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 To:
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 Bcc:
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Subject: History of Seashore name 07/24/2009 11:14 AM

Attachments: Admin history of Seashore Name.pdf

HI Dorothy,

To follow up on our discussion on Wednesday, attached is the section of the Seashore's administrative history regarding the park name. The relevant information starts with the first yellow highlighted section on p. 38 and goes through the bottom of p. 41.



Admin history of Seashore Name.pdf

In summary, the 1937 legislation established both the recreation and preservation mandates for Cape Hatteras, and provided that the park would be administered, protected and developed consistent with the NPS Organic Act. The 1940 amendment changed the name in conjunction with allowing hunting. Congress started creating other "National Seashores" in 1961 and "National Seashore" became the standard nomenclature for this type of national park unit thereafter. Congress did not re-amend the enabling legislation for Cape Hatteras to change the name back. Congress has used the name "National Seashore" (not "NSRA") in Cape Hatteras legislation since 1962. There are now ten National Seashores. In addition to Cape Hatteras, the other National Seashores are as follows:

Cape Cod National Seashore
Point Reyes National Seashore, 1962
Padre Island National Seashore
Fire Island National Seashore, 1964
Assateague Island National Seashore, 1965
Cape Lookout National Seashore, 1966
Gulf Islands National Seashore, 1971
Cumberland Island National Seashore, 1972
Canaveral National Seashore, 1975

I hope this helps.

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The Creation and Establishment of Cape Hatteras National Seashore

The Great Depression through Mission 66

August 2007

written by Cameron Binkley Southeast Regional Office, Cultural Resource Division National Park Service

Indeed, without funding from Congress, no park could be established on private property simply by signing it into existence. One of the first problems to overcome was the question that had concerned Miss Cambridge—hunting. No provision was made in the bill submitted by Lindsay Warren to ensure the continuation of hunting within the national seashore area. As time went on the absence of such a provision became a liability helping prevent the park's establishment.

Years later, Warren claimed that he had intended from the beginning to ensure that "the people were fully protected forever in their hunting and fishing rights."146 However, the National Park Service had actually written the legislation, and, true then as it is true today, had a mandate and a culture that strongly opposed hunting. It is entirely possible that NPS drafters left out a hunting provision as a matter of course and Warren left it out as an oversight. Warren might not have thought the issue as important as it later became, especially if insisting on hunting would face NPS resistance. Water-fowl hunting had been a tradition in the Outer Banks, but it was the basis of few livelihoods. Most of the hunting clubs, after all, were doing poorly and the interest of their owners in relieving themselves of their holdings was part of the rationale for establishing a park. Fishing, which had been the basis of much of the Banks' economy, was not an issue for the Park Service, and there was never any debate about provisions in the legislation to allow Bankers to continue in this enterprise. But hunting was different and the authority to allow hunting within the seashore was not spelled out in the bill Warren submitted and which became law in August 1937.

By late November, however, hunting was on the NPS agenda. Possibly Warren was already seeking to address his oversight, for the Service had begun considering a proposal to allow hunting within the seashore boundaries. Most staff probably felt like Chief Forester J.D. Coffman, who protested that "National park and monument areas have always

been characterized by their inviolability to hunting." He noted that there was an effort being made by local hunters to incorporate a provision for hunting in the proposed "Mount Olympus National Park." In that case, he continued, "if the bars are let down in Hatteras in this respect it will simply encourage demands for modification of national park principles elsewhere. If that occurs it may not be long before there would be little distinction between national parks and national forests except as to the greater value and use of national parks for recreational purposes."147

In July 1938, NPS personnel stationed in the Outer Banks for the erosion-control project were encountering "local landowners, local people who hunt for the market and the wealthy sportsmen" who were violating existing game laws. To deal with this problem, the government briefly considered issuing NPS officials commissions as game wardens, allowing them to cite violators. Clark Stratton was opposed to doing anything about it. "While we are not in sympathy with game violation in the area," he told his NPS supervisor, "it is felt that what little we might preserve acting under these commissions that it would only cause hard-feelings and hardships against ourselves and the Park Service in the present work program and the proposed National Seashore." In defining what "recreation" was to mean at Cape Hatteras, the Park Service was to face some uncomfortable choices. 148

By February 1940, Warren was clearly seeking a method by which to ensure hunting within the seashore. He conferred with Cammerer, Ben H. Thompson, who was chief of the Land Planning Division, and others to discuss how the national seashore might allow hunting. The Biological Survey had authority to permit and regulate hunting within its refuges. Warren had alerted NPS officials that hunting would have to be permitted, but the fear of precedent-setting probably stifled cooperation. Instead, the Park Service proposed that land be donated to the refuge where hunting could thus

^{145.} Hamilton Gray, "First Federal Beach Mapped: North Carolina 'Banks,' Including Cape Hatteras and Near-By Historic and Scenic Areas, to Be Set Aside for Recreation," New York Times, September 5, 1937.

^{146.} Lindsay C. Warren, Comptroller General, Letter to Ben Dixon MacNeill, June 25, 1952, Lindsay C. Warren Papers (3172),

^{147.} Chief Forester J. D. Coffman, Memorandum for Mr. Sager: Report on Cape Hatteras National Seashore, November 24, 1937, Cape Hatteras National Seashore, "Correspondence 1936-1939," folder NCCR, NPS, Washington, DC.

^{148.} A. C. Stratton, Project Superintendent, Memorandum to the Regional Director, July 7, 1938, in Records Group 79, Records of the National Park Service, Central Classified Files, 1936-1952, Entry 81, Box 48, File Number 0-35 Proposed Monuments, Cape Hatteras National Seashore to Kill Devil Hill National Monument, Folder 2, Mid-Atlantic Records Center, NARA, Philadelphia.

continue under the other agency's authority. This approach would not require legislation, but Warren was against it because the Secretary of Agriculture could close the refuge to hunting at will, that is, hunting would not be legislatively protected. The subject was raised with Secretary Ickes who agreed to accept amending legislation. 149 There are no accounts in Warren's papers about the amendment he soon offered that would allow hunting at Cape Hatteras National Seashore. It was probably a sore spot for him. By 1940, however, lack of progress in establishing the national seashore made it evident that hunting was a stumbling block. The culture of the Park Service was resistant to hunting while the culture of the Outer Banks was infused by it. Additional legislation was needed.

On May 1, 1940, Rene L. DeRouen, Chairman of the Committee on Public Lands, took up H.R. 9274, a bill to allow hunting in Cape Hatteras National Seashore. Secretary Ickes informed the chairman that hunting on a limited basis was necessary because of very strong local support. He justified it on the basis that the seashore was a new type of park, a so-called "national recreational area." Any hunting allowed was to be compliant with the Migratory Bird Treaty Act of 1918 and banned from intensive use areas. 150

The Migratory Bird Treaty Act implemented an international agreement between the United States and Great Britain in 1916.¹⁵¹ It regulated the hunting of waterfowl species whose extensive migratory patterns meant that they traveled through or inhabited portions of the United States, Canada, and various countries in Central and South America during some part of the year. It was widely recognized by sport hunting enthusiasts and their associations at the time that unless hunting of migratory species was regulated by international agreement, then those species might be hunted out of existence.

North Carolina's barrier islands are a resting stop and breeding area for several migratory bird species that travel the main migratory route between North and South America on the "Atlantic Flyway." Beginning at the end of the 19th Century, as previously noted, several so-called "rod and gun" clubs were established in the Outer Banks, mainly by wealthy Northerners who bought up large swaths of land to provide hunting opportunities, which subsequently went into decline. The Pea Island Wildlife Refuge was created in 1937 as a waterfowl habitat preserve. Hunters supported the creation of such reserves, but, of course, they also wanted to continue hunting.

On June 29, 1940, Congress amended the 1937 authorizing legislation for Cape Hatteras National Seashore to permit hunting. The amendment to allow hunting specifically referred to compliance with the Migratory Bird Treaty Act. This provision would later be key in determining how the Park Service actually interpreted "hunting" within the seashore, but perhaps for the first time in the history of the Park Service, legal hunting was now authorized within a national park. The same amendment also changed the formal title of the park to "Cape Hatteras National Seashore Recreational Area. 1.152 The term "recreational area" was derived clearly from the Secretary's justification to allow hunting and by the Service's desire to limit the setting of any precedent for more traditional types of parks. However, the Park Service had already defined a "national seashore" as a recreational area in its 1937 brochure explaining the Park, Parkway, and Recreational Study Act and the anticipated recreational purposes of the park were established by Congress through Acting Secretary Chapman's letter to the House Committee on Public Lands cited above. Thus, including the term "recreational area" in the title was redundant. In 1954 the Park Service authorized the original park name to be used for all administrative purposes except for formal memo-

^{149.} Ben H. Thompson, Chief, Land Planning Division, memo to files, February 2, 1940, in Records Group 79, Records of the National Park Service, Central Classified Files, 1936-1952, Entry 81, Box 48, File Number 0-35 Proposed Monuments, Cape Hatteras National Seashore to Kill Devil Hill National Monument, Folder 4, Mid-Atlantic Records Center, NARA,

^{150.} Harold L. Ickes, Secretary of the Interior, Letter to Rene L. DeRouen, Chairman, Committee on the Public Lands, May 1, 1940, in Records Group 79, Records of the National Park Service, Central Classified Files, 1936-1952, Entry 81, Box 48, File Number 0-35 Proposed Monuments, Cape Hatteras National Seashore to Kill Devil Hill National Monument, Folder 4, Mid-Atlantic Records Center, NARA, Philadelphia.

^{151.} See, 16 U.S.C. 703-712; 40 Stat. 755 (July 13, 1918).

^{152.} Amended 1937 act in Records Group 79, Records of the National Park Service, Central Classified Files, 1936-1952, Entry 81, Box 48, File Number 0-35 Proposed Monuments, Cape Hatteras National Seashore to Kill Devil Hill National Monument, Folder 4, Mid-Atlantic Records Center, NARA, Philadelphia. See also 54 Stat. 702.

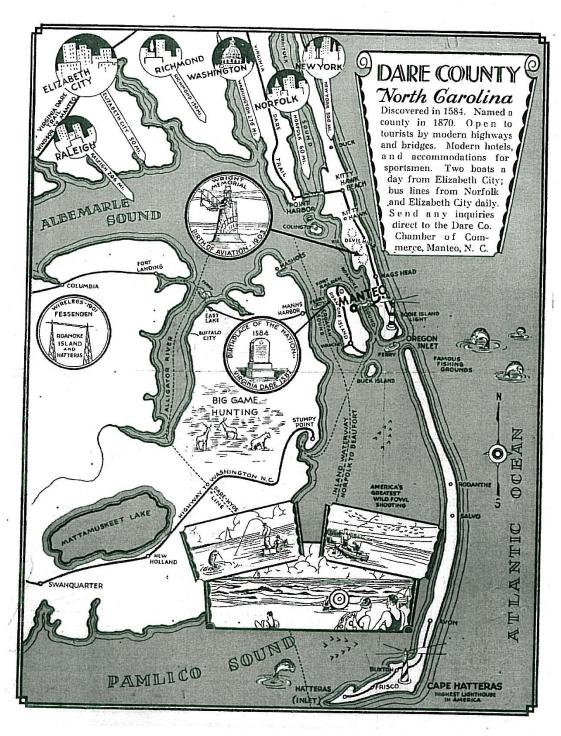


FIGURE 20. This 1935 map, located in Lindsay C. Warren's papers, was used to advertise the attractions of Dare County, prominent among them being hunting and fishing. (Map courtesy of the UNC)

randa and documents requiring the full legal name. 153 Subsequently, the term "recreational area" fell from use in most official references to the park.154

In thinking about the creation of Cape Hatteras National Seashore it is important to realize that the park was not authorized by a singe act, but by several. The seashore's origins lie with congressional acts in 1936 that sanctioned movement by the National Park Service into the field of recreational land management and planning and that directed

the federal government to prevent beach erosion. Pre-existing legislation authorizing compliance with international obligations to protect migratory waterfowl was another influence. These acts provided the basis for Congressman Lindsay Warren to submit his specific park authorizing legislation for the first national seashore in 1937 while his amending bill of 1940 was necessary to ensure a favorable political climate without which the other bills were likely superfluous in terms of the actual establishment of the park.

^{153.} Assistant Director Hillory A. Tolson, Memorandum to the Washington Office entitled "Short Title for Cape Hatteras National Seashore Recreational Area Project," May 10, 1954, Cape Hatteras National Seashore file, "Correspondence 1940-1955" folder, NCCR. See Appendix D for a copy of this document.

^{154.} Critics of NPS policy in the Outer Banks have sometimes claimed ulterior purposes for why the National Park Service abandoned common use of the term "recreational area" in the park's name. That argument is groundless. The expression is both redundant and awkward and what the park is called is immaterial to the purposes for which it was created. Those purposes are clearly stated by the park's authorizing legislation and Warren's amendment to allow hunting.