

0028574

From: [Mike Murray](#)
To: [Sandra Hamilton](#)
Cc: [Doug Wetmore](#); jason.waanders@sol.doi.gov; mike.stevens@sol.doi.gov
Subject: FYI
Date: 10/11/2010 11:18 AM
Attachments: [100410 SHPO TCP ltr J.Crow.pdf](#)
[Ethnographic Study Analysis of CAHA.Final Report.042710.pdf](#)

FYI

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
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----- Forwarded by Mike Murray/CAHA/NPS on 10/11/2010 01:16 PM -----

**Mike
Murray/CAHA/NPS**

10/04/2010 01:52 PM

To jeff.crow@ncmail.net
cc peter.sandbeck@ncdcr.gov, renee.gledhill-earley@ncdcr.gov, Doug Stover/CAHA/NPS@NPS

Subject

Dear Dr. Crow,

Attached for your consideration is a letter and a report regarding the analysis of four "sites of interest" as potential Traditional Cultural Properties (TCPs) in Cape Hatteras National Seashore. We request your opinion on our Determination of Ineligibility for these four properties. In addition to this email communication, a hard copy of this correspondence is being sent to you by Federal Express.



100410 SHPO TCP ltr J.Crow.pdf



Ethnographic Study Analysis of CAHA.Final Report.042710.pdf

Thank you,

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United States Department of the Interior

NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore

1401 National Park Drive

Manteo, NC 27954

252-473-2111



IN REPLY REFER TO:

H32 (CAHA)

October 4, 2010

Dr. Jeffrey Crow
State Historic Preservation Officer
4610 Mail Service Center
Raleigh, NC 27699-4610

Dear Dr. Crow:

Pursuant to the responsibilities of federal agencies that are described in Section 110 of the National Historic Preservation Act, the National Park Service (NPS) has evaluated four properties within the boundaries of Cape Hatteras National Seashore for potential listing in the National Register of Historic Places. Based on our evaluation, as summarized below, we have concluded that Bodie Island Spit, Cape Point, Hatteras Inlet Spit, and South Point (Ocracoke) do not meet the National Register criteria for recognition as a Traditional Cultural Property (TCP). We request your opinion on our Determination of Ineligibility for these four properties.

Background

In an October 29, 2009 letter, James Keene, president of the North Carolina Beach Buggy Association, expressed his opinion that certain parts of Cape Hatteras National Seashore were eligible for listing in the National Register as TCPs. Mr. Keene identified four specific "places of interest" for consideration: Bodie Island Spit, Cape Point, Hatteras Inlet Spit, and South Point (Ocracoke). The four "places of interest" are uninhabited, natural areas within the boundaries of the park, but are not within the boundaries of the park's eight properties that currently are listed in the National Register.

Recently, the NPS evaluated these four "places of interest" to establish whether the properties may be identified for their significance as TCPs with reference to Criterion A. To assist with this evaluation, the NPS hired cultural anthropologist Barbara J. Garrity-Blake, PhD, as a consultant. In 2005, Dr. Garrity-Blake had prepared an in-depth analysis of historically-rooted communities in the vicinity of the park, entitled *Ethnohistorical Description of the Eight Villages Adjoining Cape Hatteras National Seashore and Interpretive Themes of History and Heritage* (NPS 2005). In response to the NPS request, Dr. Garrity-Blake prepared an evaluation of the properties, entitled "Ethnographic Study of Cape Hatteras National Seashore" (enclosed), that relied heavily on her earlier work. In her final report, submitted to the park in April 2010, Dr. Garrity-Blake concluded that Bodie Island Spit, Cape Point, Hatteras Inlet, and South Point "have strong historical association to native bank residents" and that this association, comprising "direct importance in the continued viability of the traditional beach seine fishery," satisfies the criteria for recognition of the four "places of interest" as TCPs (Garrity-Blake 2010: 22-23). Dr. Garrity-Blake also concluded that a historical connection cannot be definitively demonstrated between current off-road vehicle driving and the traditional use of beaches-as-roads, or between today's recreational surf fishing on Bodie spit, Cape Point, Hatteras Inlet beach and South Point and traditional hook and line or surf fishing for subsistence purposes (Garrity-Blake 2010: 18-19).

Guidelines for Traditional Cultural Properties

National Register Bulletin No.38 provides guidance and technical information regarding the evaluation and documentation of TCPs. In general, as discussed more fully in NR Bulletin No. 38, a TCP that is eligible for inclusion in the National Register demonstrates traditional cultural significance through association with:

- A living, multi-generational community of people that has existed historically and continues to exist;
- Shared cultural practices, customs, or beliefs that are rooted in the community's history and in continual practice;
- Shared cultural practices, customs, or beliefs that are important in maintaining the continuing cultural identity of the community; and
- A tangible place that is directly associated with the community's vital or constitutive cultural practices.

NPS' Determination of Ineligibility of the Four "Places of Interest"

Our review of Dr. Garrity-Blake's reports and of National Register bulletins and briefings concludes that the four "places of interest"—Bodie Island Spit, Cape Point, Hatteras Inlet Spit, and South Point (Ocracoke)—are not eligible for nomination to the National Register as Traditional Cultural Properties (TCP), with reference to Criterion A. The properties do not meet the National Register criteria for recognition as a TCP because existing documentation fails to demonstrate traditional cultural significance through association with the shared cultural practices of a historically-rooted community that are both vital to the community's continuing cultural identity *and* directly tied to a bounded, tangible place.

In her "Ethnographic Study Analysis," Dr. Garrity-Blake asserts that it is "possible to discern a historically-rooted community still living in the Cape Hatteras National Seashore region." According to Dr. Garrity-Blake, this "core community" of "native-born residents" is distinguishable from a broader population of non-native residents, including retirees, relocated-working families, immigrant laborers, and second-home owners, by the constellation of distinct markers of cultural identity described in her *Ethnohistorical Description of the Eight Villages*. These markers include family surnames, residence patterns and "special homelaces," coastal dialects, traditional foodways, unique customs and rituals, specialized environmental knowledge, and occupational preferences, especially for maritime-related jobs and, most specifically, for commercial fishing (Garrity-Blake 2010: 7-11). It is the latter activity which Dr. Garrity-Blake believes sets the "native-born residents" apart from other users of the beaches and comprises a shared cultural practice of the historically-rooted community of the Outer Banks.

Our review determined that commercial fishery practitioners do not constitute a "traditional community", as described in National Register Bulletin No. 38. The groups that may claim traditional associations with the areas in question on the basis of these activities do not appear to be limited to members of the "eight villages" historically-rooted community. Federal regulations found in 36 CFR § 7.58 (b)(iii) authorize the NPS to issue permits for commercial fishing from national seashore beaches to the legal residents of sixteen specific villages (fifteen in Dare County and one in Hyde County), which include the "eight villages" located within, but excluded from, the Seashore boundary, as well as others. As a result, the permit-holding residents who participate in the beach seine fishery within the Seashore are not limited to the historically-rooted "eight villages" community, and may include a number of fishermen from the broader area of "sixteen villages" identified in the regulation.

State permit statistics for the striped bass fishery, cited in Dr. Garrity-Blake's "Ethnographic Study Analysis," reveal that less than one-fifth (i.e., fourteen of the seventy-four) state commercial fishing beach seine permits issued to captains from the "sixteen villages" actually reside in the "eight villages" within the Seashore boundary. The "three-year cycle" referred to in the analysis (Garrity-Blake 2010: 15-16) suggests that this group of participants will continue to vary, as commercial fishing captains wanting to participate in the striped bass fishery are required to choose one of three commercial fisheries: beach seining, trawling, or gill-net fishing. This may prompt some fishermen to choose a different fishery option during subsequent three-year periods.

Though Dr. Garrity-Blake suggests that the local crews are composed largely of native-born islanders, she bases this assessment on the testimony of only a few of the local captains (Garrity-Blake 2010: 16-17). And while Dr. Garrity-Blake describes a web of activities, including dory construction and repair, packing and trucking, and net production and repair, which help set apart dory fishermen from other commercial fisherman, the group commonalities that distinguish participants in the dory fishery from the larger general group of Outer Banks residents appear to be limited to occupational markers.

Moreover, while a "core community" of native-born residents appears distinguishable from the broader (non-native) resident population of the Outer Banks, the vital significance of commercial fishing and, in particular, of the beach-haul-seine or dory fishery, to the historically-rooted community of the "eight villages" is not established. According to Dr. Garrity-Blake, only a small subset of people within this historically-rooted community participate in the dory fishery, though she claims that this cultural practice serves as a symbol of cultural identity for the entire community (Garrity-Blake 2010: 18). However, Dr. Garrity-Blake's "Ethnographic Study" provides insufficient evidence to substantiate this claim. National Register Bulletin No. 38 specifies that it is the community that identifies both the resources that are central to their sustained identity and practices and the values which they attribute to them. Within these National Register parameters, it is not clear if the historically-rooted community of Outer Banks residents considers beach seine fishing a traditional cultural practice that is vital to their community's cultural survival. Neither the cultural affiliations of the dory fisherman nor communal valuations of this practice are described in sufficient detail to demonstrate the traditional cultural significance of dory fishery and its current association with the historically-rooted "eight villages" community.

Finally, 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 important for community cultural identity. This quality, which National Register Bulletin No. 38 identifies as "integrity of relationship," rests upon a traditional community's belief that a *specific* location is important to the performance of a traditional cultural practice. In our review we found that in addition to difficulties in identifying a traditional community directly and definitively associated with vital cultural practices in the four "places of interest," there was little basis for establishing integrity of relationship. Dr. Garrity-Blake's "Ethnographic Study" notes that the "extremely mobile" commercial fishery depends upon both the location of the fish and "the ever-changing contours of the beach" (Garrity-Blake 2010: 16-17). According to Dr. Garrity-Blake, fishermen do not limit their beach seining to the areas of interest. There seems to be no logical and substantiated basis for an assertion that these properties, rather than any of the other potential locations for beach seining both within and outside the boundaries of the national seashore, are intrinsic to the continuation of traditional cultural practices.

In sum, the NPS does not concur with Dr. Garrity-Blake's findings of the traditional cultural significance of the four "places of interest" with respect to the beach seine fishermen. It is our opinion that existing documentation fails to establish a significant association of the properties with the traditional cultural practices of a historically-rooted community. We do concur with Dr. Garrity-Blake's findings that the four "places of interest" do not have traditional cultural significance with respect to current off-road

vehicle driving or recreational surf fishing. We believe that our efforts to evaluate these properties have been reasonably thorough, and request your views with regard to our Determination of Ineligibility and to which, if any, additional actions need to be taken.

Sincerely,

Michael B. Murray

Michael B. Murray
Superintendent

Enclosure