

**From:** [Mike Murray](#)  
**To:** [Doug Stover](#)  
**Cc:** [Thayer Broili](#)  
**Subject:** please review  
**Date:** 07/12/2010 01:17 PM

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Doug,

Please review and edit, as need, the following draft response to ORV DEIS comments:

**Concern ID: 24160**

**Concern Statement:** Commenters stated that the DEIS did not adequately account for the cultural and historic significance of the Seashore. Specifically, some commenters felt that the Seashore qualified for the Traditional Cultural Property designation and this issue should have been carried forward and analyzed in the DEIS.

**Response:** No affiliated Native American tribes are associated with Cape Hatteras National Seashore. Nor to our knowledge have any other Native American groups requested recognition as an affiliated tribe.

The FEIS continues to provide, as suggested by commenter, that legal residents of the villages engaged in commercial fishing under their park-issued commercial fishing permit may use ORVs to access under their special use permit areas otherwise closed to ORV (i.e. vehicle free areas, safety and administrative closures), except in resource closures and on life-guarded beaches. There are a small number of village commercial fishermen, and NPS believes it is not necessary to limit these access provisions to traditional (dory) fishermen.

NPS has received a review of the Ethnohistory report, met with and considered information provided by Traditional Cultural Property (TCP) proponents, reviewed NPS Guideline 38 on Traditional Cultural Properties and consulted with NPS regional experts, and reviewed DEIS comments related to this topic. Since publication of the DEIS NPS has completed a determination of eligibility for the areas proposed by the Outer Banks Protective Association as traditional cultural property, finding that these areas are not eligible for the National Register as traditional cultural properties. The North Carolina State Historic Preservation Officer (NCSHPO) has agreed with this determination.

Regardless of the non-eligibility of the proposed areas as TCP's NPS recognizes the interest of visitors (new and old) in accessing the beaches of the seashore, whether by ORV or on foot, and has attempted in the selected alterative to accommodate a diversity of opportunities for beach activities.

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