

SOUTHERN ENVIRONMENTAL LAW CENTER

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August 21, 2009

Senator Richard Burr
217 Russell Senate Office Building
Washington, DC 20510

Senator Kay Hagan
521 Dirksen Senate Office Building
Washington, DC 20510

Re: Cape Hatteras National Seashore, S. 1557

Senator Burr and Senator Hagan:

As the wildlife breeding season draws to a close at Cape Hatteras National Seashore, the National Park Service's reports show that 2009 has been another positive year for natural resources.

On April 30, 2008, a Consent Decree, negotiated and agreed to by the National Park Service, conservation groups, off-road vehicle (ORV) enthusiast groups, Dare County, and Hyde County, was entered by the Honorable Terrence Boyle (U.S. District Court for the Eastern District of North Carolina). With most of the 2008 nesting season still remaining, the Consent Decree went into effect immediately and provided for increased protections for wildlife at Cape Hatteras National Seashore during their breeding seasons (primarily mid-April to mid-August for bird species and May through mid-September for sea turtles). It balanced those protections with reasonable use of the seashore by ORV drivers. Indeed, at the peak of the 2009 breeding season, a maximum of 13.7 miles of the seashore's 67 miles of beach were temporarily off limits to ORVs for wildlife protections. It also provided, for the first time, a deadline for the Park Service to fulfill its long-overdue obligation to promulgate a final ORV management plan. S. 1557 would annul the Consent Decree, including the deadline for the final rule.

As you can see from the enclosed charts (which are based on the National Park Service's data), in the two years that the Consent Decree has been in effect (2008 and 2009), the status of breeding species has improved considerably over 2007 and recent prior years when beach driving at the Seashore was managed under the Interim Plan and substantially similar strategies. For example, during the two years under the Consent Decree, piping plovers, which are federally listed as threatened, experienced the highest numbers of breeding pairs since 1998. Likewise, colonial waterbirds (a group of shorebird

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species that nest together in colonies) are rebounding, laying far more nests in both 2008 and 2009 than they did in 2007, with one species (black skimmers) returning to nest at Cape Hatteras in 2009 after becoming locally extirpated in 2007. Although it took a decade for these birds to decline at the Seashore and recovery will not happen overnight, beach-nesting birds have shown an immediate positive increase the first two years under the Consent Decree.

In the two years under the Consent Decree, sea turtles also rebounded. From 1998 to 2007, the Park Service never recorded more than 99 nests at Cape Hatteras in any one season and usually recorded many fewer (only 43 nests in 2004, for example). Yet under the Consent Decree, turtles laid a record-setting 112 nests at Cape Hatteras during the 2008 nesting season, and 102 have already been laid in 2009, the second highest ever recorded, with the current turtle nesting season expected to continue for several more weeks.

During the same time that these gains for breeding wildlife occurred, and despite the nationwide economic crisis and the perplexing efforts by local officials to discourage tourism by announcing that the beach is largely closed to visitors, the local economy also held steady or improved. According to the enclosed press release from the Outer Banks Visitors Bureau, tourism spending increased, with 1.9% more money being spent by tourists in Dare County in 2008 (during the first year under the Consent Decree) than in 2007 (prior to the Consent Decree). Other economic indicators available from the Outer Banks Visitors Bureau also show that tourism spending on Hatteras Island specifically has held steady and, by some measures, improved during the time that the Consent Decree has been in effect. For instance, vacation rental occupancy on Hatteras Island has increased 0.5% from April, May, and June 2007 to April, May, and June 2009 (27,622,958 renters to 27,765,081, respectively). (The July 2009 figures have not yet been posted and are not available for comparison. http://www.outerbanks.org/pdf/Gross_Occupancy_District.pdf.)

Finally, we wish to clarify that the Consent Decree contains no provisions or requirements related in any way to predators or predator management, despite various press releases that imply otherwise. Predator management is, instead, a requirement of the 2007 Interim Management Strategy, which S. 1557 seeks to reinstate, as well as a part of the National Park Service's ongoing natural resource management efforts.

We wanted you to have this latest and most accurate information as you continue to evaluate your support for S. 1557. The data – both economic and biological – confirm the Park Service's testimony before Congress in opposition to an identical bill last year, in which then-Deputy Director Daniel Wenk testified that the Consent Decree allows “public use and access at Cape Hatteras National Seashore to the greatest extent possible while ensuring protection for the Seashore's wildlife,” and does so “better than the original 2007 Interim Management Strategy.”

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Please reconsider your support for S. 1557, and, instead, allow the Consent Decree to continue in effect through next breeding season and until December 2010, when it requires a final ORV management plan to be promulgated.

Sincerely,



Julie Youngman
Southern Environmental
Law Center



Chris Canfield
Audubon North Carolina

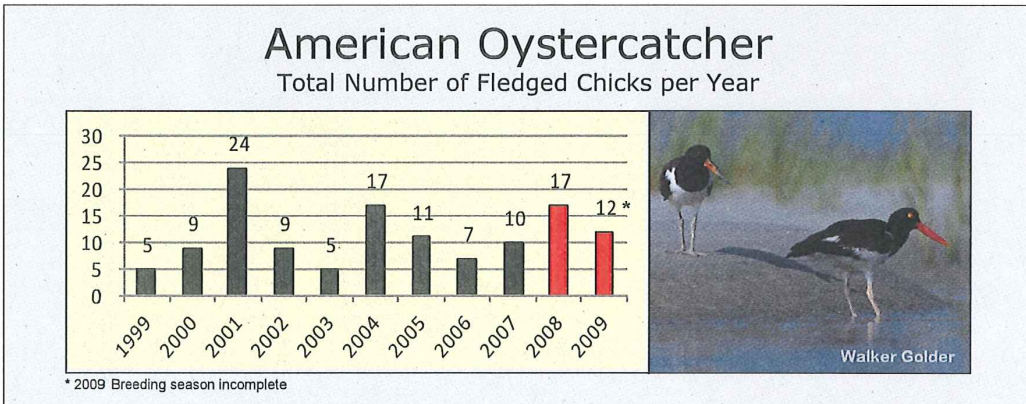
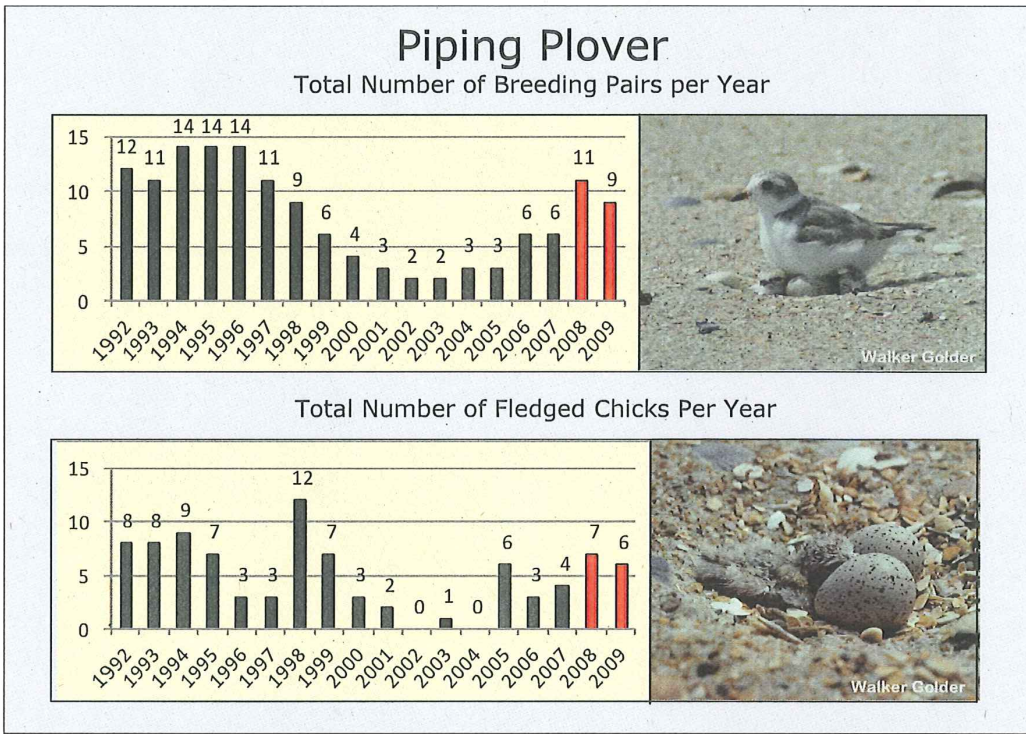
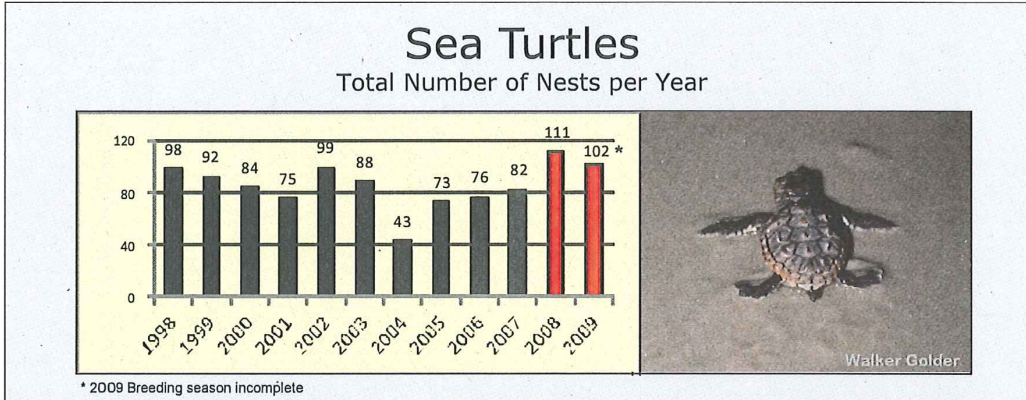


Jason Rylander
Defenders of Wildlife

Enclosures

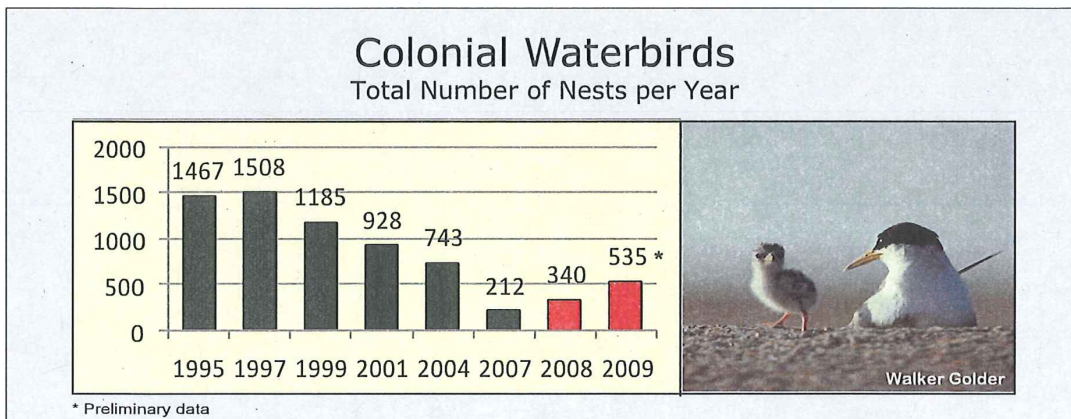
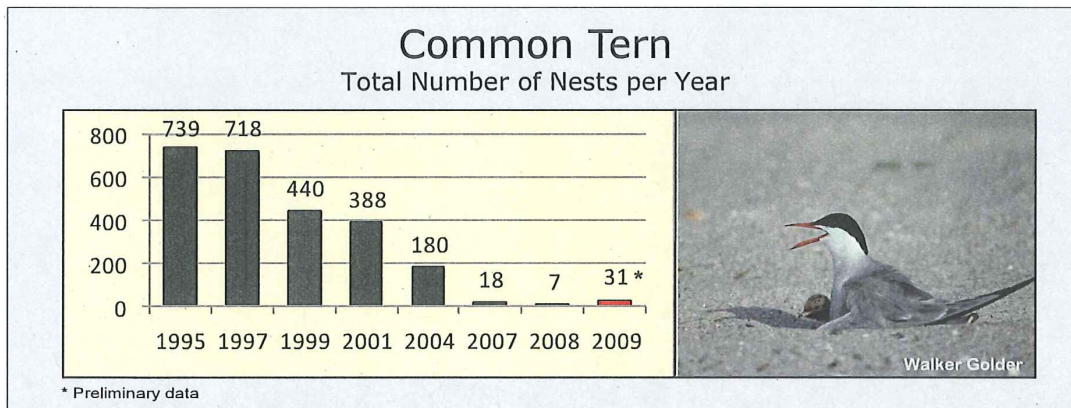
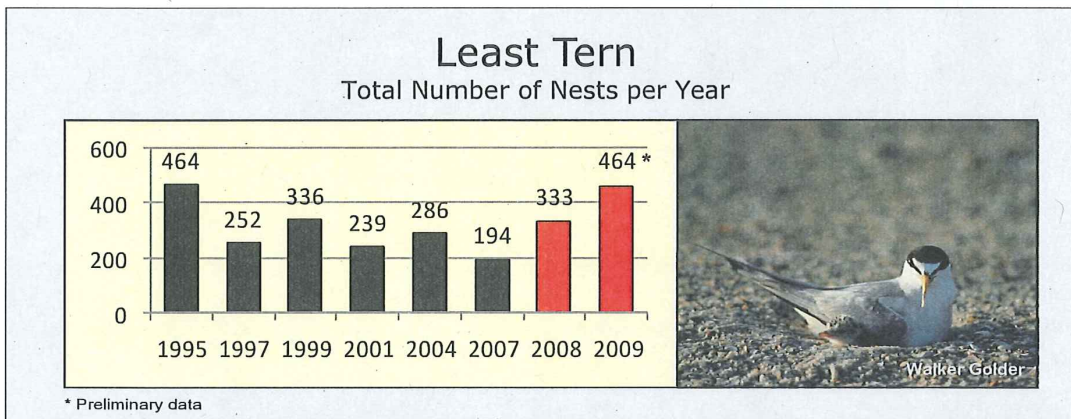
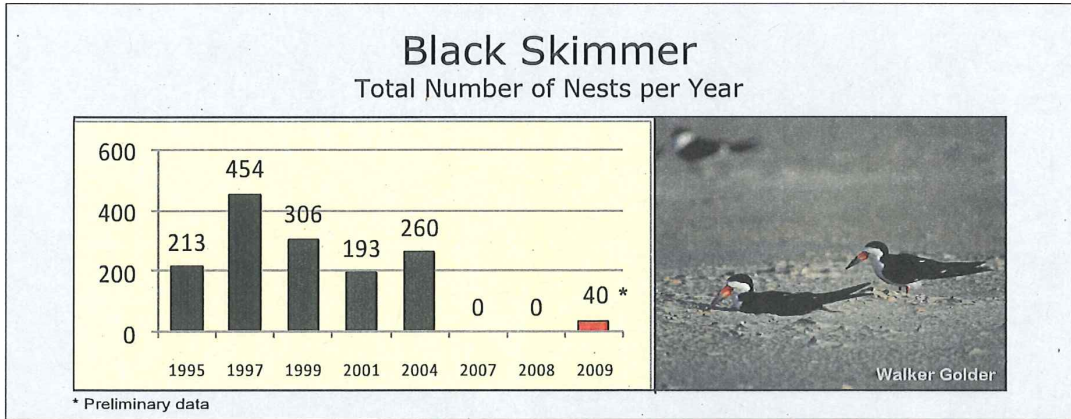
cc: Michael Murray, Superintendent, Cape Hatteras National Seashore

Species Rebounding Under Consent Decree



Data Sources: <http://www.nps.gov/caha/naturescience/natural-resource-reports-and-publications.htm>; North Carolina Wildlife Resources Commission, Colonial Waterbird Survey; USGS Management Protocol for Piping Plover: Cape Hatteras National Seashore 2007 Annual Report; and Cape Hatteras National Seashore Resource Management Weekly Field Summaries for Summer 2009

Species Rebounding Under Consent Decree (cont'd.)



Data Sources: <http://www.nps.gov/caha/naturescience/natural-resource-reports-and-publications.htm>; North Carolina Wildlife Resources Commission, Colonial Waterbird Survey; USGS Management Protocol for Piping Plover: Cape Hatteras National Seashore 2007 Annual Report; and Cape Hatteras National Seashore Resource Management Weekly Field Summaries for Summer 2009



FOR IMMEDIATE RELEASE –

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2008 Tourism Spending Estimates Released For Dare County

State Report Shows Tourism-Related Spending Up Nearly 2% To \$777.4 million

(Manteo, NC) August 11, 2009 – The Outer Banks Visitors Bureau announced today that domestic visitors to and within Dare County spent an estimated \$777.41 million dollars in 2008, an increase of 1.9 percent from 2007, according to a North Carolina Division of Tourism, Film and Sports Development county-by-county report. “These figures reflect what we on the Outer Banks of North Carolina have always known, that tourism is our lifeblood,” explains Renee Cahoon, Chairwoman of the Dare County Tourism Board. “The better we are at promoting tourism, the better our economic development will be.”

Tourism impact highlights for 2008:

The travel and tourism industry directly employees more than 11,250 people in Dare County. Total payroll generated by the tourism industry in Dare County was \$171.14 million. State tax revenue generated in Dare County totaled \$37.32 million through state sales and excise taxes, and taxes on personal and corporate income. Approximately \$37.31 million in local taxes were generated from sales and property tax revenue from travel-generated and travel-supported businesses. You can view the full county-by-county comparison at ncommerce.com.

Gov. Beverly Perdue announced in March that visitors to North Carolina spent a record \$16.9 billion in 2008, an increase of 2.1 percent from 2007. “While we recognize that current economic conditions are impacting businesses all across the state -- including those in the tourism industry -- this continued economic growth, and especially growth in tax revenues, is encouraging,” Perdue said. These statistics are from the “2008 Economic Impact Of Travel On North Carolina Counties.” The study was prepared for the North Carolina Division of Tourism, Film and Sports Development by the U.S. Travel Association.

Statewide highlights include:

2008 total visitor spending saw an increase of 2.1 percent to \$16.9 billion, up from \$16.5 billion in 2008. The travel and tourism industry directly employees more than 190,000 North Carolinians, up 2 percent from 2008. The tourism industry generated a total of more than \$1.3 billion in tax revenues. State tax revenue totaled \$815 million through state sales and excise taxes, and taxes on personal and corporate income. Some \$529 million in local taxes were generated from sales and property tax revenue from travel-generated and travel-supported businesses.



Scenes like this one in the Cape Hatteras National Seashore, looking north to the Hatteras Island village of Avon, NC continue to draw visitors from all over America to Dare County and the Outer Banks of North Carolina. Tourism-related spending increased in 2008 to an estimated \$777.4 million dollars according to a newly released state report, an increase of nearly two percent over 2007. Photo courtesy Outer Banks Visitors Bureau outerbanks.org

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About The Outer Banks

The Outer Banks of North Carolina is a 130 mile chain of barrier islands located midway on the Atlantic Coast. The Outer Banks Visitors Bureau is a public authority and the lead marketing and promotional agency for Dare County's Outer Banks. www.outerbanks.org