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**Subject:** REG-NEG, Routes & aREAS  
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Mike Murray, Superintendent  
Cape Hatteras National Seashore Recreational Area  
1401 National Park Drive  
Manteo, NC 27954

VIA EMAIL

October 9, 2008

Dear Mike,

We are informing you of the following while not making distribution to the entire REG-NEG Committee/Subcommittee. Since we believe that you, as local Superintendent and DFO, should be aware as to “why” we are making reference to the National Historic Preservation Act in our “Routes and Areas Subcommittee Proposal”. We are available to discuss this with you, at your convenience, prior to our next scheduled REG-NEG meeting and in the meantime ask that you task someone on your staff to research the following.

It is the position of NCBBA, OBPA, CHAC, CHAPA and others that specific areas of Cape Hatteras National Seashore Recreational Area are potentially eligible to be added to the National Register of Historic Places (NRHP) as Traditional Cultural Properties (TCPs). As such, their traditional use is afforded protection under Section 106 of the National Historic Preservation Act of 1966, As Amended. The areas held in importance and considered TCPs consist of: those areas traditionally used in recreational pursuits, particularly swimming, boating, sailing, fishing and other recreational activities of similar nature. These areas have been gathering places for families both local and visitors and consist of that portion of beach from low-low waterline to toe of dune or 300’ whichever is larger. These areas are deemed historic cultural landscapes based on in part on the

presence of an artificial dune system, the origins of which are associated with the Civilian Conservation Corps and other Depression era works programs (Binkley 2007). Also contributing to the cultural landscapes are features such as historic period dune overpass ramps and road traces, and the Cape Point Dredge Pond which dates to early Modern times (Binkley 2007). However, the potential NRHP-eligibility of these landscapes is based on them being held in importance as TCPs by Outer Banks communities. Historical, modern, and contemporary use of these landscapes is integral to the unique culture of the Outer Banks. Further, maintenance of these properties' traditional use is critical to the continuing cultural identity of the local Outer Banks communities.

The Department of Interior National Park Service is the federal agency that promulgates standards and criteria for evaluating historic properties, meaning they can be considered potentially eligible, or determined eligible to the NRHP. By definition, "historic properties" are archaeological sites, architectural resources, engineering objects, and TCPs to include landscapes.

The National Park Service National Register Guidelines for Evaluating and Documenting Traditional Properties (Guidelines) clearly state that landscapes may be considered a historic property and thus potentially eligible to the NRHP:

*. . . a property may be defined as a "site" as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence. A culturally significant landscape may be classified as a site, as may the location where significant traditional events, activities, or cultural observances have taken place.*

The Guidelines also explicitly state that TCP designations are not to be limited to properties held in importance by Native Americans or other minority groups:

*Americans of every ethnic origin have properties to which they ascribe traditional cultural value, and if such properties meet the National Register criteria, they can and should be nominated for inclusion in the Register [NRHP].*

In setting forth criteria for determining what constitutes TCP and evaluating a specific property's significance, the Guidelines define potentially NRHP-eligible TCPs as:

*A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;*

*A location where a community has traditionally carried out economic, artistic or other cultural practices important in maintaining its historic identity.*

Based on the guidelines promulgated by the Department of the Interior National Park Service, the historic properties in question clearly meet at least two criteria for a TCP potentially eligible for inclusion to the NRHP.

As TCPs, the historic properties in question not only help maintain the traditional identity of Outer Banks communities, but these same communities have been historically shaped by long standing use of these beach landscapes. Outer Banks culture has historically been inextricably tied to the surf zone, and remains so today. The surf zone has traditionally sustained the island economy and culture through commercial fishing, and also by way of recreational fishing and tourism. These latter activities have been ongoing for more than 50 years and are therefore considered to be of historic age. More importantly, the landscapes in question are held in importance by Outer Banks communities in a way transcends heritage and the traditional economy. The Cape Point stands as a defining physical feature of the Outer Banks, which consist of narrow strip of land perched as much 30 miles out in the Atlantic Ocean. The other landscapes equally comprise the transitional realm between island home and the sea. As such, the historic properties continue to provide island folk with a profound sense of place and function to help sustain the collective identity of their communities.

In recent historic times, traditional commercial beach fishing has been eclipsed in importance by recreational surf fishing. Recreational surf fishing itself, particularly for the iconic red drum has long held a defining place in Outer Banks culture. This sporting pursuit has historically been undertaken by generations of Outer Bank residents and visitors, and continues to be of

importance today. The very fact that non-residents and visitors participate in the traditional use of the historic properties in no way diminishes the cultural and historic value of those properties. The opposite is true. In many ways, Outer Banks culture is resilient, inclusive, and dynamic. Having non-residents participate in aspects of traditional barrier island life is enriching to the public and makes protecting and preserving this cultural resource all the more important. In addition, the South Beach remains focal point for the local surf dory seine net fishery. This economic activity represents a nearly extinct folkway as the Cape Hatteras National Seashore Recreational Area beaches are one of the very last places in the country in which this traditional commercial fishery is practiced. The 1980 amendments to the National Historic Preservation Act specifically call for protecting and preserving these kinds of cultural activities. The National Park Service National Register Guidelines for Evaluating and Documenting Traditional Properties states: *In the 1980 amendments to the National Historic Preservation Act, the Secretary of the Interior, with the American Folklife Center, was directed to study means of:*

preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. . .

*and to recommend ways to:*

preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage. (NHPA 502; 16 U.S.C. 470a note)

It **is** clear that the “folk cultural traditions underlie and are a living expression of our American heritage” encompasses not only the local surf dory seine net fishery but the full range of traditional activities that characterize the historic properties in question and define them as TCPs.

Much has changed on the Outer Banks since the establishment of Cape Hatteras National Seashore Recreational Area. However, it is also remarkable how little has changed in terms of the local cultural landscape and its traditional use. This use is predicated on free and open access to surf zone, which supports the traditional local economy as well as being integral to social and cultural fabric of Outer Banks communities. It should be noted that the maintenance of barrier island culture is largely unique to portions of

the Outer Banks. Across much of the Eastern Seaboard, traditional barrier island settlement, economic systems, and lifeways have been obliterated by a transformation of coastal areas into nothing less than urbanized commercial districts. Other areas, most notably the Virginia Eastern Shore barrier islands have been abandoned to human settlement. This entire barrier island chain is in private conservation ownership as a wilderness reserve. The widespread loss of traditional barrier island culture makes preserving the surviving elements of historical Outer Banks lifeways absolutely critical.

Portions of the Cape Hatteras National Seashore Recreational Area are deemed historic properties potentially eligible to the NRHP as TCPs under Section 106 of the National Historic Preservation Act of 1966, As Amended. These historic properties and their traditional uses have long been, and continue to be, integral to the social and cultural fabric of the Outer Banks. The properties have traditionally sustained the local economy through commercial fishing, recreational fishing, surfing and other beach activities. Recreational surf fishing has also historically become a part of Outer Banks culture. As cultural landscapes, the historic properties provide Outer Banks residents and visitors with sense of place and help to sustain the collective identity of local communities. Therefore, continued open access to these properties is essential in preserving the traditions and maintaining the historic identity of the Outer Banks and its people.

Sincerely,

Mr. W. James Keene, President  
North Carolina Beach Buggy Association

Mr. John Couch, President  
Outer Banks Preservation Association

MR. Larry Hardam, President  
Cape Hatteras Anglers Club

References Cited:

Binkley C.

2007 *The Creation and Establishment of the Cape Hatteras National Seashore. The Great Depression Through Mission 66*. National Park Service, Southeast Region. Atlanta GA.

US Department of Interior, National Park Service

National Register Bulletin Guidelines for Evaluating and Documenting Traditional Cultural Properties. Posted at: <http://www.nps.gov/history/nR/publications/bulletins/nrb38/> Accessed September 23, 2008