

Congress of the United States
Washington, DC 20510

October 15, 2009

Secretary Ken Salazar
Department of the Interior
1849 C Street
Washington, DC 20240

Dear Secretary Salazar,

We write to bring your attention to ongoing efforts undertaken by the National Park Service (NPS) to establish final regulations regarding Off-Road Vehicle (ORV) use at Cape Hatteras National Seashore in Dare County, North Carolina, and to request your assistance in ensuring that this process is completed as soon as possible.

As you know, Cape Hatteras National Seashore was authorized as the nation's first national seashore in 1937, and has been managed by the National Park Service since 1953. Throughout the intervening decades, the Seashore has remained an enduring element of North Carolina's coastal economy and a favorite destination for beachgoers in North Carolina and throughout the country.

The beaches of Hatteras Island have been included among the nation's best beaches in numerous publications precisely because they offer an opportunity for visitors to enjoy a natural landscape largely untouched by human development. To do so, however, many park visitors have traditionally utilized ORVs to access the most remote recreational areas of the island. Recognizing the impact of ORV usage on federally managed lands, President Nixon in 1972 issued Executive Order 11644, requiring federal agencies permitting ORV use on agency lands to publish regulations to manage this use responsibly.

As you know, acting under this direction, the NPS has worked in recent years to develop the first ORV management plan for Cape Hatteras National Seashore. Consistent with standing Executive directives, this plan must address resource protection, visitor safety, and potential conflicts among various park users. In particular, any final plan is required to ensure the protection of various threatened and protected native species, including the piping plover and sea turtles that nest on Hatteras beaches.

In October 2007, interested stakeholders challenged an Interim Management Plan (IMP) then regulating ORV usage on Hatteras Island. As a result of this challenge, a U.S. District Court Judge in April 2008 approved a temporary consent decree providing for wildlife protection regulations while the NPS promulgated final rules to guide ORV management activities. This consent decree effectively closes many of the most popular areas of the Seashore during the summer months traditionally preferred by beachgoers.

This consent decree requires the NPS to draft and approve a final ORV management plan by December 31, 2010. Additional special regulations corresponding to this final plan must be instituted no later than April 11, 2011. With these deadlines in place, the NPS has initiated and completed a negotiated rulemaking process, and continues to work to enact a final ORV management plan for the seashore and accompanying National Environmental Policy Act (NEPA) analysis. However, it is our understanding that this process is not scheduled to be completed prior to the fall of 2010.

In the interim, with park access restricted during the most popular summer months, many families and businesses in Dare County are suffering. With fewer fishermen able to access preferred locations, bait and tackle shops may be forced to close their doors. Likewise, with fewer swimming areas available to beachgoers, fewer families are traveling to the island, threatening an already weakened hospitality industry. The Hatteras community has now experienced two summers with heightened beach access restrictions, and many local businesses may not survive a third.

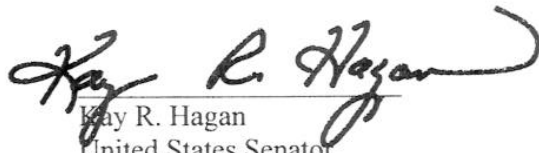
With this in mind, we ask that you work to ensure that the NPS complete its final review and analysis of a Cape Hatteras National Seashore OVR Management Plan as quickly as possible to ensure reasonable access to Hatteras beaches during the 2010 summer season. While we recognize the essential necessity to protect North Carolina's environmental and ecological resources, it is important that the Hatteras Island and Dare County community have resolution as quickly as possible.

We look forward to working with you, and appreciate your attention to this important matter. Should you have any questions or concerns, please feel free to have your staff contact Kara Weishaar (Sen. Burr) at (202) 228-2964, Perrin Cooke (Sen. Hagan) at (202) 224-9025, or Joshua Bowlen (Rep. Jones) at (202) 225-3415.

Sincerely,



Richard Burr
United States Senator



Kay R. Hagan
United States Senator



Walter B. Jones
Member of Congress

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