seashore. For example, the sponsors assume that no major decisions would be made relative to the seashore by the Park Service without consulting with the Advisory Commission; that no member of the Advisory Commission would participate in decisions or advice of the Commission affecting a matter in which he had any direct, personal interest; that no member of the Commission would adopt a strictly parochial attitude on behalf of the governmental unit which he represented.*

## **I. C. Composition of the Cape Cod National Seashore Advisory Commission**

The Cape Cod National Seashore Advisory Commission was authorized by Sec. 8 of P.L. 87-126 (1961), an act to provide for the establishment of Cape Cod National Seashore. The Commission was authorized initially for ten years. It has been reauthorized several times since then. The charter for the current Advisory Commission will expire on September 26, 2008.

Membership consists of ten individuals, six drawn from the Towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham recommended by their respective Boards of Selectmen; two from the Commonwealth of Massachusetts recommended by the Governor; one from Barnstable County, recommended by the County Commissioners, and one from U.S. Department of the Interior. Those submitting recommendations/nominations are also invited to nominate alternate members if they wish to do so. This option was recommended by the Advisory Commission in 1999 and adopted by then Secretary, Bruce Babbitt. All members are officially appointed by the U.S. Secretary of the Interior.

Although the individuals derive from a particular jurisdiction, they are U.S. Advisory Commissioners in their own right, not simply spokesmen for their communities. These members serve to advise the Secretary (as a practical matter, the Superintendent) on matters affecting the seashore, and function as a liaison between park administrators and citizens.

As one of the earliest national park advisory bodies in the nation, and among the first to serve a park unit acquired with appropriate funds, the Cape Cod National Seashore Advisory Commission has been a pioneer since its inception. It is renowned for its forthright and independent nature. Since 1961, it has managed to work cooperatively with agency administrators in an atmosphere of cooperation and mutual trust, yet speak its mind upon occasion as “the last voice of the people.” It has done so in an area where human-park interactions are as important as natural processes. As a commissioner, you are now a part of that long and honorable tradition.

**I. D. Current Cape Cod National Seashore Advisory Commission Member**

**Town of Chatham**

William R. Hammatt (Rep)

**Town of Eastham**

Edward C. Sabin (Rep)

Donald T. Nuendel (Alt Rep)

**Town of Orleans**

Richard W. Philbrick (Rep)

Larry O. Spaulding, Jr. (Alt Rep)

**Town of Provincetown**

Mary-Jo Avellar (Rep)

Sharon Lynn, Town Manager (Alt Rep- nomination pending)

**Town of Truro**

Edgar W. Francis, III (Rep)

Dr. Howard S. Irwin (Alt Rep)

**Town of Wellfleet**

Peter Watts (Rep)

Carl Rasmussen (Alt Rep)

**Barnstable County**

Lance Lambros (Rep)

William Clark (Alt Rep)

**Commonwealth of Massachusetts**

Ernest Virgilio

Brenda J. Boleyn (Rep Alt-pending nomination)

Judith B. Stephenson (Rep-nomination pending)

Richard F. Delaney (Alt Rep-pending voting member)

**Secretary of the Interior**

Ron Kaufman, Chair (Rep)

## **I. E. Powers and Duties**

The Cape Cod National Seashore Advisory Commission has very few powers and duties, and no authority. Its recommendations are “solely advisory” (see Charter, Appendix H). According to Sec 8 of the enabling legislation, it is to be consulted from time to time on such matters as land acquisition, life tenancy arrangements, exclusion of improved properties, zoning bylaws, and suspension of condemnation. (Appendix A). It must advise before the issuance of permits for commercial or industrial uses or the establishment of public areas for recreation. As a matter of practice, seashore superintendents bring to the Advisory Commission a wide variety of matters. On its part, the Commission has not hesitated to inquire about any issue it considers relevant to the seashore or the region of which it is a part. The absence of direct authority has been criticized by some, but the results have actually been beneficial. Free from any formal constraints, the Advisory Commission, through the use of de factor power, has become enormously influential.

Similarly, there are no prescribed duties for an individual advisory commissioner. Some deem themselves to be official representatives of their jurisdictions and consult regularly with their elected officials. Others regard their nominations as simply a local vote of confidence to exercise their best judgment. Most members follow a combination of practices, consulting with local authorities upon occasion, but serving primarily in their individual capacities.

## **I. F. Advisory Commission Procedures**

Consistent with the philosophy of the Federal Advisory Committee Act, the Cape Cod National Seashore Advisory Commission has developed procedures of its own. It will be helpful to keep these in mind.

First, although the enabling legislation provides (Sec. 8(c)) “The Secretary shall designate one member to be Chairman,” our Commission also elects a Vice-Chairman and Secretary at the beginning of each charter period.

Also, the Commission determines the frequency of its own meetings and the business it will conduct. By tradition, any subject affecting the seashore or its host communities, country, or state is eligible for consideration.

Second, prospective agenda items are discussed and nominated at a prior meeting. They are designated as either information or action items. To ensure careful thought and preparation, it has been the practice to receive information on an issue at one meeting, and then act on it at another. A number of standing agenda items – reports of officers, superintendent’s report, new and old business – provide sufficient flexibility for unforeseen and urgent matters.

Third, every meeting contains a period at the end for general comments from the public in attendance. Every meeting is open for coverage by the press. However, except for special circumstances, the discussion on agenda items is conducted by advisory commissioners only. Commission sessions are meetings not public hearings.

Fourth, action is usually taken either by consensus or by unanimous vote. If there are differences of opinion, they are allowed to stand rather than be settled by formal vote. Since the purpose of the advisory process is just that – advice – split votes usually add nothing that has not already become evident during discussion. Over-reliance on formal voting can distort conclusions and encourage polarization.

Fifth, the Cape Cod National Seashore Advisory Commission has developed special mechanisms of its own to ensure the widest possible consideration of policies and issues – for example:

1. *Field trips* may be scheduled to view a facility or problem area firsthand. The principals involved in the issue, members of the public, and the press are invited along. This provides an informal setting for discussion, relationship building, option exploration, and conflict resolution. As these are unofficial meetings, detailed records do not have to be kept.
2. *Subcommittees* are appointed from time to time to examine the details of a problem and formulate recommendations. Upon authorization of a subcommittee by the Advisory Commission, the Chairman appoints its voting members, generally including a chair and two members drawn from the Commission’s own

roster. Others, who are not Advisory Commission members, may be added with the consent of the subcommittee chairman. As a general rule, the Superintendent is invited to offer suggestions, and usually one or two CCNS staff members serve in a supportive non-voting role.

Subcommittees, as official units of the Advisory Commission, are governed by all of its procedural requirements, except that notice in the *Federal Register* is not required. Subcommittees report to the Advisory Commission; they do not make recommendations directly to the NPS.

Upon completion of its work, a subcommittee is discharged by agreement of Advisory Commission members.

3. *Standing Committees.* Due to the ongoing nature of the work, three subcommittees have evolved to become standing committees:
  - a. Dune Shack Subcommittee – does not meet on a regular basis, but is called upon as needed to deliberate management issues associated with the dune shacks of Provincetown and Truro.
  - b. Nickerson Conservation Fellowship Committee – meets once or twice a year to review applications and select recipient(s) for the Nickerson Fellowship Award. The Nickerson Conservation Fund is administered by the Friends of the Cape Cod National Seashore.
  - c. Off-road Vehicle (ORV) Committee – meets once per year to review the annual ORV report prepared by staff, and other times as needed. This report evaluates the management of ORV use, including such issues as permitting, access, and emergency closures. (In 1995 the Advisory Commission recommended the formal process of “Negotiated Rulemaking” to help resolve the contentious issues associated with off-road vehicle use on the beaches. The process was carried out successfully.)

Examples of other issues addressed by special subcommittees include management of freshwater ponds, phase-out of “reservations of use and occupancy,” use of personal watercraft, and preparation of the General Management Plan.

4. *Special activities or events* may be conducted upon occasion. Ex: Anniversary celebrations.

## **I. G. Duties of the Officers**

In addition to the appointment of the chair by the Secretary of the Dept. Interior (as directed by the enabling legislation), it has been the practice of this advisory commission to elect a Vice-chair and a Secretary.

On an 'as-needed' basis, these officers may meet with the Superintendent to discuss Advisory Commission business.

### The Chair:

- Presides over Advisory Commission meetings.
- Sets the agenda, date for next meeting, ensures that agenda is published in *Federal Register*, and ensures accuracy of meeting minutes. (Done in cooperation with Commission members and with the Superintendent.)
- Ensures the Commission operates in accordance with provisions of the *Federal Advisory Committee Act*.
- Appoints members to Commission subcommittees, and assists chairmen of those subcommittees when possible.
- Keeps Commission members informed of events between meetings.
- Maintains close communications with the Superintendent.
- Maintains currency of Advisory Commission Handbook.
- Maintains records of Nickerson Conservation Fellowship Committee.
- Ensures submittal of Annual Report to the Secretary.

### The Vice-Chair:

- Serves in the absence of the chairman.

### The Secretary:

- Serves in the absence of the chair and vice-chair.
- Assists in the preparation of Commission correspondence when requested.

## II. The Nature of Advice – Dr. Charles H. Foster

Put simply, advice is nothing more than a recommendation regarding a decision or a course of conduct. It presumes an outcome, but not necessarily the one advanced by the advisor. Thus, the first requirement of an advisory process is a willing giver and a willing receiver. Fortunately, from the earliest superintendent to the latest Advisory Commission, this has never been a problem. The second requirement is sincerity on both sides. Achieving the status of trusted advisor has great meaning for any park advisory commission. It does not depend upon the advice being followed in every instance.

Members of the Advisory Commission, individually or collectively, may employ *influence* not readily available to a park administrator, as in attempting to persuade the Massachusetts legislature or the Congress to take a particular action. Ex: establishment of the Cape Cod Ocean Sanctuary and the Studs Stellwagen Bank National Marine Sanctuary.

More than anything, advisory bodies serve as *forums* to expose policies of issues to public scrutiny and debate. In recent years, prominent examples include off-road vehicle use, dune cottage use and occupancy, and the potential impact of “personal watercraft” recreation along the CCNS coastline.

Despite the best of intentions, the advisory process can also go wrong. This occurs when advisors consider themselves decision-makers. And where mutual trust and goodwill are absent, the result can be sheer divisiveness. This can happen when advisory commissioners confuse their own agendas with those of the group, seizing upon the proceedings as simply opportunities for polemics.

But even dissent can serve a useful purpose. It helps illuminate important issues and gives meaning and credibility to the debate. A good Advisory Commission will respect dissent but move to contain it within reasonable bounds. Thus, individual members should work hard to preserve a sense of group cohesion. For the simple truth is that advice hangs by a slender thread – that is of *expectations*. If advice is given honestly and forthrightly, and differences of opinion are respected, the results will more than justify the efforts.

### **III. Cape Cod National Seashore History and Background**

#### **A. Preserving a Part of Cape Cod**

##### CAPE COD: A LANDSCAPE LIKE NO OTHER

*The Great Beach is...probably the best place of all our coasts to go to...I do not know where there is another beach in the Atlantic States, attached to the mainland, so long, and at the same time so completely uninterrupted.*

*-- Henry David Thoreau*

Cape Cod – a slender spit of land curving some 60 miles out into the Atlantic Ocean – is an extraordinary resource, an area that is strikingly lovely and unusual in its combination and diversity of resources. Its unsurpassed beaches, ponds, marshes, bays, pine barrens, inlets, and dunes combine with historic landscapes and thriving communities to create an intricate mosaic. Cape Cod National Seashore was authorized in 1961 to preserve a portion of this fascinating, ever changing landscape.

Cape Cod is the largest glacial peninsula in the world, and the Great Beach, on the Atlantic side of the Cape, is the longest expanse of uninterrupted sandy shoreline on the East Coast. Natural change on the Cape is pervasive and dramatic, especially along the ocean shore. Within the national seashore the action of wind, waves, tides, and rain remain largely unaffected by development, making it unusually easy to observe their effect on the land.

The Cape's prominent position in the Atlantic has long made it a key landmark for human habitation and archeological sites testify to over 9,000 years of occupation. These centuries of continuous human settlement have resulted in the development of occupations, folkways, and pastimes that have given us some of the nation's most compelling stories. By the 1600s the Wampanoag Indians used or inhabited all the lands now contained within the national seashore. In 1620 Cape Cod was the first landfall for the Pilgrims and the site of the creation of the Mayflower Compact.

With European settlement, Cape Codders took to the sea, creating a dynamic whaling and fishing industry, as well as a long and famous tradition of shellfishing. The many lighthouses, along with lifesaving and Coast Guard stations, that dot the Cape also reflect this heritage. Settlers developed a style of dwelling with a steep roof to shed the rain and snow and low to the ground to withstand buffeting winds; this style came to be known as the Cape Cod house, recognized throughout the United States.

Cape Cod has also been the site of significant technological achievements. The first transatlantic cable was laid between Cape Cod and France in 1866. In 1903 Guglielmo Marconi was instrumental in successfully sending and receiving the first exchange of wireless messages between President Theodore Roosevelt and King Edward VII. More recently the Cape has played a role in the research and development of long-range radar.

Cape Cod's beauty, sense of solitude, and other aesthetic values have created a place for people to come for inspiration and renewal for over 100 years. These attributes have also inspired generations of artists and writers. Edward Hopper, Mark Rothko, Jackson Pollock, Henry David Thoreau, John Dos Passos, and Mary McCarthy are only a few who have created a rich tradition of contributions to the arts. Cape Cod continues to be recognized for its special charm and unique ambience. The fact that this area is so close to densely populated areas makes it its special character more and more precious.

*From Cape Cod National Seashore General Management Plan, 1998 (p.3)*

### III. B. Brief History Prior to 1961

Cape Cod National Seashore, a unit of the National Park system of the Department of the Interior, was authorized by Act of Congress, Public Law 97-126, approved August 7, 1961, by President John F. Kennedy. Comprised of some 44,600 acres, 27,700 areas of which are in land area, the area stretches for forty miles along the shoreline of the “Great Beach” of Cape Cod from Chatham to the tip of the Cape at Provincetown. Extending across the Cape in the Towns of Wellfleet and Truro, it covers fourteen miles of the most interesting shoreline on Cape Cod Bay.

A movement for the establishment of the Cape Cod National Seashore began in 1939 following a survey of the Atlantic coast by the National Park Service. Massachusetts agencies joined the National Park Service in recommending that the great outer beach of Cape Cod be established as a public seashore, but lacking sufficient support, the movement failed. Again in 1953, the National Park Service made another survey of the Atlantic and Gulf coasts, and in 1955, issued the report, “Our Vanishing Shoreline.” This report pointed out that the Outer Cape was the *most outstanding undeveloped shoreline along the Atlantic Coast*. Farsighted people in the state and throughout New England, who loved the Cape, joined in the movement to protect this area from the wave of development that had swept other similar areas.

During the six years after 1955, the National Seashore proposal was a matter of great controversy in the six towns adjacent to the area. County, state and federal officials joined the towns in lengthy discussions, and leading New England newspapers became interested in the project. *The Cape Codder*, published in Orleans, continued to support the proposal until it was authorized by Congress. From 1955 to 1961 Arthur T. Lyman, Francis W. Sargent, and Charles H. W. Foster, as Commissioners of the Massachusetts Department of Natural Resources, represented the Commonwealth in strong support of the Seashore. Francis Sargent continued this support as executive director of the Outdoor Recreation Resources Review Commission. (Appendix B : 12 Who Matter)

*Excerpt from p. 311, The Guide's Guide to Cape Cod National Seashore, 1995---*

### III. C. Fitting Into the National Park System

Cape Cod National Seashore is one of 388 National Park sites administered by the National Park Service, which is in turn administered by the U.S. Department of the Interior. These sites are found in the continental U.S., Alaska, Hawaii, Puerto Rico, American Samoa, Guam, Saipan, the U.S. Virgin Islands, and Canada (Campobello).

In addition to the National Parks (50), these sites include National Battlefields, Historic Sites, Memorials, Monuments, Lakeshores, Parkways, Preserves, Recreation Areas, Reserves, Rivers, Seashores and Trails.

Many of these parks feature particular interests, among them African-American history, archeology-paleontology, battlefields, dunes, glaciers, Hispanic heritage, performing arts, presidential history, steam railroads, volcanoes-caves-hot springs, and women's history.

Cape Cod is one of ten National Seashores: Assateague Island (MD), Canaveral (FL), Cape Cod (MA), Cape Hatteras (NC), Cape Lookout (NC), Cumberland Island (GA), Fire Island, (NY), Gulf Islands (FL), Padre Island (TX), and Point Reyes (CA).

The National Park Service administers its units via seven regions. CACO (gov't acronym for Cape Cod National Seashore) is a part of the Northeast Region; the Regional director is located in Philadelphia. States included are Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, and the New England states. See map and chart.

The administrative leadership of CACO includes the Superintendent, Deputy Superintendent, Management Assistant/Planner, Administrative Officer, Chief of Interpretation and Cultural Resources Management, Chief Ranger, Chief of Natural Resources, and Chief of Maintenance. Permanent support staff number approximately 70. During the summer, about 140 seasonal staff are added.

For purposes of management, Cape Cod National Seashore is divided into North and South Districts, each with a Visitor Center, one at the Province Lands in Provincetown and one at the Salt Pond in Eastham. Headquarters is centrally located in South Wellfleet. CCNS encompasses approximately 43,500 acres of upland (27,700 ac.) and shoreline (15,800 ac.). The boundary extends ¼ mile offshore.

#### Upland Acreage

Town	Total Upland Acreage by Town	Upland Acreage Within CCNS	Percentage of Acreage in CCNS
Provincetown	6,576	5,050	76.79%
Truro	14,013	9,400	67.08%
Wellfleet	13,584	8,000	58.59%
Eastham	10,140	3,000	29.59%
Orleans	13,583	1,500	11.08%
Chatham	15,660	750	4.79%
Town Totals	73,556	27,700	37.66%

## **APPENDICES**

## **Appendix A**

Cape Cod National Seashore enabling legislation, Public Law 87-126

# APPENDIX A: LEGISLATION AND THE TRANSFER OF FORMER STATE AND TOWN LANDS

UNITED STATES CODE, TITLE 16 — CONSERVATION

## §459b. Cape Cod National Seashore; description of area

(a) The area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b) of this section, is designated for establishment as Cape Cod National Seashore (hereinafter referred to as "the seashore").

(b) The area referred to in subsection (a) of this section is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts:

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet:

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary,

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a general easterly direction crossing the Truro-Provincetown line and continuing in the town of Truro in a generally southeasterly direction to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road:

thence easterly five-tenths of a mile to a point;

thence turning and running in a southeasterly direction paralleling the general alignment of United States Route 6 and generally distant therefrom five-tenths of a mile to a point approximately 700 feet northwesterly of Long Nook Road:

thence southwesterly along a ridge generally paralleling the alignment of Long Nook Road and distant approximately 700 feet therefrom to a point two-tenths of a mile northeasterly of the northerly right-of-way line of United States Route 6;

thence southeasterly paralleling the general alignment of United States Route 6 and generally distant two-tenths of a mile northeasterly thereof to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

thence in a general easterly direction paralleling the southerly alignment of Higgins Hollow Road and 300 feet distant southerly therefrom to a point five-tenths of a mile east of the easterly right-of-way line of said Route 6;

thence turning and running in a southeasterly and southerly direction paralleling the general alignment of United States Route 6 and distant five-tenths of a mile easterly therefrom to a point 300 feet north of the northerly right-of-way line of North Pamet Road;

thence in a generally southwesterly direction paralleling the general alignment of North Pamet Road and generally distant 300 feet northerly therefrom to a point approximately two-tenths of a mile east of the easterly right-of-way line of United States Route 6;

thence in a southerly direction paralleling the alignment of United States Route 6 and generally distant two-tenths of a mile easterly therefrom to a point three-tenths of a mile south of South Pamet Road;

thence west to the intersection of Old County Road and Mill Pond Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road:

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line of Cape Cod Bay;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter

of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean, high-water line southwestward, northwestward, and northeastward to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwestward for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on said Wellfleet quadrangle sheet;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point

500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham town hall property;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alignment of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the said stream to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southeasterly in the town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on United States Geological Survey Orleans quadrangle sheet (1946);

thence due south to the 20-foot contour line in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwestward along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to a head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwestward around Pochet Island and thence southwestward into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwestward tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly In Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

(Pub. L. 87-126, 11, Aug. 7, 1961, 75 Stat. 284.)

#### SEPARABILITY OF PROVISIONS

Section 10 of Pub. L. 81-126 provided that: "If any provision of this Act (sections 459b to 459b-8 of this title) or the application of such provision to any person or circumstance is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-8 of this title.

#### **S 459b-1. Acquisition of property**

##### **(a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary**

The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 459b of this title or which lies within the boundaries of the seashore as described pursuant to section 459b-2 of this title (both together hereinafter in sections 459b to 459b-8 of this title referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 459b of this title, or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459b to 459b-8 of this title.

##### **(b) Use of funds; fair market value**

The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under sections 459b to 459b-8 of this title, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under sections 459b to 459b-8 of this title.

##### **(c) Exchange of property; cash equalization payments; report\* to Congress**

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

The Secretary shall report to the Congress on every exchange carried out under authority of sections 459b to 459b-8 of this title within thirty days from its consummation and each such report shall include a statement of the fair market values of the properties involved and of any cash equalization payment made or received.

##### **(d) "Fair market value" defined; appraisal**

As used in sections 459b to 459b-8 of this title the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(Pub. L. 87-126, i 2, Aug. 7, 1961, 75 Stat. 287.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-2 to 459b-8 of this title.

#### **S 459b-2. Establishment**

##### **(a) Notice in Federal Register**

As soon as practicable after August 7, 1961, and following the acquisition by the Secretary of an acreage in the area described in section 459b of this title that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459b to 459b-8 of this title, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

##### **(b) Distribution of notice and map**

Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459b of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 459b of this title; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459b to 459b-8 of this title to be recorded at the registry of deeds for Barnstable County, Massachusetts. (Pub. L. 87-126, { 3, Aug. 7, 1961. 75 Stat. 288.)

SECTION REFERRED TO IN OTHER SECTIONS This section is referred to in sections 459b-1, 459b-3 to 459b-8 of this title.

**S 459b-3. Acquisition by condemnation**

**(a) Right of use and occupancy for residential purposes for life or fixed term of years; exercise of right of election; impairment of interests of lienholders, etc; right as running with land; transfer, assignment and termination of right; computation of compensation**

(1) The beneficial owner or owners, not being a corporation, of a freehold interest in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur autre vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests

of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 459b-4 of this title and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 459b-4 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

**(b) Suspension of authority for one year and during existence of zoning regulations**

(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 459b of this title for one year following August 7, 1961.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 459b-4 of this title.

**(c) Suspension of authority respecting property used for commercial or industrial purposes**

The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after August 7, 1961 provided such application is made not later than the date of establishment of the seashore.

**(d) "Improved property" defined**

The term "improved property," wherever used in sections 459b to 459b-8 of this title,

shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use to which the dwelling and land have customarily been enjoyed: *Provided, however,* That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto, (e) Acquisition of clear, marketable and encumbrance-free title

Nothing in this section or elsewhere in sections 459b to 459b-8 of this title shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 87-126. § 4, Aug. 7, 1961, 75 Stat. 288.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1, 459b-2, 459b-4 to 459b-8 of this title.

#### § 459b—J. Zoning regulations

##### (a) Standards for approval; submission to Congress and municipalities; publication in Federal Register; approval of local bylaws; revocation of approval

As soon after August 7, 1961, as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 459b-3 of this title. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions.

All regulations and amended regulations proposed to be issued under authority of the two preceding sentences of this subsection shall be submitted to the Congress and to the towns named in section 459b of this title at least ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) before they become effective and the Secretary shall, before promulgating any such proposed regulations or amended regulations in final form, take due account of any suggestions for their modification which he may receive during said ninety-day period. All such regulations and amended regulations shall, both in their proposed form and in their final form, be published in the Federal Register.

The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaws submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment unless before the time of adoption he has submitted to the Congress and the towns and published in the Federal Register as aforesaid proposed amended regulations with which the bylaw or amendment would not be in conformity, in which case he may withhold his approval pending completion of the review and final publication provided for in this subsection and shall thereafter approve the bylaw or amendment only if it is in conformity with the amended regulations in their final form. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 459b-3 of this title by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

##### (b) Commercial and industrial use prohibition; acreage, frontage, setback and miscellaneous requirements

The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

##### (c) Adverse provisions and absence of notice for variance as requiring disapproval of local bylaws

No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

##### (d) Termination of suspension of authority for acquisition by condemnation because of nonconforming variances and uses; agreements concerning exercise of authority

If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw, or

(2) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however,* That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

(Pub. L. 87-126, § 5, Aug. 7, 1961, 75 Stat. 290.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-3, 459b-5 to 459b-8 of this title.

**§ 459b-5. Certificate of suspension of authority for acquisition by condemnation**

The Secretary shall furnish to any party in interest requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of sections 459b to 459b-8 of this title, that such authority has been so suspended and the reasons therefor.

(Pub. L. 87-126, § 6, Aug. 7, 1961, 75 Stat. 291.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-4, 459b-6 to 459b-8 of this title.

**§ 459b-6. Administration of acquired property**

**(a) Utilization of authority for conservation and management of natural resources**

Except as otherwise provided in sections 459b to 459b-8 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by sections 1b to 1d of this title; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459b to 459b-8 of this title.

**(b) Preservation of seashore; incompatible visitor conveniences restricted; provisions for public enjoyment and understanding; developments for recreational activities; public use areas**

(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That 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: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.

(2) In developing the seashore the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the seashore.

**(c) Hunting and fishing regulations; navigation**

The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State and Federal law. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave all aspects of the propagation and taking of shellfish to the towns referred to in section 459b of this title.

The Secretary shall not interfere with navigation of waters within the boundaries of the Cape Cod National Seashore by such means and in such areas as is now customary.

(Pub. L. 87-126, § 7, Aug. 7, 1961, 75 Stat. 291.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-5, 459b-7, 459b-8 of this title.

**6 459b-7. Cape Cod National Seashore Advisory Commission**

**(a) Establishment; termination**

There is established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the "Commission"). Said Commis-

sion shall terminate 30 years after the date the seashore is established under section 459b-2 of this title.

**(b) Membership; term**

The Commission shall be composed of ten members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in section 459b of this title, one member from the recommendations made by each such board;

(2) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

(3) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(4) One member to be designated by the Secretary.

**(c) Chairman; vacancies**

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

**(d) Compensation and expenses**

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under sections 459b to 459b-8 of this title upon vouchers signed by the Chairman.

**(e) Majority Tote**

The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

**(f) Consultation of Secretary with Commission**

The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore and shall consult with the members with respect to carrying out the provisions of sections 459b-3 and 459b-4 of this title.

**(g) Advice of Commission for commercial or industrial use permits and establishment of public use areas for recreational activities**

No permit for the commercial or industrial use of property located within the seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought, (h) Exemption from other provisions of law

(1) Any member of the Advisory Commission appointed under sections 459b to 459b-8 of this title shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 and section 190 of the Revised Statutes (5 U.S.C. 99) > except as

otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

**(Pub. L. 87-126, § 8, Aug. 7, 1961, 75 Stat. 292; Pub. L. 99-420, title II, § 201, Sept. 25, 1986. 100 Stat. 960.)**

REFERENCES IN TEXT

Sections 281, 283, 284, and 1914 of title 18, referred to in subsec. (h)(1), were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126. "except as they [sections 281 and 283] may apply to retired officers of the armed forces of the United States", and were supplanted by sections 203, 205, 207, and 209, respectively, of Title 18, Crimes and Criminal Procedure. For further details, see Exemptions note set out under section 281 of Title 18.

**Section 190 of the Revised Statutes (5 U.S.C. 99), referred to in subsec. (h)(1), was repealed by Pub. L. 87-849, § 3, Oct. 23, 1962, 76 Stat. 1126. See section 207 of Title 18.**

AMENDMENTS

**1986—Subsec. (a). Pub. L. 99-420 substituted "30 years" for "ten years".**

REESTABLISHMENT AND EXTENSION OF COMMISSION

Pub. L. 99-349, title I, July 2, 1986, 100 Stat. 731, provided: "That the Cape Cod National Seashore Advisory Commission established under section 8(a) of the Act of August 7, 1961 (Public Law 87-126; 75 Stat. 292) [16 U.S.C. 459b-7(a)] is reestablished and extended through February 28, 1996".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-6, 459b-8 of this title.

**§ 459b-8. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459b to 459b-8 of this title; except that no more than \$42,917,575 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections.

(Pub. L. 87-126, § 9, Aug. 7, 1961, 75 Stat. 293; Pub. L. 91-252, May 14, 1970, 84 Stat. 216; Pub. L. 98-141, § 3, Oct. 31, 1983, 97 Stat. 909.)

AMENDMENTS

**1983—Pub. L. 98-141 substituted "\$42,917,575" for "\$33,500,000".**

**1970—Pub. L. 91-252 substituted "\$33,500,000" for "\$16,000,000".**

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-7 of this title.

<sup>1</sup> See References in Text note below.

## **Appendix B**

The 12 Who Matter- In Development

## **Appendix C**

### Charter Members of the CCNS Advisory Commission

On February 16, 1962, the ten newly-appointed members of the Cape Cod National Seashore Advisory Commission met for the first time in Washington, DC:

Barnstable County	Joshua Nickerson
Commonwealth of Massachusetts (2)	Josiah Child and Charles Foster
Department of the Interior	Leo Diehl
Town of Chatham	Robert McNeece
Town of Eastham	Ralph Chase
Town of Orleans	Arthur Finlay
Town of Provincetown	Nathan Malchman
Town of Truro	John Dyer
Town of Wellfleet	Esther Wiles

## Appendix D

### Members Cape Cod National Seashore Advisory Commission 1962- 2004 (year of appointment)

#### **Barnstable County**

Joshua A. Nickerson	1962
Frederick G. Lapiana	1985
John W. Doane	1987
Robert A. O'Leary	1999
Lance Lambros	2004

#### **Commonwealth Massachusetts (2 members)**

Charles H.W. Foster	1962	Norton H. Nickerson	1970
Robert L. Yasi	1966	Clifford H. White	1976
Arthur W. Brownell	1969	David B.H. Martin	1987
Barbara S. Mayo	1976	Richard F. Delaney	1990
Brenda J. Boleyn	1990	Brenda J. Boleyn	2004
Christine Gault	1996	Judith B. Stephenson	2008(nomin. pending)
Ernest Virgilio	2004		
Josiah H. Child	1962		

#### **Dept. Interior**

Leo E. Diehl	1962
Chester A. Robinson	1970
George H. Woodwell	1976
Sally H. Lunt	1979
Paul F. Nace	1981
Jonathan Moore	1983
G. Douglas Hofe	1987
Charles H.W. Foster	1990
Brenda J. Boleyn	1995
Ronald Kaufman	2004

#### **Chatham**

Robert A. McNeece	1962
David F. Ryder	1972
Thomas R. Pennypacker II	1982
William R. Hammatt	1990

#### **Eastham**

Ralph A. Chase	1962
Elizabeth Worthing	1977
Bernard Richardson	1983
Susan Stewart	1990
Donald Hayes	1995
Edward C. Sabin	1996

#### **Orleans**

Arthur Finlay	1962
Gaston L. Norgeot	1968
Linnell E. Studley	1970
Edward J. Smith	1978
Sherrill B. Smith	1981
Richard W. Philbrick	1990

**Provincetown**

Nathan Malchman	1962
George D. Bryant	1985
Michael G. Perel	1990
Alix L.L. Ritchie	1995
Keith Bergman	2004
Mary-Jo Avellar	2007

**Truro**

John R. Dyer	1962
Harold J. Conklin	1964
John W. Carleton	1966
Stephen R. Perry	1972
Dexter M. Keezer	1976
William H. Brown II	1987
Edgar W. Francis III	1990

**Wellfleet**

Esther Wiles	1962
John H. Whorf	1974
Francis R. King	1980
John Bicknell	1985
Edward Simon	1987
Peter Watts	2004

**Chairmen, Cape Cod National Seashore Advisory Commission**

Charles H.W. Foster	1962
Joshua A. Nickerson	1967
David F. Ryder	1978
Clifford H. White	1983
David B.H. Martin	1987
Charles H.W. Foster	1990
Brenda J. Boleyn	1995
Ronald Kaufman	2004

## **Appendix E**

### Superintendents, Cape Cod National Seashore

Robert F. Gibbs	1962
Stanley C. Joseph	1965
Leslie P. Arnberger	1968
Lawrence C. Hadley	1974
Herbert Olsen	1978
Andrew Ringgold	1990
Maria Burks	1995
George E. Price, Jr.	2005

## **Appendix F**

Federal Advisory Committee Act (FACA), Public Law 92-463

# FEDERAL ADVISORY COMMITTEE ACT

## FEDERAL ADVISORY COMMITTEE ACT

5 U.S.C. app.

As Amended

### §1. Short title

This Act may be cited as the "Federal Advisory Committee Act Amendments."

### §2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that--

- (1) the need for many existing advisory committees has not been adequately reviewed;
- (2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;
- (3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;
- (4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;
- (5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and
- (6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

### §3. Definitions

For the purpose of this Act--

- (1) The term "Administrator" means the Administrator of General Services.
- (2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is--
  - (A) established by statute or reorganization plan, or
  - (B) established or utilized by the President, or
  - (C) established or utilized by one or more agencies,

## FEDERAL ADVISORY COMMITTEE ACT

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

### §4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by--

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

### §5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall--

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

## FEDERAL ADVISORY COMMITTEE ACT

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

### §6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) [Annual report] Repealed by the Federal Reports Elimination and Sunset Act of 1995, Pub. L. No. 104-66, § 3003, 109 Stat. 707, 734-36 (1995), amended by Pub. L. No. 106-113, § 236, 113 Stat. 1501, 1501A-302 (1999) (changing effective date to May 15, 2000).

### §7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine--

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under

## FEDERAL ADVISORY COMMITTEE ACT

this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator, after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that--

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of Title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members--

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. §794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5),

may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent--

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

### §8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall--

## FEDERAL ADVISORY COMMITTEE ACT

- (1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;
- (2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and
- (3) carry out, on behalf of that agency, the provisions of section 552 of Title 5, United States Code, with respect to such reports, records, and other papers.

§9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is--

- (1) specifically authorized by statute or by the President; or
- (2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;
- (H) the estimated number and frequency of committee meetings;
- (I) the committee's termination date, if less than two years from the date of the committee's establishment; and
- (J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

## FEDERAL ADVISORY COMMITTEE ACT

§10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of Title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of Title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

§11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of Title 5, United States Code.

§12. Fiscal and administrative provisions; record-keeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The

## FEDERAL ADVISORY COMMITTEE ACT

General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

### §13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of Title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

### §14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

## FEDERAL ADVISORY COMMITTEE ACT

### §15. Requirements relating to the National Academy of Sciences and the National Academy of Public Administration

(a) In General- An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless--

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendations, the academy complied with--

(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) Requirements- The requirements referred to in subsection (a) are as follows:

(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of Title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) Title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

## **FEDERAL ADVISORY COMMITTEE ACT**

(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of Title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) Regulations- The Administrator of General Services may issue regulations implementing this section.

### §16. Effective Date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

## Appendix G

### Basic Information for Members of Department of the Interior Advisory Committees

#### I. Advisory Committee

An advisory committee is any:

- 1) Committee, board, commission, council, conference, panel, task force, or
- 2) Other similar group, or
- 3) Any subcommittee, or
- 4) Other subgroup,

which is established for the purpose of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. The function of an advisory committee is solely that of giving advice unless otherwise provided by law.

Advisory committees may be established in one of four ways:

- 1) By law where the Congress specifically directs the President or an agency to establish it; or
- 2) By law where the Congress authorizes it but does not direct the President or an agency to establish it. The responsible agency head will follow the procedures set forth in 41 C.F.R. §101-6.1007 when establishing the committee.

#### II. Committee Member

A committee member is “an individual who serves by appointment on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations.” 41 C.F.R. §101-6.1003.

##### A. Conflict of Interest Requirements

In determining whether Federal conflict-of-interest laws apply to members of advisory committees, the Office of Government Ethics distinguishes between:

- 1) Those advisers who are selected as committee members because of their individual qualifications and are thus deemed to be special government employees, and

- 2) Those who were selected as representatives of nongovernmental groups or organizations (or in some cases, as independent contractors).

Special government employees are subject to the conflict-of-interest laws and financial filing requirements. The most significant of these laws for advisory committee members is Section 208 of Title 18, United States code, which makes it a criminal offence to participate “personally and substantially” as a government employee “through decision, ... recommendation, the rendering of advice, investigation, or otherwise, in ... [any] particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.” The statute specifies that an individual who violates this section shall be imprisoned or fined or both. In addition, the individual may be assessed a civil penalty of not more than \$50,000 for each violation. However, the Secretary may waive application of this provision to advisory committee members who are special government employees if the Secretary “certifies in writing that the need for the individual’s services outweighs the potential for a conflict of interest created by the financial interest involved.” 18 U.S.C. §208(b)(3).

#### B. Compensation

- 1) Compensation is rarely payable for service on advisory committees. However, under 5 U.S.C. §5703 and other statutes, authority does exist for paying travel expenses of members of the public serving as advisory committee members.
- 2) Federal Government employees serving as members of advisory committees will not receive any additional compensation for such committee service over and above their regular compensation as employees. They are also eligible for payment of travel expenses under appropriate authority.

### III. Designated Federal Officer

The agency head shall designate a Federal officer or a full-time/permanent part-time employee to be the Designated Federal Officer for each advisory committee and its subcommittees. The Designated Federal Officer:

- 1) Must approve or call the meeting of the advisory committee before a meeting may take place;

- 2) Must approve the agenda;
- 3) Must attend the meetings;
- 4) Shall adjourn the meetings when such adjournment is in the public interest; and
- 5) Chairs the meeting when so directed by the agency head.

#### IV. Advisory Committee Meetings

##### A. Charter

No advisory committee shall meet or take any action until an advisory committee charter is filed with (1) the General Services Administration and the Library of Congress, in the case of a Presidential advisory committee, or (2) for other advisory committees, the Library of Congress, the standing committees of the Senate and the House of Representatives having legislative jurisdiction of the Department, and the General Services Administration.

##### B. Notice

In accordance with 41 CFR §101-6.1015(b), the Department shall publish at least 15 calendar days prior to an advisory committee meeting a notice in the Federal Register,<sup>1</sup>

- 1) The exact name of the advisory committee as chartered;
- 2) The time, date, place, and purpose of the meeting;
- 3) A summary of the agenda; and
- 4) A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552b) as the basis for closure.<sup>2</sup>

In Exceptional Circumstances, the agency may give less than 15 days notice, provided that the reasons for doing so are included in the committee notice published in the Federal Register.

##### C. Public Participation

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<sup>1</sup> Internal Bureau requirements may establish a longer notice period. See for example, 43 C.F.R. §1784.4-2(a).

<sup>2</sup> Normally, the Office of the Federal Register requires four days to process Federal Register documents. Therefore, meeting notices must be received at least 19 days prior to the meeting.

Each advisory committee meeting is to be open to the public unless all or part of the meeting is closed in accordance with the Government in the Sunshine Act (5 U.S.C. § 552b). See E., below. The agency shall ensure that:

- 1) Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;
- 2) The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff and interested members of the public;
- 3) Any member of the public is permitted to file a written statement with the advisory committee.

D. The agency head shall ensure that detailed minutes of each advisory committee meeting are kept. The minutes must include:

- 1) Time, date and place;
- 2) A list of the following persons who were present:
  - a. Advisory committee members and staff;
  - b. Agency employees; and
  - c. Members of the public who presented oral or written statements;
- 1) An estimated number of other members of the public present;
- 2) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter; and
- 3) Copies of each report or other document received, issued or approved by the committee.

The chairperson of each advisory committee shall certify to the accuracy of all minutes of advisory committee meetings.

E. Closed Advisory Committee Meetings

- 1) Procedures
  - a. Assistant Secretaries are authorized to make written determinations under section 10(d) of the Federal Advisory Committee Act (FACA) as to whether to close to the public all or a portion of the meeting. This authority may be redelegated

to heads of bureaus and other Departmental Offices. See 205 DM 16.1.

- b. A request to close all or part of an advisory committee meeting must cite the specific provisions of the Government in the Sunshine Act (5 U.S.C. §522b) that would justify the closure. The request will provide the official responsible for the decision sufficient time to review the matter in order to make a determination prior to the publication of the meeting notice required by 41 C.F.R. §101-6.1015(b).
- c. If the responsible official agrees that the request is consistent with the provisions in the Government in the Sunshine Act and the FACA, the official will issue a written determination that all or part of the meeting will be closed. The written determination must contain the reasons for the determination, including which provision(s) of the Government in the Sunshine Act permits the closure.
- d. The Office of the Solicitor must review and approve all requests for closed meetings prior to final determination.
- e. Advisory committee members should assume that all advisory committee meetings are open to the public unless advised specifically to the contrary by the Department.

## **Appendix H**

Current Charter Cape Cod National Seashore Advisory Commission

# *Charter*

2003

## Cape Cod National Seashore Advisory Commission

### A. DESIGNATION

The official designation of the commission is the Cape Cod National Seashore Advisory Commission.

### B. PURPOSE

The purpose of the Commission is to consult with the Secretary of the Interior, or the Secretary's designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore. Additionally, the advice of the Commission shall be sought before the issuance of permits for industrial or commercial use of property within the Seashore, and before the establishment of any public use area for recreational activity within the Seashore, and any proposed action which would create a substantive change in natural conditions or in existing structures within the Seashore.

### C. DUTIES AND RESPONSIBILITIES

The duties of the Commission are solely advisory and are as stated in paragraph B above.

### D. MEMBERSHIP

1. The Commission will consist of 10 members, appointed by the Secretary of the Interior, as follows:

- a. Six members appointed from recommendations made by each of the boards of selectmen of the towns of Chatham, Eastham, Orleans, Provincetown, Truro, and Wellfleet, Commonwealth of Massachusetts; one member from the recommendations made from each such board;
- b. One member appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;
- c. Two members appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and
- d. One member appointed at the discretion of the Secretary.

2. The member appointed by the Secretary under subparagraph 1d shall represent interests other than those of the Federal, State, or local government.
3. Each agency or organization will appoint one member and one alternate.
4. The Secretary will designate one member to be Chair.
5. Members will be appointed for 2-year terms. If no new member is appointed on or prior to the expiration date of an incumbent's term, then the incumbent member may continue to serve until the new appointment is made.
6. Any vacancy on the Commission will be filled in the same manner in which the original appointment was made.
7. A majority of members appointed at the time of any meeting will constitute a quorum.
8. Any member who fails to attend three successive meetings of the Commission or who otherwise fails to substantively participate in the work of the Commission, may be removed from the Commission by the Secretary and a replacement named.
9. Members of the Commission will serve without compensation as such. However, the Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities upon presentment of vouchers signed by the Chair.
10. The Commission reports to the Regional Director, Northeast Region, National Park Service, 200 Chestnut Street, Philadelphia, Pennsylvania 19106.

E. ETHICS RESPONSIBILITIES OF MEMBERS.

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's family or business. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Commission will not have a special or distinct effect on the member or the member's employer, other than as part of a class.

F. ADMINISTRATION

1. CHARTER. The Commission is subject to the provisions of the Federal

Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994) and may take no action unless the charter filing requirements of Sections 9 and 14(b) of the Act have been complied with. The provisions of Section 14(b) of the FACA requiring a biennial rechartering are inapplicable to the Commission pursuant to Section 301 of Public Law 102-525, October 26, 1992. However, there will be a biennial review of the Commission to determine if its goals and objectives have been fulfilled.

2. DESIGNATED FEDERAL OFFICIAL. The Superintendent, Cape Cod National Seashore, National Park Service, or in the Superintendent's absence, a Federal employee designated by the Superintendent, will serve as the Designated Federal Official, as required by Section 10 of the Federal Advisory Committee Act.
3. CHAIRPERSON. The Secretary shall designate one member to be Chair.
4. QUORUM. A majority of members appointed at the time of any meeting will constitute a quorum.
5. SUBCOMMITTEES. The Commission may create, from among its membership supplemented when appropriate by members of the public, formal subcommittees or subgroups, or ad hoc committees formed for special purposes, provided that the role of such committees shall be solely to gather information or conduct research for the Commission, or to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the Commission. Membership on all subcommittees shall be determined by the Chair.
6. MEETINGS. The Commission meets approximately six times a year. All meetings of the Commission shall be subject to the provisions of the FACA, 5 U.S.C. Appendix (1994). The Commission renders advice formally by affirmative vote of a majority of its members, and informally through discussion and consensus processes.
7. SUPPORT AND COSTS. Support for the Commission is provided by the National Park Service, Department of the Interior. The estimated annual operating cost of the Commission is \$7,000, which includes approximately ¼ work-year of staff support.

#### G. DURATION AND DATE OF TERMINATION

The Commission will carry out its duties until September 26, 2008, at which time the Commission will terminate pursuant to Public Law 87-126, as amended by Public Law 105-280, October 26, 1998. All appointments will terminate with the Commission.

H. AUTHORITY

The Cape Cod National Seashore Advisory Commission is established by Section 8 of Public Law 87-126, August 7, 1961, as amended by Public Law 105-280, October 26, 1998.

\s\ Gale A. Norton

January 15, 2004

\_\_\_\_\_  
Secretary of the Interior

Date Signed

January 23, 2004

DATE CHARTER FILED

## **Appendix I**

### Cape Cod National Seashore Senior Administrative Staff

George E. Price, Jr. – Superintendent  
Vacant- Deputy Superintendent

Nicole Brooks, Environmental Protection Specialist  
Bob Grant –Chief Ranger  
Lauren McKean- Planner  
Sue Moynihan – Chief of Interpretation and Cultural Resources  
Ted Nicholson – Chief of Administration  
Carrie Phillips – Chief of Natural Resources  
Dick Ramos – Acting Chief of Maintenance

## **Appendix J**

### Cape Delegation, Massachusetts Legislature

State House, Boston, MA 02133

Rep. Demetrius Atsalis

Rep. Susan Williams Gifford

Rep. Sarah Peake

Rep. Matthew C. Patrick

Rep. Jeffrey Davis Perry

Rep. Eric Turkington

Rep. Cleon H. Turner

Sen. Therese Murray

Sen. Robert O'Leary

## **Appendix K**

### U.S. Congressional Delegation

Rep. William D. Delahunt  
1317 Longworth House Office Bldg., Washington, D.C. 20515

Sen. Edward M. Kennedy  
315 Russell Senate Office Bldg., Washington, D.C. 20510

Sen. John F. Kerry  
304 Russell Senate Office Bldg., Washington, D.C. 20510

## **Appendix L**

### Nickerson Conservation Fellowship Fund

In the fall of 1991, under the leadership of Chairman Henry Foster, the Cape Cod National Seashore Advisory Commission announced the establishment of the Joshua A. Nickerson Conservation Fellowship Fund:

*The Nickerson Conservation Fund has been established to honor who was an original member of the Advisory Commission, serving as its chairman for 12 years, and who staunchly supported conservation values as the Seashore's programs and policies were developed. The income from this fund will support the kind of work that Mr. Nickerson so successfully espoused throughout his long and accomplished lifetime. It will be applied to further inquiry into Seashore-related problems, and to foster in young people a full appreciation for proper conservation of Cape Cod's natural resources.*

Realization of this fund was made possible by a generous grant from the Edward Bangs Kelley and Elza Kelley Foundation of Barnstable, in the amount of \$20,000, and contributions from many interested supporters who rose to the challenge of matching the grant. In addition, The Friends of Cape Cod National Seashore cheerfully agreed to take on the responsibility of administering the fund on behalf of the Advisory Commission. The Friends continue to receive contributions to the Nickerson Fund.

A standing committee was established by the Advisory Commission to handle the task of recruiting qualified Fellows:

### Nickerson Conservation Fellowship Committee

Composition, powers, duties, responsibilities:

The Nickerson Conservation Fellowship Committee will be composed of one member from the following groups

- Friends of the Cape Cod National Seashore, to be appointed by the President.
- Cape Cod National Seashore Advisory Commission, to be appointed by the Chairman
- Cape Cod National Seashore staff, to be appointed by the Superintendent
- Cape Cod Community College, to be appointed by the Chairman CCNS Advisory Commission
- Member-at-large from the community to be appointed by the Chairman CCNS Advisory Commission.

The duties and the responsibilities of the committee will include:

- Advertise fellowship opportunity.
- Develop guidelines/criteria for selection.
- Receive and evaluate applications.
- Interview and arrange oversight responsibilities.
- Select Fellow(s) and offer appointment(s).
- Develop contract and payment schedule.
- Receive reports.

The Fellowship Committee will also be responsible for reporting in a timely fashion to the Cape Cod National Seashore Advisory Commission.

In the summer of 1992, Dr. Scott Shumway, Wheaton College, became our first Nickerson Fellow.

Reports of the Nickerson Fellows are maintained in the Davidson Library at the North Atlantic Coastal Laboratory, Highlands Center.

### Nickerson Conservation Fellowship Awards

- 1992 Scott Shumway - Professor, Wheaton College - \$1,000  
*Species Interactions in Dune Plants, CCNS*
- 1993 Scott Shumway - 2<sup>nd</sup> year award, same topic  
\$1,000 + \$1,000 match from NPS "Challenge Cost-share Program"
- 1994 Todd Rinaldi - undergraduate, Unity College, ME (SCA) - \$1,000  
*Kettle Pond Hydrology - Gull Pond, Duck Pond - Wellfleet*
- 1995 Aria Brissette - '95 graduate, Univ. RI (SCA) - \$1,000  
*Pond Restoration and Impact Assessment Plan*
- 1996 No award made
- 1997 - '98 Jean Poitras - graduate student, Univ. Mass. at Boston - \$2,000  
*Cases of Intergovernmental Cooperation Between the National Park Service and Local Governments*  
(one-year award, not made until Jan. '98 due to complications)
- 1999 Brett Still - intern at Wellfleet Audubon Sanctuary - \$2,500  
*Systematic Inventory of Park Amphibians*  
(joint project of Audubon and CCNS Inventory Monitoring Program)
- 2000 No award made
- 2001 Whitney Kurz - undergraduate, Duke Univ. - \$2,500  
*Impacts of Biomedical Bleeding on Horseshoe Crabs*
- 2002 No award made
- 2003 Cate O'Keefe – graduate student, B. U. Marine Program - \$2,500  
*Habitat Suitability for the alewife in East Harbor*
- 2004 Cate O'Keefe extension – no additional stipend

SCA = Student Conservation Association

## Appendix M

### Highlands Center

#### *Mission Statement:*

*The Highlands Center fosters the unique cultural and natural heritage of Cape Cod by facilitating scientific research, the arts tradition, and educational programs atop the dramatic sea cliffs of Cape Cod National Seashore.*

#### **Highlands Center: Past, Present, and Future**

In 1994, Cape Cod National Seashore (CCNS) acquired the former North Truro Air Force Station. Since then, CCNS has made \$1 million in infrastructure improvements, allowing for the potential renovation and occupation of several buildings. There are up to 45 potentially usable buildings (approximately 115,000 square feet) organized around a central quadrangle, which will require structural repair, renovation and/or modification. Included are buildings originally used for common space, housing, administrative functions, storage space, and maintenance facilities.

One of the goals for the Highlands Center is to create a community of artists, scientists and educators who will pursue their work in a national park setting. The core of the Highlands Center will be its program partners, enriching each other's work through their distinctive activities and opportunities for interaction. These partner organizations will establish an active community of creative individuals and will help carry out the Center's mission. Together, these various perspectives will form a dynamic mosaic that reflects and celebrates the unique character of Cape Cod. The Highlands Center will explore how the Cape can hold on to a sense of this past while establishing an authentic link to the future.

Another ongoing goal for the Highlands Center is to adopt the National Park Service's commitment that special emphasis be placed on park efforts to incorporate environmentally sound practices. Environmental impacts in terms of resource usage and performance will be taken into consideration and assessed during a project's initial investment phase and throughout its lifetime. The Highlands Center will demonstrate environmental stewardship through the use of environmentally sustainable practices and technologies in its design, building rehabilitation, and ongoing operations.

#### **Public/Private Partners**

Highlands Center programs will support the mission of Cape Cod National Seashore through public and private partnerships. Inquiries and proposals for cooperative ventures from non-profit organizations, government agencies, and educational institutions are welcomed. The National Park Service will provide basic infrastructure rehabilitation such as water, sewer, electric systems and will oversee design approvals, utility maintenance, leasing and site management activities. The Management Partner and Program Partners from the private sector will fulfill the remaining needs of the Center, such as custom building rehabilitation, utility hookups, facility maintenance, public programming and day-to-day activities.

***Current Partners:***

Highlands Center, Inc. (HCI) is the non-profit Management Partner designated by NPS. HCI will gradually assume many of the overall operations and maintenance responsibilities from NPS, including identifying and coordinating program partners, raising funds, receiving grants, and serving as a conduit for financing.

Barnstable County AmeriCorps Cape Cod (ACC) offers a diverse group of trained adults a residential living opportunity serving the critical environmental and disaster preparedness needs of Barnstable County. Part of a national network, it pairs service-minded volunteers with citizens, educators, scientists, and environmental professionals to promote land and water conservation, environmental education and disaster preparedness.

A pioneering Program Partner, Payomet Performing Arts Center in Truro (PPACT), has its seasonal tent located at the Highlands Center. PPACT produces affordable, professional theatre, art, and music. Their second year of programming at this site included drama classes, yoga, independent films, music, storytelling, period actors, magicians, political satirist and much more. PPACT is a member of the Cape Cod Theatre Coalition.

Fine Arts Work Center (FAWC) in Provincetown, where artists and writers in the early stages of their careers are nurtured in a seven-month residency program, inspired by professionals and by the Cape Cod environment. Since its inception in 1968, FAWC has provided housing and stipends for over 500 emerging artists from around the United States and abroad.

The National Park's North Atlantic Coastal Laboratory has operated at the site for a number of years and, while not official Program Partners, is actively involved in the collaboration. Two buildings were recently renovated and in summer 2007 were made operational for use by the NPS Atlantic Research Center (ARC).

The NPS Atlantic Research Center (ARC) promotes research and information exchange on the physical and biological systems within or affecting Cape Cod National Seashore. ARC is currently working to establish partnerships with regional research institutions for project development and future occupants or tenants of the facility. ARC scientists will work closely with the Inventory and Monitoring (I + M) prototype program to enhance protocol development and conduct presentations and field studies in conjunction with the Parks as Classroom program.

Truro Center for the Arts at Castle Hill has agreed to oversee the operational management and facilitation of a wood burning kiln, performing such services as constructing the actual kiln, and operating open pottery programs at the site. The installation of a wood burning kiln in partnership with HCI will advance the Highlands Center mission, constituting a joint effort that will foster benefits to local artists and craftspeople, attractiveness to visitors, and a unique form of artistic education in the community.

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