

From: dcrumpton1@triad.rr.com
To: David_Barna@nps.gov
Cc: mike_murray@nps.gov
Subject: Re: Cape Hatteras off road vehicle information
Date: 05/09/2008 09:59 AM

The following is an article that appeared in the Virginia Pilot newspaper yesterday, please read the section concerning the behavior of Neal Moore representing Cape Hatteras Bird club. This type of behavior is far too typical of these bird people at the NEG/REG table and exactly why they should be removed from the NEG/REG process, immediately. They are not going to negotiate and they are going to make NEG/REG fail in every way they can. Neal Moore's "apology" optimizes the attitude of Audubon and Defenders of wildlife that they are right and everyone else in the world is wrong, that's not the attitude of someone willing to work towards a viable solution for the long term.

Sometime before or on Thursday morning, a shorebird called a least tern laid a single egg in Cape Hatteras National Seashore. A National Park Service ranger spotted it at the end of Ramp 45 to Cape Point, a corner of the Outer Banks well known for surf fishing.

Buffers were quickly installed around the nest, making the road behind the dunes inaccessible to off-road-vehicle traffic. Even though much of Cape Point technically remains open, there is no way to get to it anymore.

Thursday's move was one of several closings of shore areas this week to protect birds, leaving beach drivers stunned at how much access has been limited barely a week after an agreement to keep beaches open, with conditions, was signed.

"Right now, they can't close much more than they have," said Libby Zentmyer, who has been fielding calls from livid beach drivers as executive secretary of the Cape Hatteras Anglers Club. "I didn't think it would be like this."

Beach driving is a long tradition on Hatteras and Ocracoke islands, and at one time it was the only way to get around. Now it is a link to fishing and recreation, and the lifestyle and economy largely depend on off-road access to remote beaches.

The agreement between the Park Service and the Defenders of Wildlife and the National Audubon Society was signed April 30 by U.S. District Judge Terrence Boyle. It settled a lawsuit brought by the environmental groups, which argued that an interim management plan was not doing enough to protect vulnerable shorebirds and sea turtles.

It also headed off an injunction that would have immediately banned driving on the beach. But it included strict wording on providing buffer zones for nesting birds and turtles.

<http://media.hamptonroads.com/cache/files/images/93241.jpg> " alt="" />On Monday, three favored off-road beaches and fishing spots - Cape Point in Buxton, South Ocracoke and the Bodie Island Spit at Oregon Inlet - were effectively closed to prepare for expected shorebird breeding. Large buffer zones preclude access by pedestrians and vehicles.

Virginia Luizer of Frisco said it may sound like a half mile or so of beach is closed, but the closed areas are blocking access to areas of open beach.

When seasonal closures are added May 15, Luizer said, very little will be accessible.

"The biggest impact will be this summer," she said. "I'm expecting worse than 2005, when every ramp was a glorified parking lot."

Carol Dillon, owner of the Outer Banks Motel in Buxton, said about five weekly reservations have already been canceled. Dillon, 79, said she remembers when the Park Service promised the beaches would remain open and free.

"We're all going bankrupt," she said. "It's a sad day when our government can't keep a promise."

Closing beaches would hurt the tourist-dependent economy more than a report cited by the environmental groups in their earlier request for an injunction, said a response filed by Dare and Hyde counties and a beach driving coalition, which had joined the suit as "defendant-interveners."

Dare County predicted that if access just to the popular area around Oregon Inlet - Bodie Island Spit - were closed, \$8 million in annual state, county and local tax revenue would be lost, the court document said.

It said one real estate company contended it would lose \$2.2 million annually with an off-road vehicle ban.

At a meeting Thursday of a rule-making committee charged with negotiating a long-term management plan, Jason Rylander, an attorney with Defenders of Wildlife, said the buffers will change depending on the extent and location of nests.

"What we tried to do is ensure that nesting birds and sea turtles would have a chance at the time when they need it most," he said. "We anticipate that they will be lifted to provide traditional ORV access as birds fledged and turtles hatch."

But resentment toward the environmental groups was undeniable during a public portion of the meeting. Attorneys for the plaintiffs are members of the committee.

Carol Garris, owner of Fishin Fever Bait & Tackle in Kill Devil Hills, objected to the settlement provision that required the Park Service to pay the plaintiff's legal fees.

"I'm paying for you to screw up my job. I want my money back," she said. "We tried to work with you, but we give you an inch and you take the whole darn island."

John Newbold, with TW's Bait & Tackle, said business is down 31 percent so far this year. When he directed a question to Neal Moore, a committee member representing the Cape Hatteras Bird Club, Moore shot back: "Keep talking, sir. There's nothing I enjoy more than being bored to tears."

In an interview later, Moore apologized, saying he was frustrated and had lost his cool. "I've listened to a lot of informed people in their statements, and a lot of them are mis-, ill-, and

un-."

Rob Alderman, an advocate of beach driving, said he was "thoroughly shocked" at what has transpired since the decree was approved.

Alderman said it is still unclear whether people may walk in the water beyond the mean low tide line to bypass the closure on Cape Point without getting ticketed.

"Is this some kind of Stephen King meets Greek tragedy thing?" he said. "This is horrible. I've got no problem going to jail for this."

National Park Service Outer Banks Group Superintendent Mike Murray said all parties were familiar with the specifics of the closures.

"Compared to the interim strategy, when we at least had access corridors, the consent decree buffers are larger and non-discretionary," he said. "So they're typically resulting in full beach closures."

But both plans involve "a bit of a crapshoot" because no one knows just where the birds will decide to nest.

Murray said the closures may continue to increase with the nesting season, but in mid-summer, they will tend to decrease. The Park Service plans to permit access to beaches by nonmotorized vessels outside of resource closure areas, he said.

Mike Cehrs, a Virginia Beach resident who has come to Hatteras Island for 30 years, said he is canceling his vacation this year because he won't be able to drive to the fishing spots he loves.

"It breaks my heart," he said in a phone interview. "What am I going to do - rent a cottage and sit in the cottage for a week? There's nothing else to do."

---- David_Barna@nps.gov wrote:

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> I appreciate your interest and concern regarding Cape Hatteras National
> Seashore. I hope the following information will help clarify how and why
> the compromise between visitor use and resource preservation was developed.
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> The National Park Service has a twofold mandate that comes directly from
> the agency's enabling legislation from 1916. The "Organic Act" states
> that "the Service thus established shall regulate the use of the Federal
> areas known as national parks, monuments and reservations....by such means
> and measures as conform to the fundamental purpose...to conserve the scenery
> and the natural and historic objects and the wild life 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."
>
> The National Park Service remains committed to balancing its
> responsibilities of both preservation and recreation. The beaches of Cape
> Hatteras attract more than two million visitors annually. They are also
> home to some key breeding sites for endangered wild life species. The
> April 16, 2008 court settlement is a valid compromise that protects nesting
> areas while providing recreational opportunities through most of the park
> much of the time.
>
> The Cape Hatteras negotiated rulemaking committee was formally established
> on December 20, 2007 in response to a lawsuit claiming the park service's
> failure to manage vehicle use violated regulations including the Endangered
> Species Act. The committee held a number of sessions earlier this year,
> including public comment meetings from January 14-17. They also had an
> open comment period which ended on February 15.
>
> A motion for a preliminary injunction was filed on February 20 that
> requested the court completely close six key breeding sites. In an attempt
> to avoid a 100% beach closure at these sites, which are also extremely
> popular for fishing, the Department of Justice and the Department of the
> Interior filed briefs with the court stating they would hold discussions
> with all concerned parties in an attempt to settle the case.
>
> Terms of the intermittent agreement, worked out by the federal government,
> recreationists (including an alliance of off road vehicle users), local
> counties, and environmental groups, will result in buffers being
> established during portions of the spring and summer around wild life
> breeding and nesting areas.
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> The consent decree permits year round off-road vehicle access. It is not
> expected to affect the fall or winter fishing seasons, and will allow many
> areas of the beach to remain open to recreational use, although there will
> be some closures during nesting season. During the summer months, a
> clearly delineated perimeter will protect key nesting areas while allowing
> nearby recreational use. The compromise avoids a complete shut-down of
> vehicle access and affects a relatively small section of the park's
> shoreline.
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> The park is working with a negotiated rulemaking advisory committee on an
> off-road vehicle management plan. Cape Hatteras National Seashore
> Superintendent Mike Murray promises to gather input and balance the needs
> and desires of all interested parties in the plan's development.
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