

0075622

From: [Doug Stover](#)
To: [Mike Murray](#); [Darrell Echols](#); [Thayer Broili](#)
Cc: [Dan Scheidt](#)
Subject: Re: Fw: FW: Reg-Neg, Routes & Areas issue
Date: 10/17/2008 02:53 PM

Mike,

I am having the SERO cultural resources staff look at this issues, This is a toughie, The REG-NEG group makes a compelling argument that should be considered, in my view. As for the statement below, yes and no. "No discrete, continuous ethnic groups or ethnographic populations are documented at the Seashore", well - there's nothing as easily defined as a Native American group (not that THAT'S easy - look at the Lumbee!) there ARE families who can trace their ancestry back to the first white settlers, or at least to 19th century settlers. There are some genealogies floating around that are pretty impressive. As you know there are old banker surnames, and plenty of contemporary residents that carry on at least part-time fishing, waterfowl hunting, carving, boat-building, and other traditions. There's a distinct dialect like Walt Wolfram's work on Ocracoke. and distinct practices like Old Christmas. There is a unique cultural identity, which probably gets blurry around the edges as the older folks die off.

"...no ethnographic populations would be impacted by the implementation of an ORV management plan." If the plan ultimately prohibits the dory fishery from being prosecuted then I would disagree. The whole idea of recreational fishing being important to the traditions and pastimes of the area has merit too.

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
▼ [Mike Murray](#)

**Mike
Murray**

To: "CAHA Doug Stover" <doug_stover@nps.gov>
cc:
Subject: Fw: FW: Reg-Neg, Routes & Areas issue

10/09/2008
05:56 PM
EDT

FYI

Sent from my BlackBerry Wireless Handheld

▼ [Sandra Hamilton](#)

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

From: Sandra Hamilton
Sent: 10/09/2008 02:51 PM MDT
To: Mike Murray
Cc: JASON WAANDERS; MIKE STEVENS; Sherri Fields

Subject: Re: FW: Reg-Neg, Routes & Areas issue

FYI. Here is the ethnography language from the Louis Berger draft of Chapter 1 of the ORV Mgmt Plan/EIS. It dismisses ethnography as an impact topic based on the recently completed ethnographic study.

- **Ethnographic Resources:** An ethnographic study for Cape Hatteras National Seashore was completed in 2005 (Impact Assessment, Inc. 2005). The study looked at the eight villages in the Seashore that reflect the nearly 300-year history and culture of the Outer Banks to support the Seashore in interpretation of its cultural resources, stewardship of ethnographic resources, and community relations with the villages. Archival/documentary research and ethnographic fieldwork was completed as part of the study to further socio-cultural understanding of the villages adjoining the Seashore. The villages contain a mix of populations that have evolved from the original British settlers, European seafarers, farmers, and other more recent migrants to the Outer Banks. No discrete, continuous ethnic groups or ethnographic populations are documented at the Seashore; therefore, no ethnographic populations would be impacted by the implementation of an ORV management plan.

Sandy

Sandy Hamilton
National Park Service - Environmental Quality Division
Academy Place
P.O. Box 25287
Denver CO 80225
PH: (303) 969-2068
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▼ [Mike Murray/CAHA/NPS](#)

**Mike
Murray/CAHA/NPS**

To: Sandra Hamilton/DENVER/NPS@NPS
cc: Sherri Fields/Atlanta/NPS@NPS,
mike.stevens@sol.doi.gov, jason.waanders@sol.doi.gov

10/09/2008 12:49 PM EST

Subject: FW: Reg-Neg, Routes & Areas issue

FYI - Start at bottom with Jim Keene's message and read up. Will have Doug Stover, our Cultural Resource Management Specialist, take a look at it.

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

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0075624

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----- Forwarded by Mike Murray/CAHA/NPS on 10/09/2008 12:41 PM -----

**Mike
Murray/CAHA/NPS**
To: Doug Stover/CAHA/NPS@NPS
cc: Thayer Broili/CAHA/NPS@NPS
10/09/2008 12:05 PM Subject: Fw: info request

Doug,

Cape Cod went through an extensive TCP/TAP analysis and evaluation process on the Dune Shacks Historic District. They even had an ethnography done to document the cultural traditional ways and kinship relationships of the people who have used the dune shacks for 4 generations. Despite all this, the Keeper of the Register still determined that it did not qualify for TCP/TAP status since there were multiple groups (in a sense the "general public"), and not a single clearly definable group or community, with long-term associations with the dune shacks. See link below to the Keeper's decision and related documents.

I doubt that we would go through the level of study and analysis of "beach driving" as was conducted on the dune shack issue at Cape Cod; however, I would appreciate your organized thoughts on the eligibility of the CCC dunes and, if eligible, how that might relate, if at all, to the TCP issue for beach driving. To me the Cape Cod situation was a much more clearly defined set of people affiliated with a designated historic district (than we have here associated for ORV use, which is more or less the general public). Even so, at Cape Cod it was determined that it was not eligible for TCP status.

No need to schedule an appointment with Cyndy, unless you have questions. The information above was what I wanted to communicate to you (didn't have it at the time I sent the previous message).

Mike Murray
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----- Forwarded by Mike Murray/CAHA/NPS on 10/09/2008 11:37 AM -----

**Sue
Moynihan/CACO/NPS**
To: Mike Murray/CAHA/NPS@NPS

0075625

cc

10/09/2008 10:06 AM

Subject Re: info request 

Hi Mike: The Keeper of the Register, Jan Matthews, determined that the historic district does not meet the National Register criteria for additional significance as a Traditional Cultural Property. Our website has all of the reports and correspondence on the issue. National Register Bulletin 38, the criteria for the designation, is also there.

<http://www.nps.gov/caco/parkmgmt/dune-shacks-of-the-peaked-hill-bars-historic-district.htm>

About 1/3 of the way down the page you'll see the **Memo from the Keeper** describing why the district does not meet the criteria. As far as this being a final determination, the NPS thinks it is, but as with many things about the dune shacks, there are those who feel the decision is not final. Last August Senator Kerry made a private, unannounced visit to the district, toured it with dune dwellers, never talked to NPS, then sent a letter to the Keeper asking to have the decision overturned. Jan Matthews visited the park a few weeks back, and her office continues to stand behind the decision.

The fact that our hired contractors recommended that it receive TCP designation, followed by NPS ethnographers disagreeing with the recommendation has made it look like we don't know what we're doing, and that we never had an open mind about the possibility that it is a TCP.

Other parks that have dealt with TCP questions are Sequoia (Mineral King) and Biscayne (Stiltsville).

Good luck!

Sue

Sue Moynihan
Chief, Interpretation and Cultural Resources Management
Cape Cod National Seashore
508-349-3785 x 230

▼ [Mike Murray/CAHA/NPS](#)

**Mike
Murray/CAHA/NPS**

To Sue Moynihan/CACO/NPS@NPS

cc

10/09/2008 10:30 AM

Subject info request

Sue,

Is there a final report or determination on the dune shack TCP/TAP issue? Some of our ORV stakeholders want to make a case that because the CCC built the dunes on the Outer Banks to stabilize the shoreline for development and to protect recreational values, beach driving is a traditional cultural use, etc. It would help refresh my memory of the requirements to see the analysis for the dune shacks.

Is there a final report you can email me, or a link you can provide to the report if it is on-line?

Thanks in advance for your help,

Mike Murray
Superintendent
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----- Forwarded by Mike Murray/CAHA/NPS on 10/09/2008 12:46 PM -----

"keene9558"
<keene9558@charter.net>

10/09/2008 08:33 AM

Please respond to
<jkeene@franklineq.com>

To <mike_murray@nps.gov>
cc <dagwerksobx@yahoo.com>,
<ffff1@mindspring.com>,
<jim.keene@ncbba.org>,
<guitarcouch@earthlink.net>, "Larry Hardham"
<hardhead@embarqmail.com>, "John Alley"
<johnalley@earthlink.net>

Subject REG-NEG, Routes & aREAS

Mike Murray, Superintendent
Cape Hatteras National Seashore Recreational Area
1401 National Park Drive
Manteo, NC 27954

VIA EMAIL

October 9, 2008

Dear Mike,

We are informing you of the following while not making distribution to the entire REG-NEG

Committee/Subcommittee. Since we believe that you, as local Superintendent and DFO, should be aware as to “why” we are making reference to the National Historic Preservation Act in our “Routes and Areas Subcommittee Proposal”. We are available to discuss this with you, at your convenience, prior to our next scheduled REG-NEG meeting and in the meantime ask that you task someone on your staff to research the following.

It is the position of NCBBA, OBPA, CHAC, CHAPA and others that specific areas of Cape Hatteras National Seashore Recreational Area are potentially eligible to be added to the National Register of Historic Places (NRHP) as Traditional Cultural Properties (TCPs). As such, their traditional use is afforded protection under Section 106 of the National Historic Preservation Act of 1966, As Amended. The areas held in importance and considered TCPs consist of: those areas traditionally used in recreational pursuits, particularly swimming, boating, sailing, fishing and other recreational activities of similar nature. These areas have been gathering places for families both local and visitors and consist of that portion of beach from low-low waterline to toe of dune or 300’ whichever is larger. These areas are deemed historic cultural landscapes based on in part on the presence of an artificial dune system, the origins of which are associated with the Civilian Conservation Corps and other Depression era works programs (Binkley 2007). Also contributing to the cultural landscapes are features such as historic period dune overpass ramps and road traces, and the Cape Point Dredge Pond which dates to early Modern times (Binkley 2007). However, the potential NRHP-eligibility of these landscapes is based on them being held in importance as TCPs by Outer Banks communities. Historical, modern, and contemporary use of these landscapes is integral to the unique culture of the Outer Banks. Further, maintenance of these properties’ traditional use is critical to the continuing cultural identity of the local Outer Banks communities.

The Department of Interior National Park Service is the federal agency that promulgates standards and criteria for evaluating historic properties, meaning they can be considered potentially eligible, or determined eligible to the NRHP. By definition, “historic properties” are archaeological sites, architectural resources, engineering objects, and TCPs to include landscapes.

The National Park Service National Register Guidelines for Evaluating and Documenting Traditional Properties (Guidelines) clearly state that landscapes may be considered a historic property and thus potentially eligible to the NRHP:

... a property may be defined as a "site" as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence. A culturally significant landscape may be classified as a site, as may the location where significant traditional events, activities, or cultural observances have taken place.

The Guidelines also explicitly state that TCP designations are not to be limited to properties held in importance by Native Americans or other minority groups:

Americans of every ethnic origin have properties to which they ascribe traditional cultural value, and if such properties meet the National Register criteria, they can and should be

nominated for inclusion in the Register [NRHP].

In setting forth criteria for determining what constitutes TCP and evaluating a specific property's significance, the Guidelines define potentially NRHP-eligible TCPs as:

A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;

A location where a community has traditionally carried out economic, artistic or other cultural practices important in maintaining its historic identity.

Based on the guidelines promulgated by the Department of the Interior National Park Service, the historic properties in question clearly meet at least two criteria for a TCP potentially eligible for inclusion to the NRHP.

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

In recent historic times, traditional commercial beach fishing has been eclipsed in importance by recreational surf fishing. Recreational 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, and continues to be of 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 South Beach remains focal point for the local surf dory seine net fishery. This economic activity represents a nearly extinct folkway as the Cape Hatteras National Seashore Recreational Area beaches are one of the very last places in the country in which this traditional commercial fishery is practiced. The 1980 amendments to the National Historic Preservation Act specifically call for protecting and

preserving these kinds of cultural activities. The National Park Service National Register Guidelines for Evaluating and Documenting Traditional Properties states:
In the 1980 amendments to the National Historic Preservation Act, the Secretary of the Interior, with the American Folklife Center, was directed to study means of:
preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. . .

and to recommend ways to:

preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage. (NHPA 502; 16 U.S.C. 470a note)

It is clear that the “folk cultural traditions underlie and are a living expression of our American heritage” encompasses not only the local surf dory seine net fishery but the full range of traditional activities that characterize the historic properties in question and define them as TCPs.

Much has changed on the Outer Banks since the establishment of Cape Hatteras National Seashore Recreational Area. 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 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 lifeways 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 wilderness reserve. The widespread loss of traditional barrier island culture makes preserving the surviving elements of historical Outer Banks lifeways absolutely critical.

Portions of the Cape Hatteras National Seashore Recreational Area are deemed historic properties potentially eligible to the NRHP as TCPs under Section 106 of the National Historic Preservation Act of 1966, As Amended. These historic properties and their traditional uses have long been, and continue to be, integral to the social and cultural fabric of the Outer Banks. The properties have traditionally sustained the local economy through commercial fishing, recreational fishing, surfing and other beach activities. Recreational surf fishing has also historically become a part of Outer Banks culture. As cultural landscapes, the historic properties provide Outer Banks residents and visitors with sense of place and help to sustain the collective identity of local communities. Therefore, continued open access to these properties is essential in preserving the traditions and maintaining the historic identity of the Outer Banks and its people.

Sincerely,

Mr. W. James Keene, President
North Carolina Beach Buggy Association

Mr. John Couch, President
Outer Banks Preservation Association

MR. Larry Hardam, President
Cape Hatteras Anglers Club

References Cited:

Binkley C.
2007 *The Creation and Establishment of the Cape Hatteras National Seashore. The Great Depression Through Mission 66*. National Park Service, Southeast Region. Atlanta GA.

US Department of Interior, National Park Service
National Register Bulletin Guidelines for Evaluating and Documenting Traditional Cultural Properties. Posted at:
<http://www.nps.gov/history/nR/publications/bulletins/nrb38/> Accessed September 23, 2008