

From: [Doug Stover](#)
To: [Sandra Hamilton](#)
Subject: Re: Fw: CAHA - Indian Tribes
Date: 07/28/2010 09:18 AM
Attachments: [draft letter to Tuscarora ds sh 072710.docx](#)

Sandy,

The letter is OK, we can finalize it and send it out, The letter will be fine , we don't need to check with the tribe to give them the opportunity to identify any historic properties that have religious and cultural significance to the tribe that would potentially affected by the ORV mgmt plan. I have worked with the tribe in the past on other compliance issue in the park.

Doug Stover
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▼ [Sandra Hamilton/DENVER/NPS](#)

**Sandra
Hamilton/DENVER/NPS**

07/27/2010 05:38 PM

To: Doug Stover/CAHA/NPS@NPS
cc: Doug Wetmore/DENVER/NPS@NPS, Mike
Murray/CAHA/NPS@NPS, Thayer
Broilli/CAHA/NPS@NPS
Subject: Re: Fw: CAHA - Indian Tribes

Hi Doug,

Attached is a revised version of the draft letter to Mr. Patterson.

As defined in 36 CFR 800.16 (w) the THPO assumes the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands. Since this action is on Seashore, rather than tribal, lands, I believe we would not need to provide the notification of combining NEPA and 106 compliance to the THPO, just to the SHPO and ACHP. I think it's OK to mention in the letter that we are combining the processes and have notified the SHPO and ACHP.

We do need to check with the tribe to give them the opportunity to identify any historic properties that have religious and cultural significance to the tribe that would potentially affected by the ORV mgmt plan. See if you think the revised letter is OK. Thanks.



draft letter to Tuscarora ds sh 072710.docx

Sandy

0027696

Sandy Hamilton
Environmental Protection Specialist
National Park Service - Environmental Quality Division
Academy Place
P.O. Box 25287
Denver CO 80225
PH: (303) 969-2068
FAX: (303) 987-6782
▼ [Doug Wetmore/DENVER/NPS](#)

Doug Wetmore/DENVER/NPS To Sandra Hamilton/DENVER/NPS
cc
07/27/2010 08:31 AM Subject Fw: CAHA - Indian Tribes

Fyi
▼ [Doug Stover](#)

----- Original Message -----
From: Doug Stover
Sent: 07/27/2010 10:08 AM EDT
To: Doug Wetmore
Subject: Re: CAHA - Indian Tribes

Doug

Mr. Neil Patterson, Jr., Environmental Program Director, Tuscarora Nation, is the park only federal recognized tribe for Cape Hatteras. we normally send him a letter, but most of the time we receive no response. I would recommend that we send the draft letter, 30 day review and state that the park consulted with the Tuscarora Nation, and no response of concern from the federal recognized tribe.

[attachment "OffRoad EA.106.Tribe.docx" deleted by Sandra Hamilton/DENVER/NPS]

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0027697

**Doug
Wetmore/DENVER/NPS**

To Doug Stover/CAHA/NPS@NPS
cc Sandra Hamilton/DENVER/NPS@NPS, Mike
Murray/CAHA/NPS@NPS

07/26/2010 12:21 PM

Subject Re: CAHA - Indian Tribes

Doug/Mike.

Tribal consultation wasn't mentioned in the DEIS and we have a public comment on that. Can/should we add some text to Chapter 5 and the response to the comment to better support the following statement?

"No affiliated Native American tribes are associated with Cape Hatteras National Seashore and to our knowledge, no other Native American groups requested recognition as an affiliated tribe. "

▼ Doug Stover/CAHA/NPS

**Doug
Stover/CAHA/NPS**

To Doug Wetmore/DENVER/NPS@NPS
cc

05/12/2010 10:36 AM

Subject Re: CAHA - Indian Tribes

Doug

Based on the Archeological Site Management Information System data base at Cape Hatteras NS and in consultation with the federally recognized Indian tribes, a determination of a "no potential effect"

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▼ Doug Wetmore/DENVER/NPS

**Doug
Wetmore/DENVER/NPS**

To Doug Stover/CAHA/NPS@NPS

0027698

cc

05/10/2010 03:02 PM

Subject Re: CAHA - Indian Tribes

Thanks.

So, what do you think the NPS's basis for the determination of "no potential effect" on federally recognized Indian tribes would be?.

Doug Wetmore
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▼ [Doug Stover/CAHA/NPS](#)

**Doug
Stover/CAHA/NPS**

To Doug Wetmore/DENVER/NPS@NPS

cc

05/10/2010 12:58 PM

Subject Re: CAHA - Indian Tribes

Doug

See attached letter that I drafted I don't think it was sent out.

[attachment "OffRoad EA.106.Tribe.docx" deleted by Doug Wetmore/DENVER/NPS]

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**Doug
Wetmore/DENVER/NPS**

To Doug Stover/CAHA/NPS@NPS

cc

05/10/2010 11:51 AM

Subject CAHA - Indian Tribes

Hi Doug.

I'm working on the proposed rule for the ORV EIS and have to address the following statement:

Consultation with Indian tribes (E.O. 13175).

Under the criteria in Executive Order 13175, we have evaluated this rule and determined that it has no potential effects on federally recognized Indian tribes.

What would be the basis for the above determination? Thanks.

Doug Wetmore
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July 27, 2010

Mr. Neil Patterson, Jr.
Director, Tuscarora Environmental Program
2045 Upper Mountain Road
Sanborn, NY 14132

Dear Mr. Patterson:

RE: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA), Cape Hatteras National Seashore

The National Park Service (NPS), Cape Hatteras National Seashore, is developing an Off-Road Vehicle Management Plan/Environmental Impact Statement (Plan/EIS) to manage off-road vehicle use at the Seashore. The Plan/EIS provides relevant information and impact analysis of alternatives for managing off-road vehicles on seashore beaches. The Seashore will also develop a special regulation for the management of off-road vehicles within the boundaries of the National Seashore. The target date for the completion of the Plan/EIS is December 31, 2010. The target date for completion of the associated regulation is April 1, 2011. The draft Plan/EIS is enclosed. A proposed rule has not been published yet.

In accordance with section 106 regulations, 36 CFR 800, the NPS is asking for your help in gathering information about historic properties. We are not aware of any historic properties that may be of religious and cultural significance to the Tuscarora Nation that would potentially be affected by the management alternatives described in the draft Plan/EIS. Please let us know if you have any information regarding historic properties that may be located in the potentially affected area. We have notified the North Carolina State Historic Preservation Officer and the Advisory Council on Historic Preservation of our intent to use the NEPA process for associated compliance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact Doug Stover, Cultural Resource Manager at 252-473-2111 x 153. We look forward to hearing from you. Thank you for your assistance.

Sincerely,

Mike Murray
Superintendent

Enclosure