

**Subcommittee
for
Providing Recommendations
To the Cape Cod National Seashore Advisory Commission
On the Establishment of a Dune Shack District Preservation and Use Plan**

Groundrules

I. Purpose and Need for the Dune Shack District Preservation and Use Plan

The following details the purpose and need for the intended plan.

Purpose: The purpose of this project is to establish a Dune Shack District Preservation and Use Plan that provides clear direction and consistency for CCNS managers, dune shack dwellers, users, and advocates.

Need: Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments are long-term leases up to 20 years and short-term permits.

II. Purpose and Tasks of the Subcommittee

The Subcommittee's task is to develop a set of recommendations to the Cape Cod National Seashore's Advisory Commission (known as the Commission) on the establishment of a Dune Shack District Preservation and Use Plan.

Minimally, the subcommittee is tasked to develop, in conjunction with the Seashore, a range of reasonable alternatives to recommend to the Commission for the NPS that will, upon Commission support or revision, be analyzed fully in an Environmental Assessment (EA) undertaken by the National Park Service. If possible, though not imperative, the subcommittee will seek to recommend a preferred alternative to the Commission.

Alternatives to be analyzed will need to preserve and maintain the Dune Shack Historic District, be sustainable over time, economically feasible, conform with National Park Service policies, and be implemented with federal administrative instruments. Alternatives that are fully analyzed in the Environmental Assessment must resolve the purpose and need of the plan and meet the objectives outlined.

III. Membership

- A. The subcommittee members are appointed by the Commission.
- B. Subcommittee membership is intended to reflect the range of views and interests regarding the dune shacks.
- C. Any member of the Subcommittee may withdraw from the negotiations at any time by notifying the Commission chair in writing.
- D. The Commission will then seek to appoint a new representative, to the extent possible, to ensure representation of diverse interests on the Subcommittee.

IV. Developing Recommendations to the Commission

- A. Formal advice to the Seashore on these matters will and must remain under the purview of the federally-appointed Commission. Thus, all subcommittee decision-making is in regard to developing recommendations to the Commission.
- B. The Subcommittee, to the extent possible, will operate by consensus, which the Committee defines as unanimous concurrence of the members. Members may also “abstain” or “stand aside.” Abstaining means not offering consent or endorsement, but also not blocking an agreement. Abstaining/standing aside members will not be counted in determining if consensus has been reached. Absence of a member is the equivalent of abstaining, though absent members can sign on in concurrence later. Abstaining members will be noted by name and organization in any final report.
- C. Members should not block or withhold consensus unless they have serious reservations with the approach or solution that is proposed for consensus. Consent means that members can at least “accept,” however reluctantly, the package agreement that emerges.
- D. Members may dissent. If a member disagrees with the approach or solution proposed, she or he will make an affirmative good faith effort to offer an alternative satisfactory to all members.
- E. The Subcommittee should reach a consensus on the range of alternatives to be considered but may not necessarily reach consensus on a preferred alternative.
- F. On those issues or topics where consensus cannot be reached, the Subcommittee will offer a range of options as possible to assist the

Commission in their deliberations. On topics where consensus is not reached, the Subcommittee will delineate the advantages and disadvantages of remaining options and explain the members' differences clearly, accurately, and fairly.

- G. Nothing in these groundrules prohibits or limits the rights of individuals to pursue their rights as citizens such as free speech and taking legal or political action. However, it is strongly encouraged that during the deliberations of the subcommittee that members' make their primary focus the work of, and work within, the subcommittee.

V. Subcommittee Meetings

- A. Subcommittee meetings will be held at the convenience of the members and the Seashore at accessible locations in appropriate facilities on the Outer Cape.
- B. Subcommittee meetings will be announced at least one week in advance: 1) via email; 2) a notice to the Towns of Provincetown and Truro; and, 3) a press release to local newspapers.
- C. The meetings are intended primarily for the deliberation of the Subcommittee. A public comment period will be provided at each Subcommittee meeting and interested commenters will be given limited time to address the Subcommittee as a whole (singling out individuals on the Subcommittee is strongly discouraged). Interested commenters may also submit comments to the Subcommittee directly at the meeting or by providing written comments to the facilitators to copy and distribute to the Subcommittee.
- D. Brief summaries of Subcommittee meetings will be prepared by the facilitators and, after review and approval by the Subcommittee, will be made available to the Commission. The summaries will identify points of tentative agreement and final agreement and generally be written without attribution. The summaries are not intended to be transcripts or detailed meeting minutes, but summaries of key points, issues, and ideas.
- E. The Subcommittee may form work groups to advance discussion, generate options, and develop preliminary proposals. Such work groups must be created by the full Subcommittee, have a clear charge, and ensure participation of a diversity of interests.
- F. The facilitators will be responsible for developing an agenda for all meetings of the Subcommittee and the agenda will be distributed ahead of time. This agenda will be developed in consultation with the Subcommittee.

- G. CCNS personnel will participate actively in the deliberations, explain and advocate for CCNS and NPS policies, seek creative solutions, prepare draft alternatives and other written documents, as needed, provide background information, and not take part in the final consensus on recommendations since CCNS will ultimately receive the recommendations of the Commission.

VI. Roles and Responsibilities of Representatives consistent with the Subcommittee Charter

- A. Subcommittee members commit to the principles of decency, civility, and tolerance. Members accept that there are different views, and the different stakeholders each have a legitimate interest and right to be part of expressing views and determining solutions.
- B. Subcommittee members will not attribute statements to others involved, seek to present or represent the views or position of other members or alternates, nor attempt to speak on behalf of the Subcommittee as a whole in or to the media. “Media” for these purposes includes the press, television, radio, websites, blogs, and any other public information distribution mechanism. Subcommittee members will abide by these groundrules in all communications during the process in and out of Subcommittee meetings.
- C. NPS or the Commission, with the facilitators, will periodically review and assess the Subcommittee’s progress to determine if the process is meeting their needs and the interests of the participants.
- D. Members on the Subcommittee also agree to the following.
- Represent the interests and concerns of their families, organizations, and constituents as accurately and thoroughly as possible, and work to ensure that any recommendations developed by the Subcommittee are acceptable to their organization or constituency.
 - Arrive at the meetings prepared to discuss the issues on the agenda, having reviewed the documents distributed in advance.
 - Strive throughout the process to bridge gaps in understanding, to seek resolution of differences, and to pursue the goal of achieving consensus on the content of the potential alternatives under discussion.

- Make a good faith effort to participate in all scheduled meetings or activities.
- E. In order to facilitate an open and collaborative discussion, the Subcommittee members also agree to abide by the following rules.
- Only one person will speak at a time and no one will interrupt when another person is speaking.
 - Each person will express his or her own views, his or her organization's and constituents' views, rather than speaking for other Subcommittee participants. Participants shall make clear when they are speaking on behalf of themselves as individuals versus when they are speaking on behalf of their constituency.
 - Each person will refrain from making personal attacks, name calling, distributing personal or inaccurate information about other participants, and other such negative behaviors.
 - Each person will make every effort to stay on track with the agenda, and avoid grandstanding and digressions in order to move the negotiations forward.
 - Subcommittee members will share all relevant information with other Subcommittee members in a timely manner. Members understand that a decision to withhold or not share key information in a timely manner may seriously compromise negotiations.

VII. Role of the Facilitators

- A. The facilitators will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing draft and final summaries, generating draft agreements, and helping the parties resolve their differences and achieve consensus, to the extent possible, on the issues to be addressed by the Subcommittee.
- B. The facilitators will be available to consult confidentially with Subcommittee participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators prefer would be made available to the full group. Confidentiality protections do not extend to threats or reports of criminal action.

- C. The facilitators have no decision-making authority and cannot impose any solution, settlement, or agreement among any or all of the parties. The role of the facilitators is to assist parties in developing their own solutions. The role of the facilitators is not to solve problems for others, render judgment on particular options, nor take ownership of one or another solution.
- D. The facilitators will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: “The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.”
- E. Parties will express any concerns about the facilitator’s role or action: first, to the facilitators directly, and secondly, as needed, to the Commission chair.

VIII. Subcommittee Support Resources and Timeline

The subcommittee and Advisory Commission process is expected to be completed not later than June 2010. Additionally the Seashore and Advisory Commission will co-host a public scoping meeting October 19, 2009. Following the Commission’s comments on the range of alternatives developed by the subcommittee and revisions, a second public meeting to seek public comment on the alternatives will be held not later than May 2010.

The National Park Service will provide the Seashore and the Subcommittee the support of a facilitator and related activities (i.e., meeting space, audiovisual, etc.). Seashore staff will also support and participate in the Subcommittee. The facilitation and meeting support is constrained by budget and staff availability and therefore the Seashore and Subcommittee agree to work efficiently within the time frame described above.