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**From:** [David Vela](#)  
**To:** [William Reynolds](#); [Marianne Mills](#)  
**Cc:** [Mike Murray](#); [Rachel Wheelus](#)  
**Subject:** Fw: Preserve public access by the American people to Cape Hatteras National Seashore  
**Date:** 05/14/2010 09:04 AM  
**Importance:** High  
**Attachments:** [Beach Access\(14May10\).doc](#)

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Hi Folks,  
FYI - and for response.

Have a great day.  
David

David Vela  
Regional Director  
Southeast Region  
(404) 507-5603

----- Original Message -----

From: "Styron, Ernest L" [mailto:[estyron@alionscience.com](mailto:estyron@alionscience.com)]  
Sent: 05/14/2010 08:14 AM AST  
To: David Vela  
Subject: Preserve public access by the American people to Cape Hatteras National Seashore

Good morning Sir,

In the Island Free Press, I found the following excerpt:

In a letter to Jones dated April 29, David Vela, regional director of the Southeast Region of the National Park Service in Atlanta, turned down the request.

"Approximately 25 organizations, including the Dare County and Hyde County governments, that represent large constituencies interested in the ORV management issue were well represented and actively participated on the CAHA negotiated rulemaking advisory committee (committee) and related sub-committees and work groups that met numerous times between Jan. 3, 2008 and Feb. 26, 2009," Vela wrote in his letter.

He also noted that five of the six alternatives analyzed in the DEIS are substantially the same as the five alternatives that NPS described to the committee and released to the public at a committee meeting on Nov. 14, 2008.

"The sixth alternative (F)," he wrote, "considered in the DEIS is based on the work of the committee, recognizing that the committee did not reach consensus on a recommended alternative."

Vela said that, based on the history and current status of the process, "...we believe the current 60-day comment period fully meets the requirements of the National Environmental Policy Act and provides ample opportunity for public involvement and comment. We have decided not to extend the public comment period at this time."

Sir, I must protest at your portrayal of the process. Yes, many groups did attempt to contribute to the crafting of a fair ORV plan, however there were many at these meetings who had no desire, (nor the intent), to compromise on any result short of closing the majority of the Cape Hatteras Seashore beaches to people. Your note above downplays the animosity displayed by the off-island "conversationalists" and their lawyers, their disrespect for the locals, and their "our way or no way" approach to this issue. This should have been about establishing a easily enforceable off road plan. Instead, it has become an access restriction plan that does little for the natural wildlife of the area (piping plovers are NOT indigenous, contrary to the hype) and nothing for the people who live there or those who love to visit.

Please listen to the true lovers and protectors of the Cape Hatteras National Seashore...the locals who work and raise their families there Do the right thing...preserve access by the American people to these beaches and the natural lifestyle the area offers.

I wrote the following and submitted it prior to comment deadline. Please take the time to read my remarks and feel free to call me to discuss them:

Good evening...I know that the intent of this document is to try and reach a compromise between certain "conservationist" organizations and the general public users of the Outer Banks. Although this is touted as a noble goal, the facts are very clear...these "conservationist" and their deep-pocketed organizations are only interested in restricting access to the beaches and sound front of the Outer Banks of NC to wildlife.

The origins for the Off Road Vehicle (ORV) plan are history, but this document attempts to do far more than develop an enforceable plan for recreation vehicles on the beaches of Cape Hatteras National Seashore. It attempts to totally restrict all human access by instituting draconian

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measures to protect selected species of birds. Measures so severe, that for the majority of the year, the areas most visited by locals and tourists are no longer accessible.

I ask that you simply consider the "old rules" and preserve the rights of access promised when the Park Service was deeded and acquired the property near Hatteras Village. These rules should be simple and logical...not too difficult a task if the locals are allowed to assist in their development. Consider this...the locals only benefit if the beach and the indigenous wildlife are protected and allowed to prosper. These waters and their adjacent shorelines are the lifeblood of those who choose make the Outer Banks their home year round.

Post these rules at each beach or sound front access and the locals and dedicated users of the Outer Banks beaches and sound front areas will gladly assist the Park Service in policing them! These frequent users and lovers of the area often go out of the way to notify Park Service personnel of injured wildlife and to assist them in all sorts of endeavors. Most users never violate turtle nesting areas or true bird nesting zones (even the invasive Piping Plover does not build it's nest in the surf or high tide zones).

The main problem with these huge and unreasonable wildlife protection areas are that they are unnecessarily restrictive and the basis for their size and duration are not based on proven and accepted facts, or even vetted with other wildlife experts. When visitors are confronted with closed beaches, based on judge's decrees and environmental hyperbole, versus true science and common sense, they become disillusioned with the entire Park Service and the Outer Banks in particular. This type of experience promotes disappointment and frustration with the local Park Service employees and results in ruined vacations and childhood memories, outcomes that are extremely unfair to both parties.

Please remember, the birds in question already have the Pea Island National Wildlife Refuge, 13 miles in size from north to south, where endangered and threatened species such as peregrine falcons, loggerhead sea turtles, and piping plovers are keenly protected. Additionally, the state has closed most of the offshore and sound islands to public use, thus greatly increasing the nesting areas for local and invasive birds alike. To argue that the four-wheel drive or walking accessible beaches and sound front areas are "must close" acreages in order to promote and protect nesting birds is just unreasonable.

The Oregon Inlet is a case in point. Closing down the entire spit to "protect" the sandbar and marsh areas for birds that MIGHT nest there is simply unreasonable and excessive...and frankly appears to be conducted in order to appease an 'un-appeasable' and wrongly named, yet vocal, "conservationists" minority.

Yes, I understand that these groups have deep pockets and "dedicated" lawyers, but please understand that these groups have no connection to this area nor do they really care about the natural habitat and wildlife. My guess is that these lawyers would not be so nearly persistent if on their own dime...and most of these "conservationist" organizations operate with donations from well-intended but uninformed donors.

In closing, I sympathize with your tasking...yet I implore you to do the right thing and protect the American citizens' rights to explore National Parks. If these overly zealous groups are successful in "effectively" shutting down beach and shore access in the Cape Hatteras National Seashore, then they will be emboldened to attack every other park and wildlife area in the country.

I implore you to do the right thing and protect and defend a citizens rights to enjoy these national treasures. Defend these rights for the local community, the true outdoors and wildlife lovers, the beach loving families, and the dedicated conversationalists who frequent these beautiful Outer Banks beaches and sound shorelines.

Yes, invite the "conservationist" organizations to participate in the process, yet treat them as advisors only. Allow the year round inhabitants and local community leaders to assist the Park Service in crafting the rules for beach and sound front access. The resultant rules and policies will be a much better plan to protect the Outer Banks of North Carolina and the wildlife, which call these areas home.

Sincerely,

Ernie Styron  
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757-537-3753

I also call your attention to the following article...another viewpoint:

To Whom It May Concern:

Since attending a public meeting on April 28, 2010 in Raleigh NC I have decided that I must speak

louder and more often about the below issue.

As a long time North Carolina resident with primary residence in Franklin County outside of the Raleigh NC area, and current property owner in Dare County, village of Avon, NC, I have enjoyed, and hope to continue to enjoy, the treasured National Seashore Recreation Area at Cape Hatteras NC. That is why I am making this public comment by May 11, 2010 or we may forever lose access to our NC outer banks beaches.

I stand in support of HR 718 and the Preserving Public Access to Cape Hatteras Beaches Act of 2009 (S.1557). This is a very important issue concerning Cape Hatteras National Seashore and Recreation Area public beach access. This bill was introduced by Senator Richard Burr on August 3, 2009, and has been referred to the Senate Committee on Energy and Natural Resources.

My feeling is that the National Parks Service (NPS) beach closures due to birds and turtles have been historically satisfactory and the science is there to prove it. The few nesting bird pairs (and we are really talking about less than 10 total Piping Plover birds here) at these beaches have not changed in numbers significantly in decades because that sandbar is just not conducive for them anyway! This recent action is unwarranted, and frankly I find it unfounded and outlandish that our Dare County citizens and the American beach-going public have been treated in this manner for over two years now! And I am not even a local resident, so could you possibly imagine how the year-round residents and business owners on the island have been affected and how they must feel? It is truly staggering.

The public comment period, ending on 5/11/10, is rushing at us. Please, speak out in support of HR 718 and the Preserving Public Access to Cape Hatteras Beaches Act of 2009 (S.1557) which was introduced by Senator Richard Burr. Go to [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org) to learn more about how/where to make public comments by 5/11/10.

The recently published 800+ page DEIS document is out. The Coalition for Beach Access Group (which I support) states that the DEIS Assessment is not acceptable for these reasons in italics below:

- \* Pedestrian/ORV Routes -Most Restrictive Ever
- \* Closures Due to Birds -Most Restrictive Ever
- \* Closures Due to Turtles -Most Restrictive Ever
- \* Night Driving -Most Restrictive Ever
- \* Pet Activities -Most Restrictive Ever
- \* Benefits to Resources -Negligible
- \* Impairment to Visitor Experience -Major
- \* Impairment to Local Economy -Major

As supporters of the Coalition for Beach Access and members of OBPA and followers of the website [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org), my husband David and I share in the beliefs outlined by OBPA; that the very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 800 page document devotes only two paragraphs to analysis of cultural resource issues.

Why does the DEIS ignore the traditional cultural importance of surf zone access to Outer Banks communities? These published criteria clearly define the traditional use and cultural value of the Outer Banks surf zone.

Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts

Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

Incomplete Data on Visitation/Business Surveys:

Economic analyses in the DEIS do not use data from the first full year of the Consent Decree (2009).

Many 2008 visitors were either unaware of the scope and breadth of Consent Decree beach closures, or had already made plans/reservations.

I say, who is wagging this tail? A bunch of lawyers who are making a bundle on the backs of the people of Cape Hatteras and their livelihood? Judge Boyle who makes up his own "overly broad" decisions as he sees fit. I believe that we must speak up and stop being intimidated by court action and stand up for fairness and common sense.

Again, I stand in support of HR 718 and the Preserving Public Access to Cape Hatteras Beaches Act of 2009 (S.1557). Mention this specifically in your public comments by May 11, 2010! Go to [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org).

Feel free to make this public comment available to all.

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