



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

June 25, 2012

MEMORANDUM

TO: Kate Husband
Office of Human Environment
NCDOT Division of Highways

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Addendum to the Historic Architectural Resources Survey Report, Improvements to NC 143
from West Buffalo Creek to NC 143 Business, R-2822B, Graham County, ER 02-8107

Thank you for your memorandum of May 25, 2012, addressing our earlier questions and comments concerning the above project.

For the purpose of compliance with Section 106 of the National Historic Preservation Act, we now concur that the **Garland House** (GH 0084, Property #13) is *not* eligible for listing in the National Register of Historic Places.

Based on the additional information regarding the **West Buffalo/Carver Cemetery** (GH 0086, Property #15), we agree with your conclusion that the modern burials appear to dominate the grounds. Of the 280 known burials, only 20% are more than 50 years old *and* located within one of the clusters of Section I, II, or III; the remaining 80% of burials more than 50 years old are scattered throughout the site. As described, the cemetery does not appear to derive its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events. The site, therefore, does not meet Criteria Consideration D and we concur that West Buffalo/Carver Cemetery is *not* eligible for listing in the National Register.

We appreciate the efforts of your agency and the Federal Highway Administration (FHWA) to consult with the Eastern Band of Cherokee Indians regarding the **Indian Springs Cultural Washing Site** (GH 0087, Property #17), the **Origin of the Snowbird Legend Site** (GH 0088, Property #18), and the **Chick-a-le-Lee Cemetery** (GH 0089, Property #19). We are hopeful that Tyler Howe's e-mail of April 20, 2012, to Donnie Brew at FHWA regarding the Indian Springs Cultural Washing Site, will spark continued dialogue between all parties about these sites. Given the limited information available for the three sites, we believe it is not possible to evaluate their National Register eligibility. Further, with particular regard to the Chick-a-le-Lee Cemetery, we feel that it warrants additional and separate evaluation as a cemetery under Criteria Consideration D rather than being strictly considered as a potential Traditional Cultural Property.

If, after further consultation with local leaders and practitioners, they are not willing or able to provide your agency and/or FHWA with the information necessary to fully evaluate the three sites' National Register eligibility, we believe that your agency and FHWA will have made a good faith effort to identify and evaluate historic properties within the undertaking's area of potential effects.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr, NC DOT, mfurr@ncdot.gov
Tyler Howe, Eastern Band of Cherokee Indians, tylehowe@nc-chokeee.com



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

May 25, 2012

MEMORANDUM

TO: Ramona M. Bartos
Deputy State Historic Preservation Officer
North Carolina State Historic Preservation Office

FROM: Kate Husband
Office of Human Environment
NCDOT

Subject: ER 02-8107, TIP No. R-2822B, Graham County, Improvements to NC143 from West Buffalo Creek to NC 143 Business

On April 27, 2012 we received your letter providing comments and questions in response to the above project. Please find attached an 11" x 17" color map that shows the Area of Potential Effects (APE) boundary, the Eastern Band of Cherokee Indians (EBCI) Trust Lands, and all surveyed sites.

Over the course of three years we have attempted coordination with the EBCI and Snowbird Community, beginning with an initial community meeting on March 4, 2008. In August and September of 2011, several attempts were made by both the Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT) to schedule a trip to the survey area and to coordinate a meeting to discuss Traditional Cultural Properties (TCP) with the Tribal Historic Preservation Office (THPO) and members of the Snowbird Community. There were no responses to provide information or set up a meeting. On August 29, 2011, a community member with the Snowbird Cherokee reviewed a map of the project area and noted in an email that he did not see anything that would be a concern to the community besides the Chick-a-Le-Lee Cemetery. In September of 2011, emails were sent by both the FHWA and NCDOT to both the THPO and members of the Snowbird Community that asked for additional information on the Traditional Cultural Properties in the area; no additional information was provided. In December of 2011, draft versions of the TCP evaluations were sent by the FHWA to the THPO and members of the Snowbird Community in order to receive comments and additional information on these sites. No comments or additional information were provided. In April of 2012, the historic architectural resources survey report was sent to the THPO and Mr. Roger Smoker of the Snowbird Community. We are awaiting their review and comments. We

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expect that the EBCI will return comments to the FHWA and discuss if they would like the location of any TCPs to be known in publicly available files or GIS.

The Traditional Cultural Properties were broken out as a separate section due to the inability to obtain important information pertaining to the location, history, and cultural significance of the sites. The three sites identified in the report were grouped separately to highlight their connection to the EBCI and Snowbird Community. Not enough information was known or could be identified without coordination with members of the community to properly evaluate the sites using the National Register criteria of eligibility. We hope that this report will lead to further comments from the EBCI and members of the Snowbird Community.

Garland House (GH0084, Property #13)

The integrity of the Garland House was questioned by your office in regards to the statement that the property “does not possess all aspects of integrity required for National Register listing” contained within the report. *National Register Bulletin #15* does mention that a historic property will always possess several aspects of integrity and that all aspects of integrity are not required for National Register listing, however the bulletin also mentions that “the retention of *specific* aspects of integrity is paramount for a property to convey its significance.” The sentence indicating that the house did not possess all aspects of integrity was meant to correspond to the evaluation of the property under Criterion C for Design and Construction. As mentioned on page 21 of the report, the Garland House is not unique or distinctive for its type, and it does not possess all aspects of integrity that would make the property eligible due to both exterior and interior changes that compromise the integrity of design, materials, and workmanship. As the Garland House is not eligible under Criterion A and B for a significant event or person nor Criterion D for information potential, the statement that the Garland House does not possess all aspects of integrity was meant to reflect integrity associated with Criterion C.

Evaluating the property’s eligibility under Criterion A for association with significant events was also questioned by your office. The nearby town of Robbinsville was incorporated in 1893, and the surrounding area was already experiencing settlement and growth due to the logging industry and other commerce. The property does not tie into a specific migration pattern of white settlers to the region (which had been occurring since the mid-nineteenth century, the house was built in 1946) nor is it associated with a significant local or national event; the Garland House is therefore not eligible under Criterion A.

West Buffalo/Carver Cemetery (GH0086, Property #15)

Your office had several questions in regards to the West Buffalo/Carver Cemetery. The proportion of historic to non-historic headstones was unclear in the original report, as was the integrity of the site in terms of materials. The question was also asked if the cemetery could be eligible for National Register listing under Criterion A for its connection to the early white settlers to the area.

The headstone count for each section is an approximate total amount of headstones distributed across the rows. There are approximately 150 burials over fifty years of age within the cemetery, and approximately 130 burials under fifty years of age, although the number of nonhistoric burials is likely higher as not all recent burials may have been recorded within the data used to calculate this estimate. Approximately 56 of the burials over fifty years of age are contained in sections I-III.

To evaluate West Buffalo/Carver Cemetery as a historic site, we must look at the cemetery in the sense of a district of individual graves, markers, and plot-defining characteristics as suggested in *National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places*. And, like a historic district consisting of structures, a cemetery "is more than an area composed of a collection of separate elements; it is a cohesive landscape whose overall character is defined by the relationship of the features within it."

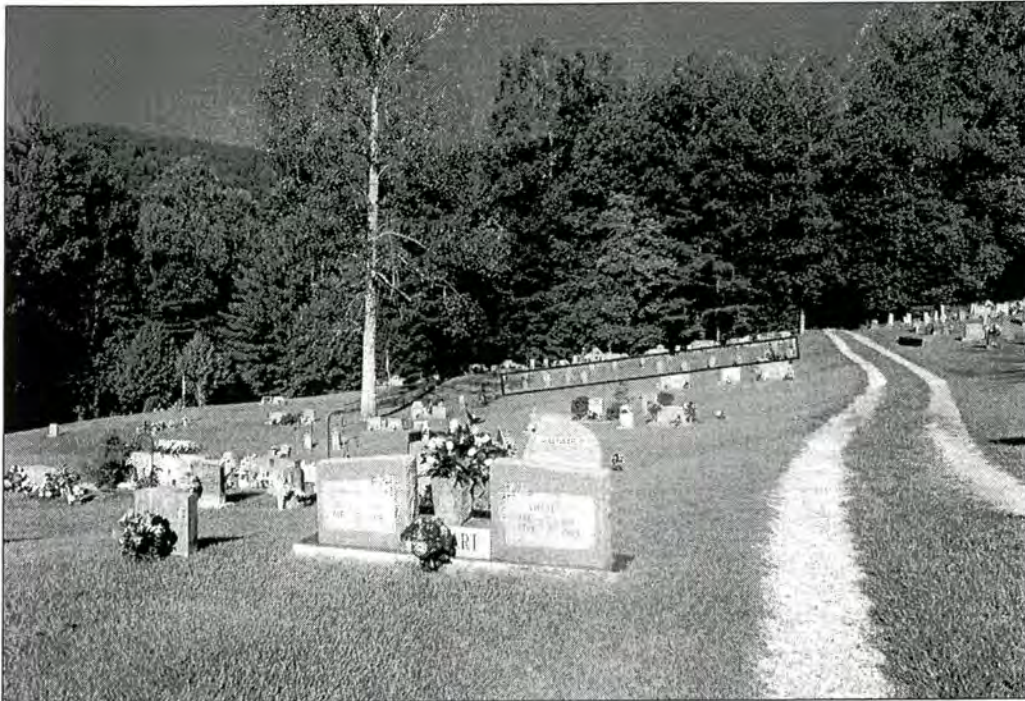
National Register Bulletin 41 also states that:

"When a large historic cemetery with scattered gravesites has had modern infill, the entire cemetery still may be eligible if the proportional number, size, and scale of new features are not so imposing as to overwhelm the overall historic appearance. Once the nonhistoric features begin to dominate, and one's impression is of a modern cemetery with isolated historic burials or clusters of historic gravesites, then the overall historic character of the cemetery has been lost, and it would not meet National Register standards."

West Buffalo/Carver Cemetery is a cemetery with three individual clusters of historic gravesites, scattered individual sites, and a high amount of modern burials. The cemetery site plan on page 24 of the report, although not to scale, shows how the three historic sections are surrounded by nonhistoric burials. The first impression upon visiting the site is that West Buffalo/Carver Cemetery is a modern cemetery with clusters of historic headstones and isolated historic gravesites. The cemetery does not possess enough cohesion between individual features over fifty years of age for eligibility as a historic site under any National Register Criterion, as modern features overwhelm the overall historic appearance of the site.

280 known burials — 150 historic (53%) — 94 not in I-III (63% of 150)
 — 130 non (47%) — 56 in I-III (37% of total)

I	II	III	
14	17	25	= 56
1877-1972	1899-1912		
3 Stewart Carver	Carver Colver Stewart Weldrup Farr	Colver Weldrup	



Example of nonhistoric burials versus historic burials.
Section III of West Buffalo/Carver Cemetery highlighted in red.
Gravesites continue down the hill behind the direction this photo was taken.



West Buffalo/Carver Cemetery looking west.
Burials under fifty years of age dominate the landscape of the site.



West Buffalo/Carver Cemetery looking west.

Section II in foreground, nonhistoric gravesites in background with scattered gravesites over fifty years of age. Figure 18 on page 24 of the report also illustrates the relationship of historic to nonhistoric features.

The deterioration to the headstones appears to be the result of natural weathering. The report mentions that the integrity of workmanship and materials is only slightly compromised, it was not suggested that integrity of workmanship and materials was completely lost due to wear and deterioration. However, burials that have occurred in the second half of the twentieth century and early twenty-first century diminish the overall historic character of the cemetery.

The more recent burials in the second paragraph of page 29 refer to burials that are less than fifty years of age, which make up half of the burials in the cemetery. There are older headstones interspersed throughout the rest of the cemetery that are not a part of the three more distinct older sections.


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of 13?

In regards to evaluating the eligibility of the cemetery under Criterion A, West Carver/Buffalo Cemetery is not National Register eligible based on its connection to early migration of white settlers to the area. Based on a 1984 Graham County cemetery survey conducted by Bill and Wilma Millsaps, there are approximately 13 identified medium to large cemeteries dating to the late nineteenth/early twentieth century within the county (including West Buffalo/Carver Cemetery and not including cemeteries associated with churches). West Buffalo/Carver Cemetery is one of several cemeteries in the county dating to as early as the 1870s, shortly after the county was formed. It is also one of several cemeteries that contain the remains of some of the earliest white families to settle the area and those associated with the commerce of the region. In terms of design, most Graham County cemeteries that are similar in size and type to West Buffalo/Carver Cemetery consist of a large grassed area within a clearing, a looping gravel drive around the perimeter of the site, and loose rows of headstones. Due to its similarities to other cemeteries in the county of this type and age, coupled with the fact that West Buffalo/Carver Cemetery has lost its overall historic character as described earlier, a case cannot be made that

the cemetery is a distinctive example of late nineteenth to early twentieth century migration of white settlers to the area. West Buffalo/Carver Cemetery is therefore not eligible under Criterion A.

Indian Springs Cultural Washing Site (GH0087, Property #17)

More information on the practice of washing was requested by your office. The EBCI provided some information about the Indian Springs Washing Site to the FHWA after the report was distributed. There is a Cherokee name associated with this site, but it was not provided. This site has been, and is still currently, used as a baptismal pool for the Buffalo Baptist Church which has been in existence since 1850 with a Cherokee congregation. A new church was constructed when the previous building was lost due to the creation of Lake Santeetlah. If this site is culturally significant for its connection to the ancient traditions of the Cherokee of going to water, and the site was most likely used for this purpose before the conversion of many members of the community to Christianity, it may have the potential to be eligible under Criterion A as it played an important role in the ancient traditions of the community, the conversion of Cherokee to Christianity, and its continued use as a sacred site for washing.

 It is still unclear if the site identified in the report on page 35 is, in fact, the actual location of the washing site. Jackson Spring, another site used for washing, was also identified in this correspondence. We are awaiting the EBCI's forwarding of information to the FHWA regarding this resource.

Origin of the Snowbird Legend Site (GH0088, Property #18)

Information about the elevation of the mountain peak, footpaths in the area, and the documentation of the legend was requested in regards to the Origin of the Snowbird Legend Site.

The peak of the mountain directly south of Barker Branch Road is 2400'. Although it is not the tallest peak elevation-wise in this area, it may be culturally considered the "highest peak" based on the legend and the location given by the Snowbird Community during the 2008 community meeting. There are no other notable or culturally significant features of the site known beyond what was mentioned in the meeting or information found in secondary source material.

Repeated attempts were made to discuss its history, location, and cultural significance with the EBCI and Snowbird Community. No additional information was provided about the site nor were we able to arrange a meeting to discuss Traditional Cultural Properties in the APE. It is unknown if a ridgeline trail is associated with this site, and coordination with the EBCI and the Snowbird Community to further review the legend and site would help to identify if a historic trail was associated with the legend. As there was no additional coordination or further discussion beyond what was provided at the community meeting in 2008, the site was not fully evaluated.

In regards to other trails in the area associated with the Cherokee, this particular area was logged in the mid to late nineteenth century and flooded to create Lake Santeetlah in the 1920s, which

destroyed or flooded many places associated with the EBCI. In addition, trails associated with the Cherokee may have conformed to the valleys where modern roads are now located. Several attempts were made to schedule a trip to the survey area to discuss the Traditional Cultural Properties, and any other sites not identified that may be significant to the EBCI and Snowbird Community, but requests for a meeting were not acknowledged.

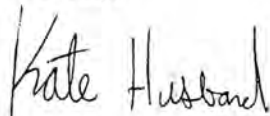
The Path to Snowbird Mountain: Cherokee Legends by the Traveler Bird (Tsisghawanai) briefly mentions this legend, and this information is included in the report on pages 39 and 40. No other mention of the Snowbird legend was found within the resources consulted for this report. The legend's ties to the Snowbird culture and history are currently unknown at this time, and communication with the EBCI and Snowbird Community would help establish cultural significance.

Chick-a-Le-Lee Cemetery (GH0089, Property #19)

The report groups the Chick-a-Le-Lee Cemetery with the Traditional Cultural Properties, and its significance as a TCP was questioned by your office. The Chick-a-Le-Lee Cemetery was grouped as a TCP as the Snowbird Community identified the cemetery during the community meeting held on March 4, 2008. A member of the Snowbird Community also confirmed the possibility that the cemetery is a significant cultural site when reviewing a map of the area. The presence of unmarked burials could possibly indicate that this is a site connected to Cherokee burial practices, but requests for more information were not returned by the Snowbird Community or the THPO to confirm if this was the case. We concluded that because the cemetery appears to be strictly Cherokee, there are unmarked burials that may follow traditional burial practices, and it was highlighted during the community meeting and by a member of the tribe, it should be considered a TCP. The age of the cemetery, the number of burials (a 1984 survey identified 67 graves, most unmarked), its history, and cultural significance is not fully known. The Chick-a-Le-Lee Cemetery cannot be properly evaluated for National Register eligibility without this information. We are awaiting the EBCI's forwarding of information to FHWA regarding this resource.

The FHWA and NCDOT have made a good faith effort to identify and obtain information regarding these properties. Should you have any further questions, please contact me at klhusband@ncdot.gov or (919) 707-6075.

Sincerely,



Kate Husband
Architectural Historian



NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS BRANCH

**NC 143 FROM
WEST BUFFALO CREEK TO NC 143 BUSINESS
WEST OF ROBBINSVILLE**
GRAHAM COUNTY
TIP PROJECT R-2822B

Legend	
	Area of Potential Effects
	Survey Site
	Tribal Tracts

County:	GRAHAM
Div:	14
TIP#:	R-2822B
WBS:	34508.1.1
Date:	SEPTEMBER 2011

**Figure
2
MAP OF APE**