

To: Fort Hancock 21st Century Federal Advisory Committee
From: Leasing Work Group
Date: April 24, 2023
Re: Leasing Work Group Recommendations

The Fort Hancock 21st Century Federal Advisory Committee (FACA) was established to advise Gateway National Recreation (GATE or Park Area) on how to preserve the historic buildings of the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark through adaptive reuse by leasing. The FACA established a Leasing Work Group to identify and make recommendations regarding potential impacts of leasing to support the overall goal of adaptive reuse through leasing. All maintenance, repairs, rehabilitation, and restoration of historic properties must be done consistent with the Secretary of Interior Standards for the Treatment of Historic Properties. This includes adaptive reuse through leasing.

The Work Group has spent considerable time over the past 22 months learning about the Park's current management practices and requirements to manage potential impacts, as well as identifying concerns and recommending a number of management and research measures. Specifically, the Work Group has had sessions on the following topics:

- NPS management framework (laws, regulations, policies)
- Ecological impacts (dark night skies, soundscapes, migratory wildlife, habitat, air/water quality, groundwater impacts, stormwater, fertilizer/herbicide/pesticide use)
- Parking and Traffic
- Capacity/Density
- Climate change considerations

Over the course of its discussions, the Working Group articulated nearly three dozen recommendations (provided on the following pages), with its ideas clustered around five main topical areas:

- Overarching
- Park Management/Operational/User Issues
- Environmental impacts, prevention and mitigation
- Climate vulnerability, prevention and mitigation
- Adaptive reuse, equity, public access

In reviewing and considering these recommendations, the Advisory Committee is encouraged to keep the following points in mind:

- The ideas discussed here reflect the various issues raised by Work Group members over the course of its deliberations. The concerns and considerations are not provided in any priority order nor do they necessarily reflect consensus. The Work Team encourages the Advisory Committee to discuss and consider the full suite of ideas provided.

- The intent of this memo is to share the Work Group’s discussions with the Advisory Committee. These recommendations are not intended to release the National Park Service from carrying out its existing legal and regulatory obligations.
- The ideas below have relevance for different facets of the leasing program: assessing, preventing and mitigating for potential impacts; managing, monitoring and adapting ongoing leasing activity (both at leased buildings and beyond); distinguishing between NPS and lessee responsibilities; and considering broader social effects.
- The Work Group has voiced significant interest in developing recommendations related to social equity considerations but has not yet had an opportunity to discuss that topic in significant detail. The Work Group expects to start in-depth conversations on this issue starting in May 2023 with the help of individuals who specialize in various aspects of social and economic justice issues. The Working Group will forward any additional recommendations to the Committee based on these upcoming discussions.
- The Work Group recommends the Advisory Committee look carefully at the most recent sea level rise and storm surge studies to understand any potential risks to the leasing program.

We hope these recommendations are useful to the Advisory Committee.

Overarching

	Workgroup Recommendation	Related Resource Concerns	Related Current Park Management
1	<p>Recommend developing enforceable legal instruments or authorizations with the lessee that articulate the developer’s responsibility for cost of mitigation and adaptive management</p> <ul style="list-style-type: none"> • Account for unexpected effects / build in flexibility and transparency • Monitor for impacts and manage adaptively; ensure flexibility in leases to account for needed practices and costs • Have system or process in place to manage changes over time as it relates to historic preservation and enhancement. (i.e., if the wrong materials [insulation for example] were used, we need to ensure developers are responsible for the cost and construction related to correcting the wrong) 	<p>Human disturbance of resident and migratory wildlife Habitat Air quality Water quality Fertilizers Pesticides Night sky</p>	<p>Lessees will be responsible for costs of adaptive rehabilitation, building maintenance and utilities and some cost recovery charges for trash management, snow removal, etc.</p>

Park Management/Operational/User Issues

	Workgroup Recommendation	Related Resource Concerns	Related Current Park Management
2	<p>Manage lease related waste to avoid attracting predator and negative impacts on other wildlife</p>	<p>Human disturbance of resident and migratory wildlife</p>	<p>Park conducts predator management to benefit shorebird nesting T&E species</p>
3	<p>Educate lessees and residents of impacts of feeding feral cats and wildlife (particularly species of concern and threatened and endangered species)</p>	<p>Human disturbance of resident and migratory wildlife</p>	<p>Feeding wildlife (including feral cats) is prohibited [CFR 36 Chapter 1 Section 2.2(2)]; Introducing wildlife, fish or plants into a park area is prohibited [36 CFR Chapter 1 Part 2.2(2); CFR 36 Chapter 1 Part 2.15 and the Superintendent’s Compendium provide regulations regarding pets</p>
4	<p>Manage mowing frequency and timing (seasonality) to manage risks to birds</p>	<p>Human disturbance of resident and migratory wildlife Habitat</p>	<p>Lessees generally do not have land assignment – NPS will continue to manage turf within Fort in area of leased buildings</p>
5	<p>Manage impacts from campfires or fireplaces from leased buildings</p>	<p>Air quality</p>	<p>Leases do not allow fires in fireplaces; lessees generally do not include outdoor spaces</p>

6	Limit number of vehicles lessees can have and permit lessee parking; limit types of vehicles that lessees can have (i.e., do not allow big RVs, consider car idling restrictions)	Air quality	
7	Do not use anti-coagulant bait traps for pest control	Pesticides	NPS policies do not allow use of anti-coagulant bait for pest control; all use of pesticides in any NPS unit must be approved and tracked through Pesticide Use Proposal System
8	Ensure lessees understand risks of applying fertilizers at certain times of years	Fertilizers Water quality	Fertilizers are not used for routine lawn care; proposed fertilizer use is reviewed as part of project compliance and evaluated for need and application rate and timing of application
9	Manage waste oil disposal from food establishments		US Public Health Services inspects all park food service operations
10	Do not use PFA-containing fire extinguishers and firefighting foams	Water quality	NPS guidance restricts purchase of PFA fire extinguishers and firefighting foams

Environmental impacts, prevention and mitigation

	Workgroup Recommendation	Related Resource Concerns	Related Current Park Management
11	Develop and implement adaptive management framework for continued monitoring and evaluation of thresholds for ecological impacts.	Night sky (Artificial Lighting) Soundscape (Noise) Human disturbance of resident and migratory wildlife Habitat Air quality Water quality Fertilizers Pesticides	DOI and NPS have an adaptive management framework. There is not currently a specific adaptive management plan in place for Sandy Hook; NPS Inventory and Monitoring Program and park monitor some vital signs at Sandy Hook to inform long-term management
12	Make developer responsible for addressing unavoidable environmental impacts <ul style="list-style-type: none"> The restoration and rehabilitation of buildings are essential to preserving the history at Fort Hancock. However, the Working Group recognizes that such activity may result in unavoidable environmental impacts. This recommendation is intended to offset and mitigate unavoidable negative environmental impacts in the following ways: 		

	<ul style="list-style-type: none"> ○ Use enforceable legal instruments or authorizations to articulate developer responsibility for the cost of offsetting impacts ○ Build in insurance requirements for unavoidable impacts associated with climate change (evacuation, rehabilitation impacts, etc.) ○ All legal instruments should be compatible with – and not in conflict with – applicable laws and regulations 		
13	Require native plantings and provide tenants with a list of approved species and parameters relative to vegetation planting	Human disturbance of resident and migratory wildlife Habitat Fertilizer	Most leases will not have land assignment; management of vegetation within Fort Hancock Historic Post area is informed by Cultural Landscape Treatment Plan; NPS policies require use of native species of locally sourced genetic material to the greatest extent possible; all planting will require park review and approval in advance
14	Potential impacts of expanded leasing should be considered over the entire Sandy Hook Unit and not limited to the Fort Hancock Post area, with a focus on where the development zones overlap with sensitive ESA habitats and wildlife presence (and other species of concerns) ¹		For NHPA Section 106, the area of potential effects is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties”; The National Environmental Policy Act (NEPA) requires evaluation of direct, indirect and cumulative impacts
15	Evaluate a range of possible environmental impacts given changes in diurnal activity in the park	Night sky Human disturbance of resident and migratory wildlife Habitat Air quality Water quality Fertilizers Pesticides	Lessees will be subject to same access restrictions as other visitors with exception of 24/7 access to leased property; current existing restrictions include public operation hours (6 am – 9 pm) except by permit, public access is restricted to trails, dune cuts and designated areas, seasonal restrictions, and closures
16	Research and identify impacts on wildlife (i.e., sound impacts on turtles; human disturbance on bald eagles and seal haul-outs)	Soundscape Night sky Human disturbance of resident and migratory wildlife	Best available existing science is used to identify and assess potential impacts of any proposed park project

¹ This phrase was added by a subgroup of the Work Team following its April 21 meeting.

		Habitat	
17	Use scientific literature and engage experts to inform possible need for quiet zones (both light and noise impacts)	Soundscape Night sky Human disturbance of resident and migratory wildlife	Best available information is used to identify and assess potential impacts for projects as part of National Environmental Policy Act (NEPA) review of proposed federal actions
18	Include lighting restrictions in leases	Night sky Human disturbance of resident and migratory wildlife	All park projects including leasing, are reviewed for compliance with night sky best management practices
19	Monitor avian collisions (light, windows and reflections) to inform management of leasing related light impacts on migratory and resident birds; asking NPS lessee to fund; assess any ecosystem change and/or diversity	Night sky Human disturbance of resident and migratory wildlife	
20	Include noise restrictions in leases (such as bans on helicopter use, watercraft, etc.)	Soundscape Human disturbance of resident and migratory wildlife	Sandy Hook quiet hours are from 10 pm to 6 am; Park Compendium prohibits noise levels exceeding 60 decibels measured on the A-weighted scale at 50 feet, fireworks are prohibited without park issued permit; personal watercraft are prohibited within park boundaries except within designated navigation channels; aircraft are not permitted within Sandy Hook (except permitted uses by USCG and for emergency response); no plans for development of a marina
21	Protect and manage existing forests	Habitat Human disturbance of resident and migratory wildlife	2014 GATE General Management Plan established management zones – no leasing or development within natural zone or sensitive resource subzone
22	Adaptive reuse of vacant buildings may eliminate habitat for some species (i.e., additional nesting platforms for osprey; displacement of racoons and opossum from buildings)	Human disturbance of resident and migratory wildlife Habitat	Park has installed numerous Osprey platforms; osprey nests can only be removed from building with prior park permission between September 1 and March 13
23	Monitor air quality to track and inform management of increased vehicle emissions and other air pollution related to leasing; in park monitoring to detect change due to leasing; rules to restrict idling	Air quality	Air quality is a regional issue, Sandy Hook is in a non-attainment area; do not currently have any in-park air quality monitoring

24	Evaluate if increased tenancy can be supported by existing infrastructure (water, sewer, electric, storm water, etc.)	Water quality	
25	Manage Sandy Hook to protect native habitats and prevent/reduce/mange non-native invasive species (e.g., prohibit marinas or mooring to prevent aquatic invasives)	Habitat Human disturbance of resident and migratory wildlife	

Climate vulnerability, prevention and mitigation

	Workgroup Recommendation	Related Resource Concerns	Related Current Park Management
26	<p>Sea Level Rise and storm surge needs more examination</p> <ul style="list-style-type: none"> • Important question for NPS to consider: To what extent does the leasing program harm NPS’s ability to consider managed retreat as a viable option for addressing climate change? In considering this question, NPS (using a consultative process) should look at integrated management and decision-making based on coastal barrier resources management issues that speak to development and managed retreat decisions. • The FACA Committee should bring in other experts to better understand how leasing agreements potentially harm NPS’s ability to look at managed retreat as a viable option for addressing climate change. • The FACA Committee should consider the need for a flexible (“protean”) human footprint on Fort Hancock 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 disadvantage 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. 	Climate Change	NPS is continuing to evaluate levels of risk from coastal hazards to inform management decisions. Sea level rise projections are drawn from the 2022 NOAA interagency report: https://coast.noaa.gov/slr/ , which shows the historic post area intact for the duration of long-term leases. Rehabilitation is currently underway for the Officers Row seawall and Chapel revetment to help mitigate against storm surge impacts. Historic buildings deemed to be at too high risk have not been included in the leasing program; some have been demolished in part because of those risk determinations.
27	Provide electric charging stations to encourage electric vehicles; grid capacity	Air Quality Soundscape	GATE is beginning to transition some of park fleet to electric vehicles; potential project under funding consideration to update electrical system

28	Evaluate adequacy of current and future maintenance of stormwater facilities and other infrastructure ² given climate change	Water Quality	
29	Make sure lessees and lessors prepare an emergency evacuation plan that is in accordance with the U.S. Coast Guard guidance and requirements and in coordination with Monmouth County OEM and all necessary federal entities. Make lessee cover the costs of evacuating their residents if needed.	Other	

Adaptive reuse, equity, public access

	Workgroup Recommendation	Related Resource Concerns	Related Current Park Management
30	<p>Address social and economic justice concerns</p> <ul style="list-style-type: none"> • The Working Group has not yet had a chance to engage this issue in detail and expects to start conversations on this issue starting in May with the help of a panel of outside individuals who specialize in various aspects of social and economic justice issues • In the meantime, based on its conversations to-date, several preliminary recommendations have been discussed: <ul style="list-style-type: none"> ○ Put in place a wide (e.g., regional / bi-state) outreach process/forum to foster conversation with a broader set of voices and individuals from traditionally economically disadvantaged communities to understand their perspectives related to social and economic justice at Sandy Hook. Strive to include representative from NJ public school systems – e.g., teachers, DOE, etc.) to inform this discussion ○ Conduct comprehensive cost-benefit analyses on any proposed leasing activities (encompass both public and private costs and benefits) <p>Assess the economic viability of projects under different scenarios (user types, social justice, etc.); share pro formas</p>	Social and economic justice	
31	Evaluate the opportunity to scale up public enhancements to the park associated with the redevelopment (e.g., pay to update the NPS	Other	

² This phrase was added by a subgroup of the Work Team following its April 21 meeting.

	museum exhibits, fund new signage or a self-guided walking tour, etc.)		
32	Explore 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 from the past. Look at Presidio Trust as a model.	Other	
33	Similar to discussion the WG had about liability for natural disasters, we recommend that FACA and NPS pull in legal experts and real estate experts to look into squatters' rights and renters' rights and how NPS may be held liable	Other	

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