

From: [Mike Murray](#)
To: [Sandra Hamilton](#); jason.waanders@sol.doi.gov; mike.stevens@sol.doi.gov
Subject: Fw: Ethnographic Study Analysis Draft
Date: 02/11/2010 01:21 PM
Attachments: [garrity-Blake document comments.docx](#)

FYI

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure.

----- Forwarded by Mike Murray/CAHA/NPS on 02/11/2010 03:08 PM -----

**Michael
Evans/Omaha/NPS**

02/11/2010 02:28 PM

To: Doug Stover/CAHA/NPS@NPS
cc: Allison Pena/JELA/NPS@NPS, Mike
Murray/CAHA/NPS@NPS, Tommy
Jones/Atlanta/NPS@NPS

Subject: Re: Fw: Ethnographic Study Analysis Draft

Attached are my comments on the Garrity-Blake manuscript. I apologize for the delay; I'm a bit overcommitted at the moment.



[garrity-Blake document comments.docx](#)

A couple of other thoughts before tomorrow's conference call.... I don't know what peer review is going to provide that hasn't already been provided, other than to simply be able to say that it was "peer reviewed." As I've told a couple of people already, peer review, at minimum, is going to require not just the 18-page manuscript, but also the earlier report from 2005. Unfortunately, that report does not have sufficient detail regarding these particular issues, even though such detail is implied via the citations and quotes included in the latest manuscript. Therefore, for a peer review of the determination, a reviewer might need to see all of the data-the fieldnotes, interview transcripts, etc. A complete peer review would also review the research methodology, but there probably isn't a need to go that far in a review process for this issue, unless someone thought that there was a methodological problem with the research. It is important to remember that the earlier 2005 report was based on research that did not include questions regarding the present issue, so there is no reason to assume or expect data about this issue to be included in the fieldnotes or interview transcripts.

Also, we should be wary of being put in a position where it looks like we are telling the author what to say. If there are factual mistakes, or grammatical corrections, then those can and should be changed. But if the NPS disagrees with the conclusion, then we do not want it to look like we will accept a report only if it says what we want it to say. So the manuscript can be accepted as fulfilling the contractual requirements (which I think it probably does), but disagree with the conclusions, and not act on any recommendations that might be offered. (I often have report authors include a standard disclaimer on the inside title page of a report that states that the views and conclusions contained herein do not necessarily represent the views of the NPS, etc.)

I agree with Tommy that section 110 and section 106 are different, and in many respects, the current manuscript fulfills any further section 110 responsibilities, as well as address some of the section 106-related questions. Now it is time for the NPS to make a decision. I disagree with the proposition that the NPS put together a DOE and forward it on to the Keeper to make a decision. It would be incorrect for the NPS to formulate a DOE that the beaches are a TCP, and then forward that to the SHPO and Keeper if we do not agree with the premise. The only time a DOE would be forwarded to the Keeper to make a decision is if the NPS and the SHPO disagree. I am not aware that that situation exists at the present time. At least, not yet.

Mike Evans

/s/ Michael J. Evans, Ph.D.
Chief, Ethnography Program and
Senior Cultural Anthropologist
Midwest Region, National Park Service
612-345-0019

▼ [Doug Stover/CAHA/NPS](#)

**Doug
Stover/CAHA/NPS**

02/02/2010 03:12 PM

To Tommy Jones/Atlanta/NPS@NPS
cc Allison Pena/JELA/NPS@NPS, Michael
Evans/Omaha/NPS@NPS, Mike
Murray/CAHA/NPS@NPS

Subject Re: Fw: Ethnographic Study Analysis Draft

I talked with Christine Arato yesterday, I agree that we need peer review. Barbara told me she is looking forward to comment, she is not a National Register or a TCP expert, she expects that with the comment it will change the view of the document. This is the 95% Draft, we will have another 100% Final Draft to review after our

comments. Since I treating this as a independent study, she does know about SHPO comments or view on this.

Doug Stover
Historian/Cultural Resource Program Manager
Cape Hatteras NS/Fort Raleigh NHS/Wright Brothers NMEM
1401 National Park Drive
Manteo, NC 27954
Tel: 252-473-2111x153
Fax: 252-473-2595
▼ [Tommy Jones/Atlanta/NPS](#)

**Tommy
Jones/Atlanta/NPS**

02/02/2010 01:07 PM

To Doug Stover/CAHA/NPS@NPS
cc Allison Pena/JELA/NPS@NPS, Mike
Murray/CAHA/NPS@NPS, Michael
Evans/Omaha/NPS@NPS

Subject Re: Fw: Ethnographic Study Analysis Draft

Doug---

I think Mike is absolutely right about the peer review. Christine Arato, our senior historian who was at JFK birthplace during the Cape Cod hoo-ha, had these thoughts on the study:

"I read the CAHA TCP doc last night. Interesting. I think the definition of community needs further clarification (are only the families who trace their roots back 300 years included, or more recent transplants), and that the whole doc. would benefit more from the introduction of TAP perspectives (per Bulletin 38). I don't know about the different stakeholders and who is pursuing the suit, but I don't think that the report addressed the issue of multi-generational recreational users. Also, I think that the NR Criterion C applies, as well. Finally, I was a bit confused about the boundaries. All of the areas are natural areas within NPS boundary, but in the end I think the "eight villages" would need to be evaluated (especially if there are workshops, but also because of family/place names)."

Tommy H. Jones
Cultural Resources Specialist
Regional 106 Coordinator
404-507-5783

From: [Mike Murray](#)
To: [CA EQD Sandy Hamilton](#); [DOI/SER Mike Stevens Ext 238](#); [DOI/SOL Jason Waanders](#).
Subject: Fw: Fw: Ethnographic Study Analysis Draft
Date: 02/09/2010 03:03 PM
Attachments: [Ethnographic Study Analysis of Cape Hatteras National Seashor1 edit.pdf](#)

FYI

Sent from my BlackBerry Wireless Handheld

▼ [Allison Pena](#)

----- Original Message -----

From: Allison Pena
Sent: 02/09/2010 02:18 PM CST
To: Doug Stover
Cc: Michael Evans; Mike Murray; Tommy Jones
Subject: Re: Fw: Ethnographic Study Analysis Draft

Please see my comments below:

Comments

Dr. Garrity-Blake in the introduction to her study considers traditionally associated peoples (TAPs) in evaluating the discrete communities: Bodie Island Spit, Cape Point, Hatteras Inlet and South Point. Dr. Evans pointed out in a previous conference call that TAPs are a park specific concept and not identified in the National Register (NR) Bulletin 38, *Guidelines for Evaluation and Documenting Traditional Cultural Properties*. Perhaps this should be addressed so that there is no confusion on the criteria for identifying TCPs.

Using the criteria in NR Bulletin 38, Garrity-Blake states there are three practices, beach driving, hook-and-line fishing, and commercial beach seining, which have historical and cultural roots that endure today. (9) She maintains that these practices and values (such as freedom and independence) are tied to the “living communities” associated with the four sites – thus making these sites eligible as TCPs (see her conclusion).

Dr. Garrity-Blake’s identification of traditional cultural practices associated with beach driving and hook-and-line fishing wavers. There is no clear distinction of cultural practices associated with place attributed to either beach driving or hook-and-line fishing. There is no clear set of cultural trait criteria outlined for beach driving or hook-and-line fishing which would make them a distinct, recognizable community with a long and continuous cultural history.

In the instance of beach driving, Dr. Garrity-Blake equates the activity of beach driving with a cultural practice. Cultural beliefs and practices are substantially different from activities. Or, for example, does the activity of driving on the beach become a traditional cultural trait with historical antecedents, even though today it is primarily for recreational purposes and not for transportation purposes as in the pre-World War II era? It appears

that the “community” is being defined by their activity and not their traditions/beliefs.

Is there really a cohesive living community identified with beach driving in the special interest areas? The beach driving "community" is a widely diverse group of people coming from many areas outside the CAHA area. The living community associated with beach driving and hook-and-line fishing is not clearly outlined in the study.

Again, if the beach driving and hook-and-line fishing practices are denied access will this affect their cultural identity as a group? The study lacks information/data for this important point.

The only beliefs/values attributed to the beach driving and hook-and-line fishing peoples are “freedom and independence” in contrast to those outlined for the beach haul seine fishermen. These are very generic beliefs/values which can be attributed to virtually any community and do not make either of these two groups recognizable as a distinct living community that differs from others and states emphatically who they are. The case for hook-and-line fishing (surf fishing) is only minimally addressed (pp 10/11) in the study. The beliefs/values such as freedom and independence are noted but the “thrill of the ‘hunt’” is attributed to all surf fishers and does not, in itself, legitimize them as a “living community”.

In contrast, Dr. Garrity-Blake’s study makes a stronger case for the Dory fishermen (beach haul seine fisherman) as a living community with geographical ties to all four areas of special interest – thus making these sites eligible as TCPs. She identifies the occupation of beach seining and the “unique boat building style” to the living community of the Dory Fishermen. She emphasizes their cultural values - “fishing-as-survival, beach-as-workplace and fishing-in-the-blood, -as cultural identify markers in addition to the more generic values of freedom and independence. She maintains that “sustained loss of access would affect the integrity of these cultural practices” at these specific places of interest. (14) This is undoubtedly the most crucial point and one which is not validated with beach driving or hook-and-line fishing groups.

Dr. Garrity-Blake’s conclusion maintains that all four properties qualify as traditional cultural properties according to NR guidelines and criteria. I do not think her study substantiates this conclusion. As it now stands I do not see these properties as being associated with the cultural practices/beliefs of a living community except perhaps with the beach haul seine fishermen (Dory community).

Allison H. Pena
Cultural Anthropologist
Acting Regional Ethnographer & NAGPRA Coordinator
Jean Lafitte National Historical Park and Preserve
419 Decatur Street
New Orleans, LA 70130

0025349

Telephone: (504) 589-3882, x 113
Mobile: (504) 382-4951
Fax: (504) 589-3851
email: Allison_Pena@nps.gov

▼ Doug Stover/CAHA/NPS

**Doug
Stover/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS, Tommy
Jones/Atlanta/NPS@NPS, Allison Pena/JELA/NPS@NPS,
Michael Evans/Omaha/NPS@NPS

02/01/2010 10:47 AM

cc

Subject Fw: Ethnographic Study Analysis Draft

Feb 10, 2010 comment are due
Doug Stover
Historian/Cultural Resource Program Manager
Cape Hatteras NS/Fort Raleigh NHS/Wright Brothers NMEM
1401 National Park Drive
Manteo, NC 27954
Tel: 252-473-2111x153
Fax: 252-473-2595

----- Forwarded by Doug Stover/CAHA/NPS on 02/01/2010 11:46 AM -----

**Doug
Stover/CAHA/NPS**

To Mike Murray/CAHA/NPS, Tommy Jones/Atlanta/NPS,
Allison Pena/JELA/NPS, Michael Evans/Omaha/NPS

02/01/2010 11:24 AM

cc

Subject Fw: Ethnographic Study Analysis Draft

Please review the Draft, submit any comment or question to me by Jan
10, 2010.

Doug Stover
Historian/Cultural Resource Program Manager
Cape Hatteras NS/Fort Raleigh NHS/Wright Brothers NMEM
1401 National Park Drive
Manteo, NC 27954
Tel: 252-473-2111x153
Fax: 252-473-2595

----- Forwarded by Doug Stover/CAHA/NPS on 02/01/2010 11:19 AM -----

bgb@coastalnet.com

To "Doug_Stover@nps.gov" <Doug_Stover@nps.gov>

cc

02/01/2010 09:23 AM

0025350

Please respond to
bgb@coastalnet.com

Subject Ethnographic Study Analysis Draft

Please find attached the draft report "Ethnographic Study Analysis of Cape Hatteras National Seashore". Please confirm that you received it.

I look forward to receiving your comments for the final revision.

Thank you, Barbara Garrity-Blake

Barbara Garrity-Blake, PhD
Cultural Anthropologist
P.O. Box 91
Gloucester, NC 28528



252-342-8028 (cell) Ethnographic Study Analysis of Cape Hatteras National Seashor1 edit.pdf

**100% FINAL DRAFT COMMENTS: ETHNOGRAPHIC STUDY
ANALYSIS OF CAPE HATTERAS NATIONAL SEASHORE**

- General Comments

(move general comments from end of these notes to here)

~~Do the NPS cultural resource advisors agree with the conclusion? In other words, is the conclusion adequately justified and supported by the information described in the document?~~

While interesting to read, much of the report after page 6 comes across as a compilation of material that happened to be available (i.e., “filler”), rather than a focused analysis of the specific questions about the four sites. For example, page 1, paragraph 3 states that: “Cultural resources are properties, not people...” but then the report is almost entirely about people and their activities that take place away from the four sites. There is very little description, if any, documenting the association of those activities with these particular four sites. Does this mean the association is not well documented, or does not exist? If the “activities” are “traditional” and “cultural,” but not inherently limited to or associated with the four sites, are the four sites really TCPs? If “yes,” then why are other beach areas where commercial beach seine fishing occurs in the Seashore (there are many) not also TCPs?

There continues to be a number of relatively small factual and terminology errors in the document that need to be corrected before NPS could accept the report as a final product. **NPS should not accept the product unless the errors are corrected.**

Specific Comments

Page 1, last paragraph: Should the verbs used in most sentences be past tense? (e.g., line 2: should it be “...we evaluated...”; line 3: “...we reviewed and analyzed data...”). In present tense as written, it sounds more like a recitation of a prescribed “process” (is it?), rather than a description of what was actually done.

Page 2, paragraph 2, beginning with: “The areas provide habitat and nesting grounds for a variety of wild animals, including ~~sea turtles and shorebirds~~ (e.g., piping plovers, least terns, American oystercatchers, and black skimmers) and ~~sea turtles~~ (e.g., piping plovers, least terns, American oystercatchers, and black skimmers).” (Comment: Because of the dynamic nature of the shoreline, sea turtles rarely nest at the inlets, although some do nest either side of Cape Point. We suggest I would listing shorebirds first, since they have

a much greater effect on access at the four sites. It is-”American oystercatchers,” not “oyster catchers”.)

Page 2, last paragraph: Use the correct terminology for the designated critical habitat, which is: “They are also part of U.S. Fish and Wildlife Service designated critical habitat for wintering piping plover.”

Page 2, footnote: Re-write the footnote to state the following: **“In January 2006, the National Park Service issued the *Interim Protected Species Management Strategy* to provide for the protection of beach-nesting shorebirds and sea turtles, and a beach dwelling plant species, pending the development of an ORV management plan and special regulation. As the result of a lawsuit filed on behalf of two environmental groups regarding the *interim strategy*, Seashore beaches, including the four sites considered in this analysis, are currently being managed under the terms of a 2008 U.S. District Court-ordered consent decree requiring pre-nesting closures, expanded buffers, and night driving restrictions during the breeding season. Under the consent decree, an ORV management plan must be completed by December 31, 2010.”** *(Comment: The word “undermined” is a very subjective term reflecting only one point of view on what is, objectively, a very polarized issue. Given that the language is not attributed by reference to a particular source or stakeholder group (i.e., one side does think the process was “undermined” by the lawsuit, the other side does not think that), it comes across as the author’s conclusion, which is not adequately supported. In any case, negotiated rulemaking was simply one phase of the planning process – a phase that has long-since concluded and is not particularly relevant to the TCP issue at this point. The proposed legislation was voted down in subcommittee in 2008 and there has been no action on it in 2009-2010; so the legislation is a moot point too and should not be referenced. It is not relevant to the report.)*

Page 3, line 2: Not sure where “**16.5 miles**” came from, but its use herein is confusing. Bodie Island Spit is generally considered to be from Ramp 4 south to Oregon Inlet, a distance of approximately 2.1 miles. Bodie Island District, for NPS administrative and operations purposes, extends from Ramp 1 to Ramp 27, a distance of approximately 15.8 miles of Seashore beaches (Pea Island NWR not included). Therefore, ~~we suggest~~ ~~would~~ re-wording the first sentence as follows, so it is factually correct: **“Bodie Island Spit, which lies within the Bodie Island District of park management, runs 2.1 miles from Ramp 4 south to Oregon Inlet (Figure 1).”** *Comment: The critical habitat unit at Bodie Island Spit also begins at Ramp and extends south. Figure 1 in the report shows only the southern (approximately) 1.6 miles of the spit (i.e., beginning approx. 0.5 miles south of Ramp 4).*

Page 3, lines 3-4: Use the correct terminology: "...U.S. Fish and Wildlife Service designated critical habitat for wintering piping plover."

Page 3, line 7: Change "...depending on sea turtle and bird nesting seasons..." to "depending on shorebird nesting activity." *Comment: Sea turtles rarely, if ever, lay a nest south of Ramp 4. ~~We are not aware of any documented cases of it occurring. I cannot recall it occurring, but have not asked staff to do a thorough records check to confirm that it has never occurred ever.~~*

Page 3, general: Beach seine fishing rarely, if ever occurs, at "Bodie Island Spit." (It commonly occurs north of Ramp 4, but that is not the "spit".) State fishing regulations prohibit commercial fishing south of Ramp 4 to Oregon Inlet, except for an approximate 3 month period from about January 1 to April 1 each year. A long-time CAHA ranger reports that in the past 10 years, he has only seen beach seine fishing occur south of Ramp 4 only about four times in total. Does that limited amount of use (i.e., an average of less than once every two years) support a conclusion that the beach seine fishermen's cultural identify is closely associated with this particular site? (~~We~~ could see the association with the area north of Ramp 4 where the Wanchese-based beach seine fishermen routinely fish, but that is not the focus of the analysis.)

Page 4, lines 3-4: Use the correct terminology: "...U.S. Fish and Wildlife Service designated critical habitat for wintering piping plover."

Page 4, line 9: "...Cape Point has been (*add*) **periodically** closed to ORVs due to ~~turtle~~ ~~and~~ shorebird (*add*) **and sea turtle** nesting. (*Comment: Shorebird breeding activity is the primary reason for closures.*)

Page 4, line 10: "The interior portion of the cape is ~~periodically~~ (*add*) **typically** designated as a "resource protection area."

Page 5, lines 2-3: Use the correct terminology: "...U.S. Fish and Wildlife Service designated critical habitat for wintering piping plover."

Page 5, line 3: Change "The beach runs about four miles south of Hatteras Village..." to "**The spit runs approximately 2.7 miles south from Ramp 55 to the inlet...**" *Comment: Ramp 55 (the end of the pavement adjacent to the Graveyard of the Atlantic Museum) is the practical boundary of Hatteras Inlet Spit and consistent with the applicable critical habitat unit description. The spit has experienced significant erosion and shortening in the past few years. "2.7" is the current mileage from Ramp 55 to the inlet.*

Page 6, lines 2-3: Use the correct terminology: "...U.S. Fish and Wildlife Service designated critical habitat for wintering piping plover."

Page 6, line 7: "A resource protection area is ~~sometimes~~ *(add)* **typically** implemented..."

Page 10, last line: Change "(e.g. wiener roasts...)" to "(e.g., wiener roasts...)" (i.e., add a *comma*)

Page 12, third paragraph from the bottom: "Numerous fisheries are prosecuted in Pamlico Sound..." Given the primary definitions of "prosecute" (*Webster's College Dictionary*) relate to legal proceedings against a person, the use of this term here makes it sound initially as if illegal fishing activity is occurring. ~~WeI~~ suggest the author use "practiced" or "conducted" instead, so the statement is less confusing.

Pages 13-14: While the "sink net fishing" discussion is interesting, it is not relevant since *(as stated on page 14, lines 3-4)* sink netters do not fish from the beach. Could probably eliminate the entire sink net discussion; it comes across as "filler."

Page 14, third paragraph from the bottom, last line: "The porpoise fishery was prosecuted..." Same comment as above about "prosecuted." Use "practiced" or "conducted" instead, so the statement is less confusing.

Page 16, second paragraph from the bottom, delete first sentence and delete "however" from the second sentence: "~~Further research would be required...~~" Based on available information, ~~however~~, we can conclude that..." *Comment: While ~~weI~~ understand the first sentence to mean, in principle, that "this is not a comprehensive description of anybody and everybody who could potentially participate in beach seine fishing," ~~weI~~ are concerned ~~think~~ it sets us up for stakeholders to say the report is incomplete and we need to do further study. The finding that matters in this report is stated in the second sentence (minus the "however").*

Page 20, Step 4, first paragraph, line 2: "...*(36 CFR 60.4)*as..." Add a *space* between "*(36 CFR 60.4)*" and "as"

Page 21, Conclusion: As stated, the "conclusion" is very broad and relies heavily on reciting general statements from the National Register guidelines, which sets us up for multiple interpretations of what the conclusion really is. Some people will interpret the broad language as meaning the sites are eligible as TCPs in an overly broad context. If ~~weI~~ understand the previous sections of the report correctly, the conclusion seems to be that the four sites have the characteristics of TCPs in relation to commercial beach seine

fishing (only), but not in the context of ORV use or recreational hook-and-line fishing. If that is, in fact, the conclusion, then the report should state it as clearly as that. In any case, the conclusion needs to be more specific than what is currently stated.

- Definition of "community" is better, but still lacking detail. Because of this, it is not clear to me whether the "community of Outer Banks residents" considers beach haul fishing to be a traditional or cultural practice of the "community" or just the much smaller group of local beach haul fishermen feel this way. Besides this fishing practice, there does not seem to be any specific traditional practices or beliefs that tie the "Outer Banks community" to the specific beaches in question, other than a sense of them being "our beaches." I think that maybe the beach haul fishermen comprise a particular kind of "community," but I still see the *practice* of the fishing method being what is most important to them, and not these particular beaches, except in so far as that they need beaches somewhere within the fishing area to launch their boats. So, they need beaches, but probably not these beaches exclusively or all the time. A beach may be closed for either management reasons or weather-related reasons, but as long as they can get to a suitable beach to launch their boats, the traditional practice is preserved. [As a side note, even though the Supreme Court case on the USFS G.O. Road from many years ago was not TCP-related, it does show that even if impacts occur to culturally significant areas, agency actions can be allowed because the significant cultural activities can occur elsewhere with no loss to the meaning of the activity.]

Based on what we know, I do not think these four beaches can be categorized as traditional cultural properties as I understand the concept.

With regard to somebody's question of why only these four beaches are mentioned in the document, and not all the other beaches where beach haul fishing occurs, it is my understanding that the author was directed to only look at these four beaches. This is not a complete CAHA TCP survey document, nor do I think it was supposed to be. In addition, in general it is possible for adverse impacts to occur to a TCP, even if the community that values them can identify other, non-impacted areas that hold the same kind of significance and have the same traditional practices associated with them. Places or properties do not have to be one-of-a-kind in order to be identified as a TCP.

Some of you noticed problems with terminology in the document, so I will only emphasize a couple of them. The continued use of the phrase "traditionally associated" needs to be changed. The use of the word "site" in this kind of context is probably peculiar to cultural resource management and National Register related work (often exacerbated by archeologists using the word "site" to designate some tangible *thing* in particular) and a different word can probably be found to express what is meant by "site." The issue of "boundary" has been brought up for years with regard to how TCPs are to be defined since the National Register criteria for a property requires specific boundaries and sometimes important and significant places don't have a don't have a hard-and-fast boundary like a line on the ground. In this instance it should not be a problem since the

boundaries of the places fluctuate due to natural causes, not social or cultural ones. (The latter are much harder to deal with sometimes.) I reject the sink net fishing that has been added--this section needs to be dropped from the discussion since it is not relevant to the beaches.

- In her final draft, Dr. Garrity-Blake corrected many deficiencies of her earlier draft, particularly in her strengthened definition of the traditional community in question. In my view, much of what other commentators have categorized as “filler” contributes to a useful and necessary analysis of a discreet, traditional community with an identity defined by multiple cultural markers that differentiates this traditional community (or communities) and its cultural practices from the identities and activities of residents in the eight villages area. The web of activities described, including dory construction and repair, packing and trucking, and net production and repair underline the importance of commercial fishing to the continued persistence of these traditional communities. NR Bulletin 38 specifies that it is the community which identifies both the resources that are central to their sustained identity and practices and the values which they attribute to them. The guidelines for identifying TCPs focus on site-specific cultural practices in order to demonstrate that a particular constellation of practices at a particular place are at the core of group identity. However, the transient nature of commercial fisheries presents both philosophical and practical challenges in considering sites associated with the tradition of beach haul seining. Nonetheless, obstacles to a substantiated DOE are not insurmountable.

By definition, the hunters follow their quarry. Dr. Garrity-Blake provides data for beach seine permits issued in Dare and Hyde counties, suggesting that the historically-rooted community participates in the beach seine fishery in the areas of interest. However, the extent and attributed significance of beach haul seining needs to be further specified. Dr. Garrity-Blake’s “sample of captains” strongly suggests that the current participants of this fishery are members of the defined historically-rooted community, but her analysis does not get to the heart of the question: namely, are the specified areas central to these cultural practices? Do community members limit their fishery participation to these areas, or do they apply for permits and participate in crews outside of the vicinity? How do *they* describe the boundaries of *their* areas of interest? It seems that more can be made of the “stories, legends, traditions and beliefs attached to these areas” (p.20); as the analysis now stands, the case is strong for beach seining as a traditional cultural practice but inconclusive with regard to specific areas.

Dr. Garrity-Blake’s assertion that the sites of interest are a TCP as a locus of sink net fishing is a bit more tenuous. The boundaries, as currently defined, do not include the locales for these practices. Again, this point regarding boundaries emphasizes the key deficiency of the draft. However, the discussion of the drop netters is relevant because it contributes to an understanding of the historical and continued importance of commercial fisheries to the traditional community. For example, what is the relationship between the drop netters and the beach fishers? Given the different equipment required for these two types of commercial fisheries, is it likely that these are overlapping occupational groups? Are these two discreet occupational groups? How do the communities choose between

the two activities? Again, who are the traditional practitioners and what values do they attribute to site-specific cultural practices?

- there is still ambiguity about who the "community" is. e.g. p. 6 "The controversies surrounding periodic closures of these areas reflect a strong community attachment to these places and a desire to continue using them." The controversy around periodic closures has far less to do with the sink net or beach haul seine fishing community or a "historically-rooted people" community, than with the Dare County tourism / recreational fishing / retired to the beach to fish interests that have fomented much of the controversy. The term "traditionally-associated people" still appears on pages 8 and 9 (last paragraphs), page 10 (third paragraph), and "traditionally-associated community members" appears on page 18 (2nd paragraph). In other places in the document "historically rooted people," "native islanders, and "island people appear. The identification of a "community" remains murky.
- On the first page it notes that cultural resources are "properties, not people. While recognizing that the four points/spits in question could only qualify as "sites," there is no discussion of how a site is defined for these purposes or how these points/spits might fit that definition.

Instead there is discussion of uses and closures. How does the fact that there are ORV closures relate to whether it's a "site" (particularly since the report now says that ORV use is not connected to the "tradition" of the TCP)? These references to closures for resource and other purposes pervade the document, though their relevance is seldom clear.

Defined the 4 points/spits, the remainder of the report offers no evidence tying the traditional activities at issue to these specific sites. Yes, we all know they're popular fishing spots, but they're not the only ones. Does traditional commercial fishing occur ONLY at these 4 points/spits? Is there really any principled basis for designating a TCP at these 4 points/spits and only at these 4 points/spits (i.e., none of the rest of the Seashore or anywhere outside the Seashore)?

- I predict that the following sentences from the conclusion of step 2 will be often quoted: "Sustained loss of access would affect the integrity of these cultural practices that continue to occur in Bodie Island Spit, Cape Point, Hatteras Inlet, South Point, and adjoining beaches. Continued access and use insures that the integrity of association between people and place is maintained...." What constitutes "sustained" loss of access? What is necessary for "continued" access? I don't think that a under a common-sense reading of these terms, the closures contained in the preferred alternative or indeed any of the alternatives in the DEIS would constitute either a "sustained" loss of access, or a denial of "continued" access. But since we are not always dealing with common sense, do you think it would be fruitful to get clarification from the author about what she meant by either of those terms?

General comment: I do not think the latest Garrity-Blake manuscript (and the earlier eight-village document) has presented enough information to say that the beaches at CAHA are a traditional cultural property, except for the small segment of the local population that is engaged with the beach seine fishery. The people who work in this fishery appear to not only be from the local population, but also members of specific families that have histories of being part of beach seine crews and working in the commercial fishing industry. These family histories appear to be multigenerational, with the skills, practices, and methods used in the fishery passed from one generation to the next. Commercial fishing, with recognizable social and cultural attributes, is a traditional way of life all along the Atlantic coast, and the beach seine fishery fits into this larger overall cultural system. In the words of *Bulletin 38*, the beaches at CAHA are associated with the cultural practices of the beach haul seine fishermen, which is a recognizable and distinct community within the local Cape Hatteras population. These practices are rooted in this particular fishery's history, going back at least into the late 1700s. Since the beaches at CAHA play a significant role in the both the existence and practice of this fishery, if these beaches were to be lost to this fishery community, it would have an impact on the continuing cultural identity of the community members. (Beach access is not the only defining attribute for this fishery, but without it, the fishery cannot exist.)

The arguments for identifying "beach drivers" and hook-and-line fishermen as traditional communities, and the corresponding beaches as traditional cultural properties associated with these groups cultural practices, are, at best, weak. Prior to the construction of roads on the islands, "driving" on the beach (including pre-automobile horse transportation) appears to have been simply a transportation method of getting from one place to the next. This customary practice appears to have stopped once roads were constructed. "Beach driving" then changed to a recreational activity practiced by locals and non-locals, and a convenient way to get to the water's edge. It is arguable whether a single activity can define a "community" for purposes of traditional cultural property evaluation, but at least in the CAHA instance, "beach driving" does not appear to be limited to or solely practiced by any reasonably delineated segment of the general population. It is a recreational activity and convenience engaged in by both local residents and non-local visitors alike.

Likewise, hook-and-line fishermen are both local residents and non-local visitors. There is no evidence that the beaches at CAHA are associated, or even play a defining role in some larger "hook-and-line community" history, or are particularly important in maintaining the continuing cultural identity of it. Participants of hook-and-line fishing seem to be identified by both themselves and others as "recreational fishermen." The mere fact that local residents participate alongside non-local visitors in the sport and recreational activity of hook-and-line fishing does not mean that there are cultural practices and beliefs associated with the beaches and this particular recreational activity.

Beach access for launching boats and handling nets and catch appears to be a necessary component of the traditional practices of the beach haul seine fishery in this area. Without beach access, the members of the relatively small segment of the local resident population that is engaged in this fishery seemingly cannot continue in this pursuit. If they cannot continue with the fishery, then they arguably lose aspects of their cultural identity as a traditional and recognizable group within the larger Cape Hatteras region.

Specific comments:

p.1, third paragraph: A good point that in terms of the National Register, the emphasis is on properties (and “places”), not on people. However, TCPs require a “living community,” which forces the question of what the community is, even if there is no definition offered in *Bulletin 38* for “community.”

p.1, fourth paragraph: the concept of “traditionally associated peoples,” while useful in helping conceptualize what a community might be, is not a concept that the National Register recognizes. This is a park-specific concept, devised by the NPS Applied Ethnography Program to help define ethnographic resources as part of the overall responsibilities of the agency to manage and protect cultural resources.

p.4, Just a note that the decision to restrict the beach seine fishing crews from the tip of the point was probably a federal action subject to section 106 review, which might have helped address some of the issues being brought up today.

p.7, second paragraph, reinforces the point that the local resident population is now made up of a mixture of people, and the local population is not made up solely of “traditional” or multigenerational families with long histories. The last paragraph states that these residents are not easily delineated.

p.8, third paragraph: These traditions listed (quilting, beach combing, canning) are not unique to any group within the larger US population. Lots of people, from lots of different backgrounds, and from lots of different regions in the country, practice these activities. The only common attribute of these people is that they engage in the activity. None of the other cultural attributes that would normally be used to identify social and cultural groups of people are present (language, kinship, residence patterns, cosmology, etc.).

p.9, first paragraph: “Independence” and a suspicion of government regulations are views held by many people in the US, whether it is the CAHA region or northern Idaho.

p.9, third paragraph: Some of these activities (wiener roasts, picnics, swimming) are customary activities, but not necessarily traditions. The transportation modes and methods might be part of history, but that does not mean they are traditional.

p.9, fourth paragraph: The recreational activities engaged in by both local residents and non-local visitors are not exclusive to specific groups, or even specific places. These activities can and do happen at any beach with an amenable climate.

p.10, second paragraph: Reinforces a couple of points—that driving on the beach was not done for the sake of driving, but as a means to an end; i.e. getting the boats for beach haul seine fishing to the water’s edge. The local residents stopped using the beaches as a transportation route in the 1950s. This paragraph also reinforces the point that “values” allegedly associated with driving on the beach (freedom and independence) are shared by everyone there, both local residents and non-local visitors, but that for the beach haul seine fishermen, driving on the beach was necessary for their survival.

p.10, third paragraph: The use of rod-and-reel equipment is not exclusive to the hook-and-line fishing done in the CAHA region, nor is it exclusive to any group or groups in that area. In fact, surf fishing is a sport engaged in by many different people from many different parts of the country, and takes place in many places. Surf fishing at CAHA grew as part of the increasing visitation at the park in the '60s and '70s, not because it was part of the traditional activities of the local residents.

p.11, first paragraph: Surf fishermen come from a variety of backgrounds, which argues against them being part of a recognizable social/cultural group.