



COUNTY OF DARE

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February 18, 2010

Superintendent Mike Murray
National Park Service
1401 National Park Dr.
Manteo, NC 27954

Dear Mike,

I received a copy of the Southern Environmental Law Center's (SELC) letter to you of February 11, 2010. I find it discomfoting that they feel they must distort things by taking statements out of context and spinning information to convince you to draft a final plan that will help them achieve their goals of closing the Cape Hatteras National Seashore Recreational Area. As you recall these are the same folks who advocated the year round closure of Oregon Inlet to protect the piping plovers, when in fact if you look at last year's numbers for Bodie Island Spit, there were no nests, no hatches, no fledglings, and no plover breeding pairs even though Oregon Inlet was closed for over half of the season. These are the folks who at the final stages of Negotiated Rulemaking, when the parties were getting close to a negotiated settlement, responded that they wanted to permanently close an additional ten miles of beach, and when asked where they responded anywhere. These are the folks that use your traffic counts to say beach closures have no effect on the local business when in fact we all know they do, just ask the local businesses as we have.

Now they have sent you a letter taking two sentences out of an over twenty page memorandum to imply that Dare County, Hyde County and CHAPA support the consent decree. As you and they assuredly know nothing could be further from the truth. The consent decree was the lesser of the evils. It imposes significantly more protections that are warranted, is penal in nature, allows no management discretion by you or your staff, and does not balance the resource protection objectives with the negative impacts to the community and the recreational purposes of the park.

The memo referenced by the SELC is a part of a lawsuit to prevent yet another layer of regulation being placed upon the Cape Hatteras National Seashore Recreational Area. Such regulation being yet another attempt to achieve the goal of park closure. One of the arguments against such new regulation is that there is already adequate, we would say more than adequate resource protection measures in place and therefore there is no need for further regulation. The statement in the memo supports that argument. To imply that by stating what is currently in place in the Consent Decree somehow means we support the consent decree is disingenuous. They know better and I am sure that you do too. The point of that

portion of the memo is that there are resource protection measures in place and there will be resource protection measures in place in the final plan such that new measures are not necessary.

I have not, and do not intend to write to you every time we hear something the SELC says or does to further their goals. I am writing at this time because they saw fit to circulate their letter to our elected officials who we have asked to help us and our community. I felt that I could not allow their implications to go unchallenged for fear that some would then believe them to be true. We trust that the final plan that you author will balance resource protection with recreational uses, take into account the significant hardship to our community that closures cause and allow you management discretion to keep these balances as conditions change.

Sincerely,



Warren C. Judge, III, Chairman
Dare County Board of Commissioners

CC: Senator Richard Burr
Senator Kay Hagan
Representative G.K. Butterfield
Representative Howard Coble
Representative Bob Etheridge
Representative Virginia Foxx
Representative Walter B. Jones
Representative Larry Kissell
Representative Patrick McHenry
Representative Mike McIntyre
Representative Brad Miller
Representative Sue Myrick
Representative David Price
Representative Heath Shuler
Representative Melvin Watt
Jane Lyder, Department of Interior
William Shafroth, Department of Interior
Jonathan Jarvis, National Park Service
Dan Wenk, National Park Service
Dr. Bert Frost, National Park Service
Dan Ashe, Fish & Wildlife Service
Ethan Carson Eddy, Department of Justice