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Mr. David Vela  
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Dear Regional Director Vela;

We appreciate the time you and your staff allowed for our meeting on July 13<sup>th</sup>. The Gulf oil catastrophe has certainly demanded a considerable amount of your energy, as well as the energy of the rest of the DOI. Hopefully, the tests of the new cap will continue to show success.

We appreciate the interest you and your team showed in the topics we discussed. You asked two important questions which, upon reflection, deserve additional response.

The first question was “what can be done to improve the communications, and interactions between the NPS staff and the local/visitor communities, and the overall attitudes (of both NPS staff and park visitors) at the Cape Hatteras National Seashore Recreational Area, (CAHA)?”

This is not a simple question to answer. The current state has evolved over a number of years, and to get back to the level of trust and cooperation we all desire will clearly take time. As within any emotional discussion that has continued for this length of time without resolution, many opinions are formed and positions hardened through the process of debate.

Several events occurred during this timeframe that have contributed to the distrust many within the pro beach access community feel towards the NPS and the DOI. We will mention just a few.

The first event goes all the way back to the late 1970's. At that time, the NPS with cooperation and participation of local community leaders originally drafted the required ORV Management Plan for CAHA. The Outer Banks Preservation Association was formed at that time and several of the founding individuals, other organizations and community leaders are still active today. The plan was not written in a vacuum, but with input from the communities as evidenced by multiple meetings throughout the region. Upon submission of the final plan to the regional NPS office, the participants in that effort believed in good faith that everything had been done to comply with the regulations. Subsequently, it

came to light that the plan submitted in the 70's had never been properly recorded by the NPS in the Federal Register, CAHA was not compliant, and the public is now being penalized.

The second event occurred in the mid 2000's as the significance of the failure of the first effort to adopt an ORV Management Plan became apparent. In 2004, Superintendent's Order 07: ORV Management was enacted and reflected to a large degree the tenants submitted in the 70's. The need to complete a "Final" ORV Management Plan was made apparent to all. In January 2006, the NPS published the Interim Protected Species Management Strategy / Environmental Assessment. The process to prepare, communicate, and approve an interim alternative followed the steps required by NEPA and other federal regulations. While some of the provisions within the "Interim Plan" were contrary to the positions of the pro-access community, the plan was recognized as an official plan. However, just at the time the interim plan was implemented, the Audubon Society, the Defenders of Wildlife, and the Southern Environmental Law Center filed an injunction resulting in the Consent Decree under which CAHA is now managed. To the dismay of the pro-access community, NPS and DOI did not defend the Interim Plan which they had developed and vetted following proper procedures and regulations. Highly placed NPS and USF&W officials conceded that they did not know why the plan was called "Interim", but when the lawsuit was filed and the DOI decided not to defend it, these same officials changed their story to say the plan was a stopgap plan. In fact, except for eleventh hour intervention by our lawyers, the pro-access community, including Dare and Hyde counties' commissioners, was completely excluded from the Consent Decree proceedings and would have been subject to decisions made between NPS and the plaintiffs without any awareness.

The third event occurred at the same time the Consent Decree proceeding were underway. At the time the injunction demand leading to the Consent Decree was filed, the NPS was in the process of convening the Negotiated Rule Making Process (Reg-Neg) to develop the final ORV management plan. Prior to the start of Reg-Neg, the invited participants had been told that the process would use a level playing field without pre-determined outcomes. The pro access community questioned how Reg-Neg could proceed successfully without bias, given the fact that some of the key players sitting at the table were the same that had filed for the injunction and written the conditions of the consent decree. We were told the Consent Decree and the Final ORV Plan would be treated as two separate events, and the Consent Decree would not inhibit the process. While already suspicious of the process, the legitimacy of our concerns was evident when one of the "no action" alternatives was the Consent Decree. In fact, the true no action alternative, the management rules in place prior to 2005 as amended by Superintendent Order 07, was completely excluded from the DEIS.

Fourth, now that the public comment period for the DEIS has been completed, preliminary feedback raises concern that the effort to provide reasonable, useful comments may have been for naught. Mr. Murray has mentioned in press briefings well after the close of the comment period, and publically at the annual NCBBA meeting on 5/29/2010, that his review of the 15,000 comments has not uncovered any new concepts not already considered. This implies that the NPS is confident their effort to produce the DEIS was complete and changes will not be necessary as the final plan is prepared. While certainly this conclusion is a compliment to the thoroughness of those that prepared the DEIS, it is a slap in the

face to those in the pro-access community that spent many days and hours to prepare thoughtful, constructive suggestions that could both improve resource protection and improve the recreational experience of visitors to the seashore.

Finally, although not directly associated with the NPS, the DOI has recently indicated that it does not approve the just published NC Department of Transportation preferred alternative for the short, parallel bridge at Oregon inlet. Just two years ago, the DOI position on the short bridge was just the opposite. The combination of all of these events makes it difficult for the average resident or visitor to believe the NPS / DOI leadership have our interests at heart or truly wish to function as good neighbors.

As you pointed out, over the same time period the above events have transpired, the relationship between the rangers-on-the-ground and the visiting and local communities has deteriorated. Although those of us at the meeting Tuesday were unaware of the Gingerbread House situation, we have all heard of unfortunate interactions between zealous pro-access individuals and park employees. We share your concern. We do not condone those actions. We love the Cape Hatteras National Seashore Recreational Area. The values found in a National Park were in large part the values that brought us all here in the first place. The work done by the NPS staff is essential and appreciated. Unfortunately, to some, the rangers-on-the-ground are the only visible people to which frustrations can be directed. To some, the rangers-on-the-ground have become the representatives of the faceless leadership of the various conservation groups seeking to close beach access as well as the decision-makers within the NPS/DOI, not stewards of the seashore we all cherish. This is not intended as an excuse to dismiss the rude, disrespectful behavior of some; just a recognition that emotions run high and sometimes result in unfortunate situations created by a minute few and not supported by the vast majority within the community or visiting public.

As far as “what can be done to improve the communications, and interactions between the NPS staff and the local/visitor communities, and the overall attitudes (of both NPS staff and park visitors) at the Cape Hatteras National Seashore Recreational Area”, a couple of suggestions at our meeting are really worth pursuing.

First, the NPS has a real opportunity to create a model sea turtle program by engaging the help of the local and visiting communities. Our review of practices throughout the east coast and Gulf identifies numerous ways volunteers could be engaged in both the protection and visitor education processes. The institution and management of such a program by the NPS would provide great opportunities to develop a spirit of cooperation and teamwork.

Secondly, the communication processes currently used by CAHA could be enhanced to create more of a sense of “we are in this together” as opposed to “we are the NPS law enforcement agency”. Communication style and topics which foster teamwork between the groups where friction and distrust exist must be pursued.

Thirdly, interactions between rangers and beach-goers must change. Today, when beach-goers see a ranger stop nearby they think OK, what have I done wrong now, not hey, can you answer a question for

me? At a higher level, non-confrontational public meetings could be developed rather than the issue-directed, highly structured “us vs. them” meetings that have dominated the past five years.

We could go on and on to try to answer this question, but perhaps these comments will spur some thoughts as we pursue the solutions.

The second question you asked that deserves more comment was “What one concern/issue/comment would you want to make sure we heard in this meeting today?”

Our response was that we want the NPS/DOI to understand that we view you to have two significant responsibilities at CAHA. The first responsibility, as noted in the founding documents, is the preservation of traditional, cultural, **recreational** and commercial values for the citizen visitors. The second responsibility is the conservation of natural resources. We believe the DEIS preferred alternative unnecessarily sacrifices recreation for resource conservation while history at CAPA has shown that it is possible to protect natural resources without impairing public access, and in many cases actually improve the visiting public experience.

We discussed in some detail our thoughts on the shortcomings of the current Sea Turtle Management Program at CAHA. We pointed out that practices used at other locations are more effective at hatching more eggs, and getting more hatchlings into the water. We also pointed out that coincidentally, these practices would improve public education, involvement and access opportunities for pedestrians and ORVs creating a win-win situation.

We also pointed out that weather and predation and not public interference have been the major cause of poor reproduction for birds and turtles in the Recreational Area. The size and methods of bird closures result in little benefit to the resources with significant impairment to the visiting public. Many of these closures result from the way “species of concern” (identified by the N.C. Wildlife Resource Commission) are treated by the NPS, even though the Executive Director of the NCWRC has stated in a letter to Superintendent Mike Murray that the species of concern listing was not intended to require or result in special protection measures to be extended.

The material we left with you in many ways addresses this question. We recognize it is voluminous in some respects, but as the 800 page DEIS showed, the topic is not one that can be addressed in a few words. For example, habitat management techniques similar to those successfully used at the north end of Pea Island earlier this year could be implemented to the west of the man-made ponds at Cape Point, providing better habitat for Piping Plovers and simultaneously reducing the likelihood of encounters with the visiting public. We have included an attachment with electronic links to some of the documents we left should you want to share with others on your team. Our groups would welcome the opportunity to elaborate on our positions and to participate in on-the-ground projects to help the NPS achieve their dual mandate.

With the long history of this seashore, the dramatic geographic changes and the deeply rooted local heritage, a single/permanent solution cannot be set in place with a lock and key. All phases of the Final Environmental Impact Statement / ORV Management Plan (FEIS) must be open and subject to regular, periodic review and revision. The completion of the FEIS without a full review of the potential Traditional Cultural Properties within CAHA will make all of our work and joint efforts null. Your response to our requests and timetable for action is anticipated.

Thank you again for you time. We look forward to continuing dialog on these important matters, and our offer to take you on a tour of the Recreational Area from a pro-access perspective still stands.

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Outer Banks Preservation Association (OBPA)  
North Carolina Beach Buggy Association (NCBBA)  
Cape Hatteras Anglers Club (CHAC)  
Cape Hatteras Access Preservation Alliance (CHAPA)  
Materials for Meeting with Mr. David Vela, Regional Director NPS

July 13, 2010

- CAHA ORV Management Plan – Key CHAPA Positions
  - [www.obpa-nc.org/position/CHAPA\\_Key\\_Positions.pdf](http://www.obpa-nc.org/position/CHAPA_Key_Positions.pdf)
- Pea Island National Wildlife Refuge – 2010 Vegetation / Site Management
  - [www.obpa-nc.org/position/Pealslandvegetation.jpg](http://www.obpa-nc.org/position/Pealslandvegetation.jpg)
- Pea Island National Wildlife Refuge – 2009 Black Skimmers Photograph
  - [www.obpa-nc.org/position/Pea\\_Island\\_2009.pdf](http://www.obpa-nc.org/position/Pea_Island_2009.pdf)
- Pea Island National Wildlife Refuge – 2010 Black Skimmers Photograph
  - [www.obpa-nc.org/position/Pea\\_Island\\_2010.pdf](http://www.obpa-nc.org/position/Pea_Island_2010.pdf)
- Cape Hatteras National Seashore Recreational Area – 2010 Points and Spits Aerial Photographs Presentation
  - [www.obpa-nc.org/position/2010\\_beach\\_closures\\_at\\_CHNSRA.pdf](http://www.obpa-nc.org/position/2010_beach_closures_at_CHNSRA.pdf)
- Coalition for Beach Access – Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement – 3/05/2010
  - [www.obpa-nc.org/position/statement.pdf](http://www.obpa-nc.org/position/statement.pdf)
- Coalition for Beach Access – DEIS Assessment – 4/01/2010
  - [www.obpa-nc.org/position/assessment.pdf](http://www.obpa-nc.org/position/assessment.pdf)
- Sea Turtle Management – A Common Sense Approach for the Cape Hatteras Seashore Recreational Area – Larry Hardham, Bob Davis – 5/05/2010
  - [www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf](http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf)
- Voices of the People – DVD produced by Dare County – [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org)