

CHAPA
CAPE HATTERAS ACCESS PRESERVATION ALLIANCE
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Draft
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 9/25/09

September 2, 2009

Mike Murray, Superintendent
 Cape Hatteras National Seashore Recreational Area
 1401 National Park Drive
 Manteo, NC 27952

Dear Superintendent Murray,

Earlier this year (RE; Our letter of April 29, 2009 to North Carolina Department of Cultural Resources and copied to you) the Cape Hatteras Access Preservation Alliance formally identified four Spit and Inlet Area of the Cape Hatteras National Seashore Recreational Area (Seashore) as Traditional Cultural Properties potentially eligible to the National Register of Historic Places (NRHP) under the Section 106 of the National Historic Preservation Act of 1966, as Amended. The four properties are:

- 1) Bodie Island Spit and Adjoining Beaches;
- 2) Cape Point and Adjoining Beaches;
- 3) Hatteras Inlet Spit and Adjoining Beaches; and
- 4) South Point Ocracoke and Adjoining Beaches.

The Cape Hatteras Access Preservation Alliance requests that the National Park Service advance the formal recognition of these areas as TCPs on behalf of Outer Banks village communities that hold the properties in value. These Outer Banks village communities maintain that the long standing access to, and the responsible use of the properties is critical to preserving their traditional culture and life ways.

We have carefully reviewed the *National Park Service National Register Guidelines for Evaluating and Documenting Traditional Properties* (Guidelines) and are confident the above properties: 1) constitute TCPs; and 2) are potentially eligible to the NRHP as such.

The Guidelines explicitly state that: "TCP designations are not to be limited to properties held in importance by Native Americans or other minority groups but that Americans of every ethnic origin have properties to which they ascribe traditional cultural value. Further, if such properties meet the National Register criteria, they can and should be nominated for inclusion in the NRHP."

The properties in question clearly meet the Guidelines' verbatim criteria for a TCP in that they are: "1) components of a rural community whose organization patterns of land use reflect the cultural traditions valued by its long-term residents; and 2) a location where the communities have traditionally carried out economic and other cultural practices important in maintaining their historic identity."

As TCPs, the historic properties in question not only help maintain the traditional identity of Outer Banks communities, but these same communities have historically been shaped by the long standing use of these beach landscapes. Historically, Outer Banks culture has 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 considered TCPs 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 their use helps sustain the collective identity of their communities.

In recent historic times, traditional commercial beach fishing has been eclipsed in importance by recreational surf fishing. Hook and line 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 alike, dating back to the turn of the 20th century, and continues to be of great economic and social 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 portions of the properties remain the focal point for the local surf dory seine net fishery. This economic activity represents a nearly extinct folkway as the Seashore beaches are one of the very last places in the country in which this traditional commercial fishery is practiced. The 1980 amendments to the NHPA specifically call for protecting and preserving these kinds of cultural activities.

It is important to emphasize that the activities that help define the historic properties in question (to include hook and line surf fishing) have not come about solely within the last 50 years, thus making them ineligible for consideration for protection under the Section 106 of the NHPA. Rather, it is the cumulative sum of traditional social and economic surf zone cultural activities, both historical and contemporary, that have served to shape and helped preserve the identity of Outer Banks village communities over time. It is precisely this unbroken pattern of cultural use, and the value attached to that use by the local village communities that qualifies the properties as TCPs.

Much has changed on the Outer Banks since the establishment of the Seashore. 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 village 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 life ways 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 coastal wilderness reserve. The widespread loss of traditional barrier island culture makes preserving the surviving elements of traditional Outer Banks life ways absolutely critical.

When the Seashore was being established, the director of the National Park Service promised in a published letter that Outer Banks communities will always have access to their traditional use areas. The communities have long viewed this document as a binding social contract. In the context of Section 106 of the NHRA, the letter clearly underscores that as early as 1952 the federal government recognized the importance of maintaining traditional Outer Banks culture as it relates to federal lands and undertakings. Some 50 years later, traditional elements of Outer Banks life ways are being severely and increasingly threatened and thus need the protections that the NHPA of 1966, as Amended was specifically designed to afford.

Recently, the National Park Service published the results of three-year research project entitled *Ethnographic Description of Eight Villages Adjoining Cape Hatteras National Seashore and Interpretive Themes of Heritage and History*. According to the document's Executive Summary, the study "grew out of the National Park Service's recognition of the importance of understanding the social, cultural, and economic histories of communities affected by its policies and actions." In keeping with the National Park Service's legal obligation not just to understand and analyze the cultural resources under its domain but also to actively protect and manage all historic properties for which it has responsibility, the Cape Hatteras Access Preservation Alliance requests that the areas in question be formally addressed as TCPs through the Section 106 Consultation process.

The Cape Hatteras Access Preservation Alliance requests to participate as a full consulting party in this Section 106 process. Further, given the recognized controversial circumstances surrounding this issue, and the inherent complexities in listing to NRHP National Park Service properties, the Cape Hatteras Access Preservation Alliance would like to formally request that the Advisory Council on Historic Preservation be invited to participate.

We very much look forward to moving forward and working constructively with all parties through the Section 106 consultation process.

Sincerely;



W. James Keene, President
North Carolina Beach Buggy Association
On behalf of: Cape Hatteras Access Preservation Alliance

CC: David Vela, Director, National Park Service Southeast Region
Caroline Hall, Assistant Director, Advisory Council on Historic Preservation
Kelly Yasaitis Fanizzo, Program Analyst, Advisory Council on Historic Preservation
Dr Jeffery Crow, North Carolina State Historic Preservation Officer.