

From: [Jim and Ginny](#)
Reply To: [Jim and Ginny](#)
To: mpa.comments@noaa.gov
Cc: warrenj@darenc.com; Director@nps.gov; [Mike Murray](#)
Subject: Nomination of Cape Hatteras National Seashore Recreational Area (CHNSRA)—please withdraw
Date: 02/12/2010 03:30 PM
Attachments: [MPA.doc](#)

Please find attached my comment regarding the nomination of Cape Hatteras National Seashore Recreational Area into the Marine Protection Areas. I have also included a copy below.

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2/12/2010

Joseph A. Uravitch
National Oceanic and Atmospheric Administration
National Marine Protected Areas Center
1305 East West Highway, N/ORM,
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Re: Nomination of Cape Hatteras National Seashore Recreational Area (CHNSRA)—please withdraw

CHNSRA is unique in that there are 9 villages located within CHNSRA boundaries. These villages are hundreds of years old. Over the past 50 or so years since CHNSRA was opened these villages have been subjected to ever increasing restrictions on traditional uses that our government promised to protect. The most recent set of restrictions were implemented as a result of a court ordered consent decree brokered by DOI attorneys in 2008. In this regard, despite the fact that the DOI attorneys stood by the NEPA process and Interim Plan the attorneys folded to the whims of environmental groups seeking to eliminate 4 wheel drive access and to greatly reduce even pedestrian access during the period of Mar. through Aug. In fact, the agreement has resulted in the effective closure of some of the most popular areas within CHNSRA. The resultant closures have had a significant negative impact on the economies of the villages located within CHNSRA boundaries. Furthermore, indirect negative impacts resulting from increased restrictions have accrued to the county as a whole and the state of NC. [\[1\]](#)

As I will demonstrate below, the proposed MPA will, at a minimum, provide one more reason to restrict activities along the intertidal surf zone and will likely result in additional restrictions not just on the ocean side of CHNSRA but on the sound side as well. The added restrictions resulting from the MPA designation will likely make it impossible for the villages that have existed on Hatteras and Ocracoke Islands for hundreds of years to continue to survive. As such, I strongly urge the manager who nominated CHNSRA to withdraw said nomination.

IMPACT OF MPA DESIGNATION

As per the www.MPA.gov, MPA's are **given greater protection than the waters that surround them**. In the case of CHNSRA, providing the new level of protection will be the responsibility of the DOI—the same government agency that threw out the NEPA compliant Interim Plan for CHNSRA. In order to fulfill DOI management goals, the NPS (as an agent of the DOI) **will** be required to use the rulemaking process to develop an MPA plan designed to protect CHNSRA intertidal zones from Whalebone Junction to Ocracoke Inlet. These protected zones will include all intertidal zones—surf and sound.

Even under the lowest level of protection (Uniform Multiple Use Zone) the MPA plan designed to protect intertidal zones along the surf and sound will result in additional restrictions on recreational and commercial activities that involve the use of the shorelines of CHNSRA. [2] In point of fact, it is plans that have followed from the rulemaking process in the name of protecting shorebirds and turtles that are smothering the villages now. As noted above many of these plans have been greatly influenced by SELC et al. Furthermore, SELC et al, in the name of protecting CHNSRA's Pea Island Wildlife Refuge, is currently lobbying against the planned replacement of the failing Bonner Bridge. [3] Finally, in 2003 NPS at the urging of employees with strong ties to environmental groups (including Audubon and Coast Keeper) refused to allow dredging equipment access to Hatteras Inlet for the purpose of filling a breach that had resulted in the loss of water and electric service to Hatteras Village. The reason? Possible damage to Critical Habitat for the Piping Plover.

Based upon the above noted track record, there is no reason not to expect environmental groups such as SELC et al to seize upon the opportunity to lobby for either "no impact" or "no access" protection. In fact, the Wild Foundation is lobbying for just this type of protection. [4] That is, as a result of MPA designation, we could very well end up with a "National Seashore Recreational Area" that does not allow any access to its shorelines!

ECONOMIC IMPACT

1. The villages within CHNSRA boundaries host a minimum of 7 separate surf fishing tournaments. These tournaments require extensive use of the intertidal zones of CHNSRA. Furthermore, these tournaments are by no means small events. For example, the Cape Hatteras Anglers' Club tournament has been recognized by the Guinness Book of Records as **the largest surf fishing tournament in the "WORLD"**. MPA plans that limit access to the intertidal zones or, worse yet, make some forms of tackle illegal, will make the successful hosting of these tournaments impossible and rob the villages of the income necessary to make ends meet during the off-season.
2. The reason CHNSRA draws so many anglers for surf fishing tournaments is that Hatteras and Ocracoke Island (Cape Point and the Inlet Spits, in particular) are noted for the wide variety of fish available and for allowing access via 4-wheel drive—nearly a necessity for successful surf fishing. [5] Furthermore, traditional uses of CHNSRA include commercial fishing via beach hauling of seine nets. Current access restrictions put in place to protect spring and summer shorebirds and turtles have had a significant negative impact on the revenue generated by all forms of fishing during the spring and summer months. Year round restrictions that would likely follow from protection of the intertidal zones will rob

the villages revenue generated by the off-season surf-fishing tourist trade and make it impossible for residents the island to engage in the traditional use of CHNSRA as a commercial fishing site. Quite simply, the amount of tourism supported by the limited landmass available during the spring and summer cannot support enough tourism to support the villages of Hatteras and Ocracoke Island. As such, off-season traditional uses (recreational and commercial fishing) are critical to the survival of the villages and MPA designations will likely limit this source of income.

3. The villages within CHNSRA boundaries are very popular locations for a variety of water sports, including surfing, windsurfing, and kite-boarding. In fact, Hatteras Island hosts at least two major surfing tournaments. MPA plans that restrict access to intertidal zones will deal a major blow to the tourist trade provided by these activities.
4. As per NEPA, a MPA rule must evaluate significant adverse effects, even "if their probability of occurrence is low." [6] Since CHNSRA extends from Whalebone Junction to Ocracoke, the intertidal zones of Oregon Inlet, Hatteras Inlet, and Ocracoke Inlet will be considered part of the MPA. The possible ramifications of including intertidal zones of the Inlets are as follows:
 - a. Due to the possibility of adversely impacting the Oregon Inlet intertidal zones, NCDOT could be forced to select the Pamlico Bridge Replacement Option instead of their preferred alternative--the parallel bridge. In point of fact, SELC et al is currently lobbying against the bridge replacement based upon the Wildlife Refuge Act of 1996. Based upon this fact, it is fully expected that SELC et al will simply add protection of the MPA as another reason to oppose the bridge replacement. NCDOT has documented that the Pamlico Bridge project will add nearly \$1 billion to the cost of the bridge replacement project. [7] Furthermore, Cape Hatteras Electric Cooperative has stated that implementation of the Pamlico Sound Bridge alternative will result in a 42% increase in electric rates for Hatteras and Ocracoke Islands. These increased costs are the result of the need to construct and maintain a freestanding 17 mile length of transmission lines in the sound.
 - b. The NCDOT ferry service that provides Ocracoke with its only connection to the mainland has ferry landings on both Hatteras and Ocracoke Inlets. It is entirely possible that protection of the intertidal zones could result in the movement or elimination of these ferry landings. Actually, after Hurricane Isabel in 2003, it was recommended that the Ocracoke Ferry terminal at the north end of Ocracoke be moved several miles to the south of the Inlet and the road on the north end of Ocracoke be abandoned. [8] Changes to the Ocracoke ferry service will impact residents' and visitors' ability to obtain emergency medical services or evacuate should a major storm head our way. As such disruptions in ferry service, present not only an inconvenience but also, an unnecessary risk to public safety.
 - c. Removing the Bonner Bridge and the Ferry system could, at a minimum, make it harder to obtain permits for dredging required to maintain navigable inlets for recreational and commercial purposes. Worse yet based upon our experiences with the mandate from critical habitat as it related to reconstruction of the infrastructure after Hurricane Isabel in

2003, it is possible the mandate to protect emergent sandbars could result in eliminating dredging entirely. Why? Because without the bridge and the ferry system dredging would not be required to maintain the infrastructure. The costs associated with the elimination of dredging are as follows:

- i. The economic benefits derived from maintaining reliable navigation in the Oregon Inlet are estimated at \$682.7 million and 9,851 jobs. [9]
- ii. Recreational and commercial fishing fleets and diving boats depend upon reliable navigation at Hatteras and Ocracoke Inlets, as well. While figures related to the revenues generated by recreational and commercial fishing fleets for Hatteras and Ocracoke Inlet have not been published, figures for Oregon Inlet report that the potential for lost revenue from recreational fishing and tourism and commercial fishing total in excess of \$500 million. [10] So with two fishing fleets operating out of Hatteras Inlet and one operating out of Ocracoke Inlet lost revenues could total \$1 billion to \$1.5 billion.

In summary, Portsmouth Island provides us with a good example of what happens when access becomes too costly or unreliable and when it becomes impossible to generate revenues necessary support the island communities—can you spell ghost town? But then again, it may not matter because by the time NPS publishes the new ORV rule and USFWS starts denying NPS and NCDOT the ability to reconstruct after hurricanes in the name of Critical Habitat, there may be no reason to access these Islands. Please put a stop to this insanity. I am all for protecting the environment but not to the point of jeopardizing my own existence.

Sincerely, Virginia L. Luizer

cc: Ken Salazar, DOI
Jonathan B. Jarvis, Director NPS
Mike Murray, Superintendent CHNSRA
Richard Burr, Member of Subcommittee on National Parks
Warren Judge, Chair Dare County Commissioners

[1] See video commentary from John Bone, President of Outer Banks Chamber of Commerce and from local business owners at <http://www.preservebeachaccess.org/landingnew/videocommentary.html>.

[2] The official federal definition of an MPA is: "any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations **to provide lasting protection for part or all of the natural and cultural resources therein.**" -- Executive Order 13158 (May 2000)..... In practice, MPAs are defined areas where natural and/or cultural resources are **given greater protection than the surrounding waters.**...The Department of the Interior manages MPAs through national parks and national wildlife refuges.

[3] <http://islandfreepress.org/2010Archives/01.27.2010-RecordOfDecisionOnBonnerBridgeReplacementIsDelayedAgain.html>

[4] "WILD has teamed up with its U.S. Fish and Wildlife Service (USFWS) colleagues to work closely in seeking public input, with WILD spearheading the non-governmental community through the MWC (Marine Wilderness Collaborative, and the USFWS driving government agency participation through the Intergovernmental Working Group on Marine Wilderness." <http://www.wild.org/main/policy-research/marine-wilderness-collaborative/>

[5] <http://saltfishing.about.com/od/surffishing/a/aa040520a.htm>

[6] 1502.22 CEO Regulations for Implementing NEPA

[7] Supplement to the Bonner Bridge Replacement SDEIS, February 14, 2007, pp. 2-16, 2-17, 2-22, and 2-23.

[8] <http://www.capehatterasanglersclub.org/images/timeline/isabel%20reports.doc>

[9] STUDY OF THE BENEFITS OF OREGON INLET TO THE ECONOMY OF DARE COUNTY, NC AND THE SURROUNDING REGION FINAL REPORT Prepared by Moffatt & Nichol, July 2006, p. iv.

[10] STUDY OF THE BENEFITS OF OREGON INLET TO THE ECONOMY OF DARE COUNTY, NC AND THE SURROUNDING REGION FINAL REPORT Prepared by Moffatt & Nichol, July 2006, pp. ii, iii.