

CHAPA

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Cape Hatteras Access Preservation Alliance  
Post Office Box 1355  
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November 5, 2011

Jonathan B. Jarvis  
Director  
National Park Service  
1849 C Street, NW  
Washington, DC 20240

Re: Cape Hatteras National Seashore Off-Road Vehicle Management Plan

Dear Director Jarvis,

Throughout the long process of development of the Cape Hatteras National Seashore Off-Road Vehicle Management Plan, the Cape Hatteras Access Preservation Alliance ("CHAPA") has aimed to work with the National Park Service ("NPS") and other stakeholders to develop an Off-Road Vehicle ("ORV") management plan and regulation that will satisfy concerns with protecting the Seashore's resources, but do so without compromising the area's distinctive shore-oriented culture and economy. Unfortunately, with the final plan for the most part appearing to be no less than a fait accompli, CHAPA's voice appears to have fallen on deaf ears, with the result that, if implemented, the plan will have a devastating effect on the Outer Banks coastal economy and threaten a lifestyle that predates the establishment of the Seashore.

CHAPA hereby appeals to you one more time to fix this before it is too late. As you know, in late August 2011, North Carolina's Outer Banks, including Cape Hatteras National Seashore, were badly hit by Hurricane Irene. The impacts of the hurricane caused substantial resource damage and physical changes to the landscape, underscoring several serious problems with the plan that CHAPA urged NPS, unsuccessfully, to address. These impacts present changed circumstances and new information that, we believe, warrant your reconsideration.

*Turtle Protection*

Turtle breeding and recovery has suffered a major setback as a result of Irene. In fact, according to the Cape Hatteras National Seashore Resource Management Field Summary for the 2011 Breeding Season, out of a total 147 sea turtle nests, 41 nests were lost to Hurricane Irene. At approximately 115 eggs per nest, represents potentially as many as 4,700 lost hatchlings. In fact, actual losses due to the hurricane could be far greater. Many, if not all, of the sixteen nests that remained in the Recreational Area after the hurricane were likely compromised. The final resource management report that will verify the full impact will not be issued by the NPS until early 2012.

Throughout the planning process, CHAPA repeatedly has tried to make the point to NPS that previous weather events have adversely affected, and future weather events will continue to adversely affect, turtle nesting and breeding success far more than ORV use. CHAPA further has requested that NPS review its own data and recognize the minimal impact of ORVs on turtle nesting and breeding success. Almost 100% of the extensive sea turtle nest loss historically experienced at the Seashore is attributed to factors other than pedestrian or ORV use (as documented within the CAHA Resource Management reports published by NPS). The highly restrictive buffers and closures that NPS plans to impose are inappropriate and unnecessary tools to protect sea turtle species within the Recreational Area.

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Only measures designed to address the significant losses attributable to weather, storms, erosion, and ocean overwash—such as relocation—and natural predation will have a measurable impact on nesting and breeding success.

If the NPS is serious about turtle conservation, then the agency should use this as an opportunity to re-evaluate—on a fresh and objective basis, using the existing historical data—to what extent, if any, ORV use actually has negatively impacted turtle nesting success at the Seashore. NPS should then objectively reconsider whether the highly restrictive buffers and closures that NPS plans to impose on ORV use are an appropriate response based upon that level of impact.

#### *Fixed vs. Floating Closures*

Another aspect of the plan that CHAPA believes NPS should take a fresh, objective look at in view of Hurricane Irene is the extent to which the plan relies on fixed closures (*i.e.*, vehicle free areas or VFAs) instead of floating closures.

During the negotiated rulemaking process and throughout the planning process, beach user groups recommended that the NPS maximize the use of “floating” resource closures in the place of fixed closures. Such closures would move along with the range of the birds and, the groups advocated, would provide both better protection for shorebirds and more access for the public. Given that the NPS envisions that the ORV management plan will be in effect for ten to fifteen years, making the plan flexible and adaptable to the Seashore’s dynamic conditions only makes sense.

As CHAPA explained in its comments, year-round closures that are fixed rather than floating are not adaptable to the changing nature of the Seashore’s barrier islands. Over time, areas designated for permanent closure today due to their current value as species habitat may no longer be attractive habitat. As Hurricane Irene illustrates, described areas also may simply cease to exist. Hurricane Irene has already nullified the VFA boundary proposed for Bodie Island Spit and references to the Bait Pond are no longer relevant since the Bait Pond has reverted to being an inlet. Imagine the plan’s viability after ten to fifteen years.

The fact of the matter is that under local NPS practices, temporary closures should float to wherever species choose to nest and raise their hatchlings each year. Permanent closures for species habitat unnecessarily prohibit recreational use and enjoyment. CHAPA believes the use of floating closures for the protection of breeding birds represents sound adaptive management practices that can be beneficial to both natural resources and recreational activities. CHAPA recommends that NPS review and revise the use of permanent closures under the plan.

#### *Conclusion*

Meaningful access to the shore, including through the use of ORVs, is essential to the shore-oriented culture, traditions and, continued growth and economic vitality of the Outer Banks. CHAPA continues to challenge the adequacy of NPS’s assessment of the economic impact of the plan’s restrictions on beach access and use. Ours is a sensitive and fragile economy, dependent upon tourism not only during the early summer season, but also in the spring and during the late summer and fall that often suffer from highly unpredictable and potentially severe weather. Spring access restrictions in recent years have led many visitors to discontinue regular visits or reschedule their trips to the fall. This year,

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over six weeks of limited access to Hatteras Island due to Hurricane Irene prevented these visitors from coming to the recreational area they love.

Dare County estimates \$32 million in lost sales and \$65 million in property damage from Hurricane Irene. Some Hatteras Island businesses are reporting September and October gross sales down as much as 82%, or \$100,000. Some area businesses had to close up early for the season. Some, as you might imagine, will not reopen come spring. Life on the island is slowly returning to normal, but a lot of work remains to be done, especially in the Rodanthe, Waves, and Salvo areas. Imposing upon us the financial impacts of the new ORV plan, particularly without changes to address the concerns that we have described above, while area governments, businesses, and residents are still struggling to recover from Hurricane Irene, would impose an unbearable burden on our communities.

CHAPA continues to hold out hope for a resolution to the ORV management issues at the Seashore that can work for everyone. We respectfully urge you to address the problems we have identified in our previous communications (most recently our response to the proposed rule) and use the recent experience of Hurricane Irene and past weather events to look at these issues from a fresh perspective and with an open mind, with the benefit of the new information. With your leadership, we believe it is possible to show that resource conservation and public enjoyment at the Seashore need not—as the plan effectively determined—be incompatible.

Respectfully submitted,



John Couch, President  
Outer Banks Preservation Association  
Cape Hatteras Access Preservation Alliance

cc: The Honorable Ken Salazar, Secretary  
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Rachel Jacobson, Acting Assistant Secretary for Fish and Wildlife, and Parks  
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The Honorable Richard Burr  
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The Honorable Kay R. Hagan  
United States Senate  
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The Honorable Walter B. Jones, Jr.  
House of Representatives  
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