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NORTH CAROLINA GENERAL ASSEMBLY
RALEIGH

May 4, 2010

Mike Murray, Superintendent
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954

Superintendent Murray:

We are writing you today to make formal comments on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement, specifically Alternative F, created by the National Park Service with input from the negotiated rulemaking advisory committee.

Before commenting on the contents of the document, we would like to call attention to the shocking exclusion of useful data to determine the potential economic impact of Alternative F. The DEIS suggests "F" will have revenue impacts on small businesses "at the low end of the estimated range rather than the high end." From our conversations with small business owners on Hatteras Island, any restriction in access will have severe economic impacts to their families, as the closures in the past years have. In an already disastrous economy, the actions taken by the Court and the Service have proved devastating to all businesses and residents on Hatteras Island. For anyone to claim differently would be either a misguided statement of ignorance or just a pure falsification of the truth. The last names of the original settlers of Hatteras Island can be found in the phonebook to this day. These families have been rooted in this community even before the founding of our nation. Today, their livelihoods are being threatened by that government.

After consulting with the elected leaders of Dare County, we would like to comment on the four critical aspects of the DEIS, the first being the vitally important management tool of corridors. In the past during a closure, our offices were able to work with you and your staff to create corridors around resource closures. These alternative paths are indispensable to the continued movement of pedestrians and vehicles. Also, the corridors allow visitors to access an open area that may be sandwiched between two closed areas. These corridors have limited negative impacts to the protected species, but they are crucial to providing access during closure periods. We stand with Dare County in requesting that corridors be maintained for pedestrians and vehicles in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

When reviewing the management of any wildlife species by the state of North Carolina, anyone can see our management plans are based on reliable and reputable science and data. Political whims are not entered into the formula for the management of species by our State. We are concerned that political inclination is the reason for and basis of the management buffers within the DEIS. A 1,000-meter buffer in all directions of an unfledged piping plover chick represents 771 acres of closed beach. This seems a bit arbitrary and capricious when managing a species. We have yet to read any scientific reasoning behind this management strategy. We would argue a buffer of 200 meters would be just as effective for the survival of a piping plover chick without the extreme penalization of the residents and visitors of Hatteras Island.

Another confusing issue in the buffers listed in the DEIS is the equal and even more protective status given to species not on the endangered species list. Birds listed as North Carolina species of concern should not be given protected status under the Endangered Species Act. We have spoken with both the Chairman and Executive Director of the North Carolina Wildlife Resources Commission regarding this matter. Both have informed us that these unnecessary protections were never the intent of the Commission's participation in this process, nor a requested outcome. They have also informed us that other species of concern are not given ESA status on other federal lands. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird species. Also, non-ESA listed birds should not have buffers of 300 meters. The county feels a more appropriate buffer would be 30 meters. We also spoke with NCWRC regarding the inclusion of all birds in the ecosystem being counted when doing any type of management plan. Currently, birds on dredge spoil islands located adjacent to the Park are not being included in the population figures. They agree these islands have no predation and are ideal locations for nesting. To not include the populations of these islands is disingenuous to the intent of this process.

The last technical portion of our comments centers on the treatment of the nests of endangered sea turtles within the Seashore. We would urge the Park Service to allow for the relocation of nests to higher beach elevations. The United States Fish and Wildlife Service practices this management tool in Pea Island National Wildlife Refuge, as do other management agencies on state and federal lands. The Seashore has lost over 46% of the nests laid in the last 11 years, while South Carolina relocated 40.1% of their nests during 2009, finishing the year with only a 7.7% loss of nests. To not allow for the relocation of nests puts both the users of the parks and the turtle hatchlings at competitive disadvantages.

The key to any management plan is flexibility. Without the ability to change user patterns while keeping access open, the Cape Hatteras National Seashore Recreational Area will become but a memory to generations of users from across the globe. We would say that nowhere in our great nation can individuals enjoy the beauty and serenity of our coast as in the Seashore. For decades, families have been coming to Hatteras and Ocracoke Islands to utilize this area as President Roosevelt envisioned.

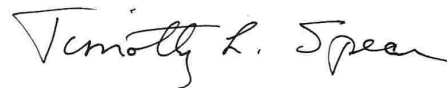
Page 2
May 4, 2010

As you move forward with your plan, you must remember the promises made by previous directors and superintendents and protect the access for residents and visitors alike.

Sincerely,



Senator Marc Basnight



Representative Tim Spear