

**From:** [Doug Stover](#)  
**To:** [Mike Murray](#)  
**Cc:** [Allison Pena](#); [Michael Evans](#); [Tommy Jones](#)  
**Subject:** Re: TCP background  
**Date:** 11/24/2009 12:29 PM  
**Attachments:** [Cape Cod Dune Shack TCP Assessment\\_Final\[1\].pdf](#)

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Mike,


I wrote a scope of work and hired Barbara Garrity-Blake, author of the Cape Hatteras National Seashore ethnographic study to perform an oral history of a living weather station personal in 1940 who lived and worked in the station. I would contact Barbara to write the analysis of whether there appears to be a "community." Barbara lives in Harkers Island, serves on the NC Marine Fisheries Commission, Chair of the Coastal Habitat Protection Plan Steering Committee, Co-chair of the MFC's Habitat and Water Quality Committee, member of the Waterfront Access Study Committee and author of her book "Fish Factory: Work and Meaning for Black and White Fishermen of the American Menhaden Industry".

Barbara has been consulted on the issue of TCP, and agrees that the only community today would be the Dory fishermen, I agree this would be a good direction to address the issues independently and she has respect in the community and knows the locals.

Doug Stover  
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▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

11/24/2009 09:12 AM

To: Doug Stover/CAHA/NPS@NPS  
cc: Michael Evans/Omaha/NPS@NPS, Tommy Jones/Atlanta/NPS@NPS, Allison Pena/JELA/NPS@NPS  
Subject: Re: TCP background 

Doug,

If we need to do some further evaluation of the TCP issue, I may be able to come up with some immediate funding in the \$10-20k range.

Rather than start a new information gathering process, would it make sense to hire an Impact Assessment to write up an analysis of whether there appears to be a "community" and a TCP, based on their research for the "eight villages" ethnography? (I'm thinking along the lines of what was done for the Cape Cod dune

shacks: NPS had Dr. Wolfe, who had done the ethnography, prepare an assessment of whether the dune shacks met the criteria for a TCP. See his report attached below.) From what I tell about the methodology for the Cape Hatteras "eight villages" report, it sounds like the ethnographer talked with many people in the villages about a variety of traditions, locations, cultural activities, etc.. Would there have been sufficient information gathering for Impact Assessment to formulate a written analysis of the TCP issue now?

Please consult with the cultural resource advisors to see if this approach would be viable. If it is not, please work with the advisors to come up with a 2-part recommendation for the following:

1. How to address "ethnographic resources" in the DEIS, which we need to figure out in a matter of a few weeks at the most (see current draft language below)? Is there a way to articulate the status of the TCP issue in the DEIS that would leave it "open" for determination before the final EIS is published (or that would allow for public comment on the issue during the DEIS comment period in a way that would suffice for civic engagement on the TCP issue? and
2. How to reach a definitive decision on the TCP issue in the long run? The issue is unlikely to go away unless there is a clear definitive NPS decision (by the Keeper?) that the sites are or are not eligible.

Here is the current draft language for dismissing "Ethnographic Resources" as an impact topic in the ORV DEIS. Any advice on what it should say (based on the latest understanding of the situation):

### **Ethnographic Resources:**

An ethnographic study for the Seashore was completed in late 2005 (Impact Assessment, Inc. 2005). The study looked at the eight villages in the Seashore that reflect the nearly 300-year history and culture of the Outer Banks to support the Seashore in interpretation of its cultural resources, stewardship of ethnographic resources, and community relations with the villages. Archival/documentary research and ethnographic fieldwork was completed as part of the study to further socio-cultural understanding of the villages adjoining the Seashore. The villages contain a mix of populations that have evolved from the original British settlers, European seafarers, farmers, and other more recent migrants to the Outer Banks. No discrete, continuous ethnic groups or ethnographic populations are documented at the Seashore; therefore, no ethnographic populations would be impacted by the implementation of an ORV management plan.

In addition to ethnographic resources, the Cape Hatteras Preservation

Alliance submitted a request to the North Carolina Department of Cultural Resources (NCDCCR) for Bodie Island Spit and adjoining beaches, Cape Point and adjoining beaches, Hatteras Inlet and adjoining beaches, and South Point Ocracoke and adjoining beaches to be recognized as Traditional Cultural Properties (TCPs). The NCDCCR responded to this request in a letter dated June 2, 2009, stating that adequate information was not provided for the National Register Advisory Committee to determine if the sites should be placed on the Study List as properties that appear to be potentially eligible for listing in the National Register of Historic Places at TCPs.

The letter further stated that a significance ascribed to a property in only the last 50 years cannot be considered traditional, and that the application focused on the past 50 years. The NCDCCR also stated that in order to make the case that the sites qualify as TCPs worthy of preservation, documentation must be presented to substantiate the community's historically rooted beliefs, customs, and practices as they relate to recreational fishing and identify the "living community of people" who have established a pattern of land use reflected in the cultural traditions valued by its long-term residents. Further, documentation must show that the four sites are the specific places that played a significant role in the community's historically rooted beliefs, customs, and practices and that those beliefs, customs, and practices are integral to the community's cultural identity. The letter pointed out that most of the application's text appeared to focus on the past fifty years when recreational fishing at the sites has almost completely supplanted commercial fishing, a long-established practice (although not necessarily a traditional cultural practice as interpreted by the National Park Service) and the application provided no historical documentation to establish that recreational fishing practices of the past fifty years have a direct relationship and continuity with the traditional beliefs, customs, or practices associated with historical commercial fishing patterns on the Outer Banks. The NCDCCR concluded that, based on the limited information in the application, there appears to be little if any justification that the properties qualify as TCPs.

The NPS concurs with this analysis, and has not found or been presented either with sufficient evidence that Outer Banks communities have cultural practices and beliefs associated with specific beaches or with a sufficient demonstration of an association with cultural practices and beliefs that are integral to the continuing cultural identity of any community. On October 21, 2009 the NPS further replied to this request stating that there is not sufficient evidence as to whether there are Outer Banks communities that have cultural practices and beliefs associated with specific beaches or sufficient information demonstrating an association between any community's cultural practices and beliefs that are integral to the continuing cultural identity of that community. Because no TCPs were found to exist at the Seashore, this topic was not carried forward for analysis.



Cape\_Cod\_Dune\_Shack\_TCP\_Assessment\_Final[1].pdf

Thanks,

Mike Murray  
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▼ [Doug Stover/CAHA/NPS](#)

**Doug  
Stover/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS  
cc

11/23/2009 03:37 PM

Subject Fw: TCP background

FYI

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----- Forwarded by Doug Stover/CAHA/NPS on 11/23/2009 03:37 PM -----

**Tommy  
Jones/Atlanta/NPS**

To Doug Stover/CAHA/NPS@NPS  
cc

11/23/2009 03:09 PM

Subject Fw: TCP background

Doug---

Hmmmm-----he may be right. What do you think?

0024945

Tommy H. Jones  
Cultural Resources Specialist  
Regional 106 Coordinator  
404-507-5783

----- Forwarded by Tommy Jones/Atlanta/NPS on 11/23/2009 03:04 PM -----

**Michael  
Evans/Omaha/NPS**

To Allison Pena/JELA/NPS@NPS, Tommy  
Jones/Atlanta/NPS@NPS

11/23/2009 12:00 PM

cc

Subject Re: TCP background 

Allison, Tommy,

I think the emails that the superintendent sent us do confirm that the issue of TCPs was raised some time ago. It appears from the park responses and the meeting notes that the issue was not considered because the Solicitor's office did not think the NHPA applied to what they were doing with regard to the ORV plan. They might have missed the point that a federal action, which this is, in my view, requires Section 106 compliance. And, since someone brought up the possibility of TCPs, I feel they were obligated to check it out. It doesn't appear that they did so, at least not in the manner and within the guidance the NPS provides for this type of information collecting. So, I still think the park is vulnerable on procedural grounds. That said, I don't think there are any TCPs there, but, until someone actually looks into it specifically, then the park really doesn't know one way or the other.

We have ways to find out, but they all involve some time and some cost. Some research methods are more expensive and time-consuming than others. There is usually an inverse correlation between time and cost--i.e. if you want something done quickly, you have to throw money at it.

Mike Evans

/s/ Michael J. Evans, Ph.D.  
Chief, Ethnography Program and  
Senior Cultural Anthropologist  
Midwest Region, National Park Service  
612-345-0019

▼ Mike Murray/CAHA/NPS

Mike

**Murray/CAHA/NPS**

11/23/2009 07:07 AM

To Doug Stover/CAHA/NPS@NPS, Michael Evans/Omaha/NPS@NPS, Allison Pena/JELA/NPS@NPS, Tommy Jones/Atlanta/NPS@NPS

cc Sandra Hamilton/DENVER/NPS@NPS, jason.waanders@sol.doi.gov, mike.stevens@sol.doi.gov

Subject TCP background

As background: See attached emails, etc. regarding when ORV groups first raised the TCP issue. In other words, this confirms the issue was raised during the ORV negotiated rulemaking advisory committee process.

[attachment "Keene email ref TCP.10.09.08.pdf" deleted by Michael Evans/Omaha/NPS] [attachment "Keene email.10.27.08.pdf" deleted by Michael Evans/Omaha/NPS] [attachment "Keene response.11-03-08.pdf" deleted by Michael Evans/Omaha/NPS] [attachment "Routes-Areas Mtg Notes\_102308\_d1.pdf" deleted by Michael Evans/Omaha/NPS]

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