

**FORT HANCOCK 21st CENTURY ADVISORY COMMITTEE**  
**MEETING #41**  
**April 27, 2023 (Draft)**

<p>Agenda Items for Next Meeting:</p>	<ul style="list-style-type: none"> <li>● Working Group Updates</li> <li>● Leasing Updates</li> <li>● Discussion of Social Equity</li> </ul>
<p>Agenda Items for This Meeting:</p>	<ul style="list-style-type: none"> <li>● Leasing Update</li> <li>● Working Group Updates</li> <li>● Ethics Presentation</li> <li>● Public Comment</li> <li>● General Updates</li> </ul>
<p>Recommendations from this Meeting:</p>	<p>The Advisory Committee affirms the merits of continuing with the Fort Hancock leasing program. With that in mind, the Committee puts forward the following recommendations based on its discussion of the Leasing Work Group’s 4/24/23 memorandum regarding leasing considerations:</p> <p><b><i>Related to Leasing Work Group Section Two: Park Management / Operational / User Issues</i></b></p> <ul style="list-style-type: none"> <li>● Recommend NPS closely review the Leasing Work Group’s “Park Management/Operational/User issue” recommendations included in its April 24, 2023, memo to the Advisory Committee and report back on how these will be incorporated in the compendium, lease terms, or operating plans. Additionally, NPS should develop a handbook to reflect these requirements in an easy-to-understand fashion to lessees and sub-lessees.</li> <li>● Identify dedicated resources (NPS staff, internal management company, etc.) to proactively handle issues related to historic preservation, leasing during construction phase and ongoing management of the properties (operational and leasing).</li> </ul>

***Related to Leasing Work Group Section Three: Environmental Impacts, Prevention and Mitigation***

- The National Park Service should redouble its effort to make the public aware of measures in place to track and address the kinds of environmental concerns tied to leasing activity (as identified in the Environmental Impacts section of the Leasing Work Group memo). One possibility would be to provide a listing of these measures in a proactive, easy-to-use online format.
- The Committee recognizes that the NPS has a number of rules and authorities to ensure the Park is being managed adequately to address potential environmental impacts. Given the magnitude of potential new leasing activity, the Committee asks the National Park Service to report back to it at its next meeting on how these issues will be addressed in the leasing program.

***Related to Leasing Work Group Section Four: Climate Vulnerability, Prevention and Mitigation***

- The Advisory Committee recognizes the risks associated with coastal hazards and vulnerabilities (e.g., SLR, climate change, storm surge, flooding, etc.) and believes the NPS should continue carefully considering this issue (relative to the leasing program) as it has been doing on an ongoing basis (and is currently being further evaluated as part of Sandy Hook's inclusion in a NPS pilot program). We further recommend NPS include in leases, if it is not already there, a section that articulates the potential risks associated with possible coastal hazards.

***Related to Leasing Work Group Adaptive Reuse, Social Equity, Public Access***

- Given the importance of social equity issues, the Advisory Committee recommends that the NPS center discussion of and presentations on this topic at the committee level. It further asks that discussions of this topic be informed by a clear definition of social equity and associated goals relative to the Advisory Committee's charge. Finally, the NPS should include consideration of accessibility (in terms of disabilities) when discussing this issue. The Advisory Committee recognizes there may be value in starting this conversation

within the Work Group to flesh out ideas for subsequent Advisory Committee discussion.

Attendees:

NPS: Jennifer T. Nersesian, Gateway National Recreation Area Superintendent and Designated Federal Officer (DFO); Karen Edelman, Gateway Business Services; Daphne Yun, Gateway Public Affairs; Pete McCarthy, Sandy Hook Unit Manager; Patti Rafferty, Chief of Resource Management

Facilitator: Bennett Brooks

FACA Committee Co-Chairs: Shawn Welch, Gerard Glaser

FACA Committee members: Linda Cohen, Mary Eileen Fouratt, Dorothy Guzzo, Michael Holenstein, Bill Kastning, Norah Kerry McCurry, Jim Krauss, Howard Parish, Michael Walsh,

**Welcome, Meeting Overview and Committee Context**

**Jen Nersesian, Bennett Brooks, Shawn Welch**

Meeting called to order by Gateway Superintendent Jen Nersesian.

Pledge of allegiance

Introduction of new members: Dorothy Guzzo, Norah Kerr McCurry, and Bill Kastning.

Norah is the Dean of Business and Social Sciences at Brookdale Community College.

Dorothy Guzzo is the Executive Director of the NJ Historic Trust.

Bill Kastning is the Executive Director of Monmouth Conservation Foundation, which is a land trust.

Acknowledgements and thanks to past members Gerry Scharfenberger, Gary Casazza and Kevin Settinbrino.

Introduction of committee members

Overview of meeting agenda and ground rules

**Leasing Updates**

**Karen Edelman**

Karen Edelman explained that today's leasing update will be in two parts. The first part is the usual, what's happening with the leasing front. And the second part is to talk a little bit about lease terms and conditions. This broad overview should answer some of the questions people have raised

Recap of progress made to date: several buildings are leased or subject to an agreement. Those with Marine Academy of Science and Technology MAST are subject to an agreement. The Mule Barn is expected to open this summer. There are several buildings still subject to a letter of intent. It appears those letters of intent are in place for a long time, and, in fact, they are enduring. But that's because the leasing process requires a thorough compliance review, and it must be ensured that the modifications of the building meet with the Secretary of Interior Standards. That all happens before we sign the lease, which is why the duration of letters of intent are so long.

Twenty buildings are subject to a general agreement. These are the Stillman buildings. This agreement anticipates two phases. The first phase is to address prototypes for buildings 7 and 12. Based on those prototypes, costs will be applied to assess the viability of this to the remaining buildings.

Roy Stillman with the Stillman Group updated the committee. His team (which includes a preservation architect specialist, a structural engineer in preservation, and a mechanical engineer) have started with a survey of the existing conditions. They've given a preliminary presentation to the State Historic Preservation Office (SHPO) and created preservation guidelines. They've also created layouts of the buildings and a highly detailed list of specifications of every task that would be a constituent component to the rehabilitation of these two buildings. They're working with a cost estimating firm and should have the results of an estimate of what it would take to make each building ready for occupancy in two-three weeks. They will share this work with the NPS once they've reviewed it. They've asked the estimator to break down the estimate into elements such as the exterior roof, masonry, porch, and interior elements.

Karen Edelman continued the leasing update with a discussion of parking considerations and the use of outdoor space by the lessees. She said everyone knows there is a parking limitations issue at Sandy Hook (which is the entirety of Fort Hancock), and typically lessees don't have assigned parking unless there's a spot associated with the building. The larger buildings don't have parking, unlike the Officers' Row Buildings which have exclusive parking in their attached driveways. The park is in the process of obtaining a parking study so that we can ensure the parking need is met in terms of the buildings with larger scale use, such as the officer's club, the mule barn, and the old YMCA building. We will share the results of this traffic study with the group once we have more information.

The use of outdoor space associated with the buildings also needs to be addressed. The leases for residential buildings are just for the building footprint itself. But the large buildings that will be open to the public for services such as food and beverage or event space will have open outdoor space associated with their use. The question is whether that use is going to be exclusive to the lessee, will it be intermittent, or not exclusive at all. For example, there will be exclusive use with the Mule Barn because they will be serving alcohol.

Similar considerations will arise with the YMCA building, Building 40, where there's an outdoor concrete pad. That pad is currently in use by McFly's. But as this building comes online for use by the lessee once it's rehabilitated, there is a request for outdoor use. Again, because there's an expectation that alcohol will be served, that area will have to be fenced and managed.

With respect to the officer's club, that consideration is a little different. You will recall from the last meeting that we shared the slides of the proposed -- the way the officer's club is going to look when it's done. There's an addition in the back, and because this is an event space, there's going to be a need for outdoor space to conduct affairs and things such as weddings. We haven't yet determined whether the outdoor space that's going to be associated with this building is going to be exclusive and subject to the operation and management by the lessee or whether it's going to be intermittent, meaning it will be fenced off or somehow secured only when there is an event that requires outdoor space.

Part 2 is a broad overview of lease terms and conditions and the additional requirements of NPS leases. Most leases include terms such as identification of parties to the lease, the premises to be leased, the type of use authorized, the term of the lease, the rent, increases, whatever costs the lessee is associated for (in our case it's utilities), trash collection, typical things like that. It also includes topics such as termination and default, subleases, and assignments.

National Park Service leases also require additional terms and conditions. These include complying with the Secretary of Interior's standards for historic structures, a requirement to pay property taxes, for the lessees to obtain any required permits (instead of the lessor), insurance requirements for the property (most lessees aren't required to insure buildings, only their property inside), the requirement of a maintenance reserve, and others.

The Secretary of Interior's standards for historic structures is the most important requirement. This is the basis for the compliance review is undertaken as part of the lease terms, and it is one reason it takes so long to go

from letter of intent to a lease. All repairs, maintenance, ongoing improvements are also subject to those standards. They must be properly authorized before they're implemented.

If there's a requirement to pay property taxes, the lessee must do so, even though the NPS is exempt. The presentation given by the Middletown tax assessor to the committee can be found here. The obligation to obtain permits or any other approvals connected to the lease, such as certificates of occupancy, is put on the lessee instead of the property owner.

The obligation is put on the lessee to get any other permits or governmental approvals that are required in connection with the lease. And in this instance, Middletown township is responsible for issuing certificates of occupancy (CO)s for our buildings. The lessees also need to work directly with the state to get liquor license (which is a bit different than a typical municipality).

In most leases the lessee is not responsible for insuring the building. Since the NPS buildings are government property the lessee is required to have property and liability insurance. If they serve alcohol, the insurance must cover that as well.

NPS requires that lessees have a maintenance reserve that can be used to undertake large-scale improvements to the facility. There is also a financial reporting requirement, any business must provide Gateway with their financial statements. The lessee is liable for recoverable costs if any activity results in the need for park staff or law enforcement intervention as well as payment for additional services such as excessive trash removal.

The last issue is government closures. There has not been consistent policy in the last ten years whenever there was a government shutdown about lessees' access. The NPS will discuss rent abatement if there is a period that the lessee is prohibited from access due to a government shutdown.

The park receives a lot of questions about lessees and park hours. Are they subject to park hours? How will Gateway manage the rules and regulations in terms of occupancy of the building since people are allowed to be there after park hours?

Every lessee is subject to park rules and regulations. Everyone that comes on to park property is subject to those rules and regulations, whether they know of them or not. Leases for buildings where the public is being invited are required to have operating plans that discuss hours or operation, alcohol management plans (if necessary), management and safety considerations, and security. All other leases require a historic preservation and maintenance plan.

Bennett Brooks thanked Karen and asked if committee members had questions.

Bill Kastning asked how the lease revenue would be used? Will it stay in the fort area?

Karen Edelman answered that in most cases there will be lease revenue for at least the first number of years of the lease because the lessee is permitted to offset the costs of improvements against the rent they would pay. But 100% of the leasing revenue does remain in the park.

Jen Nersesian added that the park expects zero rent in some of the cases because of the severe state of deterioration of the buildings at Fort Hancock Historic Post. Even though rent is not collected, the leasing program accomplishes the historic preservation mission. The park doesn't have the government funds to accomplish this. This program also means the buildings will be maintained throughout the life of the lease, and that cost is incurred by the lessee.

Howard Parish asked if visitors to these establishments would be required to pay any kind of entrance fee or parking fee at the gate? How will they identify themselves as going to these establishments?

Karen Edelman answered that currently visitors don't have to pay a parking fee if they say they are going to Fort Hancock Historic Post. There is no set plan to identify any difference in visitors, and there are recurring issues at the gate during peak season that we are trying to resolve.

Howard Parish asked if it is basically people being honest about where they are going within the park and Karen affirmed that.

Dorothy Guzzo asked if the density per building has been determined. How many people will be residing in each apartment?

Jen Nersesian said that was still being worked through. The plan for the officers' row houses is four-five apartments each. If there are that many apartments per buildings, she doesn't anticipate there will be many people per apartments, and that the total can be extrapolated from there. There is no final consensus or decision for the other buildings. It depends on building to building how many people we're talking about. There are letters of intent for the larger barracks buildings, and a proposal for 12 apartments or units in one building and 14 in the other.

Karen Edelman confirmed that number but said there were some changes (or will be) due to historic considerations about the interior columns. They must be reconfigured a little, so the total number will probably be 11 and 13.

Jen Nersesian continued that these are all works in progress in terms of the number of people. Jen went on to answer questions in the Q & A.

Q: What kind of behavioral studies have been completed regarding alcohol impacts (which can't be confined to fenced or walled areas) including afterhours impacts? How will recoverable costs be enforced and recovered so that the public is not picking up the tab for alcohol-related impacts?

Jen answered that the park has looked at this very closely. Gateway used to allow alcohol at Sandy Hook, which caused a lot of challenges in enforcement and public safety, especially on the beach. The regulations were changed in 2019. Alcohol is no longer allowed on the beach but is allowed on a smaller scale with permits. The Mule Barn will be allowed to serve alcohol. If someone rents the chapel for an event, alcohol is allowed there.

Q, Can any new structure be constructed on Sandy Hook that would not be solely for governmental use, e.g., a utility shed associated with a private residence?

There is a proposal for an addition for the officers' club (this was discussed in meeting 40- notes here), which would make that rehabilitation viable and functional. In general, no new construction is allowed. Proposals are examined on a case-by-case basis.

Q. Will the park have a social equity survey to share info of the impact that unpaid visitors and lessee patrons would have on Fort Hancock Historic Post?

Jen clarified that Sandy Hook does not charge an entrance fee. An amenity fee is charged for beach parking. This is a different legal category as Gateway's enabling legislation prohibits entrance fees. This parking fee is not applicable to the leased structures in Fort Hancock Historic Post area.

## **Social Equity Considerations**

### **Jen Nersesian, Gerry Glaser**

Bennett Brooks thanked Karen for her presentation. He then spoke about the social equity considerations that have been raised in relation to the leasing program. Originally when the Stillman proposal was put forward, it triggered several interesting and very important questions related to social equity that the National Park Service has been starting to think about, with some initial input from the working group.

Jennifer Nersesian: Social equity was one of the issues that came up right away as a concern. Social equity operates at different scales.

What precipitated the conversation in this instance was the working group and a look at the leasing program and thinking about who's going to have access to these buildings? We've said all along that we're leasing buildings, not land, and that the public will still have full access to this area of Sandy Hook. But there are additional questions including who gets to live in these residences. What is the model? Who is this geared for? How does social equity inform these decisions? This extrapolates out to Sandy Hook, which is the whole of Fort Hancock. Who's coming? Who has access? Who are we serving?

These are questions that are very important to us in the National Park Service and that we have been grappling with for years with -- with varying degrees of success. But we want to continue to focus on this issue. This discussion about social equity is not just an opportunity to look at our leasing program in Sandy Hook within this context, but also to look at Sandy Hook as a whole and Gateway as a whole. Jen thanked Gerry Glaser for his leadership as a champion of this issue and for helping bring new people to the table for the discussion. The working group, the National Park Service all recognize that we do not have the expertise or the variety of perspectives we need involved in this conversation to really help us chart a way forward.

Bennett Brooks added that we are all in the very beginning of this conversation. There have been a few conversations with the working group discussing who could help us think about these issues, what groups should we reach out to. We followed up on these suggestions and have a few folks who have very graciously offered to help us think about these issues. One of the first questions we'll be putting to that group is who else should we be talking to? We want to make sure this is a thoughtful and comprehensive conversation.

Gerry Glaser continued that Jen and Bennett gave a tremendous discussion of why we are where we are now. He added that while we have an extraordinarily distinguished collection of people on the working group, many of whom are interested in and very helpful with the social equity issues, we just felt we needed to focus a bit more deeply on that. He asked, what do we mean by social equity? As Jen pointed out, this discussion began with questions around access to the park. Access to the land, access to the buildings, and so forth. One of the prime directives is to ensure that that access continues. An early committee member always pointed out that this park belongs to the people. It's everybody's park. We want to be sure that people continue to have access to all the things that it offers.

- What does social equity mean?
- Not just access, but who has access?
- Where can people go?
- How can we make it clear to everyone that this is a very, very high priority?
- What's the framework for this conversation?

Gerry continued that he has identified several individuals who have been willing to help us set that framework and begin the conversation so that we can bring it to the broader working group and to the committee.

Pamela Pettyjohn has helped spearhead a beautification project in Coney Island. And this is much more significant than just a beautification project. The effort has revitalized significant portions of the community in the wake of Hurricane Sandy and continues to work deeply with the community to address these issues of diversity and access at a place like Coney Island. Pamela is also on the board of the National Parks Conservation Association (NPCA).

Randi Moore is the CEO of the Affordable Housing Authority based out of Monmouth County. She will help address the issue of what does the rehabilitation and adaptive reuse effort mean in terms of access for all people to housing?

Qwynne Lackey is a former member of the NPCA's Next Generation Advisory Council, and a professor at SUNY Cortland. Her focus is on the impact of park sustainability initiatives and the relationships that exist between parks and local communities.

In addition to these three individuals, the park is also engaging the work of a consultant organization.

Gerry continued that as Bennett and Jen said, we're inviting a broad spectrum of expertise that can help the committee and park develop a framework for what social equity means. Not only access to the buildings that are being rehabilitated, but access to all other structures there. And not access to, but access by whom. What segments of the population who may not have ready access to a resource like Sandy Hook, what can we do to encourage and support that access?

Bennett Brooks said that both Qwynne and Pamela are both in attendance at this meeting and invited them both to introduce themselves.

Qwynne Lackey said she is very happy to be a part of this project, and is very excited to work with the working group more specifically to really help define what you mean by diversity and inclusion and for whom? She continued that there's a big blanket statement that is often used with good intentions, but it prevents us from effectively reaching the communities that we want to engage with the most. She's hoping to engage in a conversation around that so the committee and working group can be very intentional about what you do on the ground and how that will impact committees that you're hoping to work with. She also emphasized the importance of conducting this discussion in conversation with the affected communities. This can be a positive conversation that can give some very actionable things to take forward.

Pamela Pettyjohn introduced herself next. She is also a northeast regional council member of National Parks Conservation Association and is very pleased to be of service to this committee. She noted her hope that this becomes a year-round residence for everyone to enjoy.

Bennett Brooks thanked Pamela and Qwynne and invited them to remain on the call if they'd like.

## **Working Group Update**

### **Jen Nersesian, Bennett Brooks, Jim Krauss**

Jen Nersesian began by reminding everyone of the working group's background and purpose. The inception was in 2020 when the park received the Stillman proposal for most of the buildings (21) that were remaining on Fort Hancock Historic Post Request for Proposals. Congressman Pallone as well as many major statewide environmental groups raised concerns with that proposal. Instead of just barreling forward, Gateway really wanted to take a step back and understand those concerns, to dig into them and see if there were, as we came to understand them, ways that we could work together to try and address those concerns, ideally within the leasing program itself. The working group was formed with representatives of those groups that had raised their hands and spoken up to voice those concerns at the time.

This working group was stood up as a subcommittee of the Federal Advisory Committee, which is the advisory body to the National Park Service in this leasing effort. Over the past two years there have been regular meetings of the Working Group, and several topics (see more here) have been discussed so that the park can really understand the variety of perspectives on these issues. Current management policies and strategies were discussed as well as the tools the National Park Service uses, so that the group could see what things might be missing or other approaches that could be considered.

The working group has been focused on working through these issues together. And that input then comes to the committee, the full Advisory Committee, all of you, since the working group is under the committee. The hope



is that the committee would take these things and provide some formal recommendations to the National Park Service based on this working group's recommendations.

Gateway staff members have also been part of the working group and provided a lot of background information to the working group. They've added context in terms of policies, laws, and management approaches. We ultimately want some formal recommendations, but we also want the committee to discuss the working group ideas within the context of the years of work in the leasing program.

Jen said she wants to be fully transparent that at the same time we in the park service are hearing these concerns, we aren't just waiting to see what happens. As things arise that Gateway needs to consider, we incorporate the thinking into our management of the park. This gives us a chance to fold in all the perspectives and spirits of the committee and the working group as well. The working group meetings have produced a lot of rich thinking and conversations that Gateway will continue to benefit from.

Bennett Brooks continued that this group has been meeting over the last 20 months. There are numerous perspectives within this group, and the group hasn't been convened to reach consensus, but, rather, to discuss the issues that the committee should be thinking about, as well as what Jen and her team (Gateway) be thinking about. The goal for today is to share the Working Group thoughts with the committee, and for the committee members, to take the time to understand what these recommendations are saying and why and to think about the kinds of recommendations you, as the Advisory Committee, might wish to make to the National Park Service. Those could be recommendations on actions you think they should take; information you think they need. Jim Krauss will provide an overview and context and then walk through the recommendations, which were sent out to everyone earlier this week. There are also other working group members in the meeting, and they will be invited to share their perspectives. After that the floor will be open for questions from committee members. An hour or two has been set aside to discuss the working group recommendations and to think about what types of recommendations the advisory committee should give Gateway.

Bennett emphasized that this was not a final report. These recommendations capture the ideas and recommendations discussed to date. He also emphasized that this is not a consensus document. There are ideas that everyone broadly supports, but there are also ideas in there that some don't support or are lukewarm about. The ideas are not ranked in any way. The working group deliberately chose not to rank these ideas. There are a lot of topics, and some are dynamic. How the world looks today may not be how it looks a year from now or five years, ten years, something like climate change, for example. It's just important to have that context as we think about these.

Jim Krauss began by listing the members of the working group. Tim Dillingham of the American Littoral Society, Eileen Murphy of N.J. Audubon, Lauren Cosgrove of the National Park Conservation Association and Harold Zullo of the Sierra Club. Dorothy Guzzo from NJ Historical Trust and Bill Kastning from Monmouth Conservation Association have also served as members of the working group but are now new members of the FACA committee. There are also FACA members who are on the working group. Both co-chairs- Shawn and Gerry, Tony Mercantante, and myself. Gateway Superintendent Jen Nersesian and Manger of Resource Stewardship Patti Rafferty also attend the meetings. Jim continued that the major areas of discussion included:

National Park Service management framework, including what currently exists in the laws, regulations, and policies.

- Ecological impacts of a leasing program.
- Parking and traffic considerations.
- Capacity and density considerations, and
- Climate change considerations.

The recommendations and considerations were grouped into topical areas, not priorities. These areas are

overarching considerations, park management and operational and user issues, environmental impacts, climate vulnerability, and then adaptive reuse, equity, and public access.

The first overarching group includes one recommendation: that there be accepted enforceable legal instruments that articulate the developer's responsibility for the cost of mitigation and adaptive management.

Bennett added that the third column is intended to show what National Park Service is already doing or has on the books to address that recommendation.

The second group is park management, operational, and user issues. The working group feels that many of the items listed in this group should be included in tenant leases or park rules.

This includes:

- management of waste, particularly regarding the effect on wildlife.
- impacts of feeding feral cats and wildlife. (And in column three we note that feeding of wildlife is already prohibited everywhere throughout Sandy Hook)
- manage mowing frequency, particularly in respect to risk to birds.
- Manage impact from campfires or fireplaces from leased buildings. (It is currently anticipated that the lessees are not allowed fires in the fireplaces.)
- Limit the number of vehicles that lessees can have and not allow big RVs.
- Prohibition of the use of anticoagulant bait traps for pest control (this is currently prohibited by NPS)
- Fertilizer management.
- Management of waste oil disposal from the food establishments.
- Ban PFA-containing fire extinguishers and firefighting foams.

The next group includes environmental impacts regarding both prevention and mitigation.

- Develop and implement adaptive management -- an adaptive management framework for continued monitoring and evaluation of thresholds for ecological impacts. The related park management section is extremely important here. The Department of the Interior and the National Park Service do have an adaptive management framework. However, there is not a specific adaptive management plan in place for Sandy Hook, now.
- Make the developer responsible for addressing unavoidable environmental impacts.
- Require planting of native plants. The National Park Service policies require the use of locally-sourced native species, and at the current time any planting requires park review and approval in advance.
- Evaluate the potential impacts of expanded leasing over the entire peninsula, particularly where it affects endangered species.
- Evaluate the potential impacts of diurnal activity in the park. There was quite a bit of discussion about nighttime activity and the effect of increased sound and light from the residence and any commercial activities, including restaurants and bars.
- Research and identify the impacts of wildlife due to the leasing program.
- Use scientific literature and engage experts to inform possible need for quiet zones.
- Include light restrictions in leases.
- Monitor avian collisions (i.e., birds hitting windows and similar issues).
- Include noise restrictions
- Protect and manage existing forests. Note here that currently no leasing or development within the natural zone or any sensitivity resource subzone is contemplated.
- Adaptive use of vacant buildings may eliminate habitat for some species. Already the park service is installing additional Osprey platforms.
- Monitor any air quality effects.

- Evaluate the effect of any increased tenancy on the existing infrastructure, Jim noted that Fort Hancock's Federal Advisory Committee has been addressing for several years.
- Manage Sandy Hook to protect native habitats and to prevent and reduce and manage any non-native invasive species.

The next grouping is prevention and mitigation of climate vulnerability.

- Both sea level rise and storm surges need more examination. This is particularly true in two areas. One is to consider the effect on any managed retreat plans. Also, it came to the working group's attention last week that there are some new storm surge and slosh maps available, which need to be evaluated going forward.
- Provide electric charging stations for electric vehicles.
- Evaluate the adequacy of the maintenance of storm water facilities.
- Make sure an emergency evacuation plan is in effect.

The final group includes adaptive reuse, equity, and public access.

- Address social and economic justice concerns as was discussed a little while ago.
- Look at the possibility of scaling up any public enhancements which will be available due to the leasing program. There might be things that could make the park a better public experience once the buildings are rehabilitated.
- Potentially establish a trust managed by citizens to monitor how the leasing program operates and the -- this might be modeled after the Presidio Trust.
- Look at what the effect of any squatters' rights or renters' rights might have on the National Park Service if a leasing program goes forward.

Bennett Brooks thanked Jim. He continued that the groupings of the recommendations are helpful in terms of sorting them into categories that will be useful for the members to think about. He hopes that the presentation triggered a lot of questions and wants to make sure there's space for that. But first he would like to bring more work group members on.

Tim Dillingham (American Littoral Society) thanked Bennett and Jen for the opportunity to discuss the working group. He said the group has had a lot of conversations across a lot of different issues. He appreciates that these recommendations are being framed as a draft because he feels that there's more work to be done, particularly around the social equity issues. He feels that is one of the central challenges posed by the leasing program. He also thinks that the expanded parking and operations that were discussed earlier in the meeting may have impacts on nocturnal birds and animals in the park. He feels the list includes substantive suggestions for everyone to integrate into their leasing work.

Harold Zullo (Sierra Club) agreed with Tim's comments. As to social equity concerns, he said that it's important that the founding history of the park (and how it was founded in social equity concerns) is referenced, as well as the extent to which social equity concerns have or haven't been integrated since the opening of the park.

He also said that when Roy Stillman spoke, he didn't hear him reference whether the structural or mechanical engineering assessments that his group will be submitting, or any of the other assessments, will be incorporating the up-to-date SLOSH digital elevation modeling or other types of data to assess the future water impacts on those buildings. He asked Roy Stillman to provide that information or share any assessment that has already been completed.

Jen Nersesian said that the National Park Service will continue to evaluate this data in terms of management of the park. She said that at the next meeting, a fuller update could be on the agenda. This discussion should include what studies and new information decisions are being based on, as well as other pieces relevant to this.

For example, the work the park has undertaken to rehabilitate the seawalls at Sandy Hook. What are the components that need to be weighed and what are the potential impacts.

Harold Zullo asked if Jen was saying that the NPS must provide the overall framework for the lessees in terms of the climate change impacts?

Jen Nersesian said no. She continued that Gateway uses the best available data in our own management of the park, which includes the leasing program. Even when these buildings are leased, they are still NPS-owned resources. She noted the Park's willingness to share this information with our lessees.

Dorothy Guzzo (New Jersey Historic Trust) said she really liked how the recommendations were grouped, she thinks they a lot more sense in categories. This helps show what the group has been discussing for the last (almost) two years.

Bill Kastning (Monmouth Conservation Foundation) agreed that the sorting of the 30 some odd topics helped make the list more readable and understandable. He thanked everyone for making this happen and for boiling this two-year process to this list. He continued that there's a lot of details behind the scenes that can be elaborated through the participant questions today. He agreed that this was a phenomenal exercise and that he's glad he was a part of it. He also said it is interesting as he was part of the working group and will now be part of the advisory committee moving this forward.

Bennett Brooks thanked everyone for contributing as well as those who couldn't be on the call but put in so much time at the meetings. He said social equity conversations are still to come, and there are a couple of other things people are thinking about. Some of the ideas that have been discussed the National Park Service already acting on. Bennett continued that the next step is for the committee members to discuss these recommendations and think about how they might inform the guidance the committee will give to Gateway. He asked if any members have any clarifying questions about these recommendations, pieces that they want to know more about.

Michael Holenstein said he appreciated the effort that went into producing this summary. He knows that there's not been an opportunity to dive into social equity or social and economic justice issues. He thinks the search for social equity should begin with a definition of what social equity would constitute in an ideal circumstance, and then what the goals are with respect to an application of that definition to our mission as a Federal Advisory Committee and the mission of the National Park Service and Gateway.

The Federal Government by its various entities has a great deal of legislation and law and case law that identifies protected classes and provides for access and prohibits discrimination in many forms. One of the least addressed forms of discrimination is financial, from the standpoint that anyone in the world is a protected class if they want to walk out on to the Sandy Hook peninsula and buy an ice-cream cone, but the protected class categories and the legislation and the laws don't guarantee that that person is going to have the money to buy the ice-cream cone. You can get to the ice-cream cone, but you can't buy it. Mike continues that he is not sure that this would be found to be a protected class or part of the social equity goals that are achievable under the circumstances.

One of the opening comments from Jen Nersesian's predecessor was that the federal advisory committee find adaptive use for the structures at Fort Hancock Historic Post. Linda Canzanelli said that we could not count on federal assistance in providing for that work to be done. It was intended that we, as a federal advisory committee, try to make recommendations to the Department of Interior and National Park Service that would facilitate public/private relationships that was going to get this work done. Mike continued that if we're looking at the concept of social equity in the context of private involvement and private investment in these properties, it needs to be understood that we're placing the goal of assuring social equity on the private entities that are willing to invest the funds to do the renovation work. Mike reiterated that the committee needs to define what

constitutes social equity in the context of the advisory committee's goals; begin with the definition, and then set forth how we can achieve those goals keeping in mind that there is a lot of legislation related to this issue. And maybe one of the first things to do would be to have somebody from the solicitor's office or attorney general come in and summarize what the laws are in existence already and what constitutes protected classes.

Following these initial comments, the Committee walked through each section of the Working Group's document with the goal of understanding the recommendations and developing Committee recommendations to the National Park Service.

Bennett reminded the committee members that the first group of recommendations is overarching. They all relate to how to articulate the developer's responsibility for mitigation and management and making sure that that has some sort of enforceable legal implications behind it. And there's a larger idea of where do these lie and how does Gateway and the National Park Service think about that in terms of the leasing program? Bennett said he wants to invite a conversation about how these recommendations can inform a recommendation from this advisory committee to the National Park Service.

Norah McCurry asked Bennett to clarify the overarching mission. She continued that there's the economic mission and the social justice mission. She was asked to be on this committee because Brookdale Community College has a hospitality management and tourism program. But this is doing a lot of different things. Where there's going to be private investment that's for the benefit of the public it's necessary to make sure we're addressing historical needs. Brookdale has an equity mission as well and an educational mission and it's trying to support the community and have students get jobs. She offered to share its expertise (faculty and the history, philosophy, psychology, hospitality management areas, etc.).

Jen Nersesian said that the charter of the committee is to advise the National Park Service (Gateway) on our leasing program at Fort Hancock Historic Post. Similarly, the purpose of that leasing program is to get these buildings preserved before they fall. Preserving the buildings has a net positive impact to the visitor experience out there.

The National Park Service mission at Sandy Hook is, you know, multifold. It's historic preservation, it's the visitor experience, and it's managing natural resources. So, we want to make sure that in addressing one issue we're moving forward in a way that still meets our management goals in terms of the others.

This is where many of these concerns arose from. And so, we're trying to find a way with how we fix these buildings that can get private investment in them so that they don't fall down, and we don't fall down on our historic preservation mission under the law and lose this -- this national good while doing it in a way that is respectful of our natural resources and takes into account, a proactive, thoughtful way of managing the area. Those are all prongs and what we're looking at here. And what you're seeing coming out of the recommendations of the working group, it's not so much how do we accomplish historic preservation, it's what else do we need to be considering achieving that goal.

Norah Kerr McCurry thanked Bennett and Jen for this overarching context.

Bennett Brooks continued to the next bucket- park management operational user issues. These recommendations deal with the items a lessee would need to do or not do or be made aware of. This includes managing waste, feeding wildlife, mowing, fires, vehicles, bait traps, fertilizer, fire extinguishers, not using PSA. Bennett thanked Lauren for suggesting this bucket. These are a class of recommendations that could be driven right into sort of things that Karen Edelman spoke about earlier. Bennett sought committee member questions and feedback.

Dorothy Guzzo said these seem more like restrictions that would be put on the actual people that are leasing buildings (i.e., the sublessee). Does this go into the lease with the lessee and the leasing program? How will those who are in the space know about these restrictions?

Jen Nersesian said these will be in multiple tiers and depending on the specific issue and depending on the issue, they may show up in one tier or multiple places. First, there's the park-wide superintendent compendium which are the rules specific to Gateway in its entirety and some specific to Sandy Hook itself. These rules are incorporated into federal regulation. If there are items listed in these recommendations that should apply to all of Sandy Hook, to all of Gateway, apply to all visitors, we can always incorporate those to make them explicit into our superintendent's compendium, if they're not already covered by some other federal law or statute.

Then there are certain items which maybe we want to think about incorporating into lease terms. That's another place where they can show up if it's something that we see enduring for the term of the lease and should be explicit in that kind of document. Anything that's not covered by federal law or statute or in the regulations of the superintendent's compendium or in the lease terms, this is where we've come in with things like plans that give further specifications and make sure we have common expectations on how it will to be managed.

Michael Walsh said he thought it would be useful for lessees to understand what's needed. He recommended that to the extent that these things are operational and day-to-day operational, perhaps a handbook or a cheat sheet that all lessees have would be useful. If they constantly have to refer to their lease, that's going to be buried in some file somewhere, they need a cheat sheet that they can quickly reference so that they understand exactly what's expected from them. He also expects there will be situations where there will be sublessees, thinking about if any of this is built out as apartments, there are going to be sublessees, these should also be available to those sublessees and so that they understand what they're supposed to do.

Bill Kastning said this begs the question of enforcement. Different levels of enforcement will be necessary, first between the lessor and the lessee and then the lessor and the park system. That needs to be clearly defined. It's one thing to have an agreement, a lease agreement, but we all know very well that issues arise that need to be addressed. The enforcement authorities will need to be clearly defined.

Bennett Brooks asked Bill if he has a recommendation for how to deal with this? What is he asking park service to do specifically in that case.?

Bill Kastning answered that the National Park Service needs an agreement with Stillman so that the lessor's responsibilities are well identified, and that he will be the person held accountable to the National Park Service. Also, in the agreement between the lessor and lessee, all rules of enforcement have to be clearly defined.

Michael Walsh said right now we're focusing on the broader picture of getting all the buildings leased and restored. Michael asked if, once the buildings are leased, is there one National Park Service staff person at the Sandy Hook unit who will act as the landlord? Who will be the point of contact, be able to replace keys? Is there somebody in that position? Is it part time for them? Once these buildings are all up and running, this will be more than a full-time job. Question is, is somebody like that in place? Michael recommends that if not there should be.

Jen Nersesian said that there is not someone in place beyond our existing staff. Pete McCarthy (Sandy Hook unit manager) handles much of that. But there are other things beyond him as well. She agreed that as this gets more active, we will likely need somebody on the ground. We've identified a potential leasing officer, but that's useful feedback from the perspective of the committee.

Bennett Brooks said he's hearing from those who have spoken so far that this seems to be a chunk of recommendations that makes sense. Creating some sort of accessible handbook listing these items instead of burying them in the lease under page appendix 3-B that nobody ever sees is important. Also thinking through being clear about the accountability issue and enforcement and then how does the National Park Service make sure there is appropriate, sufficient staffing to really address these issues as they come up.

Michael Holenstein reiterated Michael Walsh's comment into the form of a recommendation having some sort of management company is important for a facility this size and with the diversity of the kinds of improvements happening. He doesn't mean hiring a management company, but having one person, even as good as Pete is, in charge of these things will not allow him to do his normal work. He continued that he thinks it's important to have multiple people to answer questions, handle routine inspections, law enforcement, and so forth, so people aren't scrambling to answer questions, register complaints, etc. The recommendation is that Sandy Hook staff up for some type of management company within the National Park Service at Fort Hancock Historic Post to handle that function.

Bennett Brooks said he'd like to hear more from other committee members. The common thread is that this is going to take effort and focus. Is it about designating somebody? Is it about having sort of a larger sort of internal management company? We just welcome any thoughts folks have on that recommendation like that.

Jen Nersesian added that she thinks there needs to be staff support for the long-term management of occupied buildings and just with more people out there, as well as during the construction phase. There may be different kinds of staff we need on ground for many years while there are several buildings in construction.

Michael Holenstein wanted to follow up on what Jen just said. The function of the federal advisory committee is to make recommendations to Jen's office that empower her to consider actions and to act as a certain amount of horsepower and backup for her to go back to her superiors and seek additional assistance. So, if the committee says that in our wisdom and based on our private world experience that the park needs more people to be able to handle this function, then that recommendation from the advisory committee empowers her, I think it empowers her to go back to her superiors and try to get more support. He continued that he thinks this is a function of the FACA that is not highlighted enough.

Michael Walsh agreed with Michael Holenstein that the advisory committee should support Jen and Gateway. He recommends that the committee have two recommendations:

- a person or group of people who will help during the construction phase. This group may not have expertise in renting and leases but should have expertise in construction.
- This should get built out and as more leases are in place there needs to be additional support for the ongoing management of these properties from a leasing and operational perspective.

Shawn Welch said that this whole discussion of capacity within the National Park Service to properly manage the leasing program brings up an example that he's observed. Jen will talk later about a program National Park Service has for building stabilization that's moving. What's germane to that discussion is there are people involved in that program who are engaging the public as that program moves forward. For example, as they deal with issues where wildlife is in the way of work that is to be done, these people are there to, A, do it right, and B, explain to the people who are out there what's happening. This is tremendously helpful, and it enlightens folks into the processes that National Park Service has available to engage in work during periods of time and under circumstances that the average person would say, how do we do this? And there are people out there that can explain it. Shawn agreed that Mike's recommendations related to management and manpower support aren't just helping the lease holders negotiate day-to-day operating within the confines of the national park, but it is also the ability to engage our citizenry as things change at Fort Hancock Historic Post. Unlike the U.S. Army which would just go out and do it without public input, the National Park Service explains to people what they're doing with the asset, since this is America's asset. Shawn agrees with these two recommendations. One for helping shepherd through the construction both in terms of coordinating operations and explaining to the public what is happening. There's a lot of misinformation out there, and for those of you who float across Facebook and see some of the comments, this is an important thing. He also cautioned the committee as we look at these recommendations, the wideness of capacity that is within Department of Interior and the National Park Service, if you are trying to match that to what you would see in the military, please do not. They are different. The capacities and the authorities are very different.

Bill Kastning spoke again about the property taxes that are being paid to Middletown and the county. He doesn't know what services are going to be offered by those entities, but certainly they could help with the construction oversight, if that's allowed, per the National Park Service.

Jen Nersesian said that construction oversight may be a little different. National Park Service does have an agreement with Middletown Township where they provide the final inspections and certificate of occupancy for the buildings. That would normally be our responsibility, but National Park Service and Middletown have an agreement for Middletown to do that for us.

Bennett Brooks said he has heard a couple of different potential recommendations. One is to identify dedicated resources per National Park Service staff and internal management company, et cetera, to proactively handle issues related to leasing during the construction phase and ongoing management of the properties, operational and leasing. There's a second set of conversations that we've heard in recommendations that are something along the lines of recommend that National Park Service closely review the work group's park management operational/user issue recommendations and report back on how these will be incorporated into the compendium lease terms or operating plans. Additionally, National Park Service (Gateway) should develop a handbook that communicates these regulations in easy-to-understand fashion to lessees and sublessees. There's also a comment about defining social equity and figure out how that applies to the mission.

Gerry Glaser liked how Bennett captured the last recommendation. He suggests adding historic preservation oversight somewhere. It's one thing to manage construction, but another to have someone with competence in the historic preservation issues that Gateway deals with.

Bennet broadened the recommendation to say proactively handle issues related to historic preservation, leasing during construction phase, and ongoing management of the properties. He asked if anyone else had comments on these recommendations. Do they capture what's been discussed so far?

Bill Kastning called out a chat question relevant to this discussion: Will the cost of additional NPS staff be covered by increased rent from the private users?

Jen Nersesian answered. The rent will be negotiated in the original lease terms. Periodic rent adjustments may be built in. She reiterated that the anticipation is that we won't see much revenue from the buildings. Due to the extreme deterioration of most of the buildings at Fort Hancock Historic Post, a high level of investment in their historic rehabilitation is required. This goes towards offsetting the rent. The money the rent generates will go into the high bill for historic preservation. Theoretically some of this funding could go towards staff to help support the leasing program. It's unlikely in this instance that this type of revenue will be produced.

Jen then addressed some of the additional questions.

Q Regarding Shawn's comment about the eventuality wildlife getting in the way of construction, are Construction General Permits (CGPs) being applied for from the EPA under the Endangered Species Act?

Jen continued that she thought Shawn used unfortunate phrasing when he said wildlife gets in the way of construction. Instead of wildlife getting in the way, it's a balance of the multiple parts of our National Park Service mission. Of course, construction follows all laws, regulations, and policies, whether it's permitting, Endangered Species Act, or any other concern.

Q What is the role of an Adaptive Management Plan, an updated species plan, and any NJ DEP input/jurisdiction including toward any monitoring stations, remediation programs, and offshore waters?



Jen Nersesian said those are the kinds of things she doesn't want to address on the fly but will go back and get fuller answers to update everyone on the status of those types of concerns.

Shawn Welch thanked Jen. He said to her point about the wording, some people would view it as unfortunate, but it's not because priorities shift, and change based on the operative rules and regulations impacting the work undertaken. A construction agent may view the wildlife as "getting in the way", whereas the preservationist sees the wildlife as paramount. Understanding the NPS Organic Act is important. The first paragraph states that the Secretary of Interior must protect everything. But the third paragraph says the secretary has total authority to do whatever they believe is needed to do to make the park work. These are two extremes, and the challenge faced daily by National Park Service superintendents and staff as they execute their programs is by applying decision architectures to manage the two extremes that are handed to the NPS in its enabling legislation. The reality is National Park Service and Gateway are developing or working through decision architectures that are either handed down from Washington (or Region) or that must be developed locally considering guidance from the National Park Service headquarters, the Department of Interior and Congress. He continued that Gateway is doing a good job and that it's important that people recognize that the Gateway team is using a decision architecture as they execute the leasing program and other work undertaken.

Jen Nersesian said that some people may view the legs of the National Park Service mission of setting up a conflict, but she believes that we can find ways to manage for all these things in complementary fashion; we just need to keep our eyes and focus on all of those obligations and pieces.

Mary Eileen Fouratt said she supported the recommendations. She would like to add accessibility into the working group recommendations dealing with adaptive reuse equity and public access. She continued that when we're talking about social equity, a lot of DEI work is making sure accessibility is included.

## **Public Comment**

Bennett reminded the committee that 30 minutes had been set aside for public comment. Anyone wishing to comment can raise their virtual hand or write into the Q & A. We also invite people to make comments by email if they're not comfortable making a comment today. Comments can be submitted in writing to Daphne Yun at [Daphne\\_Yun@nps.gov](mailto:Daphne_Yun@nps.gov).

Bennett reminded everyone that comments should be limited a few minutes each. He'll jump in to let commentators know when they're getting close to their three-minute mark. Bennett also reminded each speaker to give their name and affiliation at the beginning of their comments.

He continued that the committee would continue the conversation about the working group recommendations after the public comments.

Anthony Policastro has signed up in advance to comment.

Anthony Policastro thanked everyone for their time and for all the efforts guys have been doing for in decade and beyond that. Some of you on this committee and on this call know me from previous conversations over the past year. My name's Anthony, I have been looking to try to lease a property out on the Hook for that period. My questions mainly surround building 108. Most of us know that Stillman has most of the buildings in their queue. His question is will there be a future phase of leasing at Sandy Hook. He sent an application for Building 108, which is outside of the current leasing program. Anthony wants to know if his application was received and reviewed. He also wondered if there was a timeline for when this building could fold into the leasing program.

Jen Nersesian thanked Anthony for joining us and for his interest in Sandy Hook and preserving our buildings. She continued that we (Gateway) were not aware of the application and that we're trying to track it down. Building 108, as you noted, is not part of the leasing program or listed on the current RFP. As of right now, it's not our intention to put it out for leasing. We have been using that intermittently for park purposes and, you

know, have not yet decided that it is extraneous to operational needs. But we will continue to reevaluate other structures and there may be other things that come out for leasing. We will continue to share any changes in thinking with the committee for full public deliberation as we look at any adjustments to what's included in the leasing opportunities.

Harold Zullo wondered if Karen is the person to answer the questions and concerns he's been raising. For example, whether construction general permits have already been obtained from the EPA in compliance with the ESA for construction that's already been done, construction that's ongoing, as well as upcoming construction.

Jen Nersesian said that Karen is not the right person to answer that. She continued that we don't have staff on the call who are, but that we'll get more information after this call. There are various staff who are in charge of these permits.

Bennett Brooks asked if there were any other public commentators. There were not.

### **Working Group Update Continued** **Jen Nersesian, Bennett Brooks, Jim Krauss**

Bennett Brooks asked if any committee members had any questions or comments about the park management operational issues? There was support for two different recommendations that came up in conversation. He continued that those will be revisited toward the end.

Bennett provided an overview of the next chunk of working group recommendations (11-25) deal with environmental impacts, prevention, and mitigation, 14 different recommendations. These really get to sort of understanding, addressing, accounting for, preventing, and mitigating different impacts. They include things like a broadly developed and implemented adaptive management framework, continuing monitoring and evaluation of thresholds for ecological impacts, to high-level recommendations that call for the developer to be responsible for addressing unavoidable environmental impacts. There are also several specific pieces around requiring native plantings, providing tenants with a list of approved species. Specific pieces in this section include:

- Discussions about potential impacts of expanded leasing should be considered over the entire Sandy Hook unit (the entirety of Fort Hancock).
- Thinking about diurnal living in the park and understanding and impacts on wildlife.
- Making sure that we're looking at scientific literature and talking to experts around the need for quiet zones, lighting restrictions, potential for Avian collisions, thinking about noise restrictions, things like helicopter use or water aircrafts.
- Making sure that the existing forest is protected and managed. Thinking about and accounting for the fact that adaptive use of vacant buildings may eliminate habitat for some species.
- Air quality considerations.
- Ensuring that increased tenancy can be supported by increased infrastructure.
- And then managing Sandy Hook to protect native habitats and prevent reduced managed nonnative species.

Bennett asked the committee members for their comments and questions. He also reminded members that this will not be the last time to discuss these recommendations. The "ask" today is to identify any pieces that should be elevated and amplified as a recommendation from you, the committee, to the National Park Service since this federal advisory committee is the formal body to give recommendations.

Patti Rafferty addressed a question in the chat regarding the Endangered Species Act. The question asks about Section 9 of the Endangered Species Act, which prohibits take (e.g., harm or harassment) of ESA listed species. The Endangered Species Act is something that Gateway and the National Park Service have to comply with. For

every project there's a determination that would affect or may affect a federally listed species, we consult with U.S. Fish and Wildlife (USFWS) for land-based and freshwater species or with the National Oceanic Atmospheric Administration (NOAA) for marine species. The section that's being referenced in terms of Section 9 only comes into play if there is proposed take. Patti continued that in the seven years she's been at Gateway, and in all the consultations that park has done, we've never had any project rise to the level of take (harm or harassment). The aim is to the greatest extent possible to have no effect. Of course, that's not possible with every project.

Conservation measures, such as seasonal restrictions regarding activities, are used to help mitigate impacts. And generally, for consideration of endangered species, it's dependent on the species type of activity. For example, projects that occur within 500 feet of potential nesting habitat would then be consulted on. The historic buildings that we're talking about are not within the 500 feet of that. With regard to other species, we have bats, marine mammals, and others, and do consult. Again Section 9 only gets to where there's a level of take. And in any consultation that we've done, we have a finding with regard to whether we think there will be no effect or if it may affect but it is not likely to affect or if it will affect. USFWS and NOAA then review our information, and they ultimately make the finding of whether they agree with what we have stated in our consultation or not. Patti continued that she regularly goes back and reviews projects to make sure Gateway handles projects consistently, and in the last 20 years Gateway has not engaged in any activity with take that would call Section 9 of the Endangered Species Act into play.

Michael Walsh thought that these recommendations seem to be general to the park and not specific to the Fort Hancock Historic Post area that the committee is responsible for. He doesn't see much in this list that was something that would directly impact the lessee other than as a reference to their obligation to follow the rules of the park. Michael continued in reference to the recommendation about plantings, he doesn't think the lessees will be responsible for planting. He wondered if this section is too general, too generic, a larger scope than what this committee should be considering.

Bennett Brooks said that's a great question. Bennett thinks that unlike the first section, which is really written with the lessees in mind, these recommendations are not focused on the lessee, but the National Park Service. These are impacts and issues the working group is concerned about that could be tied to leasing. These are issues that the National Park Service needs to look at carefully. Are these issues adequately covered through what that National Park Service already does, or are there any gaps?

Jim Krauss said to add to what Bennett said the best example is recommendation 15: Evaluate a range of possible environmental impacts given changes in diurnal activity in the park. There was a lot of discussion about nighttime activity and the effect of increased sound and light from the residence and any commercial activities, including restaurants and bars. Currently there are fisherman who are out there at night, maybe eight months a year. But with the leasing program there will be people 365 days a year in the residences as well as people going to the bars and restaurants. There will be general effects.

Michael Holenstein said he sees this section as almost the net result. Looking at the restrictions that are already in place and identifying concerns. He thinks this is the type of document he would expect to see inside a management office. Someone can see that environmental impacts have been discussed, and see that lessees are subject to the same access restrictions as visitors, and so forth. It's more like a Q&A for a lot of stuff that's already in effect. The questions are legitimate concerns of lay persons, but the answers are somewhat difficult to find perhaps under normal circumstances without the resource. If this were to become a resource then the recommendation would be that these questions and answers that are already covered by existing rules and regulations become part of some type of resource that be made available in the management office.

Bennett Brooks thanked Michael. He noted that what Michael just said applies to many of the recommendations that are here. There is an adaptive management framework for both DOI and NPS, but there's not currently a specific adaptive matching plan in place for Sandy Hook. The recommendations around making developers

responsible for addressing unavoidable environmental impacts, avian collisions, ensuring that the increased tenancy can be supported by infrastructure, and managing Sandy Hook to protect native habitats and protect nonnative invasive species, all don't have related current National Park Service management policy.

Gerry Glaser reacted to Mike's point and said that Mike is exactly right. The dilemma is a lot of these working group recommendations arose from a lack of understanding about the level of the park's concern and actions to deal with it. On the one hand, some of these recommendations are obvious, but for many people they were not. Gerry thinks it would be useful to continue restate the obvious so there's a broader understanding that these issues are being addressed.

Bennett Brooks asked Gerry if there is a recommendation around National Park Service redoubling its effort to kind of make known the issues, its approach, that kind of thing?

Gerry Glaser said yes. He thinks it must go beyond being in the compendium or leasing office. It may be part of a broader information campaign. He doesn't know about implementation, but he thinks the recommendation is important because a lot of the comments in the working group (and beyond) emerged from a lack of awareness about what's going on.

Michael Holenstein said that there have been many updates to the website ([Fort Hancock 21st Century Federal Advisory Committee Meetings - Gateway National Recreation Area \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/fort-hancock-21st-century-federal-advisory-committee-meetings-gateway-national-recreation-area)). One of the things that we benefit from in today's technology is the ability to shop words and find answers. Getting some more of this technical stuff in a library of documents or list of authorities as a drop-down menu, a list of authorities and a drop-down menu that can be searched; so, someone can come in and type in certain things and get some kind of a response or a reference which would be helpful. Michael said he suggests this as a form of a recommendation.

Bennett Brooks asked if this recommendation could pair with what Gerry suggested. The possibility of providing a listing of these measures in an easy-to-use online format.

Michael Holenstein agreed. It sounds like a simple idea but is unbelievably complicated.

Jen Nersesian added that some things that take more work up front may save a lot of work in the long run. It's complicated and pulling all this together takes staff time and investment and it will take us time to work through it. But the benefits of having a clarity of information out there, having people know the rules, having access to that information will make our management much better if not easier in the long run.

Daphne Yun said that she added the link to the superintendent's compendium on the web page where all the other meeting notes are. She reminded everyone that the website is no longer FortHancock21.org. There is now a page on Gateway's website ([www.nps.gov/gate](http://www.nps.gov/gate)), all the way at the bottom. She continued that she'll send out links to everyone who's participating in today's call.

Gerry Glaser thanked the park for helping inform him about all the things they do along these lines. He called out Patti Rafferty specifically as one who spent weeks giving the park volumes of information that supports any one of these numbered recommendations. He continued that the level of information that lies underneath all of these is stunning. And the park's done a great job to call that out for us.

Bennett Brooks said he has identified one potential recommendation based on this conversation: that the National Park Service should redouble its effort to make the public aware of measures in place to track and address the kinds of environmental concerns by policing activity as identified in the environmental impact section. One possibility would be to provide a list of these measures in a proactive, easy to use, online format. Bennett emphasized that there is a lot to digest. The working assumption coming into this was that there would be pieces the committee would want to move forward as recommendations. Bennett said it is reasonable to think

that there are some other pieces that the committee is not ready to move on. But the committee should continue to think about these issues as it moves forward.

Harold Zullo responded to Michael Holenstein and Gerry Glaser's comments. He doesn't agree with Gerry that there's a lack of awareness within the working group. He said regarding the issue of takes that would activate Section 9 of the ESA, because the adaptive management plan and an updated and comprehensive species management plan and the monitoring associated with those are really the guardrails that help to inform and activate Section 9 and to really make an adequate assessment about takes and the risk of takes, he thinks that the working group can be really legitimately concerned about whether we need to revisit this issue of takes and the consultation process with the FWS. He's not sure what the public's role is or can be in that Section 9 activation. But he thinks that unless there are the guardrails of the management plan and the updated comprehensive species plan and the monitoring that goes along with that, that we all need to just be concerned about how that evaluation and activation of Section 9 takes place or hasn't taken place.

Tim Dillingham started by saying he doesn't consider himself to be representing the entire working group, even though he was the one that started the conversation today. The recommendations the working group offered were informed by active interaction with Jen, Patti, and the workforce. He doesn't think they come out of ignorance or lack of understanding. In fact, there are indeed recommendations in there where the park service has acknowledged that they're not doing something like the creation of the adaptive management plan. He continued that some may not think these are necessary- but he thinks the response that we have all of this covered diminishes the work that this group has done, which is unfortunate. He thinks the other thing is that the recommendations were seen as a template or set of benchmarks against the National Park Service's application of their own rules and in their review of this development and this redevelopment. He doesn't think the creation of this working group was in response to the public's perception that not everything is being covered by existing regulations and work. Even though the National Park Service is doing things, and they should be more transparent, everything is still not covered. He continued this shouldn't be dismissed out of hand.

Jen Nersesian clarified that the last column for the WG recommendations table was to capture what the National Park Service is already doing. It is not meant to suggest we've already got this all custody or that we're doing everything or that this is sufficient. She thinks the space between those two things is a really valuable area for the working group to be operating in and passing along, you know, recommendations to the National Park Service and certainly the Advisory Committee.

Bennett Brooks added there are blank spaces there too. He wonders if there is a piece to value about the National Park Service (Gateway) reporting back what it sees, or thinks are the gaps and needs. Both Tim and Harold's comments are on point in terms of the amount of time and effort and knowledge that this working group has brought to this process.

Shawn Welch thanked Tim for his follow-up points. He said he observed a lot of good back and forth at these working group meetings. This product is useful for the park service. It is a good checklist. It's good to see the areas that are related to park management and those that don't have anything, what will be put in place? He thought this was a very beneficial process because everyone is coming at this from different angles and with different backgrounds.

Michael Holenstein wanted to emphasize he was not trying to underestimate the working group's work, or not give them credit. And the idea that this is done in a certain way and is out there, if -- to put it in the form of a recommendation is to take what's there and say, here's what we thought was important, here's what then if that's going to be the change to the recommendation, here's what the park service is supposedly doing and how they're handling it and addressing it. If it's evident based that things are not being done correctly or regulations being followed as much as they should be, we'd like the park to revisit this and provide assurance that the rules and regulations of Gateway and the National Park Service are being followed. He continued that this can be a modification to the earlier recommendation that it just be searchable information. The action should be National

Park Service and Gateway should pay more attention to these regulations and make sure they are being followed.

Jim Krauss added to what Michael and Shawn said. The National Park Service is already doing certain things that have worked out well. But we're looking at a major change in a section of a park, and the working group was looking at how that would affect what the park is doing and what the park should be doing. This isn't a criticism of what Gateway is doing but giving suggestions.

Michael Holenstein said the problem that has existed with the federal advisory committee since Day 1 is that the committee has fallen when it comes to recommendations and the policing or lifespan of the recommendation after the committee made them. So, we're asking the park to look at these items and comment back to us at the next meeting, that's perfectly legitimate and reasonable recommendation, and he agrees with that.

Dorothy Guzzo said she thinks we're asking the National Park Service to tell us how they're addressing the concerns within the leasing program. All the things that have been raised are concerns, and the working group not only wants to make the National Park Service is aware of them, but that they're incorporated into the leasing program. We're asking Gateway to tell us how they are and will be doing that.

Bennett Brooks agreed that sounds right. He asked if the working group is also asking Gateway to identify places (if there are places) where they are not addressing these concerns, to call those out as well. He then shared a possible recommendation based on the Committee's discussions: The Committee recognizes that the National Park Service has a number of rules and authorities to ensure the park is being managed adequately to address potential environmental impacts. Given the magnitude of potential leasing activity, the committee asks the NPS to report back through it at its next meeting per Michael Holenstein's recommendation on the extent to which the issues of concern and the impact section are adequately covered by NPS rules and authorities and, if not, recommend strategies to address or if not flag. And if not, what would come after that?

Jen Nersesian pointed out that she doesn't think that Gateway is first being asked to comment on whether these things are being adequately covered. She thinks we're at a point of transition as the leasing program moves forward, our management of these things needs to change. Because the level and types of uses will change. She thinks what's being discussed is how we will manage these things under the leasing program. It's thinking about how we incorporate certain things into leasing instruments as requirements. It's having a user's manual for the park for our lessees, but also incorporating potential changes in our on the ground thinking. This isn't just about what we're doing now, but what we're thinking about changing for the future.

Bennett Brooks said he sees Jim Krauss putting a thumb up there. How is that aligning with other people? Is that speaking to what you're covering here? I see another couple thumbs up here. Is this the right language: The committee recognizes that the NPS has several rules and authorities to ensure the park is being managed adequately to address potential environmental impacts. Given the magnitude of the potential leasing committee, new leasing activity, the committee asks the park service to report back to it at its next meeting on how these issues will be addressed in the leasing program.

Jen Nersesian said this worked.

Bennett Brooks said that's the more proactive piece. Is this what the committee is trying to communicate here? He sees agreement from Bill, Mary Eileen, Norah, and Linda. He reminded everyone we'll come back for another look at these recommendations before we end the meeting.

There are two recommendations from this section – The National Park Service should redouble its effort to make the public aware of projects in place tied to leasing activity as identified in the environmental impact section. One possibility is to provide a listing of these measures in a proactive, easy-to-use, online format. Second recommendation is the committee recognizes that the NPS has a number of rules and authorities to

ensure the park is being managed adequately to address potential environmental impacts. Given the magnitude of potential new leasing activity, the committee asks the park service to report back to it at its next meeting on how these issues will be addressed in the leasing program.

Bennett shifted discussion to the section on climate vulnerability prevention and mitigation, which has four recommendations. The first is broadly about sea level rise and storm surge needs more examination. The second is around providing electric charging stations to encourage electric vehicles and the third is about evaluating the adequacy of current and future storm water facilities given climate change. And the last is to make sure lessees and lessors prepare emergency evacuation plan. The first and third are both broad. The first one is making sure everyone understands the issue and all the potential impacts given the activity that will be happening there. The third is to make sure that the infrastructure and pieces are in the right shape for what's happening.

The second and fourth recommendation are more targeted: electric charging stations and emergency evacuation plans. There are related current park management comments for two of the four. Bennett asked if any members had any comments and if Gateway staff had anything to add to inform the conversation.

Jim Krauss asked if someone could expand on the third bullet point under 26 and explain what's being recommended.

\*\* The FACA Committee should consider the need for a flexible ("protean") human footprint on Fort Hancock Historic Post to allow for flexibility give the uncertainty tied to climate change and sea level rise. For example, it could look for flexible arrangements that can benefit disadvantaged communities (e.g., camps). Such ideas have the potential to build on the "gateway village" concept discussed at the 2007-08 Van Alen international design competition.

Bennett Brooks said the point there is given the uncertainties around climate change and what does sea level rise look like and how that may play out in 20 or 30 years it might make sense to come up with activity in that area that is more flexible. That is maybe less of a hard investment in the ground and so it can be easily adapted as projections and realities, more specifically, realities might change. This was a place where camps that can benefit disadvantaged communities were suggested. Bennett asked if anyone had additions to please weigh in.

Jim Krauss said he still didn't completely understand this.

Bennett asked Harold Zullo to quickly amplify this since the recommendation came from him.

Harold Zullo said the current science on this is very strong. He feels that it is imperative that we can all be up to date as needed on that current science. The digital elevation modelling as the most currently accepted state of the art way at the micro level to see what the impacts will be on infrastructure, buildings of sea level rise, storm surge, inundation, extreme precipitation events and so on. Being familiar with that you can then look at the slosh maps and overlay that over the construction footprint, the leasing footprint to see, you know, what the impacts are on all the leasing program.

Bennett Brooks asked the committee members if there are any recommendations in this group that they want to amplify or elevate into a recommendation to Jen and her team?

Jen Nersesian added that in a future meeting the National Park Service team could update the advisory committee on the climate change adaptation planning and how the management strategies were informed.

Bennett Brooks asked if any of the working group members who are also committee members if there was anything that you'd want your fellow committee members to think about or consider?

Michael Holenstein said it might be helpful for persons considering leasing to understand what their future holds for them and what their rights are if the property that they're leasing is lost to elevated -- elevated sea

levels. He continued that he's doing work for National Park Service in Cape Hatteras where they've got houses falling into the water. In the form of a recommendation, the committee and the subcommittee obviously feel that it should be a great concern that sea level rise and the impact of climate change and stuff like that should be an issue, a strong issue, and yet National Park Service is -- is addressing that. They've been addressing it to the extent that over time there have been any number of persons that came and spoke to the committee talked about, you know, the remapping for flood levels and there has been some discussion about climate change. If the recommendation is that the process of rehabilitating the Fort Hancock Historic Post facilities should be placed on the table for reconsideration due to climate change, then that would be a recommendation. He thought it would be helpful if National Park Service were to add to the repertoire in talking to leasing or in their leases a section that deals with the impact of rising sea levels if it's not already in there. In other words, leases that are being drafted address the issue of climate control and the potential impacts.

Jen Nersesian said that committee has looked at climate change before, and the working group has been focusing on it. The committee has seen much of the information that's been considered in making the decision to lease out these buildings. Three associate directors from the National Park Service at the national level attended our meeting about a year ago to talk about these issues and how we're making these decisions. And there's support for moving forward and really using Sandy Hook as a model for how we think about adaptation and what we invest in and what we don't. She reminded people that there are historic structures out at Fort Hancock Historic Post that under the evaluations of all the data that we looked at, National Park Service decided they were too vulnerable, despite the fact they were historic buildings, and they were demolished. National Park Service has made some very tough decisions in the face of climate change, and we'll continue to evaluate our management with the best available science and information of what impacts we can readily anticipate. Until we see that we're crossing that threshold, we're going to continue to push to fulfill our mission in terms of historic preservation, natural resource protection, and again, the visitor experience. But with eyes wide open and with a total willingness to look at new information, to consider the impacts, and do that in a very public and transparent way with all of you and other members of the public.

She told Michael, that he was right, we have been discussing climate change. If there is a recommendation that we shouldn't be leasing these buildings out, we should get on the table. That's a very different direction than what we've been taking. But again, we are continuing to look at the science and not keep forging ahead blindly but making sure what we're doing makes sense and that these investments make sense. She continued that to Michael's question about sharing information with the lessees, who's responsibility for what, our lessees are required to get flood insurance if that's available, and it is only available up to a certain cap. But the lease terms do specify that, you know, if a building is taken out by natural causes, that is on the lessee. We saw after Hurricane Sandy some of the difficulties that that poses. But you know, if there are ways that we can strengthen or clarify our leases and our expectations between the National Park Service and our lessees, it's certainly something we can look at as well.

Michael Holenstein thanked Jen. He recommends that if you don't already have it, something should be provided in the lease that identifies the results of a loss due to rising sea level. He knows that leases required flood insurance, but some lessees may not be aware of what will occur if the structures are lost to rising sea levels.

Shawn Welch said he's not certain what type of action you take on this, because the likelihood of loss of the facilities that are currently in the program within the life of the leases due to sea level rise or tidal change is low. There have been many entities, both internal and external to NPS, tell us that. However, he doesn't think that reduces the utility of keeping those three bullets there as kind of reminders of another view.

Michael Walsh agreed with all of this and added a few points. First, with all the information he knows now, he does not recommend that we stop the leasing program. First and foremost, he wants to put that out there, he would not support that kind of recommendation at this point.



Second, he thinks that National Park Service has done a yeoman's jobs in terms of providing information on the risk to these buildings based on climate change or a tidal change. We all know that Sandy Hook in its entirety is at risk, but, from the information that's been provided, it's a long-term risk. Not an immediate risk. Who can tell tomorrow we could have a huge storm and all Sandy Hook will flood and all those buildings could be wiped out. But the likelihood of that is low in the relatively short-term. These leases go out at most for 60 years, and we're hoping that by getting people in and renovating these buildings in a relatively short-term, they will most like have a reasonable run of enjoyment of the properties. This is just a risk that he thinks National Park Service has identified and they've addressed this with the lessees and potential lessees.

If they feel that there's a lack of information given other than these are on a barrier island or barrier beach and they are at risk for destruction by storms, anybody who builds, go ask anybody down the shore, these buildings are at potential risk. It's just a risk. If you want to invest and you've got a beautiful place on a beautiful location, that's -- owning those or leasing those, the climate risk is a risk that they have made the decision to take on. The lessees should have more than enough information through conversations with Gateway as well as information provided through this committee to understand they are taking a risk by investing in these buildings.

He doesn't have a specific recommendation other than unless National Park Service believes they're not providing enough information about this potential risk, they should make that information available.

Bennett Brooks put together a recommendation based on the earlier comments. The committee believes the National Park Service should continue careful consideration of this issue relative to the leasing program as it has been doing on an ongoing basis. We further recommend NPS include in leases (if not already there) a section that articulates the social risks associated with climate change impacts.

Gerry Glaser said that Michael Holenstein reminded us that the committee has always had a difficult time coming up with cogent recommendations. Wording them, phrasing them, presenting them. And from the first day that's been a struggle. He's reminded about that during this conversation. The issue that he thinks is unusual about this climate discussion is that we heard at our meeting a year ago that Sandy Hook is a part of a national test bed for learning how to do an adaptive reuse leasing program in the context of climate change. While we are struggling to make recommendations for how to do it, Sandy Hook is a part of the process for crafting the model for how to make that happen. He feels that we are a part of the solution, but he doesn't know how to emphasize that. He asked Bennett if there's a way to emphasize that in the context of what we're saying here. It's never been done before.

Bennett Brooks said it could be added in that first sentence, as we've been doing on an ongoing basis, and is being further studied, whatever that is. He's heard a couple of comments that could be made into a recommendation. It's not clear to him whether there is -- around the table for or appetite for recommendation on this currently.

Norah Kerr McCurry said she thought what Bennett wrote seemed to capture what people were talking about. She continued that we're not making political statements here, we're making scientific statements, we're making statements from a perspective of trying to try something new while maintaining something that exists. She agreed with Michael Walsh that if someone is leasing at Sandy Hook and doesn't realize there is a risk due to climate change, they shouldn't be risking their money. She feels that risk is generally understood. She doesn't think there is a benefit from a recommendation of this nature, except the broad language.

Bennett Brooks said Norah's message is that there are recommendations to give a message to the park service and there are ones that can be more broadly. Maybe this is more in the latter category than the former. Bennett asked other members is this is an area they want to step in. He continued that he senses less energy than in the earlier sections.

Dorothy Guzzo asked Bennett to reread it.

Bennett Brooks agreed and said then maybe we'll get a sense as to whether you have an appetite for this. It's two concepts: acknowledging the stuff that is already ongoing, and then a recommendation around letting lessees know what's going on. More specifically, he suggested the following language to capture Committee discussions: The Advisory Committee recognizes the risks associated with sea level rise and climate change and believes the National Park Service should continue carefully considering this issue relative to the leasing program as it has been doing on an ongoing basis and is currently being further evaluated as part of Sandy Hook's included in the National Park Service pilot program. We further recommend NPS include in leases if it's not already there a section that articulates the potential risks associated with possible climate change impacts.

Shawn Welch said he would add something that specifically says, under no circumstances should this be taken as a message to pause what the National Park Service is currently undertaking about all of the lease holders and other instrumentalities that are moving within this leasing program. This is advisory, these are areas we need to look at, but in no way does this say stop what you're doing. He thinks we need some wording like that as a standalone recommendation.

Norah Kerr McCurry said there could be an overarching statement before the recommendations – saying these statements are designed to support the forward movement of the program or something like that.

Shawn Welch said he liked that idea.

Bill Kastning said the statement is about climate change, but storm surges exist that have nothing to do with climate change. He recommends keeping both sea level rise and storm surge as opposed to just climate change.

Jen Nersesian said we've been talking about them as coastal hazards or vulnerabilities, because some of it may change over time because of climate change and some of those things are hazards no matter what.

Norah Kerr McCurry said these are the depoliticization of language, which is great.

Bennett Brooks said suggested an updated recommendation that incorporated the coastal hazards language: The Advisory Committee recognizes the risks associated with coastal hazards (e.g., sea level rise, climate change, etc.) and believes the National Park Service should continue carefully considering this issue as it's doing on an ongoing basis and -- we further recommend NPS include in leases if it's not already there a section that encompasses association of coastal hazards. Committee members supported the revised recommendation.

Bennett said that Jim, Bill Kastning, Gerry, Dorothy, Mike. Anybody not -- I think I'm seeing most -- anybody not supportive of this? Howie, where are you at on this? Howie.

Howard Parish said he agreed as well.

Gerry Glaser asked Bennett to repeat the language that the National Park Service is using. He didn't think it included the word climate change.

Bennett Brooks said sea level rise.

Gerry Glaser said he thinks sea level rise sounds more neutral. He wants to get away from including climate change as a descriptor rather than talk about hazards.

Norah Kerr McCurry asked if climate change is seriously debated anymore?

Gerry Glaser said he wanted to be consistent with the language that National Park Service is using.

Jen Nersesian said that National Park Service talks about coastal hazards and vulnerabilities, acknowledging that climate change is going to exacerbate those. Even without that, we still have those vulnerabilities.

Jim Krauss said that Bennett's example included sea level rise and climate change, but he thinks storm surge should also be included.

Jen Nersesian said flooding should also be included.

Bennett Brooks turned the Committee's attention to the last section of the Working Group's recommendations - adaptive reuse, equity and public access section - which has four recommendations:

- The first and largest is around social and economic justice concerns. This is obviously something that has been of great importance, and you all have talked about. The Working Group has barely taken up this conversation, as you heard earlier.
- The second is to evaluate the opportunity to scale up public enhancement to the park associated with the redevelopment. For example, paying to update NPS museum exhibits, funding new signage or self-guided walking tour. But basically, saying leasing activity may create an opportunity to improve some public enhancements.
- The third recommendation explores the potential to establish a trust or other mechanisms that can provide oversight structures and funding to support leasing activity and help balance public and private interests. These efforts should explore the potential to reintroduce citizen and oversight structures in the past, look at Presidio trust as a model.
- The last recommendation was for the federal advisory committee and National Park Service to ask legal and real estate experts to look at the squatter's rights and renter's rights and how NPS may be held liable.

Bennett asked the committee members if there was some type of recommendation from the advisory committee to National Park Service on any or all these recommendations?

Jim Krauss asked if anyone was familiar with the details of how the Presidio Trust works and what the pros and cons might be?

Jen Nersesian said that Gateway staff has looked at this in the past with staff from Golden Gate over the years to learn what they're doing for our model. The Presidio Trust was formed by federal legislation and came with funding to rehabilitate the structures and lease them out. It had a big jump start in funding - something Gateway does not have. The Presidio was also given the charge that they must be self-sustaining in a period of 10 years, or the trust dissolves. They were able to achieve that.

Jim Krauss said he was asking about any type of a citizen's review board type of oversight after the leasing program is successful and there is a community on Sandy Hook. Should there be separate oversight of this? Do the tenants form their own group, does this advisory committee continue to exist in some type of fashion? He wants to see if this is something this group wants to consider, regarding that particular working group comment.

Shawn Welch said when it comes to comparing the Presidio Trust to Hancock, much (in addition to the legislation and the money) is different: the Presidio had 5 million square feet of facilities, many of which were already under some form of instrumentality generating revenue that went into the Presidio Trust. Fort Hancock Historic Post, by comparison, has only about 200,000 square feet in the leasing program. We don't have the economies of scale that are at the Presidio.

Bennett flagged recommendation 30, (social and equity considerations), and asked the committee members what, if anything, at this time, they would they like to say on the issue of equity and social equity to the park (recognizing this issue is slated to be discussed more deeply in the coming months).

Mary Eileen Fouratt said accessibility should be included in terms of people with disabilities.

Michael Holenstein said he thinks this topic should be brought before the entire committee at a future meeting. Hopefully a meeting that we would have in person, you know, at the chapel or something like that, to have that presentation done there. That would be my thought regarding the presentation of information. He also wanted to go back to one of Jen's opening comments about the mission of the park and creating the federal advisory committee and the directive from the Secretary of Interior to find a way to meet the historic preservation obligations and that the directive was to go out into the public and find private investment. He continued that when we're thinking about social justice, that we are following a directive from the Secretary in that we are supposed to meet a mission, specific mission, and that we're to meet the mission by going out into the public and finding private investment to help preserve these structures. That should be always in the back of our minds, and then as far as meeting the obligations of a participating agency such as National Park Service with a property that they are in control of in the context of protected persons, that is without a doubt something that we need to always consider and to the best of my knowledge and ability, have always tried our best to consider. If a presentation will be made highlighting the needs of protected people, it should be done to the whole committee.

Gerry Glaser said he agrees that this is a conversation that the whole committee should engage in. Given that we will probably not have an opportunity to meet either virtually or in person for some time, he's been in the process of developing a framework with this initial group so we can look at this topic. He'd like to develop some of these parameters and come up with thoughts about how to approach this before we meet with the full committee. The issue of protected groups and so forth is also very important, but one of the things that drove this conversation, as you know from the very beginning, was that the generic discussion of access, meaning access under a leased program out of existence of leased buildings out there, that access by the public to the park would be somehow restrictive. That was one of the first things we started discussing in terms of how to address social equity in terms of the opportunities that people have to continue to access the park. He suggested that the park and the working group have an opportunity to begin to see how these topics can be meaningfully discussed and defined. The full committee will be brought in once we have moved it along more.

Bennett Brooks asked if others wanted to weigh in. He noted that what he's heard is that the Advisory Committee wants to be central to this conversation. They want a presentation, is this a recommendation in addition to having the conversation elsewhere? Or should the conversation happen with the committee?

Norah Kerr McCurry said two people have spoken with different points of view. Gerry Glaser said this should get started before everyone is involved, while Michael Holenstein said this is of interest to everyone. Norah continued that in the educational education community there's also a struggle with justice language. What does equity mean? Is it access to opportunity and outcome or is it economic? The notion of at least knowing that the discussion of language that we use and being consistent in it is an important first step. But she doesn't know whether work should start with a subcommittee or continue with the whole committee.

Michael Hohenstein said what Norah just said is what he's getting at. Social equity needs to be defined because it is a term used often. The discussion should begin by defining what we mean by social equity and goals as pertains to the federal committee and duty of the federal committee. What's the definition and goals are achieved then that could be sent off to a subcommittee- knowing they'll be working on what the whole federal advisory committee agrees is the appropriate direction.

Gerry Glaser told Mike he thinks they're suggesting the same thing. Trying to come up with what those words mean and then at the next full meeting have a discussion on what we discovered. He started with the smaller group to look at how do we even begin to approach it, the kinds of things you just raised are front and center. How do we define these things in the context of what we're trying to do? Which is an adaptive reuse program.

Michael Holenstein said when you say address social economic justice concerns, it suggests that someone is bringing a concern. And when you bring a concern, responding to those concerns would start, in my mind, with the structure of what social justice is or economic and social justice, whatever we're defining here. He said if you go back to the preamble of this federal advisory committee and that the Secretary of Interior has decided that fixing these buildings up and maintaining these historic structures is of national interest. That has already been decided. It's also already been decided that fixing these structures has to be done in accordance with all applicable laws. Additionally, the federal government does not have the money to achieve this. This has been told to the committee since the first meeting. We need to go to the public to find private investment. With private investment comes certain expectations of economic benefit and loss of public access. He continued that very quickly and narrowly defines the area of our discussion and where we have room to comment about -- and to bring the matter forward. We don't have to address the whole issue of social justice. We only need to address whether our little piece of the puzzle is being handled appropriately by a recommendation of the park. My concern is that we don't take on a huge white elephant and try to understand social justice because of what it means to different people.

Bennett Brooks offered a possible draft recommendation to capture the Committee's thinking: Given the importance of social equity issues, the Advisory Committee recommends that the National Park Service center discussion of presentations on this topic at the committee level. It further asks the discussions of this topic be informed by a clear definition of social equity and associated goals relative to the National Park Services charge. Finally, the NPS should conclude consideration of accessibility in disability when discussing this issue. We recognize there may be value in starting this conversation with a smaller group to collect ideas for Advisory Committee discussion.

Jen Nersesian said we need the definition of social equity which meets the NPS's charge. Our charge in the National Park Service is much broader and encompassing than the charge of the federal advisory committee.

Michael Holenstein agreed. But he continued that the advisory committee has covered far and wide many things in ways that were interesting but crept outside of our charter and our duties and goals as a federal advisory committee. He thinks we are best served and most productive when the committee sticks to the basics of its charter.

Bennett appreciated the edit. He read the updated recommendation:  
Given the importance of social equity issues, the Advisory Committee recommends that the National Park Service center discussion of and presentations on this topic at the committee level. It further asks that discussions of this topic be informed by a clear definition of social equity and associated goals relative to the Advisory Committee's charge. Finally, the NPS should include consideration of accessibility in terms of disabilities when discussing this issue. The Advisory Committee recognize there's may be value in starting this conversation with a smaller group to flush out ideas for subsequent Advisory Committee discussion.

He asked if there were any changes or edits needed.

Gerry Glaser asked if by smaller group Bennet meant the working group.

Bennett Brooks said yes.

Michael Holenstein suggested changing smaller group to working group.

Bennett Brooks made that change and asked the committee if there were any other recommendations that the group wants to consider based on what the work group put forward in this section?

Michael Holenstein said he thinks the document that was presented today should be kept, if it wasn't already going to be kept, it should be kept in the record for at face value to reflect the efforts and the progress made by the subcommittee. And that it should be in its intact and original form, if there's subsequent iterations, fine. But I think it should be kept as a document to memorialize the progress that's been made for the subcommittee.

Bennett Brooks agreed. Daphne Yun said it has been posted. It is date stamped and marked as a draft.

Bennett Brooks said at this point we've taken these recommendations one by one. He asked if the group would like him to read them all and then just see how we feel about them all? He continued that all of this would be preceded by the Advisory Committee affirms the merits of continuing with the leasing program. With that in mind, the committee puts forward the following recommendations, and then into the recommendations.

Michael Holenstein didn't think they needed to each needed to be read again.

Bennett Brooks asked one more time because he wanted to make sure everyone was comfortable. This is the committee's recommendation to the National Park Service, and he doesn't want to rush past it.

Linda Cohen said she is very involved with the social equity aspect. The idea of our park being -- ensuring that everyone in our community has access to the same opportunities and outcomes as everyone else is important. She continued that we started the meeting today by saying the park is for people. She is interested on being on this subcommittee.

She also wondered if there should be a lessee advisory committee to help the lessees become more equitable as they move forward. Try to get the lessees to understand what social equity is and how they could, in some way, open their -- their positions to the public as well as being, you know, a private endeavor. It might involve an art gallery or something that pursues someone's interests.

Bennett Brooks said that it occurs to him that we have had Advisory Committee members sitting in on the work group meetings. Generally, they are in a listen and learning mode because the conversation really is centered on the folks who are not already committee members. But to the extent that the work group is going to start moving into social equity considerations, perhaps you'd want to be in the mix on that.

Linda Cohen said yes, she would like to in the mix.

Bennett Brooks said he would work with Gerry and Shawn to get these recommendations to everyone after the meeting. He asked if there was any last comment on any of the recommendations? He continued and thanked the working group for all its hard work done to date. These are all very thoughtful recommendations and considerations, and the way it was organized at the end there into those buckets (the brainchild of Tim Dillingham with the helpful assist from Lauren Cosgrove) really helped focus the conversation. He thanked Tim and Lauren and the committee for having a good conversation here and putting forward a handful of important recommendations. This issue isn't done. The social equity piece still needs to be discussed, so if there are recommendations in here that you all want to be coming back to and picking up, that is obviously within your purview. Bennett said we should look at this as an ongoing and living conversation.

### **Ethics Overview-** **Daphne Butler, Darren Harden – Department of Interior**

Bennett introduced Daphne Butler, who will give the committee a quick update on National Park Service ethics. Bennett acknowledged that there had been some in-depth conversations in the past, and that may be something you all will want to do again. Today is just kind of an initial presentation since there isn't time on the schedule

to dive into today. Bennett asked the committee to let Gateway staff if there is interest so that we can bring Daphne back for a deeper conversation.

Daphne Butler introduced herself. She's from the ethics office serving the National Park Service and her colleague Darren Harden is here as well. And we're just going to give a brief overview of the ethics duties to the representatives on this committee. There are two key documents for you all to think of when you think of your ethics duties.

First is the charter that was reissued by Secretary Haaland last year. It contains the ethics requirements for the representatives.

And then also for each of the representatives, your appointment letter. Each of you is appointed to represent a particular point of view of a particular group of people that have an interest in the subject matter of the committee. Each of you can look to your appointment letter to confirm the point of view that you are to represent. And with that, Darren will talk about the charter and the ethics duty that is spelled out in the charter and how that also relates to the group you're supposed to represent as set out in the appointment letter.

Darren Harden began by reading from the charter, the committee charter's paragraph 13, ethics, responsibilities of members. This where your ethics responsibility is found.

No committee member or subcommittee member will participate in any committee or subcommittee, deliberations, votes relating to a specific party matter before the department or its bureaus and offices, including lease, licensed permit, contract grant claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.

He quickly went over the meaning of the terms. The first one is specific party matter. Specific party matter are things like what was just enumerated. Grant application, enforcement actions, very specific actions that have a very definable party. That's in contrast to matters of general applicability. Those include rulemaking, legislation, any kind of general policy or standards, things like that that don't have a specific party involved but apply to a bunch of people. Specific party matters are what we're talking about, not matters of general applicability.

The next is financial interest. Financial interest is anything that can arise from a salary; it could be indebtedness, job offers, ownership and financial interest instruments like stocks, bonds, things like that. And then a direct financial interest means one that goes directly to yourself or to the entity that you represent.

For either of those two, if there's a financial interest held by you or the entity you represent, that's what we're talking about.

Direct, and predictable effect is another key term to keep in mind. And direct means there's a close causal link between whatever action you make and either you or the entity you represent financial interest. So that's the direct. And the predictable is that it's not speculative. You know, or it's not dependent on other outside actions occurring before that happens. The last thing he points out is this ethics requirement applies to you while you're acting in your capacity as a committee member. It does not apply to you when you're in the rest of your daily life. So, if you run a business, this does not apply. It's only when you're in committee, when you're voting, things like that. And then with all of that together, hopefully that clarifies what your ethics responsibilities is according to the charter.

Daphne Butler thanked Darren. She continued if you find yourself in a position where there's a specific party matter in front of the committee that would directly and particularly affect your financial interest or those of the group that you are supposed to represent, you should connect with the DFO and recuse yourself. You should not participate in that matter in accordance with your ethics obligations.

Daphne said if anyone has any questions, the ethics office is open to help you determine whether this is something in your personal interest or that of the entity you're representing. They are available as a resource to help you stay compliant with your ethics obligation. She said please don't let an ethical issue or the appearance of an ethical issue derail the committee's efforts. She could tell from joining in a few minutes early that you all have put a lot of thought and effort into your recommendations to the NPS, so please don't taint those with any ethical lapse or the appearance of an ethical lapse.

Jen Nersesian thanked Daphne and Darren for the presentation. She asked if there were any written materials.

Daphne Butler said she would send the ethical duties of the representatives to the park.

## **Park Updates Jen Nersesian**

Jen Nersesian let everyone know that she is on a developmental rotational assignment to another bureau within the Department of Interior. It's time limited, and she'll be back in the park with both feet in July.

In the meantime, Deputy Superintendent Minka [Sendich] is acting superintendent. Jen is still shepherding a few things, as this is her regular day job, including the Advisory Committee and she's still involved in the leasing efforts at Sandy Hook. She's here if anyone needs her but wanted to let everyone know that she's also off elsewhere doing other things in the interim.

Gateway staff are gearing up for summer season, as Memorial Day is our unofficial opening for prime season. Lifeguards will be on the beaches, the public campground will open, and ferry service will start back up. McFly's on the Hook has opened for the season and is currently open Friday through Sunday. Other seasonal updates included:

- We've been awarded a lease for the Gunnison beach plaza former concession building for food and nonalcoholic beverage service. That will open this summer to replace the food trucks that have been out at that location.
- National Park service week began this past Saturday, and there's a lot of special programs that continues throughout the week. This is sort of a kickoff of special events season. There are several walks and runs happening on the weekends. All the opportunities that are taking place are on our website ([www.nps.gov/gate](http://www.nps.gov/gate)).
- Jen wanted to make sure everyone knew about May 21, Ocean Fun Day. Later that day is the Sandy Hook Foundation spring soiree at the Life Saving Station. Jen continued that the park has two plover and oyster catcher nests. We're very active in the endangered species program at Sandy Hook.

Jen then provided a number of construction-related updates.

- One of the most exciting projects for this group is the roof replacement and stabilization project that we've been discussing is finally under construction for Officers' Row, and hopefully a couple of other buildings that are getting added in there. Originally this project was just going to be repairing holes in the roofs and closing them up. But as they got in there, they realized, there's a lot of deterioration, so there's been replacement of roof rafters and some stabilization has taken place to be able to do the work. Roof sheathing. This is building -- 12 buildings along officer's row, installing new underlayment and roofing material on top. We're in negotiations to throw a few other things in that contract too to try to make the work go further and get a couple more buildings in. If anyone goes out there and looks at the work going on and as you see in the pictures here, we finally have work under way that will help stem some of the ongoing deterioration.
- Other projects include the Fort Hancock water and wastewater rehabilitation project. This is a \$14 million project funded through the Great American Outdoors Act to repair or replace pipes for the



underground lines. The design build contract was awarded about a week ago, and project should be completed by Feb. 25.

- The two seawalls (the officer's row seawall and chapel seawall) together these are about a \$28 million investment, also funded by the Great American Outdoors Act. These are being managed by the U.S. Army Corps of Engineers and are in design. Once we get further in the design, we'll have a better sense of construction schedules.
- One more Great American Outdoors Act project is upgrading the electrical lines at Sandy Hook. This is an \$8-9 million project, and the goal is to get them underground because they're in sore need of repair and to make them more resilient by having them underground for the future.
- There is a resurfacing project for the multi-use-path. This should be contracted in mid-May and is a \$1.5 million project.
- There is also a project going into contracting for repairing critical systems on five or six buildings. These include administrative buildings and the chapel at Fort Hancock Historic Post.

There are also a couple of other smaller projects, under \$400,000, but still significant to the park.

So, a lot going on. Between all these major projects we have moving forward in this area of the park and the lease projects that we are hoping to see move into construction over the next couple of years, there's going to be a lot of work on the ground happening at once. This is exciting, but we also need to make sure we're doing a lot of preplanning and coordination, communication so that not only are all these projects aware of each other and that it's thought out holistically, but that visitors and lessees are aware of what's going on and can anticipate and plan for that.

## **Around The Table Comments**

### **Federal Advisory Committee Members**

Bennett Brooks said we are at the point where we have about 10 or 15 minutes for around the table comments. For our new committee members, the committee has a tradition of trying to save some time at the end of each of the meetings to go around the table and share reflections, observations, or anything else. Bennett opened up the floor to the committee members.

Linda Cohen thanked the committee for their extensive work. It's impressive and she's proud to be on this committee for all these years and see this kind of work evolving.

Jim Krauss said as the environmental representative on the committee, he is satisfied with the work that the working group has done to advise the federal advisory committee and the park service of what the working group members thought were the environmental and ecological impacts of the potential leasing program. That's put the National Park Service in a position to evaluate what it might have to add to any management programs to either prevent or mitigate wherever possible those impacts and continue to rehabilitate the buildings and move forward with this public/private leasing program.

Gerry Glaser welcomed the new committee members who have worked with the working group. He said it's terrific to have additional perspectives around the table. He is hopeful that we can meet in person sometime soon, which he thinks everyone would like. He said one of the reasons he is hopeful is because of Jen's park updates. He visits often and for years when you drove in front of officers' row all you saw were wrecked porches and roofs with holes in them. When you make the turn now you see seven or eight buildings with brand-new porches. This is a sign of attention and progress that's really inviting.

When you also see what's been done at the Mule Barn and what Barney has done at McFly's it's heartening to see progress. The progress is being measured in small steps, but Gerry thinks the park deserves a great big congratulations for getting us this far.

Dorothy Guzzo echoed what's been said. Kudos to Jen and her staff for getting the roof construction under way. That was a great end to the meeting for me anyway.

Michael Holenstein said he appreciates the professional staff and the efforts that are done by National Park Service and it's a pleasure to be on committee. We'll do our best to be of assistance.

Bill Kastning thinks the leasing working group should reevaluate its role going forward since it's accomplished so much. He also said we should clarify groups since there is this leasing working group, there's the federal advisory committee, and now there's this other working group addressing social responsibility. He thinks it's very important to let the public know that there are distinct groups doing distinct things.

Bennett Brooks said we may not have two different working groups now, and asked Jen to weigh in.

Jen Nersesian said the committee needs to clarify whether it's the same group or different groups. It came out of the working group, working group members, you know, are still participating, but other people have been added.

Bennett Brooks agreed with Jen. It grew out of the working group conversation, but the working group has said loud and clear that they don't have the full expertise or people or perspective there. So that process of broadening has happened. Bennett thinks those pieces need some discussion and thought offline. But he agrees that whatever is the approach needs to be very clear and clearly communicated.

Mary Eileen Fouratt thanked the working group for everything that they've done in between the meetings. She appreciates it.

Norah Kerr McCurry thanked everyone for welcoming her to be a part of this. She'd also like to be part of the social equity committee.

Bill Kastning asked if the members who left the federal advisory committee would receive thank you letters.

Jen Nersesian said she called everyone to thank them. Officially members are appointed by the Secretary of Interior and should receive a letter. She thinks it would be nice when people are leaving that they also get a letter. She doesn't know if this happens or not but guesses maybe not. Jen will check and if nothing comes from the Secretary she'll send something from Gateway.

Shawn Welch thanked everyone and welcomed the new members. He thanked professional NPS employees, Jen and her entire crew, for everything that they do. He said the federal advisory committee and the leasing working group are two different entities. He sees continued work with the leasing working group. We already know it's teeing up to have the discussion of social justice, social equity. There's going to be more on that. So, we'll get probably another update and another set of recommendations.

Bennett Brooks shared a couple of quick next steps. There are no dates for future meetings, but Daphne will be working on that. There were a couple of possible topics that were mentioned for that included Stillman project updates and the parking study if it's ready. Bennett said Jen had also mentioned updates on adaptation planning, so that could also be on the agenda as well as anything that's coming out of the social equity discussion.

Daphne will add a link to the compendium on the meeting notes page as well as the working group recommendations.

Bennett continued that a couple of committee members (Linda Cohen and Norah Kerr McCurry) were interested in being part of the social equity discussion as that goes forward. Norah also offered to provide any

resources Brookdale has that might be useful to the conversation. Bennett said he noted that Jen was going to follow up on the general construction permits question.

Bennett said those were all the to-dos he had other than to get out the list of recommendations that the committee members discussed and agreed to on this call. Bennett thanked everyone for their very focused participation. It was a long conversation, and everyone stayed very focused and present.

Jen Nersesian thanked everyone for their continued investment of time, thought, and work into Fort Hancock (Sandy Hook) and helping us to advance our historic preservation mission while striking the right balance with natural resources and always considering the visitor experience. She said this is not easy work. Even the meeting led today sitting in front of a Zoom call for five or six hours. It's no small thing to ask, yet the committee members all are doing it voluntarily. She said she just can't reiterate enough how much she appreciates that from the advisory committee members to the working group members and all the members of the public who join us for this. She continued that we're at a point where we don't seem to be able to get more than two or three meetings a year on the calendar due to the way things work right now with approvals and scheduling and getting things published in the federal register. But we will keep pushing to, you know, get meetings on as quickly as we're able to get them scheduled and start really looking forward to reconvening with you all again.