

**From:** [Jim Keene](mailto:Jim.Keene@nps.gov)  
**To:** [Mike Murray@nps.gov](mailto:Mike.Murray@nps.gov)  
**Subject:** Traditional & Cultural Properties  
**Date:** 02/18/2010 12:03 PM

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Mike

Chris wanted me to forward this message exchange with NC SHPO. He did not have a correct address for you/Cyndy.

Jim Keene

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Claudia,

Thank you for your prompt and informative response to my e-mail of Monday, February 15<sup>th</sup>. I requested a courtesy meeting with the North Carolina SHPO in order to provide your office the most current details on the situation at the Cape Hatteras National Seashore with respect to the identification of Traditional Cultural Properties (TCPs) and their potential eligibility as such to the National Register of Historic Places (NRHP). I originally spoke with Dr. Jeff Crowe about arranging such a discussion. He referred me to your office while indicating that you would be receptive to a meeting.

The NPS has indeed very recently commenced addressing potential eligibility of the TCPs and we are working directly with the NPS in the matter. However, from the Park Service's perspective this is an extremely difficult position to be in as they were only weeks away from publishing the Draft Environmental Impact Statement on proposed ORV rules. Prior to our meeting with Superintendent Mike Murray on February 5<sup>th</sup>, the NPS seemed to have fundamentally failed to comprehend the nature and implication of the TCP identification, particularly as it pertains to NHPA compliance and the overall NEPA process.

We understand per your e-mail that as a federal matter on federal land, your office has no authority. What is troubling, however, is that when Dr Crow rejected our original Study List Application as insufficient, he opined at length that the properties did not qualify as TCPs, essentially arguing that recreational fishing was not historic in nature and did not have appropriate connection with traditional Outer Banks community and culture. His opinion badly missed the core basis for the TCP identification. Further, it appears that the NPS mistook his opinion as a determination of sorts. The NPS appears not to have acted on the TCP identification based at least in part on this and subsequent written statements by the Department of Cultural Resources staff. I believe Mike Murray to be an honorable and competent public administrator who finds himself in a very difficult situation overseeing

public lands as the Seashore strives to effectively and legally meet its varying missions. From a public policy standpoint, it would appear that the Department of Cultural Resources has helped make a very unfortunate situation even more difficult.

It should be pointed out that hook and line surf fishing as historically practiced on the island constitutes only a very minor contributing element in support of the TCP identification. The properties are identified as TCPs based on a broad and diverse pattern of traditional land use contingent on open access to the surf zone. These uses range from commercial surf dory seine net fishing to social gatherings to community events. Further, these activities help maintain the historic identity of Outer Banks communities. Equally important, or perhaps more important than the above traditional economic and social cultural aspects of beach access, is the intangible interconnection between Outer Banks communities and the surf zone. The surf zone has long helped Outer Banks communities define their sense of self, and continues to do so today. This collective traditional cultural importance of surf zone access was officially recognized by the NPS during the creation of the Seashore decades before the TCP concept was codified in the National Historic Preservation Act and its amendments.

Again, I appreciate you fully clarifying your agency's role in the federal process. On behalf of the Outer Banks village communities, the NPS has been asked to formally evaluate the properties using the National Register Bulletin *Guidelines for Evaluating and Documenting Traditional Properties* published by the NPS. The CHAPA organization, myself as an individual, and Dare County expect to be invited as full consulting parties in the evaluation process.

Thanks,

Chris Egghart

Begin forwarded message:

**From:** "Brown, Claudia" <[claudia.brown@ncdcr.gov](mailto:claudia.brown@ncdcr.gov)>  
**Date:** February 16, 2010 5:27:03 PM EST  
**To:** Chris Egghart <[helen@4025yoga.com](mailto:helen@4025yoga.com)>  
**Cc:** "Crow, Jeff" <[jeff.crow@ncdcr.gov](mailto:jeff.crow@ncdcr.gov)>, "Sandbeck, Peter" <[peter.sandbeck@ncdcr.gov](mailto:peter.sandbeck@ncdcr.gov)>, "Power, Scott" <[scott.power@ncdcr.gov](mailto:scott.power@ncdcr.gov)>  
**Subject:** RE: Traditional Cultural Properties

Chris,

Thank you for your message. As you probably know, CHAPA contacted us last

year to request our assistance in nominating five beaches on Hatteras and Ocracoke islands to the National Register as TCPs. You also know that as all five beaches are under the jurisdiction of the National Park Service, determination of eligibility and nomination of the beaches are federal responsibilities. If a citizen requests our involvement early on, we can provide guidance regarding preparation of a nomination; our only formal role in the process of nominating federally-owned property to the National Register occurs when the appropriate federal preservation officer transmits a completed nomination to our state historic preservation officer for review and comment prior to submitting it to the Keeper.

When CHAPA submitted Study List applications to our office last year, we found them to be inadequate and advised that additional research was necessary before an opinion about eligibility could be rendered. We also advised that they work directly with the NPS. It is our understanding that since then, NPS has commenced the research necessary for making a determination of eligibility.

We appreciate your concern. As we have no authority in this matter as it now stands, however, we do not believe a meeting with our staff would serve a useful purpose. Instead, we strongly urge that you work directly with the Park Service.

Claudia R. Brown ([claudia.brown@ncdcr.gov](mailto:claudia.brown@ncdcr.gov))

Supervisor and Architectural Survey Coordinator

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\*\*\*My opinions may not be those of my agency.\*\*\*

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-----Original Message-----

From: helen@4025yoga.com [<mailto:helen@4025yoga.com>]

Sent: Monday, February 15, 2010 11:45 AM

To: Brown, Claudia

Subject: Traditional Cultural Properties

Claudia,

I am a professional cultural resource manager closely involved with the identification of potential Traditional Cultural Properties (TCPs) within the Cape Hatteras National Seashore. Although I have over 20 years experience in all aspects of Section 106 compliance in the Middle Atlantic Region (including TCP-related issues), I am not a working as a paid consultant. Rather I am advising Outer Banks communities concerning the potential eligibility of traditional

cultural use areas as TCPs. Until very recently, the Park Service has failed to recognize that certain areas with the Seashore may be eligible as TCPS based on criteria published the Park Service own guidelines for identification and evaluation of these resources. Speaking on behalf of the community that hold these specific properties in value, I feel that it is urgent that we be able to meet to articulate the community's concern and discuss the property's potential status as TCPs under the National Historic Preservation Act. As I live in Virginia and must travel nearly all day for a meeting at your office, I am somewhat limited in regards to scheduling. Would you be available Friday March 5th? If not, my next available date would be March 19th. If neither date is open, I may be able to reschedule other obligations for a sooner date. As the issue is highly time sensitive, we would hope to avoid a meeting date later than March. We would also welcome any opportunity for the Seashore management or other Park Service personnel to attend. Thank you so much and looking forward to discussing this matter with you.

Chris Egghart