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From: [Jim Lyons](#)
To: [Mike Murray@nps.gov](mailto:Mike_Murray@nps.gov)
Subject: ORV comments
Date: 03/16/2007 01:42 PM
Attachments: [NEPA ORV comments.doc](#)

Attached

ORV comments

PO Box 698
Buxton, NC 27920
March 16, 2007
RE: Off Road Vehicle Management Plan/EIS

Superintendent
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27952

Dear Mike Murray,

The current lack of an ORV management plan in Cape Hatteras National Seashore (CHNS) has caused visitor use conflicts and has not adequately protected the “unique” resources associated with this park. The question is not whether ORV use in CHNS may cause recreational conflicts, endangers users safety or harms the resource. It is a documented fact that ORVs have done so. Rather, the question is what can be done to mitigate these effects. Correcting this with a comprehensive ORV management plan is the NPS assignment.

I have lived on the Outer Banks for 34 years and have been an avid supporter and recreational user of CHNS. I still enjoy many recreational beach activities, including driving on the beach. It is important that a legal ORV management plan for CHNS is promulgated as expeditiously as possible under NEPA guidelines.

When correcting this situation the NPS should acknowledge that current ORV organization have political advantages that are counter to esthetic values of National Parks. That any ORV management plan has to take into account *Laws and Management* policies consistent with the National Park System and all visitors needs, even the silent ones.

ORV Groups: Disproportionate, Inaccurate, And Inflammatory

When forming an ORV management plan please take into consideration that ORV proponents are disproportional to the total number of CAHA users. While ORV users are a well-organized special interest group, there is no data to suggest that they speak for the majority of CHNS users. Many visitors in this park know little of the issues and are not affiliated with special interests groups such as the Outer Banks Preservation Association (OBPA). These users do not have established groups’ organizational assets to balance the issues and speak on their behalf.

Unfortunately, ORV lobbies have successfully portrayed a one-sided view of ORV use and tried to discredit differing views via meetings, websites, Internet message boards, letter writing campaigns and organizational publications. In many instances there have been personal attacks on individuals, NPS employees and environmental organizations portraying them as radicals with personal agendas and motivations. (2.) (3.) (4.) (5.)

Specifically, ORV proponents often fail to differ between temporary resource protection closures and beaches closed for ORV safety related issues. This presents a distorted view of NPS beach closures making it appear that all closures are motivated by environmental, and not public safety concerns. (6.) Beaches that are opened only for pedestrian access and closed to ORVs are characterized as having no access suggesting that ORV use is the only way to access the park. Furthermore recreational fishing rights and ORV use are often linked implying that ORV management also threatens fishing rights. ORV proponents contend that CHNS was established as a recreational Park where recreational ORV use takes historical precedent over the protection of the resource and other recreational activities. They warn members that the Seashore's beaches may be closed entirely to everyone. (7.) ORV organizations and local businesses often overlap, sharing the same core members who warn of dire economic consequences for any restrictions of ORV use. However, it is unclear what effects, if any, managed ORV use would have on the local economy. The sustained and rapid economic growth in the eight villages in the Park suggests that economic dangers of ORV management are unfounded when considering previous beach closures in the last 20 years. (8.)

The political pressure exerted by the many local and national ORV special interest groups, is obviously a factor when considering ORV management. (1.) (9.) The Dare County Board of Commissioners in conjunction with OBPA recently adopted a referendum in support of ORV use (10.). It is obvious that the ORV groups have successfully organized their members into political action on their behalf. (11.)

National Park Service Bias For ORV Use

The NPS is years late in forming a balanced, legal and proper ORV management plan. This has likely significantly affected current demographics of CHNS visitors. ORV users come to recreate in CHNS because this National Seashore, when compared to other National Seashores has considerable less ORV restrictions. Unfortunately unmanaged ORV use has made CHNS a less desirable park for visitors seeking a more wilderness experience.

An example of NPS bias toward ORV use occurred when the Park distributed confusing information concerning ORV use in their literature. The Park brochure that was distributed at the recent public comment sessions in February 2007 (12.) describes

negative outcomes of ORV use at CHNS using words like ‘could happen’ or ‘may result.’ A visitor unfamiliar with the situation would easily surmise that these were nothing more than potential problems when in fact many of these issues are documented occurrences in the Park. It might be accurate to say ORVs “could affect” the local economy but it is inaccurate to say ORVs “could result in visitor use conflicts”, “may impact vegetation of the Seashore”, “could impact federally threatened or endangered species”, or “could affect access for commercial fishing.” These are documented occurrences due to the effects of ORV use in this Park.

In addition to these imprecise statements, the park has recently appeared to take a stand that firmly condones the current state of ORV use along with all the deleterious effects therewith. For example, two recently written park documents inform readers about the historical context of ORVs on CHNS beaches.

Interim Protected Species Management Strategy/Environmental Assessment

“ORV use on the seashore beaches predates the establishment of Cape Hatteras National Seashore and is considered an appropriate visitor use. ORVs are currently used to provide vehicular access onto the seashore beaches for recreational purposes, including surf fishing; surfboarding; sunbathing; swimming; bird watching; scenic driving; etc “(13.)

And

Superintendent’s Order # 07, ORV Management, May 9th, 2006

“Off-road vehicles (ORVs) are considered a traditional and appropriate use at Cape Hatteras National Seashore.” (14.)

Both of these park documents (SO# 7 and September Press Release) have a clear bias toward ORV interests when they do not offer further explanations. Driving vehicles on the beach was one of many traditional uses of CHNS beaches. Walking is also a traditional use of the beach that many park users find difficult on heavily used ORVs beaches. Documented cases of visitor use conflicts, pedestrian safety, and resource violations coupled with a dramatic increase in vehicles on the Park beaches make today’s ORV use neither traditional nor appropriate. The Park has photographic documentation of what traditional use of vehicles on CHNS looked like. Those pictures in no way compares to ORV use today. Furthermore many CHNS users have no problem accessing the seashore to engage in “surf fishing; surfboarding; sunbathing; swimming; and bird watching” without the use of an ORV. This statement indirectly implies that ORVs are necessary to participate in these activities. There is no documentation that ORV access for recreation is representative of all, or even a majority of Park users. The enabling legislation for CHNS does not specify address ORV use as an appropriate use of the Seashore. I would like to stress however these concerns are not an indictment against all ORV use. Rather I believe that there is a way to safely and fairly manage ORVs in this park for the benefit of all park users.

Interim Protected Species Management Plan (IPSMP)

The only ORV management document that the park is currently using is the **Interim Protected Species Management Plan (IPSPM)**. This plan has serious shortcomings with respect to protection of protected species in the Park, as pointed out by the notice of intent to sue from Defenders of Wildlife, December 18, 2006.

The interim plan delineates what and where ORV activities are allowed with respect to protected species but fails to address other recreational interest and the potential for recreational conflicts between user groups. The IPSMP encompasses all of CAHA beaches and in effect manages all recreational aspects of this park assuming that a protected species could show up anywhere within CHNS. At public comment sessions Park users voiced their concerns about the potential for Recreational Conflicts using this Plan. (15)

I am disappointed with the parks seeming lack of concern for park users that don't use an ORV for recreation or access. In 2004 beaches that for 25 years had been pedestrians' access beaches were opened to vehicles. This fall realizing that ORV use presented a tangible threat to the safety of pedestrians park managers were concerned enough for the safety of non-ORV users and issued this NPS Press Release warning pedestrian in the National Seashore at the close of the summer season to:

“Be alert to vehicles driving on the beach. Set up beach paraphernalia in areas outside of ORV pathways. Watch children as they may not be attentive to ORVs and can be hard to see from a vehicle.” (16.)

SO# 7 and the NPS September Press release create a less than equitable situation for non-ORV park users accessing the Seashore. SO # 7 says pedestrians can stay landward of the ORV corridor and the September Press Release says not set up any **paraphernalia** in ORV routes. There are ORV trails from the base of the dune to the waters edge on the majority of CHNS beaches during the shoulder season (September 15 through May 15). This constitutes a failure of the NPS to provide pedestrians with equitable safe access and fundamentally changed the status quo of how much of the seashore had been managed prior to SO # 7 May, 2004. The entire beach can be an ORV trail and the park does little more than recommend that pedestrians stay out of the way. (17.)(18.)

Last summer for the first time in many years that visitors camping in the NPS Frisco Campground found the entire beach that fronts the campground was an ORV trail. In the past the ORV village closure area started from Ramp 49 and went south and NPS campers could walk to a beach that did not have ORVs on it.

Legislation

Two cornerstones of management in CHNS are **The National Park Service Organic Act** and **Cape Hatteras Enabling Legislation**.

The National Park Service Organic Act

The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purposes of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

And

Cape Hatteras Enabling Legislation

“Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area:.”

ORV routes are without a doubt a **“development of the project or plan for the convenience of visitors.”** The lack of an ORV plan is having increasingly negative effects on other park users. The current partial implementation of a twenty-nine year old interim plan that was never formally approved fails when addressing today’s ORV management concerns. There are letters to park managers stating concerns of the safety of pedestrians and a diminishing of the natural beauty of the Park directly associated because the NPS does not have a ORV management plan.

The preservation and observation of the unique flora and fauna of this park is an essential part of many users recreational pursuits. Park users should have the opportunity to view the **“unique flora and fauna or the physiographic conditions now prevailing in this area.”** In the seashore ORV use obfuscates the view of natural markers like the tide line, shell banks, sand patterns, rack line and animals in their natural state. Unmanaged ORV use negatively impacts these identified values of the Seashore. The Park should make specific ORV management plans and rules to ensure these and similar recreational values are available to visitors in the Park now and in the future.

Native shorebirds have coexisted for centuries with human activity on the Outer Banks. Nesting, resting and foraging shorebirds today however are not faring as well. There are species of native nesting shorebirds that are in danger of being extirpated from this park. Unintentional and intentional harassment of birds by humans and the impact of predators associated with humans is an impact that has not been adequately considered on shorebirds here. Many people in ORVs spend long hours in close proximity to prime colonial bird-nesting habitat. This increases the likelihood of predation and disturbance. ORV management plans should not only include predator management controls but also include management plans that look at the causes of increased predation and manage those cause proactively.

Current NPS resource management allows unique shorebirds to be harassed. The Park has had 6 species of native nesting shorebirds: Piping Plovers, Wilson Plover, Gull Bill Terns, Least Terns, Oyster Catchers and Black skimmers. All of these birds have suffered drastic reductions in numbers in the last 40 years. More disturbing Oyster Catcher and Least Tern chicks have been documented as having been crushed by ORVs on CHNS beaches. Under the Parks newly formed Interim Protected species Management Plan (IPSMP) nighttime driving adjacent to nesting colonial shorebirds is permitted in CHNS. The IPSMP allows a legal take of threatened species by ORVs. Nesting habitat is not being adequately protected. For example, last year there were no reported successful nesting of Black Skimmers on Hatteras Island. Black Skimmers tried to nest at Cape Point. Unfortunately for the Skimmers it was next to an ORV trail. Nighttime lights from vehicles flooded their nesting sites. The nests were abandoned.

Conclusion

ORV lobbying efforts do not take into account non-ORV users recreational interests. ORV management plans should have detailed rules to protect Park resources and all ORV management plans **should provide ample opportunity and easy access to the Seashore for pedestrians**. Recreational experiences in the middle of an ORV trail are not an experience sought out by visitors on foot in National Parks. Things today are not as they were in the past. Nowhere is this truer than on the Outer Banks of North Carolina. Managing the Seashore the way it was managed fifty years ago would fail the intent of why a National Park was established here. A balanced ORV management plan must be written in such a way that guarantees not just today's users but future users an opportunity to enjoy all the attributes this National Park was set aside for.

Suggestions For ORV Management Plans

- Establish year round pedestrian access only areas.
- Initiate a longer high use season, March 15 through Jan 1. This would address the increase visitor use during the now longer shoulder seasons, extending protection to other users.

- Take proactive resource protection measures based on science and applicable legislation.
- Make ORV rules that protect the safety and esthetic values of all users
- Issue permits for driving on the beach.
- Implement shuttle systems for hard to reach areas during temporary resource protection closures.
- Fees for ORV driving permits (equitable to the associated cost of maintaining ORV use in the seashore).
- Establish rules for driving on the beach that create order, safety and parity for all ORV users, (ex. no parking areas in narrow sections of beach, driving in ruts, length of time you can park in one spot).
- Adhere to NPS policies and all legislation pertaining to Nation Parks.
- Carrying capacity limits (quotas number for ORVs on the beach based on each location).
- Stress that ORV use is a recreational activity just like other types of recreational activities and that ORV use can restrict other users' access, safety and enjoyment of the Park.
- Ongoing studies to find the causes and solutions to predator issues.
- Limit nighttime driving during bird and turtle nesting season.
- Reduce predator food sources by removing fish cleaning stations and dumpsters to interior areas away from the beach.
- Establish ORV rules that strive for zero take of unique, threatened and endangered wildlife in the Park
- Establish an assessment of where and for how long traditional pedestrian beaches were prior to May 17, 2004
- Establish a committee to seek comments from park users not affiliated with ORV organizations and provide them with accurate unbiased information and use their input for ORV management plans.
- Conduct research that finds out what economic effects a managed ORV plan might have on the local communities
- Establish through interviews of CHNS personnel dates of existing closures and history at the time of Superintendent's Order # 7 May 2004
- Ongoing detailed reports and inventories by trained park biologist describing current population of important unique species in CHNS

Sincerely,

Jim Lyons

(1.) Untied Mobil Fishermen
represent 28 pro ORV use organizations
//www.umsnet.com/index1.htm

(2.) 100405 Transcripts, Information Meeting, October 4, 2005, Buxton, NC -
IPSMS.pdf
P57-58

MR. FRANK FOLB JR.: Frank Folb, Junior; on the board earlier, I noticed a lot about the environmental assessment, but I didn't notice anything about economic assessments. Are you going to pay attention to the economics of Hatteras Island and Ocracoke Island? You've got eight villages that are going to be involved in this. And it will affect us terribly. **Something else, if you want to gain our trust back, you need to think about taking care of getting rid of the resource management that we have right now because they are obviously in bed with the defenders of wildlife and the other groups that are causing our pains.** But that's about all I have to say.

MS. VIRGINIA LUICER: Oh, Virginia Luicer, L-U- I-C-E-R. I asked this question earlier of Mr. Reed. I think the whole group would benefit from hearing the answer. **Basically we keep hearing that an employee has done something that either was not as per a directive given by the superintendent or not quite what they intended in terms of fulfilling their task, either putting up a closure, etcetera.** My question is in the future, you or your predecessor, what do you guys plan to do to make sure that your employees are in fact following out your directives and being properly supervised? That would gain a lot of trust back from the community and the people who visit the Seashore.

(3.) 17.Internet postings from Fish MOJO and Red Drum

It has recently been said that it is no problem to walk on the beach to any place you want to fish.

Washington DC.

PUNKS. Take a hike and I don't mean on OBX Beaches.

catch last year at Hatteras inlet Jim. Oh and I noticed you didn't WALK to the inlet.
Frank Folb Jr.

Something close to this was
My thoughts B
How many stripe

Quote:

You are right....."Dr." Kayota's group is allegedly "representing" the interests of property owners - as are the Avon Property Owners Assoc., Hatteras Civic Assoc., & the Rodanthe-Waves-Salvo Civic Assoc. & the Ocracoke Civic/Business Assoc. The real problem is that Kayota is really only representing the interests of himself & a paucity few ocean-front property owners who think that the Seashore beaches behind their houses belong to **them** - not the public. They fail to realize that, as property of the US Government & by federal/state statute, **there is no such thing in North Carolina or in the Cape Hatteras National Seashore as "Privately-Owned Beach"!!**

They can fuss & fume all they want, sue & raise all the hell they want - but it won't change a thing. The law is the law. And calling it something different, like closing it for "safety issues" is smoke & mirrors - the agenda is the same: ***I want my private beach so I don't have to put up with ORVs or the riff-raff near my property.*** It has little to do with protecting their children (parents bear the responsibility for watching their kids, not trying to depend on the NPS to do it for them) and everything to do with exclusivity. If they were serious about keeping ORVs off of the beach but allowing public access to public land, they they would see that pedestrian walk-over ramps & public parking with adequate facilities were available. But they are NOT interested in the public - only their self-serving interests.

This post will probably elicit another complaint from Kayota or someone of his ilk, so I will say it now: **BITE ME!**

This post will not be deleted by ME!

(Maybe one day I'll let you all know how I *really* feel about this issue)

All of my comments/opinions in this thread are my own & do not necessarily reflect the position or opinions of OBPA

dagobx

Many of you are wondering what is going on & what OBPA is doing about NPS policies & actions. Of course, you have a right to know & OBPA apologizes for the delay in making this report.

All of this began when former Superintendent Belli announced his closure plans during the two public meetings at the Anglers Club in March & April. His closure plans were a direct result of closure requests from local NPS resource management, whose plan was actually much more restrictive, allowing only pedestrian corridors – no ORVs - on the beaches of Oregon Inlet, Cape Point, & Hatteras Inlet. When resource management installed closures at Cape Point & Hatteras Inlet shortly after Belli's departure & in the "dead of night" over a weekend, OBPA knew another battle was about to start.

This is a battle of FACTS, not emotion. Sure, we get emotional about the situation - angry when we see NPS jerking us all around with ever-increasing bird closures, rangers acting Gestapo-like the over simple things like the sea gull feeding thing,.....it's all so seemingly ridiculous & unnecessary. But this battle will only be won if we are armed with the FACTS to debunk the crap that Defenders of Wildlife & NPS resource management is spewing.

All of this crap with NPS is being run by local NPS Resource Management, US Fish & Wildlife & Defenders of Wildlife. The Defenders' lawsuit threat has NPS management running scared, so they are now taking ALL of their direction from higher authority. NPS lawyers & the regional office must approve EVERYTHING they do out here now and all of their actions are slanted to placate Defenders - at the expense of access. Unfortunately, the revolving-door policy for acting superintendents only detracts from the situation, but at the moment that cannot be helped.

OBPA & its CHAPA partners have gone to great lengths & expense to put together an excellent legal/biological team to gather the facts about the law & science where bird closures are concerned & have sent several assessments to NPS (not just in Manteo, but also in Atlanta & Washington). Consultations between NPS & our legal team are a weekly occurrence. These assessments are excellent & provided for the protection of birds while allowing continued access; with some restrictions - but not nearly to the extent of what NPS has done in previous years. Congressman Jones' & Senators Burr and Dole's offices are also in the loop.

OBPA/CHAPA has now achieved a certain "Gravitas" and has garnered the attention of NPS/DOI as high as Washington, DC. We have to work within the "system" to ultimately accomplish our goals. Any other approach would be labeled "extremist" & ignored. All that can be done right now is to offer reasonable, legally/biologically-sound alternatives, while developing a track record that shows that we've done everything we can to work with NPS on the situation. That builds a tremendous amount of credibility with the government & opens doors for us that would otherwise be closed. An openly confrontational attitude - threats, verbal abuses, "civil disobedience", etc. - would undermine & destroy the inroads accomplished thus far. That would only put us on the same level as Defenders & their ilk.

Early on this season, OBPA & its CHAPA participants agreed that we would try to "work with" NPS this season to reduce the animosity between the public & NPS staff through more communication between NPS & CHAPA, as well as the opportunity to have input into NPS actions. NPS has taken a more proactive approach by instituting an "adaptive" closure management program rather than just closing areas down & leaving them closed without discussion. One of the results of this was the escort at Hatteras Inlet. It wasn't perfect, by any means - but it was a step in the right direction. The closures at Cape Point, the most extensive & unprecedented ever, have been modified where possible to accommodate access. Again, not perfect, but a step in the right direction. Never before has NPS been willing to at least try to accommodate access. It's a small step, but at least it's a step. It sets a precedent that will pay off later down the road. NPS has also

committed work with OBPA/CHAPA to devise permanent access solutions to historical & popular ORV-use areas such as Hatteras Inlet, Cape Point, & Oregon Inlet by establishing new ORV trails with multiple ocean & soundside exits that would bypass areas of bird closures. It is expected that this will be done before the 2006 nesting season.

NPS has also been told, several times & without reservation, that the bird closure policy instituted this year will NOT be acceptable next year nor can it become a "template" for all future closures. NPS has now committed to establishing at least an interim set of protocols for creating nesting closures that will take into account the access issue, hopefully by March 2006. To further this effort, OBPA/CHAPA has agreed to sponsor a field meeting of biologists from NPS, FWS and others, along with our own biological team, to arrive at a purely scientific consensus of how to meet existing laws & biological needs of nesting birds. While no official policy is expected to come from this meeting, the consensus is expected to be incorporated into the protocols now being developed by USGS Patuxent, which are due to be completed in August.

The new ORV management plan is also in this mix. OBPA has stated flatly that the bird closure protocols must be in place & operational before any meaningful negotiations can begin. Resource management cannot be allowed to override any agreed plan developed by the reg-neg. Also, any legal action threatened or proposed, by any environmental group would usurp the power of the reg-neg committee & relegate the formulation of the ORV management plan to the courts. This is totally unacceptable & would "blow up" any possibility of cooperative planning by the user groups. The environmental groups will have to forego their threats of lawsuit(s) or be shown as not being serious about negotiating - and therefore marginalized as cry-babies wanting only their own way. OBPA is strongly encouraging the CBI/RESOLVE assessment team to pressure Defenders & other enviro groups to commit to forego lawsuits if they wish to participate in the ORV management plan re-neg. We'll see what happens. OBPA, NCBBA & CHAC have also stated that any fee/permit system for the Seashore is unilaterally unacceptable and is not negotiable.

As you can see, this is a very complicated situation. It's not just about bird closures or Pole Rd. or any one issue. It is a complicated mix that is intertwined tightly, one with another - like a jungle. It takes time & a lot of concentration to even begin to keep track of everything. It also takes a lot of behind-the-scenes work, most of which cannot be immediately revealed. The fruits of these efforts are not always immediately apparent - it takes time to filter through the "system". The efforts on one issue have an impact on the whole, so things have to be planned carefully. It isn't easy or simple & it takes a lot of time & money.

As far as public awareness is concerned, that will come as time & developments allow - probably sometime this fall when things calm down. Another public meeting is in the planning stages & work is about to wrap up on a newsletter. It is very difficult to report on things when they are changing so rapidly - once you get a newsletter or report out, most of what's in it is obsolete by the time people receive it. We all have lives to tend to

while working 10-12 hour or more days. We are simply too exhausted at the end of the day (or week) after dealing with business AND NPS issues all at the same time to report on each & every incident. Now that things are becoming more routine & the nesting season is winding down, the exhaustion should lift enough so information can be disseminated in a more timely fashion.

Many of you have some very good ideas. We appreciate those ideas. Just because you don't get an instant response doesn't mean no one cares about them. But for right now we will keep them in our "Back Pocket" for future use. Don't let that dissuade you from giving us more ideas, though. We're always willing to listen & will act on those ideas that fit into our immediate strategy.

This is a summary of what OBPA/CHAPA has been doing these last few months. On the surface it may not seem like much - no fire & brimstone, no NPS staff being burned in effigy- but a lot has been & is being done. Do not think for one second that OBPA & its partners are just sitting back, ignoring what goes on out here. The actions we are taking may not be what some think we should be doing - not aggressive enough or whatever - but what we are doing will ultimately be revealed as for the benefit of all. Change is what is needed; change takes time. Wars are not won overnight and are fought on many fronts. OBPA/CHAPA is in this for the long haul to assure public access to public lands.

We WILL prevail.

<http://fishmojo.com/forums/showthread.php?t=11812>

Among the **eco-lunatic fringe**, which has had the ear of too many of **the NPS Staff** for all too long, it isn't about the birds, or any other plant or critter. Those things, and the laws such as the ESA and MBTA are simply pawns or tools they use to advance their agenda of denying the public access to the Public Lands.

Those scumbags will lie, twist and distort facts and data, and prostitute the laws and intent of the legislation to advance their agenda. Consider this; despite the YEARS that the **eco-wackos** have been running the CHNS programs, the success ratios for bird and turtle nesting at CHNS is LOWER than in similar Parks and Refuges up and down the Atlantic Coast, as demonstrated by the NPS data, while Public Access has steadily been reduced through their "Management Practices". You don't even want to think about the WASTE of taxpayer dollars in their non-productive "programs".

Furthermore, those same entrenched bureaucrats who were so diligently colluding with the radical eco-lobby to kick the Public out of the **Park** were **DERELICT and Negligent** in their duty to prepare lawfully mandated Management Plans, Wilderness Assessments, Biological Opinions, and other GOVERNMENT WORK that potentially would have produced better protection for the critical species as well as providing greater Public Access under a balanced approach to the NPS' dual mission mandates of Resource Protection and Public Use and Enjoyment. Responsible Senior Management should have **FIRE**d these subversives and incompetents YEARS AGO instead of allowing them to coast along in the Civil Service System.

NEVER, EVER, lose sight of the fact that it isn't about the birds; IT'S ALL ABOUT ACCESS!

Decisions in an Engineer's life: Which bridges to cross, which bridges to build and which bridges

(4.) OBPA Website

<http://www.obpa.net/>

Irresponsible actions by national environmental groups and the National Park Service's inattentiveness and inaction are the most serious threats to our islands in their history. This has the very real potential of making our island communities the "Lost Colony" of today. The residents and visitors to Hatteras, Ocracoke and Bodie Islands deserve and need to preserve the way of life that has made these islands unique and attractive, or else we shall see a way of life perish as surely as did our Native American ancestors.

<http://www.obpa.net/>

“closure policy that has allowed NPS Resource Management to run rampant over the past years. User groups have ”

(5.) Audubon Magazine, Jan. 2005

Audubon

<http://audubonmagazine.org/features0701/ir>

Angler-Driven ORVs Killing Birds in NC

Letter writing campaign

Outer Banks Preservation Association, whose flier reads:

“The Endangered Species Act has become the favorite ‘tool’ of the radical environmentalists who want to obstruct development, resource extraction, many public works projects, and also YOUR rights to recreate responsibly on YOUR public lands. . . . The radical enviro-crazies and Hollywood fat-cat sycophants who want to shut you out of YOUR public lands unless you are one of the enviro-elite are pulling out all the stops to water down or kill the rewrite [of what amounted to an Endangered Species Act repeal bill sponsored by soon-to-be ex-Representative Richard Pombo (R-CA)] . . . Remember the ESA has been perverted and prostituted by the eco-wackos; it isn’t about resources these days. It is all about access. They HATE to see you on ‘their’ beach with your kids, family, coolers, surfing or fishing gear, and especially your ORV.”

(6.) OBPA website

http://www.obpa.net/index.php?option=com_content&task=view&id=14&Itemid=29

Prior to 1978 beach accessibility included the full 73.5 miles of beaches from Oregon Inlet to Hatteras Inlet and all of the beaches on Ocracoke Island. The 1978 Off Road Vehicle Management Plan for Cape Hatteras National Seashore as proposed by the National Park Service allowed only 36 miles of our beaches to remain open and accessible to four-wheel drive vehicles. 25 miles were opened year round and 11 miles seasonally (closed from May 25 to September 10). 37.5 miles were closed permanently

Currently, due to closures and restrictions over the last twenty years, only a little over 38 miles of beach remain open and accessible. Closures include: Bodie Island (4.5 miles); South Oregon Inlet (1.5 miles); Pea Island Refuge (8 miles); Pea Island to Rodanthe Pier (2.3 miles); ramp 38 south to ramp 44 (5 miles); ramp 49 south to ramp 55 (5.9 miles); and Ocracoke Island (7.9 miles).

(7.) Cape Hatteras Anglers Club. Mission Statement,

http://www.capehatterasanglersclub.org/index.php?option=com_content&task=view&id=18&Itemid=41

“Cape Hatteras Anglers Club serves as a "Watch Dog" organization over all individuals and agencies that would close or limit access to our beaches. To learn more about current issues regarding beach access, click on the OBPA icon below.”

“Finally, since the club is dedicated to Open Beaches, the club strongly supports the Outer Banks Preservation Association (OBPA) in their efforts to maintain free and open beaches and makes substantial donations to OBPA. Click the icon below for more information on the Outer Banks Preservation Association”

“Despite initial assurances in 1952 that Cape Hatteras National Seashore would remain open and accessible to all user groups, there have been a variety of individuals and

agencies who have advocated everything from limiting access **to closing our beaches entirely (this includes pedestrian traffic)**. Adhering to the beach use rules & regulations and treating other beach users with respect is our first line of defense against individuals and agencies that advocate closing or limiting access to our beaches. Some attempts to limit beach access, however, require a more direct approach. The Outer Banks Preservation Association is the primary organization in our area to respond to attempts to limit access to our beaches.

http://www.obpa.net/index.php?option=com_content&task=view&id=14&Itemid=29

Many OBPA members and supporters have expressed concern that **banning of vehicular access to our beaches** would end their participation in activities such as shelling, fishing and birding.

However, since there are no data or definitive materials showing that ORVs, used responsibly and within present Park Service guidelines, cause any permanent damage or degradation to the beach, we are opposed to **prohibition of ORV beach access**.

(8.) OBPA Website

http://www.obpa.net/index.php?option=com_content&task=view&id=14&Itemid=29

We believe that banning or severely ORVs on our beaches would have a devastating socio-economic impact on North Carolina, especially in Dare, Hyde and surrounding counties.

9. Internet site post from OBPA board member Dave Goodwin

dagobx

Member

Registered: Mar 2004

Location: HI

Posts: 84

OBPA DC Visit Report.....soon

Our folks did, in fact, pay a visit to the hallowed halls in DC last week. They were able to garner the attention of Congressman Walter B. Jones, Jr., Senator Liddy Dole, Congressman Charlie Taylor, and a deputy director of the NPS, as well as a few others.

Assistance was provided by the folks at ASA (American Sportfishing Assoc.) who have adopted the cause of access as their own as well.

Details of this visit are being withheld for the time being, as some sensitive background actions are now underway. OBPA apologizes for not providing the details at this time, but will do so as soon as it is practical.

One thing is certain: All of the phone calls, e-mails, faxes, etc. that all of you have sent to congresspersons & senators, as well as NPS higher-ups, have been instrumental in bringing the issue of NPS overbearance & denied public access to the forefront. Everyone spoken with had at least some knowledge of the issues. The way of our OBPA folks was nicely paved by these efforts.

The fight is not over yet. Keep sending your concerns to those on the varous lists that are posted. Once is not enough - we must **flood** DC with our concerns. Keep up the good work!!

More on the DC trip WILL follow.

"Preserve & Protect.....NOT PROHIBIT"

(10.) RESOLUTION OF
REGARDING BEACH ACCESS

THE DARE COUNTY

http://www.obpa.net/index.php?option=com_content&task=section&id=1&Itemid=2

On September 6, members of CHAPA, led by OBPA president John Couch, made a presentation to the Dare Resolution by the County board.

County Board of C

After Couch's presentation, the Board voted unanimously to adopt the proposed Resolution (see copy below). members of OBPA, CHAC and NCBBA on a one-to-one basis following the vote to adopt the Resolution.

Additional discussion b
during the break

Dare County is fully supportive of OBPA/CHAPA's efforts to persuade NPS to adopt and implement reasonable bird unprecedented beach closures as was seen on Cape Hatteras this summer. It should also be noted that some 140 Hatteras Island businesses supported & signed copies of the Resolution, which were presented to the Commissioners.

protection policies w
National Seashore

The adoption and implementation of reasonable, predictable nesting closure policy will replace the current "adaptive" Management to run rampant over the past years. User groups have policy must be in place before any will consider participating in the negotiated-rulemaking been feared that without a written policy "trump" any resulting management plan created by the negotiated-rulemaking

closure policy that has allow
also said that such
process to develop a
in place, Resource M ana

committee, thereby thwarting efforts to create an equitable ORV management plan.

Please find below the complete text of the Proposed Resolution that was adopted by the Board of Commissioners:

RESOLUTION OF THE DARE COUNTY BOARD
OF COMMISSIONERS REGARDING BEACH ACCESS

WHEREAS, Cape Hatteras National Sea Shore (CHNS) is a vital part of Dare County; and

WHEREAS, the CHNS encompasses eight villages which are economically dependent on full Accessibility to the beaches for residents and visitors; and

WHEREAS, access to the beaches of CHNS has always been the defining element of the complete seashore visitor experience; and

WHEREAS, ORV beach access is critical to area tourism and the economic stability of Dare County, and the State; and

WHEREAS, access to the beaches by motorized vehicles was guaranteed by the founding legislation creating the CHNS in 1952 and is facilitated by the now famous "Hatteras Ramp System"; and

WHEREAS, access to the beaches by motorized vehicles is compatible and not in conflict with CHNS responsibilities in protecting Park resources, including species protected under the Endangered Species Act and the Migratory Bird Treaty Act, and

WHEREAS, residents and visitors to the CHNS acknowledge a need for a reasonable application of resource protection but bitterly oppose the unprecedented beach closures which have effectively eliminated the most popular surf fishing locations on the East Coast and subjected Local businesses and communities to economic hardship; and

WHEREAS, said beach closures are often presumptive, anticipate that endangered species may inhabit currently unoccupied areas in the future, and are, thereby, excessive;

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners demand permanent, responsive, Leadership be established for Cape Hatteras National Seashore; and

BE IT FURTHER RESOLVED, that the Dare County Board of Commissioners demand

the United States Fish and Wildlife Service and the National Park Service formulate a resource protection policy which strictly limits and minimizes beach closures within CHNS and insures free and open beach access for pedestrian and ORV use.

(11) OBPA Website

<http://www.obpa.net/>

*Hundreds of e-mails and letters have been sent from over 20 states to the Outer Banks Preservation Association Inc. supporting our stand to responsibly keep our beaches free and open to all. Petitions calling for free and open beach access have already gathered over 6,500 signatures of full-time residents and visitors alike in just nine months.

(12.) Brochure, Cape Hatteras National Seashore Off-road Vehicle management Plan, Public Meeting on the Off-Road Vehicle Management Plan/Environmental Impact Statement / February 2007. Page 3

<http://www.ncbba.org/news.cfm?storyid=46>

(13.) Interim Protected Species Management Strategy/Environmental Assessment, Summary, p. IV

(14.) Superintendent's Order # 07, ORV Management, May 9th, 2006

Introduction:

“Off-road vehicles (ORVs) are considered a traditional and appropriate use at Cape Hatteras National Seashore. In accordance with the 1984 General Management Plan, selected beaches will continue to be open for ORV recreational driving. The Seashore is in the process of initiating a long term ORV management plan and regulation. Until the plan and regulation are established, this superintendent's order provides interim park policy on the management of ORV use and serves as a complement to the Interim Protected Species Management Strategy, which provides additional guidance on the use of ORVs in the vicinity of resource protection closures. All aspects of this policy are subject to change during the development of the long-term plan and regulation.”

(15) 020606 Transcript - IPSMS Public Meeting Hatteras Civic Center.pdf

MR. LEON SCARBOROUGH: page 22

The ORV traffic down there on that 100-foot corridor can lead into some problems

during the summertime. You can take one big beach party and take up the whole corridor.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And then you come up to them and with -- trying to get through the inlet, and, I'm sorry, you're not going through.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: I've run into that. It's a mess, I'll say. If you get a bunch of drunk teenagers down there on that beach having a party and you go in the front and go fishing, they're not going to let you through.

MR. MIKE MURRAY: Okay.

MR. LEON SCARBOROUGH: And you've either got to go find a space or go home.

MR. MIKE MURRAY: All right, thank you for the comments. Sir?

(16) National Park Service News Release

FOR IMMEDIATE RELEASE: DATE September 13, 2006

<http://www.ncbba.org/forum/read.cfm?forum=17&id=797&thread=419>

(17.) Superintendent's Order # 07, ORV Management, May 9th, 2006

The ORV corridor will be marked by posts placed approximately 150 feet landward from the average, normal high tide line, or if less than 150 feet of space is available, at the vegetation or the toe of the remnant dune line; except as noted in the Interim Protected Species Management Strategy. The corridor width will fluctuate over time due to the dynamic nature of beach and surf. Beach areas landward of the post line, although not open to ORV use, will be open to pedestrian use unless otherwise posted. The location of the posts will be evaluated at least monthly for proper distance placement in relation to changing shorelines.

18. Photo ORV tracks dune to waters edge.JPG

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