



United States Department of the Interior
NATIONAL PARK SERVICE
OUTER BANKS GROUP



Fort Raleigh National Historic Site Wright Brothers National Memorial
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, North Carolina 27954

IN REPLY REFER TO:

L60 (CAHA)

OCT 21 2009

James Keene, President
North Carolina Beach Buggy Association
c/o Cape Hatteras Access Preservation Alliance
P.O. Box 1355
Buxton, NC 27920-1355

Dear Mr. Keene:

Thank you for your letter dated September 2, 2009, regarding potential listing of certain parts of the Cape Hatteras National Seashore in the National Register of Historic Places as Traditional Cultural Properties (TCPs).

While we understand your basic request, we should clarify at the outset that designation of historic properties to the National Register is not a mandate of Section 106 of the National Historic Preservation Act. That section of the act addresses only the Federal government's actions in the treatment of properties already listed or determined eligible for listing in the National Register. Section 110 of the National Historic Preservation Act is the section of the statute relevant to your request. That section sets out the broad historic preservation responsibilities of all Federal agencies, including the National Park Service, and is intended to ensure that historic preservation is fully integrated into their ongoing programs. It includes a mandate "that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register."

We believe that we have satisfied that mandate. We have completed a number of studies meant to identify historic resources, including an historic resource study and an ethnographic overview and assessment. Mostly as a result of NPS efforts, Cape Hatteras National Seashore now has 44 individual sites and 6 historic districts listed on the National Register. In addition, we are currently seeking funding to update our historic resources study, since we recognize that a number of properties may have attained historical significance in recent years. We welcome your input when that project gets underway.

TAKE PRIDESM
IN AMERICA 

John B. Couch
W. James Keene
Lawrence M. Hardham
June 2, 2009
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As stated on page 15 of the bulletin, "A significance ascribed to a property only in the last 50 years cannot be considered traditional."

Most of the applications' text appears to focus on the past fifty years when recreational fishing at the sites has almost completely supplanted commercial fishing, a long-established practice (although not necessarily a traditional cultural practice as interpreted by the National Park Service) for which documentation exists but is not cited. (See for example the 2005 NPS report, "Ethnohistorical Description of the Eight Villages Adjoining Cape Hatteras National Seashore and Interpretive Themes of History and Heritage.") The applications provide no historical documentation to establish that recreational fishing practices of the past fifty years have a direct relationship and continuity with the traditional beliefs, customs, or practices associated with historical commercial fishing patterns on the Outer Banks.

In order to make the case that the sites qualify as TCPs worthy of preservation, documentation must be presented to substantiate the community's historically rooted beliefs, customs, and practices as they relate to recreational fishing and identify the "living community of people" who have established a pattern of land use reflected in the cultural traditions valued by its long-term residents. Are the respective groups as a whole who use the sites today descended from those who used the sites generations ago (i.e., more than fifty years ago) and are they using the sites in the same way that their ancestors did? Further, documentation must show that the four sites are the specific places that played a significant role in the community's historically rooted beliefs, customs, and practices and that those beliefs, customs, and practices are integral to the community's cultural identity.

Therefore, based on the limited information in your applications, there appears to be little if any justification that the properties qualify as TCPs. Given the short timetable in which to generate the additional required information, you may choose to withdraw your applications in order to revise and resubmit them for a future NRAC meeting. If you do not withdraw the applications, staff recommendation to the NRAC will be deferral of a decision pending additional information. Please be aware that the final decision is made by the committee, which has the three options of approval, deferral, or rejection.

As the four sites are federally-owned properties, application for placement on the state Study List is an optional step in the National Register nomination process. A direct submittal by you of a National Register nomination to the NPS preservation officer would save you time and expedite the process.

Sincerely,


Jeffery J. Crow

JJC/cp

CC: Secretary Linda A. Carlisle
✓ Superintendent Mike Murray, Cape Hatteras National Seashore
Scott Power