

0030377

From: [Cyndy Holda](#)
To: [Mike Murray](#); [Darrell Echols](#); [Paul Stevens](#)
Subject: Fw: Hi, Jason & Derb
Date: 12/17/2010 01:37 PM
Attachments: [21.BodieIslandusUY4R0967.jpg](#)
[13.black_skimmer_tire_track1.jpg](#)
[50.Least_Tern_ORV_001LR.jpg](#)
[ORV_Kills_turtle_CHNS_pr_FINAL_6-25-10_with_photos_added_for_Vela.docx](#)

FYI.....

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----- Forwarded by Cyndy Holda/CAHA/NPS on 12/17/2010 01:19 PM -----

Derb Carter
<derbc@selcnc.org>

12/17/2010 11:36 AM

To: "'Kushnir, Lee'" <Lee.kushnir@FOXNEWS.COM>, "jason.rylander@defenders.org" <jason.rylander@defenders.org>

cc

Subject RE: Hi, Jason & Derb

Lee,

I do not know what you mean by a statement but I can provide the following facts and perspectives. Congress established the Cape Hatteras National Seashore in 1937 to, in its words, be "permanently preserved as a primitive wilderness" where development and recreation is allowed so long as it is not "incompatible with the preservation of the unique flora and fauna" of the area. President Nixon issued an executive order in 1972 requiring all federal land managers to develop plans and regulations to manage off-road vehicle use on all public lands. The National Park Service (NPS) has not yet developed a final plan and regulation for Cape Hatteras National Seashore as required by the 1972 executive order. NPS issued a final environmental impact statement in March 2010 with a "preferred plan" to manage ORV use and will soon issue a final plan followed by regulations to implement the plan.

In 2007, we filed a lawsuit on behalf of the National Audubon Society and Defenders of Wildlife to require the NPS to meet its longstanding obligation to develop a plan to manage ORV use on the

Seashore and to provide interim protection to declining and disappearing wildlife species until an ORV management plan is adopted. All the parties to the lawsuit (environmental organizations, ORV advocacy organizations, and Dare and Hyde Counties) agreed on a settlement or consent decree to resolve the case and recommended that the court endorse the settlement. Reagan appointee Judge Terrence Boyle in the federal court for the Eastern District of North Carolina endorsed the consent decree and the NPS has implemented the measures in the settlement for about three years while a final plan is developed.

The consent decree does not directly close any beaches to ORV use but may require that beaches be closed to ORV use if threatened piping plovers or other targeted shorebirds are attempting to nest in an area, based on species specific disturbance buffers recommended by Department of the Interior scientists. This has resulted in the closing to ORV use of approximately 12 miles of the 67 miles of Seashore beaches during the bird nesting season, which extends roughly from May-July. All bird species appear to be benefitting from the lack of disturbance, increasing in numbers and fledging more chicks over the last three breeding seasons. After breeding is completed the ORV restrictions for nesting birds are lifted. In addition, the consent decree restricted night driving on the beaches to prevent disturbance of nesting sea turtles during the season female turtles come ashore on the beaches to breed. The last three years have been record breaking years for the numbers of threatened sea turtles nesting on the Seashore beaches.

In the recent request for public input on the NPS's preferred management plan for ORV use, a solid majority of the public comments supported more restrictions on ORV use on the Seashore. I have been visiting the Seashore for nearly forty years and have driven and continue to drive on the beaches every year. Many of us who do drive on the beaches believe restrictions are needed to manage and mitigate the impacts of increasing ORV use. I can not comment on your statement "many businesses have been shut down" as a result of the ORV restrictions without more specific information. I can say it is not consistent with my observations as a frequent visitor. In fact, according to National Park Service and Dare County Tourism Board statistics, visitation to the Seashore and tourist and visitor occupancy of rental properties in Dare County have increased under the ORV restrictions in place the last three years. This perhaps reflects the fact only a small minority of visitors come to the Seashore to drive on the beaches while the vast majority of the visitors are families who come to the Seashore to walk, swim and otherwise enjoy the Seashore beaches.

I would encourage you to contact the National Park Service about the report of guards at entry point with sub-machine guns. Again, I have not observed this on my frequent visits nor had such reports from others who live in the area.

I did not include references or sources for the facts summarized above. As you continue to research this story I would be glad to provide you the reference or source at your request. Finally, as a responsible ORV owner and beach driver, I have included some photographs that illustrate why it is important to manage ORV use on the National Seashore.

Best regards,

Derb Carter

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From: Kushnir, Lee [mailto:Lee.kushnir@FOXNEWS.COM]
Sent: Thursday, December 16, 2010 11:39 PM
To: jason.rylander@defenders.org; Derb Carter
Subject: Hi, Jason & Derb

Hi, Jason & Derb --

This is Lee Kushnir, from Fox News Channel, in NYC -- how are you? I am hoping you can help me on a story I am working on regarding the Cape Hatteras National Seashore Recreation Area, and the lawsuit filed by the Southern Environmental Law Center to close the beaches, in order to protect nesting areas of the Piping Plover in the area. From what I have been told, because the National Park never formalized a plan to off road vehicle use, the Audubon Society, Defenders of Wildlife and the Southern Environmental Law Center have sued for the beaches to be closed, supposedly to protect nesting areas of the Piping Plover, and sea turtles. I hear not

only were beaches closed, but they stationed NPS guards at entry points with sub-machine guns. Many businesses have been shut down, and the entire area, which depends on beach tourism has suffered from monetary losses. We are planning to cover this story on our show, Fox & Friends, and I was hoping you may be able to provide me with a statement on behalf of the SELC, with regard to this suit. Thanks so much, and hope to hear from you soon.

-Lee

Lee Kushnir

Producer, Fox & Friends



21.BodielslandusUY4R0967.jpg



13.black skimmer tire track1.jpg



50.Least Tern_ORV_001LR.jpg



ORV Kills turtle CHNS pr FINAL 6-25-10 with photos added for Vela.docx

0030381

The following photos and captions were taken from a press release, “NPS Seeks Information about Sea Turtle Fatality on Ocracoke,” issued by the National Park Service on June 25, 2010:



NPS photo of scene showing turtle carcass (between ORV tracks) and drag marks.



NPS photo of scene showing turtle carcass (between ORV tracks) and drag marks.
Oval objects extruding from the turtle are eggs.

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