Preserving America's Heritage

February 3, 2012

Mr. George E. Price, Jr.
Superintendent
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

RE: Proposed Demolition of Five North Beach Island Cottages Chatham, Massachusetts

Dear Mr. Price:

The Advisory Council on Historic Preservation (ACHP) has received a copy of your letter regarding the referenced undertaking to the Massachusetts State Historic Preservation Officer (SHPO) dated November 28, 2011. In this letter you reassert the NPS' finding that, since the Keeper of the National Register of Historic Places determined that the five cottages and associated outbuildings were not eligible for listing in the National Register, the referenced undertaking would not affect historic properties. We understand that the SHPO has not provided NPS with written comments or concurrence with this finding. As you know the ACHP is formally participating in this consultation, and, accordingly, the NPS must consult with the ACHP regarding this finding. We offer the following comments and recommendations for your consideration in this consultation.

Since the Keeper's determination of eligibility in this case, we understand that cottage residents, the Town of Chatham, and others in the community have been seeking to nominate a district, including but not limited to the five cottages and outbuildings, to the National Register of Historic Places. First, they submitted inventory forms to the Keeper, who referred the nominators to the SHPO. Then they submitted the forms to the SHPO, who, referencing the Keeper's determination of eligibility, declined to nominate the district because they did not believe it met the criteria for eligibility. The nominators sought a review of the SHPO's decision by the Keeper through the nomination appeals process, but found that the forms submitted previously did not constitute a formal nomination and therefore could not be reviewed. Just this week, we learned from the nominators that they are preparing and planning to submit a formal nomination for this district that would include the five cottages which the NPS plans to demolish.

Despite the procedural difficulties experienced by the nominators, they have expressed their historic preservation concerns in a timely manner to the NPS. In our opinion, the concern that the undertaking may directly affect a historic property larger than the five cottages previously evaluated or may indirectly

affect historic properties outside the undertaking's limit of disturbance are legitimate historic preservation concerns that should be resolved prior to the NPS' decision whether to demolish the five cottages and outbuildings. We recommend that the NPS allow the time necessary for the nominators to pursue the proposed historic district nomination. The NPS may also wish to consider if it can assist the nominators in any way so that they do not experience other unnecessary roadblocks and can complete the nomination process in a timely manner.

We understand that the NPS has a range of factors to consider regarding whether and when to proceed with this undertaking. While we have provided technical advice to the NPS since we learned of this undertaking in August 2011, we believe that the NPS has not adequately informed and consulted with parties with historic preservation concerns prior to asserting an urgent need and intent to demolish these cottages. We understand that the NPS is concerned that a significant weather event may damage or destroy these buildings. However, since the cottages are no longer occupied, the threat to life is no longer a factor necessitating expedited action. We urge the NPS to allow the time needed to resolve outstanding Section 106 concerns so that all final decisions in this matter will be procedurally sound.

If you have any questions regarding these comments and recommendations, please contact Ms. Katry Harris or me. Ms. Harris can be reached by telephone at (202) 606-8520 or by e-mail at kharris@achp.gov. We look forward to continuing to work with you and your staff to resolve these outstanding Section 106 concerns.

Sincerely,

Caroline D. Hall
Assistant Director
Office of Federal Agency Programs
Federal Land Management Section