

## SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

200 WEST FRANKLIN STREET, SUITE 330  
CHAPEL HILL, NC 27516-2559

Facsimile 919-929-9421

August 14, 2009

*Via electronic and U.S Mail*

Bobby Outten, County Manager/Attorney  
Dare County Administrative Annex  
954 Marshall C. Collins Drive  
Manteo, NC 27954  
outten@darenc.com

Mr. Outten:

Dare County recently posted and distributed a press release announcing Senator Kay Hagan's support for S. 1557, legislation that would overturn the Consent Decree that the County supported and agreed to in April 2008.<sup>1</sup> The County's press release grossly misrepresents the effect of the Consent Decree and overstates closure mileage during the week of July 4, 2009 by 350%. We request that the County correct the release posted online and issue a correction identifying accurate closure mileage based on the National Park Service's July 2, 2009 Beach Access Report.

The release erroneously claims that "during the week of July 4, over 45 miles, more than 65% of the Seashore's beaches, were off limits" and implies that the Consent Decree was the cause of all closures. In fact, the NPS reported in its July 2nd Beach Access Report that only 12.9 miles of the Seashore's 67.5 miles of beach were temporarily closed to visitors for resource protection under the Consent Decree.

The NPS further reported that 48.3 miles of the Seashore were open and accessible to pedestrians during the week of July 4, with an additional 6.2 miles being open but more difficult to reach. A full 21.7 of those 48.3 miles were also open to ORVs, with the remainder being undrivable for longstanding safety protections and seasonal village closures which are unrelated to the Consent Decree. As noted on the County's ORV access website and in its newsletter, the full Beach Access Report can be found on the NPS website.<sup>2</sup>

There is no support for the County's claim that "over 45 miles" of beach were "off limits" to all visitor use the week of July 4. That assertion would come as a surprise to the 407,754 recreational visitors to Cape Hatteras National Seashore in July 2009, including those visitors who preferred to enjoy the beach on foot. July's visitor count represents an increase of

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<sup>1</sup> <http://www.co.dare.nc.us/Announce/SenatorHagan.htm>

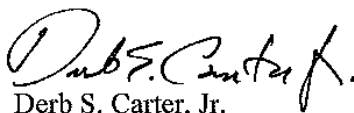
<sup>2</sup> The July 2 Beach Access Report is available at: <http://www.nps.gov/caha/parknews/beach-access-report-for-july-2-2009.htm>.

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13,643 recreational visitors over July 2008 and an increase of 20,078 recreational visitors over July 2007 – prior to the effective date of the Consent Decree.<sup>3</sup>

We continue to believe that open, honest communication regarding management of the National Seashore is essential to reaching a final ORV plan that satisfies all visitors to the Seashore while protecting the sensitive natural resources. Thus, we request that the County correct its inaccurate description of beach closures in its announcement of Sen. Hagan's co-sponsorship.

Sincerely,



Derb S. Carter, Jr.  
Southern Environmental  
Law Center



Chris Canfield  
Audubon North Carolina



Jason Rylander  
Defenders of Wildlife

Enclosures

cc:

Sen. Richard Burr

Sen. Kay Hagan

Rep. G.K. Butterfield

Rep. Bob Etheridge

Rep. Walter Jones, Jr.

Rep. David Price

Rep. Virginia Foxx

Rep. Howard Coble

Rep. Mike McIntyre

Rep. Larry Kissell

Rep. Sue Myrick

Rep. Patrick McHenry

Rep. Heath Shuler

Rep. Melvin Watt

Rep. Brad Miller

Thomas L. Strickland, Assistant Secretary of the Interior for Fish, Wildlife and Parks

William Shafroth, Deputy Assistant Secretary for Fish, Wildlife and Parks


Daniel Wenk, Acting Director, National Park Service

Michael Murray, Superintendent, Cape Hatteras National Seashore

Warren Judge, Chairman, Dare County Board of Commissioners

<sup>3</sup> Park visitation statistics are available at: <http://www.nature.nps.gov/stats/park.cfm?parkid=171>. For monthly visitation statistics, select "CAHA YTD Report." Reports from July 2009 and 2008 are attached.

<b>NPS Stats</b>						
National Park Service Public Use Statistics Office						National Park Service U.S. Department of the Interior
<a href="#">Home</a>	<a href="#">Reports</a>	<a href="#">NPS</a>	<a href="#">Reports</a>	<a href="#">Contact Us</a>	North Carolina Parks	
July 2009				<input type="button" value="Go"/>		
<b>Cape Hatteras NS</b>						
Report Date: July 2009						
	This Month	Same Month Last Year	% Change	This Year YTD	Last Year YTD	% Change YTD
Bodie Island Visitors	389,087	350,574	11.0	1,239,870	1,123,649	10.3
Aircraft Visitors	890	943	- 5.6	3,660	3,933	- 6.9
Ferry Visitors	17,078	41,831	- 59.2	64,760	147,712	- 56.2
Registered Hunters	0	0	0	155	305	- 49.2
Recreation O/N Stays (Boats)	700	764	- 8.4	3,176	2,672	18.9
Recreation Visits	407,754	394,111	3.5	1,311,621	1,278,270	2.6
<b>Miscellaneous Information</b>						
Whattlebone Junction Info Center	8,932	7,517	18.8	33,347	31,116	7.2
Bodie Island VC	43,875	38,699	13.4	141,494	125,500	12.7
Hatteras Island VC	73,597	62,656	17.5	241,712	221,475	9.1
Ocracoke Island VC	13,159	14,852	- 11.4	38,668	44,880	- 13.8
Total VC Visitors	139,563	123,724	12.8	455,221	422,971	7.6
Cape Hatteras Lighthouse	33,332	27,368	21.8	82,557	73,548	12.2
<b>Overnight Stays</b>						
Total Tents Campers	15,075	12,038	25.2	37,348	30,073	24.2
Total RV Campers	6,698	4,550	47.2	16,541	12,990	27.3
Group Campers	287	434	- 33.9	538	924	- 41.8
Non-recreation O/N Boaters	4	0	0	240	172	39.5

<b>NPS Stats</b>		National Park Service U.S. Department of the Interior				
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<a href="#">Home</a>	<a href="#">Reports</a>	<a href="#">NPS</a>	<a href="#">Agency</a>	<a href="#">Contact Us</a>	North Carolina Parks	
July 2008				<input type="button" value="Go"/>		
<b>Cape Hatteras NS</b>						
<b>Report Date: July 2008</b>						
	This Month	Same Month Last Year	% Change	This Year YTD	Last Year YTD	% Change YTD
Bodie Island Visitors	350,574	361,584	- 3.0	1,123,649	1,333,243	- 15.7
Aircraft Visitors	943	1,293	- 27.1	3,933	6,075	- 35.3
Ferry Visitors	41,831	23,960	74.6	147,712	78,822	87.4
Registered Hunters	0	0	0	305	398	- 23.4
Recreation O/N Stays (Boats)	764	840	- 9.0	2,672	3,148	- 15.1
Recreation Visits	394,111	387,676	1.7	1,278,270	1,421,685	- 10.1
<b>Miscellaneous Information</b>						
Whatlebone Junction Info Center	7,517	9,206	- 18.3	31,116	37,146	- 16.2
Bodie Island VC	38,699	26,600	45.5	125,500	97,293	29.0
Hatteras Island VC	62,656	74,034	- 15.4	221,475	246,663	- 10.2
Ocracoke Island VC	14,852	16,539	- 10.2	44,880	47,469	- 5.5
Total VC Visitors	123,724	126,379	- 2.1	422,971	428,571	- 1.3
Cape Hatteras Lighthouse	27,368	31,258	- 12.4	73,548	81,383	- 9.6
<b>Overnight Stays</b>						
Total Tents Campers	12,038	14,298	- 15.8	30,073	37,258	- 19.3
Total RV Campers	4,650	5,853	- 22.3	12,990	16,859	- 22.9
Group Campers	434	110	294.5	924	313	195.2
Non-recreation O/N Boaters	0	40	- 100.0	172	164	4.9