

FORT HANCOCK 21st CENTURY ADVISORY COMMITTEE
Gateway National Recreation Area
Operating Procedures
(Adopted March 12, 2013; *new members added September 9, 2015*)

I. Introduction

On April 3, 2012 the Department of the Interior published in the Federal Register the notice establishing the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee (Committee). The Committee was established to advise the Secretary of the Department of the Interior (Secretary), through the Director (Director) of the National Park Service (NPS), on the development of a specific reuse plan and on matters relating to the future uses of historic buildings at the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark District (Fort Hancock), which encompasses that are located within the Sandy Hook Unit of Gateway National Recreation Area (Gateway). The Committee is expected to provide guidance to the National Park Service in developing a plan for reuse of more than 30 historic buildings that the NPS has determined are excess to its needs and eligible for lease under 16 U.S.C. 1 *et seq.*, particularly 16 U.S.C. 1a–2(k), and 16 U.S.C. 470h–3, or under agreement through appropriate authorities.

II. Objective and Scope

The Committee provides advice to the Secretary of the Interior through the Director of the NPS on the development of a reuse plan and on matters relating to future uses of the buildings located within the Fort Hancock Historic District Post of Gateway National Recreation Area. The Committee will act solely in an advisory capacity to NPS. The Committee will meet over a period not exceeding two years established in the charter, to carry on dialogue in pursuit of its objective. The Committee will take into consideration comments submitted to the Committee by members of the public or by any subcommittees and/or working groups established by the Designated Federal Officer (DFO).

III. Membership

A. **Members:** The Secretary of Interior may appoint up to 30 members to the Committee to serve a 3-year term concurrent with the duration of the Committee. Members are appointed as individuals and serve at the discretion of the Secretary. Any changes in membership will require a new appointment and the appropriate appointment process to arrive at that appointment. The members include current as of the approval of this document are listed in Appendix A.:

B. **Alternates:** No alternates have been appointed. Voting Participating in consensus decisions by proxy is not permitted.

C. **Designated Federal Official (DFO):** The Secretary also has appointed Jennifer T. Nersesian, the Superintendent of Gateway National Recreation Area, NPS, as the Designated Federal Official. The DFO is a full time Federal employee appointed in accordance with Agency procedures. The DFO will approve all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

D. Co-Chairs. The Committee will select two co-chairs. The responsibility of Co-Chairs will be to assist with agenda development, help the Committee keep on track with its work plan, help move discussions forward in meetings, ~~and~~ work with the facilitators to problem solve around impasses, tensions, and conflicts and maintain an open line of communication with the NPS and Committee members on substantive matters of procedure, policy and Committee efforts.

D.1. Term of Co-Chair Service: Co-chairs will serve a two-year term. Terms are annual per the calendar year. These terms will not be simultaneous but will be staggered so that one Co-Chair is selected each year. After two years, a Co-Chair must step down. Should an exiting Co-Chair wish to continue in service he or she may offer their services along with any other members offering their services and stand for selection. Should a Co-Chair leave service prior to the scheduled term of selection, an interim Co-Chair shall be selected to complete the unexpired term. Such replacement shall be conducted by the Committee immediately thereafter in accordance with the Co-Chair Selection Procedure.

D.2. Co-Chair Selection Procedure: Co-Chairs are selected, by Committee ~~consensus~~consensus, for a two-year term. Prior to the expiration of term, preferably two meetings prior, committee persons wishing to be considered for selection as a Co-Chair shall make their interest known. A new Co-Chair will be selected as the first order of business during the first meeting of each calendar year; term effective immediately thereafter. With respect to an interim selection, at the next regular meeting.

D.3. Removal of Co-Chair: The position of Co-Chair is apolitical and above advocacy for any interest other than that which is consistent with Committee objectives (the “Canon”). At selection, a Co-Chair agrees to voluntarily step down should any personal interest supercede this canon. A Co-Chair can be removed by the Committee for failure to observe this canon, at any time, by consensus.

E. Meeting preparation activities. The DFO, NPS support staff and Co-Chairs will conduct periodic conference calls that will shape and guide the activities of the committee. Reasonable actions will be taken to appropriately advise the committee members of substantive conversations undertaken during these calls and to seek input and advice from committee members when appropriate and within scope of the FACA policies regarding communications and public participation.

IV. Decision-Making

A. Consensus: The Committee will operate by ~~consensus~~consensus. The Committee will strive to operate by full consensus.

1. Consensus is defined as concurrence after Committee discussion of two-thirds (2/3) plus one of the Committee members present and voting. Members may choose to “abstain.” Abstention is a non-vote, and therefore does not count against consensus.

1.a: Full ~~Consensus~~Consensus is defined as total concurrence

2. If a Member disagrees with a proposal, he or she should make every effort to offer an alternative satisfactory to all members. Members should not block or withhold consensus unless they have serious objections to the proposal. Consent means that members can *accept*, even if reluctantly, the agreement that emerges. The goal of the Committee is to reach consensus, recognizing that not all members will be equally satisfied with the outcome.

3. All agreements reached during negotiations are understood to be tentative until the Committee reaches formal consensus (“tentative consensus” or “provisional consensus”). Once final consensus is achieved, Committee members may not thereafter withdraw their consensus (“final consensus”), unless there is a material change in fact that impacts the consensus decision.

4. On matters of process (agenda setting, changing the agenda, sequencing issues, and other process decisions), should the Committee reach an impasse, the DFO after consultation with the Co-Chairs and the facilitators will render a decision to move the proceedings forward.

5. Changes or modifications to these Operating Procedures may be made by an affirmative vote of two-thirds (2/3) plus one of the Committee members present and voting. All changes or modifications will be reflected in writing.

B. Addressing Impasse.

1. If the Committee is unable to reach a provisional consensus as noted above and is unable to move the issue or issues forward, the Committee shall appoint a small representative group, or the Co-Chairs, to seek to deliberate on the issue between meetings, develop a recommendation or options for resolution, and bring such recommendations back to the Committee at the following meeting.

2. If the Committee is unable to reach a final consensus, the Committee may report out areas of agreement and disagreement as noted in the “Agreement” section just below.

C. Agreement. Agreement shall constitute and be described as follows.

1. The goal of the Committee is to develop a Consensus Agreement Report that reflects a final consensus by the Committee.

2. If the Committee reaches consensus it will transmit its report(s) to the Secretary through NPS. The report(s) will contain the Committee's recommendations for NPS and Gateway to consider when developing plans or guidelines or entering into concessions for reuse of historic buildings or future uses at Fort Hancock.

3. On issues where consensus is reached, Committee members will refrain from opposing or commenting negatively on the consensus-based language and will encourage their constituents to do the same.

4. If the Committee does not reach consensus, Committee members will determine what to report to NPS about the Committee's efforts.

5. If the Committee reaches final consensus on some but not all of the issues, Committee members may oppose or comment negatively on those aspects of proposed action that are not based on a final consensus.

V. Committee Meetings

The Committee will be conducted in accordance with the Federal Advisory Committee Act (FACA).

A. Notification and Public Attendance: All meetings of the full Committee will be announced in the Federal Register and on the Fort Hancock [21st Century Advisory Committee](http://www.forthancock21.org) website (www.forthancock21.org) prior to the meeting and will be open to the public. All members of the public are welcome to attend Committee meetings and may sign in on the day of a meeting. Members of the public also are encouraged to pre-register for logistics purposes.

B. Public Comment: Opportunities for oral public comment will be provided during each Committee meeting. The Co-Chairs, or in their absence the DFO, shall determine the time and manner of these comments. The Committee is not expected to respond to comments during the oral public comment period. Members of the public will be permitted to file written comments to the Committee through the DFO, before or after meetings. Written comments will be reviewed and discussed by Committee members as appropriate. Comments provided to the Committee will become part of the public record.

C. Agendas: The Co-Chairs, ~~with support from~~ and the DFO, with the support of NPS staff and facilitators, are responsible for developing an agenda for all meetings of the Committee that will be distributed ahead of time. Reasonable efforts will be made to share this agenda with the Committee members prior to the meeting to secure their input. This agenda will be developed in accordance with FACA and posted prior to each meeting for the public. Meeting agendas will contain clear times for beginning and start times each day and major agenda items to include periods of public comment.

D. Member Participation: All members are expected to be present for the full meeting times and to be active and engaged. Cell phones, emails, conference calls, and other unrelated Committee activities should take place at breaks, at lunch, and in the evenings.

~~DE~~. Caucuses: Members may request caucuses by and among subgroups of Committee members at any time. The facilitators and Co-Chairs also may request caucuses. No decisions, however, can be reached outside of full and public Committee deliberations.

~~EF~~. Subcommittees: The Committee, in consultation with the Co-Chairs, may form subcommittees or work groups to advance discussion, compile information, conduct research, or develop options or preliminary proposals. A subcommittee or work group is not a decision-making body. Subcommittees and work groups must report their recommendations for the full Committee for consideration. In addition, subcommittees must not provide advice or work products directly to NPS or Gateway. These committees however can seek advice, material items of fact, and NPS procedural and policy documents and clarifications as required supporting the execution of their duties. Subcommittees or work groups, including membership, must be created by the full Committee, have a clear charge, and be approved by the DFO. The chair or lead for a subcommittee must be a Committee member. Others may be invited to participate on subcommittees by agreement of the Co-Chairs. Subcommittees and workgroups are not subject to the meeting notice or recordkeeping requirements of the Committee.

FG. Technical Assistance: Upon agreement of the DFO and Co-Chairs, the Committee may accept technical assistance from its members' own organizations or may also seek technical assistance from representatives of other organizations. Technical advisors have no authority to make decisions on behalf of the Committee, nor can they report directly to the Department of the Interior (DOI). The Committee may invite technical advisors to make presentations at Committee meetings.

GH. Minutes: The detailed minutes of each of Committee meeting as mandated by FACA will be prepared by the facilitators and, after review and approval by the Committee, will be made available to the public on the [Fort Hancock Advisory Committee](http://www.forthancock21.org) website (www.forthancock21.org). ~~The minutes generally will be written without attribution.~~ As reasonably possible, draft minutes will be prepared by the Facilitators and/or NPS support personnel and distributed to the Committee within two (2) weeks of a Committee meeting. The Committee will provide comments generally within one week of receiving the draft and finalize the minutes at the next Committee meeting.

HI. Committee Member Participation by Telephone: Subject to reasonable guidelines and procedures as the DFO may require and the availability of telephone service in the meeting room, Committee members may participate in a Committee meeting and cast votes to determine consensus by means of a conference telephone or similar communications equipment if all members can hear one another at the same time and members of the public attending the meeting can do so too. Due to the benefits of personal interactions among Committee members and the public and possible technical complications with conference calls, Committee members are encouraged to attend Committee meetings in person and participate by conference telephone as a last resort.

VI. Committee Member Responsibilities

A. All members must act in good faith in all aspects of the Committee's deliberations and work. Members commit to regularly prepare for and attend Committee, subcommittee and workgroup meetings. In the event a Committee member is unable to be present for all or part of a meeting, the member commits to communicate with the Co-Chairs, facilitator or other Committee members to ensure he or she is prepared for the next meeting. Members agree that proposals made and ideas discussed in open meetings and candid problem solving conversations will not be used against any other member in future litigation or public relations. Committee members will not represent their own personal views as views of the entire Committee, and the views and opinions they express in the Committee deliberations will be consistent with the views they express in other forums.

B. Members commit to the principles of decency, civility, and tolerance. Committee representatives must exercise leadership within their respective constituencies to foster a climate of joint problem solving on the Committee and publicly, engage with their constituencies to keep them informed, and to ensure their constituents support rather than undermine the process.

C. Committee members will not attribute statements to others involved in the Committee process, seek to present or represent the views or position of other members, nor attempt to speak on behalf of the Committee as a whole in or to the media.

D. Media requests will be directed to and addressed by the Committee's Co-Chairs, or other single point of contact designated by the Committee, using the Committee's agreed upon process. "Media" for these purposes includes: print, television and radio; websites; social media sites (Facebook, Twitter, etc.); and any other public information distribution mechanism. Members are free to make statements to the

media, constituents, and others regarding their own views and opinions. Members should be explicit that they are not speaking on behalf of the Committee. If a member is aware of an article or report is published that misquotes or inaccurately represents their views, the member will inform the other Committee members.

E. Committee members will abide by these operating procedures in all communications during the process in and out of Committee meetings.

F. The DFO and Co-Chairs will periodically review and assess the Committee's progress to determine if the process is meeting their needs and the interests of the participants.

G. The Co-Chairs and facilitator will ensure compliance with these operating procedures.

H. Orderly conduct of meetings.

1. Personal attacks, name calling, inappropriate gesturing, and other such negative behaviors will be addressed immediately, either privately or publicly, by Committee members and the facilitators.

2. The Committee may recommend to the DFO or Co-Chairs sanctions for violations of these operating procedures.

3. Poor attendance, lack of participation, not participating in good faith, or other significant violations of these operating procedures are grounds for the DFO to recommend to the Secretary that a member be removed from the Committee. The Secretary may fill the seat to represent that interest within the FACA approval process for membership.

I. Any member of the Committee may withdraw from the Committee at any time by notifying the DFO and Co-Chairs in writing. The member also must communicate to the Committee the reasons for withdrawal and make an effort to address the concerns or issues he or she has raised to the Committee.

J. The Co-Chairs will be the official spokespersons for the Committee with the NPS. The Co-Chairs and a designated lead from a subcommittee will be the go-between for Committee members in requesting information from, or providing information to, the NPS.

VII. Facilitator Responsibilities

The facilitators serve at the discretion of the full Committee. The DFO, Co-Chairs, and facilitators are 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 on the issues to be addressed by the Committee.

A. The facilitators have no decision-making authority and cannot impose any solution, settlement, or agreement among any or all of the parties.

B. 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."

C. The facilitators may use any number of techniques to help ensure that everyone has the opportunity to speak, that comments are kept to a reasonable length of time, and that subjects under discussion are provided sufficient time and focus for progress.

D. The facilitators may be available to facilitate Committee sessions, caucus deliberations, subcommittee meetings, and work groups.

E. The facilitators will be available to consult confidentially with Committee participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators would prefer to be made available to the full group. Confidentiality protections do not extend to threats or reports of criminal action.

F. The facilitators may engage in shuttle diplomacy among various parties during the negotiation. Within the bounds of the FACA, these deliberations may be conducted in confidence.

G. Parties will express any concerns about the facilitators' role or action: first, to the facilitators directly; or, as needed to the DFO or Co-Chairs.

VIII. Committee Duration and Termination

These operating procedures may be amended by the Committee and are subject to biennial review and will terminate two years from the date the Committee's Charter is filed unless, prior to that date, the Charter is renewed under the provisions of Section 14(a)(2) of FACA. The Committee's charter is currently scheduled to end on April 19, 2016.

The Committee will meet approximately four to six times per year, and at such times as designated by the DFO.

IX. Consistency

These operating procedures are intended to be consistent with the Committee Charter and all applicable laws and regulations. In the event of any inconsistency or conflict, the statute, regulation, or the Committee's Charter shall govern.

Appendix A – Membership

Designated Federal Official

Jennifer T. Nersesian, Superintendent of Gateway National Recreation Area

Business Community

Michael Walsh, Federal Reserve

Cultural Resources

Mary Eileen Fouratt, Monmouth County Arts Council, Red Bank

Daniel D. Saunders, Historic Preservation Office, NJ Department of Environmental Protection

Katherine H. Stevenson, retired, National Park Service

Shawn A. Welch, Colonel, retired, U.S. Army

Education Community

Linda Cohen, Ocean Discoveries

Hospitality Organizations

Margot Walsh, Jersey Shore Partnership and Jersey Shore Partnership Foundation

Local Representatives

Lillian Burry, Monmouth County Board of Chosen Freeholders

George Conway, Borough of Sea Bright

John Ekdahl, Mayor, Borough of Rumson

Anthony Mercantante, Municipal Planner, Township of Middletown

Stephanie Murray, Mayor, Township of Middletown

Frank Nolan, Mayor, Borough of Highlands

Natural Resource Community

James Krauss, chair, Atlantic Highlands Environmental Commission

Dr. Howard Parish, New Jersey City University

Real Estate Community

Guy Hembling, Charles B. Hembling & Son, Inc.

Michael Holenstein, MAI Real Estate Appraisal

Jeffrey Tyler, retired, Express Scripts

Karolyn Wray, GMS, Prudential, Zack Shore Properties

Recreation Community

Timothy G. Hill, Borough Administrator, Borough of Highlands

Lynda Rose, Eastern Monmouth Area Chamber of Commerce

Scientific Community

Gerard Glaser, retired, National Science Foundation