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To: [Mike Murray](#); [Jim Keene](#); [Tracey Oates](#); [Laura Davis](#); [Ervin Gaskins](#); [Jim Keene](#); [Mike Metzgar](#); [Harry Nash](#); [Carol Mowers](#); [Dave Joyner](#); [Chris Handy](#); [Brenda Outlaw](#); [Ken Smith](#); [John Couch](#); [John Couch](#); [Mary Doll](#); [Jean & David Flanigan](#); [Scott Garris](#); [Ervin Gaskins](#); [Robert Lick](#); [Mary Helen Goodloe](#); [Mike Murray](#); [Chum & Diane Springer](#); [James & Laurie Taylor](#); [Ginger Wojciechowski](#); [BETTY WRIGHT](#)
Subject: ORV Beach Closing Issue
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Michael F. Easley, Governor of North Carolina
 Marc Basnight, Senator and President Pro Tempore, North Carolina
 Elizabeth Dole, United States Senate
 Walter B. Jones, House of Representatives
 Richard Burr, United States Senate
 Dirk Kempthorne, Secretary of the Interior
 Michael Murray, Superintendent CHNSP

March 20, 2008

Many years ago, President Nixon issued an executive order mandating all national parks develop an off-road management plan. A plan, of sorts, was written for Cape Hatteras National Seashore Recreational Area (this is the correct name for the park) and then somehow was lost. But enough remained in memory, was blended into then-present conservation and preservation laws, and the 'interim plan' that we use today was developed.

Endangered species were monitored by the NPS and volumes were written about less than ten or less hatchlings per year on just the plover alone. During this same period, literally miles of beaches were closed permanently, seasonally, and for 'safety' reasons. Pea Island was one of the biggest permanent closures.

Superintendent after superintendent at Cape Hatteras failed to develop an off-road plan. They managed to move a lighthouse, but were simply unable to develop an off-road plan. Further, no one really seemed concerned about it until two years ago when Superintendent Michael Murray made the correct decision to put one in place.

In an attempt to please all sides of the beach driving issue, a very long, expensive and mentally challenging process called negotiated rule making was selected as the means of formulating an off-road plan. Individuals who represented different groups petitioned to be part of the committee and agreed that by negotiation and consensus, a plan could be developed without expensive lawsuits. It is my understanding that by being seated as a member, they would act in good faith towards working on the plan and abstaining from lawsuits.

The committee consists of fifteen members on each side of the issue, for a total of thirty participants. Three of the the fifteen groups who oppose ORV usage within the park, prior to the first meeting of the group, instituted a lawsuit that named five of the best surf fishing areas in the park as areas that needed to be closed at once for resting, foraging and nesting of shorebirds. The rationale for the suit is that the birds need these areas now and that the two to three year timetable to formulate an ORV plan is unacceptable. The three groups are Defenders of Wildlife, National Audubon Society and the Southern Environmental Law Center. So it appears three members have already decided what the course should be, without any care or concern for the park service nor the other twenty - seven seated members or the committee.

The formulation and seating of the negotiated rules committee and the development process is costing a great deal of taxpayers money to decide the correct use of a national park used and financed by the public. If the three groups cannot abide by the terms that seated them on the committee, I feel they should be excused. Further, the lawsuit is to be heard by Judge Terrence Boyle, who appears to be biased against ORV usage in the park. Shouldn't he step away from the hearing and have the issue aired before a judge who is neutral? And finally, after the NPS asked for public input in a costly eighty-six page workbook, they agreed on Friday, March fourteenth, not to contest the lawsuit, but to attempt to settle differences with the three plaintiffs by negotiation! NPS had the legal means to defend themselves and chose to lie down. What about the other twenty-seven members? They don't get a voice?

The lack of an off road plan is clearly the fault of NPS, and now they want to hand the operation of the park over to three very radical groups, without any regard to the economic impact such an action would have.

More interesting, the areas selected for closure are the five most popular fishing areas we have, and all five areas are subject to flooding and over-wash year-round. No nesting or hatching can take place under those conditions anyway. The three plaintiffs don't want an ORV management plan, They want the beaches closed, period!

If these areas are closed, can you imagine the financial effect it will have on the entire area? ORV usage on the beaches was in existence when the land passed to the national park system in the 1930's, and people come here today to enjoy doing just that- whether fishing, shelling, swimming, surfing, whatever. The visitors spend money on rentals, dining out, fishing tackle, surfing gear, groceries, gasoline and the list goes on and on! This is a tourist area based on beach access. Deny the access and kill the industry. The building boom is over, there are more properties to rent than tenants, strippers and

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blues no longer forage our beaches in the winter and all businesses are
now a down to two seasons, spring and summer. We can stand no further
losses!

I am asking you to take whatever action you can to prevent an economic
chaos on the Outer Banks of North Carolina

John P. Newbold