



Warren Judge  
Chairman, Dare County Board of Commissioners  
County of Dare, North Carolina

Testimony on H.R. 819  
Subcommittee on Public Lands and Environmental Regulation  
"The Preserving Access to Cape Hatteras  
National Seashore Recreational Area Act"

March 14, 2013

The regulations at the Cape Hatteras National Seashore Recreational Area are out of balance and unless remedied soon they will have permanent consequences. The livelihood and future of our people depends on the passage of H.R. 819. This bill would reinstate a proven and well-vetted plan that balances resource protection with reasonable recreational access consistent with the seashore's enabling legislation.

The Cape Hatteras National Seashore Recreational Area (CHNSRA) was established as America's first national seashore with the promise that this unique area would always have recreational access for the people. Dare County North Carolina, known as the Outer Banks, is home to the Cape Hatteras National Seashore Recreational Area with most of the seashore being within Dare County, and a portion in Ocracoke in neighboring Hyde County.

The people of Dare County have cooperated with the National Park Service (NPS) in developing America's seashore into a popular attraction with cultural and historical significance. At the urging of the NPS, people built businesses and infrastructure to support and promote tourism to the area. For generations the area flourished and the area became a popular tourism destination because of its world-class fishing and a host of family-oriented recreational activities.

The County of Dare through its elected leaders, and in concert with grassroots community partners, has actively participated in every phase of the Federal Government's planning and rulemaking process. We advocated for the "Interim Management Strategy" and participated in the negotiated rulemaking process. We also engaged in Public Hearings on the Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement, (FEIS) and ORV Management Plan. We, and others, offered practical solutions to address concerns required by Executive Orders 11644 and 11989 without compromising the area's unique culture and economy.

The National Park Service's ORV Management Plan, and the Final Environmental Impact Statement upon which it is based, are seriously flawed. It lacks a sound scientific basis and reflects a distorted economic analysis. It also does not reflect the will of the people that was articulately expressed during public hearings.

Throughout the public process, there was an outpouring of positive and substantive comments by the people of Dare County. Thousands of others, from across the nation, who love the Cape Hatteras National Seashore Recreational Area, joined us in this effort. We, the people, spoke as a virtually unanimous voice in recommending practical solutions for management of the seashore. However, the National Park Service did not listen to the clearly expressed will of the people and incorporate our concerns and suggestions.

It has been our longstanding position that people and wildlife can live in harmony and that reasonable recreational access is consistent with proper resource management. For decades, we have maintained that meaningful access is fundamental to the visitor experience and the continued growth and economic vitality of the Outer Banks.

The passage of H.R. 819 would reinstate the "Interim Management Plan," a tool developed by the National Park Service that was in place before the consent decree and proven effective in balancing resource protection with responsible recreational access. The Interim Management Plan was fully vetted and had a National Environmental Policy Act (NEPA) review.

A key provision of the Interim Plan is that it provides adaptive management techniques that give the Superintendent authority to use his or her best professional judgment in adapting corridors and routes as the physical characteristics of the beach change on a dynamic basis. This common sense approach allows the Superintendent to modify access by responding directly to changing conditions on a real time basis, rather than arbitrarily written mandates.

For example, when buffers are established to protect a resource, once the species have begun moving away from the nesting area, the Superintendent could monitor and modify the established buffer on an on-going basis. This would ultimately provide more effective resource protection, while at the same time providing more access. This represents a win-win situation for both protected resources and the American public.

This flexibility is vital because conditions at the seashore are dynamic and in a constant state of flux. As the landscape of the seashore changes due to weather and tide conditions the natural environment of the area changes as well. These changes can be assessed, analyzed, and adjusted as needed by the Superintendent.

We believe the Superintendents of the CHNSRA, including the current one, are dedicated professionals with the ability and experience to manage the seashore in a responsible way. Depriving the Superintendent of this flexibility denies reasonable access without affording any resource protection benefit.

Reinstating the Interim Management Plan will not remove all regulatory controls and create a reckless situation where the seashore would be unprotected. Nothing could be further from the truth. The Interim Plan has comprehensive rules that will allow the Superintendent to actively manage the seashore and better protect wildlife.

The Interim Plan also had the benefit of citizen participation through Public Hearings. As a matter of principle, we believe the development of environmental policy is best done openly in the sunshine of full and transparent public review. The consent decree, put in place after a lawsuit by special interest groups, has never enjoyed public support due in large part that it was prepared behind closed doors without taxpayer input.

Dare County has championed the cause of providing access for all users of the seashore. We strongly support pedestrian access and have long encouraged the National Park Service to add additional parking, walkovers and other infrastructure to enhance and improve the pedestrian visitor experience.

We also recognize the physical reality that ORV use is the only practical way to gain access to some of the key recreational sites within this uniquely designed seashore. On first visit to the Cape Hatteras National Seashore Recreational Area, many are surprised to discover that without ORV access, people of all ages would have to hike large distances, of over a mile, to reach some of the remote recreational areas. Only the most athletic can traverse the hot sand carrying small children, recreational equipment, water and other vital supplies.

Without ORV access, the physically disabled, the elderly, and the many who suffer from chronic medical conditions are unable to reach the seashore and enjoy the place that is supported by their tax dollars. This is inconsistent with the recreational purpose for which the CHNSRA was originally created. Mobility impaired visitors depend upon their vehicle not only for transportation to the seashore, but as a necessary lifeline in the event of a medical emergency, a sudden change of weather or temperature conditions, or need for toilet facilities. It is unfair that these people be restricted to the areas directly in front of the villages as is now provided in the ORV Management Plan.

Highly restrictive beach closures have had a devastating impact on the community surrounding the seashore. Tourism is our primary industry. It is the engine that drives our economy. Family-owned businesses are the backbone of Dare County and those who offer service and hospitality to Outer Banks visitors are suffering because of restrictive closures.

The negative impact has been the most vivid for those near the closure areas. When special interest groups claim that tourism has increased under the consent decree, they are guilty of not telling the entire story. Dare County is a large geographical area and even when tourism is up in a neighborhood that may be over an hour away from Hatteras Island, it is still a fact that people near the closures are struggling to survive.

Our people are being forced to work harder, deplete their savings, and short-change their family's future. Meanwhile, by cherry-picking economic indicators, the special interest groups rationalize that tourism is up in spite of unprecedented closures. Sadly, even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. Our small business owners do not ask for special favors or government handouts, just a fair opportunity to earn their part of the American dream.

### **SCIENCE TO REGULATE THE SEASHORE MUST HAVE INTEGRITY**

Dare County advocates the use of sound scientific decision making in governing the seashore. Throughout the regulatory process, we have worked closely with informed and dedicated groups such as CHAPA, OBPA, NCBBA, and the Cape Hatteras Anglers Club. These knowledgeable, grassroots organizations have been on the forefront of advancing science-based protection to achieve recovery plan goals while assuring reasonable access for people.

In addition to working in partnership with community groups, Dare County has benefited from the support and council offered by concerned individuals in the scientific community, including Dr. Mike Berry. His views are highly respected and worthy of serious consideration. Dr. Berry was a senior manager and scientist with the U.S. Environmental Protection Agency (EPA) serving as the Deputy Director of the National Center for Environmental Assessment at Research Triangle Park, North Carolina. He also taught environmental science and policy at the University of North Carolina and is currently a writer and science advisor.

Dr. Berry has long been a dedicated champion in advocating that the scientific process be the basis for determining public policy. He explains, "Best available science as touted by environmental groups is opinion disguised as science." Following are nine (9) items identified by Dr. Berry and Dare County as important scientific principles and rationale to consider in evaluating the success of resource management in the Cape Hatteras National Seashore Recreational Area.

(1) The Interim Management Plan fully titled ***Interim Protected Species Management Strategy/Environmental Assessment*** was publically discussed at great length and reviewed under the NEPA provisions in 2006. It was signed into effect in July 2007 and published in the Federal Register.

As indicated at page 30 in the ***Finding of No Significant Impact Interim Management Strategy*** (See Attached) "There are no significant adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. In addition, no highly uncertain or highly

controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence have been identified and implementing the selected alternative (modified preferred alternative – Alternative D (Access/Research Component Focus) with Elements of Alternative A) will not violate any federal, state, or local environmental protection law. There will be no impairment of park resources or values resulting from implementation of the selected alternative.”

The USFWS reviewed and concurred with the Interim Strategy and the ***Finding of No Significant Impact***. In the Biological Opinion submitted to the NPS, August 14, 2006, USFWS states with regard to the Interim Plan,

“After reviewing the current status of the breeding population of the Atlantic Coast population of the piping plover, wintering population of the Atlantic Coast population of the piping plover, the wintering population of the Great Lakes population of the piping plover, the wintering population of the Great Plains population of the piping plover, seabeach amaranth, and loggerhead, green, leatherback, hawksbill, and kemp’s ridley sea turtles, the environmental baseline for the action area, the effects of the proposed action and the cumulative effects, it is the USFWS’s biological opinion that implementation of the Strategy, as proposed, is not likely to jeopardize the continued existence of these species.” (See “Conclusion” at page 75 of USFWS Opinion)

The NPS rationale for the management provisions of Interim Plan is indicated at page four in the ***Finding of No Significant Impact***.

“SELECTED ALTERNATIVE (MODIFIED PREFERRED ALTERNATIVE – ALTERNATIVE D (ACCESS/RESEARCH COMPONENT FOCUS) WITH ELEMENTS OF ALTERNATIVE A

Based on the analysis presented in the strategy/EA, the NPS identified Alternative D – Access/Research Component Focus as the preferred alternative for implementation. The preferred alternative is described on pages 59–63 and in tables 1, 2, and 3 of the strategy/EA. However, after considering public comment on the strategy/EA; park field experience during the 2006 breeding season; the USFWS Amended Biological Opinion (2007) (attachment 1 to this FONSI); new research (“Effects of human recreation on the incubation behavior of American Oystercatchers” by McGowan C.P. and T.R. Simons, *Wilson Journal of Ornithology* 118(4): 485-293, 2006); and professional judgment, NPS has decided to implement a combination of Alternative D – Access/Research Component Focus and some elements of Alternative A– Continuation of 2004 Management that pertain to managing sensitive species that are not listed under the ESA (see tables 1, 2, and 3 of this document). The basic rationale for this choice is that alternative D, as modified by elements of alternative A, best provides for both protection of federally and non-federally listed species and for continued recreational use and access consistent with required management of protected species during the interim period,

until a long-term ORV management plan/EIS/regulation is developed, approved, and implemented. The modified preferred alternative – Alternative D (Access/Research Component Focus) with Elements of Alternative A is incorporated into the strategy/EA by Errata (attachment 2 to this FONSI). All elements of the modified preferred alternative were fully assessed in the strategy/EA under alternative A or alternative D.”

As indicated in the ***Finding of No Significant Impact***, the selected alternative proved for both public access to the seashore and resource protection based on professional judgment of NPS managers, and consistent with management suggestions of USGS.

**The Interim Plan established "best professional judgment" closure areas that did not previously exist. (See Pages 34-40 *Finding of No Significant Impact*.)**

(2) Prior to the implementation of the Interim Plan, there was concern voiced mainly by environmental activist organizations that species decline was occurring on the national seashore as the result of increased public access, mainly off road vehicles. For five consecutive years (2001-2006), published resource numbers were low compared to previous years and were often touted to indicate that species populations, particularly birds, were in decline due to anthropogenic causes. However, it is often not mentioned that during this same time period the Cape Hatteras National Seashore Recreational Area experienced back-to-back storms that produced a significant distorting and transforming effect on the seashore ecosystem.

Due to the fact that the National Park Service, resource managers, and researchers had limited habitat specific research and monitoring data, the actual numbers of species, species behavior, and size of species populations at Cape Hatteras National Seashore Recreational Area were unknown and often simply speculated in the form of “professional judgment”. It is important to recognize that “judgments” and “opinions” in the absence of data are not science.

USGS, the research arm of the Department of Interior, in the introduction to the document titled *Synthesis of Management, Monitoring, and Protection Protocols for Threatened for Endangered Species and Species of Special Concern at Cape Hatteras National Seashore, North Carolina* made the following observation giving credence to the fact that the low bird counts published for a few years prior to 2007 were most likely not indicative of the actual condition of species.

*“Over the past decade, management of these natural resources has been inconsistent at CAHA, partially due to the lack of effective and consistent monitoring of the location, reproductive activity, mortality factors, and winter habitat use of these species.”*

**Recognizing the lack of effective and consistent monitoring that existed prior to 2007, the Interim Plan established an enhanced and intensive resources monitoring program for birds and turtles that had not previously existed. Starting in 2007, NPS began seeking out, observing, and reporting birds at more heightened level than ever before. Since instituting the enhanced monitoring program in 2007, bird numbers have increased. (See Pages 34-40 in *Finding of No Significant Impact*.)**

(3) In April 2008, environmental activists organizations sued to overturn the Interim Plan, claiming that the plan was not based on sound science and closure boundary distances prescribe by USGS. The Southern Environmental Law Center, the Audubon Society, and Defenders of Wildlife, sued the National Park Service and convinced a federal judge without any oral argument or expert testimony to issue a consent decree to convert the most popular and frequented sections of the Cape Hatteras National Seashore Recreational Area into mile after mile of "Bird Use Area" for a large part of the visitor season.

The public was given no opportunity to review or comment on the poorly crafted environmental management provisions of the consent decree. The provisions were slapped together in a period of about three weeks in April of 2008, behind closed doors, with no independent technical input and discussion.

Closure boundaries for four bird species (Piping Plover, Least Tern, Colonial Water Birds, American Oystercatcher), none of which are endangered, have prevented thousands of hard working, tax paying citizens and visitors from around the world from entering into large areas of the seashore. Thousands of visitors are channeled into now much overcrowded sections of the seashore, threatening to overrun the carrying capacity of those ecosystems.

The consequence of this non-public involved environmental decision is disastrous. As indicated in testimony this has had a devastating effect on the economy of Hatteras Island.

**The access denying provisions of the consent decree provisions, which are unnecessarily restrictive and not based on objective science assessment, have been incorporated with additions into the final ORV management plan that the proposed legislation S. 2372 is designed to overturn.**

(4) Environmental activists often referred to National Park Service annual resource reports in their self-promoting press releases, public testimony, and periodic presentations to the federal judge overseeing the consent decree. They use the reports to make claims that the public access restrictive resource closures of the consent decree, which they crafted and imposed without public review, are resulting in "highest ever" bird and turtle observations. The annual resource reports have never been independently reviewed or verified for accuracy.

The National Park Service and the environmental activists groups are comparing numbers in these recent annual resource reports to questionable low bird count numbers published prior to 2007 that were not observed using the current level of intense and enhanced monitoring and measurement that has been in place since 2007. Such an “apples and oranges” comparison is in no way valid or useful in indicating statistical change.

**In the absence of an enhanced monitoring program prior to 2007, it is plausible that various bird counts were not as depleted and low as claimed by environmental activists but that they were simply not being observed, counted, and reported as at the current intense monitoring level. It is also plausible that any noted increase in bird counts since 2007 are due to a new enhanced program for seeking out, observing, and reporting birds rather than the creation of public access restrictive closures.**

At no time in the past four years has any federal official demonstrated through independent audit or review, the validity of these reports or taken a hard look at environmental activists claims. None of the annual reports related to the consent decree for 2008, 2009, 2010, and 2011 were ever peer reviewed or validated by competent independent science advisors in open public forum or openly discussed by interested parties.

The bird and turtle numbers that environmental activists lawyers refer to come from annual National Park Service reports that are not consistent with the Presidential Directive for Science Integrity, and Department of Interior and National Park Service policies for scientific transparency and review. The reports do not indicate an author or a federal scientist who takes responsibility for the validity of the data. The public does not know who – by name, affiliation, and technical qualifications – made the observations and recorded the data. The public has no knowledge of chain of custody or quality assurance of the data. The public does not know who specifically wrote the reports. The public cannot get at the facts and verify claims.

Resource documents indicate that previously in 2007, annual bird reports commissioned by the National Park Service were co-authored by Audubon Society members.

(5) There is no statistically significant environmental benefit indicated because of the restrictive access provisions of the Consent Decree or the Final ORV Plan.

**Nowhere in any annual resource report of the past four years does National Park Service demonstrate or claim a cause and effect relationship between overly restrictive closures provided by the consent decree and bird and turtle production.**



Environmental activists and the National Park Service cannot demonstrate or prove that wildlife production of birds and turtles was improved under the overly restrictive provisions of the consent decree any more than would have occurred had the provisions of the publically reviewed Interim ORV Plan been allowed to move forward for four years.

In recent court testimony, without qualification, the Seashore Superintendent said about birds and turtles, "the trend is up". The statement is something the judge that issued a consent decree that has denied extensive public access to the national seashore wants to hear even though at each of the Status Conferences before the judge, the Seashore Superintendent has explained to the Court that it is in fact too early to ascribe a cause/effect relationship.

For turtles, production and sightings during the years of the consent decree are up all along the Atlantic Coast, not just the region governed by the consent decree. For birds, natural processes and variability alone can produce such a statistically insignificant one or two year "uptrend" for a very small number of birds in previous years.

(6) Data collected and published by NPS in recent years in no way supports the claim by environmentalists that ORVs reduce the productivity of birds. In fact, the data suggests that the Interim Management Plan, prepared with public input and review in 2005 and published in the federal register, was showing every sign of being effective at protecting birds and natural resources.

The Interim Management Plan was set aside by the court and replaced by the consent decree that mandated extensive closures. The closures of recent years have been of exorbitantly high cost to the public, but have not contributed to an improvement in species production or safety. The consent decree has produced no natural resource benefit over and above the Interim Plan. In fact, in the same year the consent was issued, the fledge counts were higher under the Interim Plan than under the consent decree. In a matter of weeks after the issuance of the consent decree, the NPS in Washington and environmental activists in Senate testimony disingenuously credited the restrictions of consent decree, which had hardly been implemented, for improved bird counts that were most probably the consequence of the Interim Plan and enhanced monitoring implementation.

(7) From a scientific viewpoint, "best professional judgment" closures are more effective and technically sound than closures imposed by the Consent Decree and Final ORV Regulation. Smaller closures limit the free movement of predators. They do not promote the food chain manipulation and transformation in the ecosystem to the same extent as the larger consent decree closures. The huge closure distances in the consent decree and final plan restrictions keep pedestrians and ORVs off the seashore while birds are nesting. At the same time, the extensive closures also provide for the proliferation and increased free movement of predators. In effect, the

extensive closures create an ecological trap for birds in that large closure areas enhance predation.

Data at page 10 of 2011 American Oystercatchers Report indicates that in 2008 under the Interim Plan, 22% of chicks were lost to predation. Under the consent decree boundary restrictions 58% were lost in 2009; 35% lost in 2010; and 42% lost in 2011. Since the extraordinarily large consent decree boundaries have come into play, the predation trend is “up”.

Food chain manipulation is one way to promote unnatural bird production. The technical provisions of the consent decree have been the basis for the selective trapping and killing of bird predators. Aggressive predator control during the years of the consent decree is altering the ecosystem significantly for the sole benefit of selected bird species.

(8) Over the past 40 years, federal agencies have adopted formal peer review policies to ensure they comply with the “Hard Look Doctrine”. Federal Courts expect agencies to take a “Hard Look” at the science and not be informal or sloppy in their treatment of fact. The National Park Service has failed to ensure a valid science basis to a regulation that restricts public access to the national seashore. An independent review to determine the validity of the so-called “scientific fact” never occurred during the consent decree proceedings of the past four years. As a result, the public lost access to the beaches of its national seashore. Such government inaction in responding to and collaborating with politically powerful special interests will only further public outrage and distrust of government.

Many of the references used to justify the final ORV management plan are those of individuals and activists organizations who have supported litigation that denies public access. The major science references are authored by environmental activist organizations and individuals trying to shut down ORV access to the national seashore: Audubon, Blue Water, Hatteras Island Bird Club, etc. Many of the references are outdated, biased, contain incomplete and misleading information, and few have ever been reviewed in open forum. The main science references are unsuitable and inappropriate as the basis for a government regulation that restricts public access to the national seashore and have significant negative impacts on the Outer Banks economy.

The so-called “USGS Protocols” continue to be touted as “best available science” in the development of the final ORV management plan for the Cape Hatteras Seashore Recreational Area. The USGS Protocols were cited as being “in press” 5 years after they first appeared on the Park Service website. There was no date on the document, no responsible federal official identified, no government document number. The final publication was not accessible, publically reviewed, or fully explained by government authority at the time the DEIS was submitted to the public for comment.

In an introduction to the final release of the Protocols in March 2010, USGS states, *"Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species. **This report does not establish NPS management protocols** but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA."*(<http://pubs.usgs.gov/of/2009/1262/>).

As indicated by USGS, the "Protocols" are really not hard and fast science based protocols but suggested considerations rendered by an ad hoc group. Such ad hoc suggestions can in no way be characterized as "best available science".

The literature reviews found in the "USGS Protocols" as published in final are significantly out of date. Many citations are over 20 years old and most are not related to the Cape Hatteras National Seashore Recreational Area. The public does not have access to the literature reviewed in this essential report and most of the citations are so insignificant they cannot even be found in major university libraries that have extensive environmental and natural resource publications such as the University of North Carolina at Chapel Hill.

The following speaks volumes as to the lack of formality and serious purpose of the "USGS Protocols" currently used as the excuse for beach closures.

- There is no public record that the protocols, which have been the source of closures, have been officially peer reviewed following USGS peer review policy. <http://www.usgs.gov/usgs-manual/500/502-3.html>
- There is no public file, docket, or documentation of peer review questions, comments, or author response.
- There is no indication that the protocols were ever published in a peer reviewed journal or publication or ever referred to as what they are, management guidelines and opinions as opposed to in-depth science assessment.
- Scientists having any kind of conflict of interest association, whether through membership, collegial associations, funding, or grants must disclose the relationship. Some authors and reviewers of the protocols were members and associates of organizations now using the protocols to restrict public access to the beaches of the national park, a fact never disclosed openly and not in compliance with USGS peer review policy.

As has been stated many times in public comment to the National Park Service, the best course of action to resolve the matter of valid science is to turn the science review and update over to the National Academy of Sciences or some other neutral party, to objectively, critically, and comprehensively review all relevant science,

disclose the facts and restore some public trust in the scientific process used as the basis for environmental management decisions at Cape Hatteras National Seashore Recreational Area.

**Most importantly, for the restrictive provisions of the final ORV management plan, there is no indication that NPS ever plans to revisit the USGS Protocols and the science basis for closure boundaries.**

**The NPS fails to take hard look at the science that might contradict its current justification for denial of public access to the Cape Hatteras National Seashore Recreational Area.**

(9) Nowhere is a specific science basis, study or data, ever presented, or published for a given bird management option, established solely for the Cape Hatteras National Seashore Recreational Area.

Closure boundaries are overly restrictive at CHNSRA and are not used at other NPS properties. There has been no administrative or science based explanation given to the public for these uniquely restrictive closures

## **CONCLUSION**

The testimony outlined above carefully documents that there is not a cause effect relationship to the restrictive provisions of the consent decree. The special interest groups who want to severely limit recreational access rely on flawed science that lacks integrity, peer review, and without regard to the full consideration of the law, the economy, and public use. Now, more than ever, the people need federal agencies, such as the Park Service, to be held accountable for policies that have hurt the people.

Dare County supports H.R. 819 as sound legislation that will benefit the residents and visitors of the Cape Hatteras National Seashore Recreational Area. We believe the Interim Management Plan, which would be reinstated upon passage of H.R. 819, best balances resource protection with recreational access. It would allow access decisions to be made by the Park Superintendent, who is ultimately accountable to Congress, rather than the courts or a rigid and flawed ORV Management Plan.

On behalf of the residents and visitors of Dare County North Carolina, we respectfully ask you to help us preserve our culture, our history, and our way of life by supporting H.R. 819.

Respectfully submitted

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Warren C. Judge, Chairman  
Dare County Board of Commissioners



North Carolina General Assembly  
House of Representatives

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TRANSPORTATION

March 7, 2013

The Honorable Warren Judge, Chairman  
Dare County Board of Commissioners  
P. O. Box 1000  
Manteo, North Carolina 27954

Dear Mr. Judge:

Your letter of March 6, 2013, soliciting my support of H.R. 819 recently introduced in the United States House of Representatives is well received. H.R. 819 would restore balance and common sense to management of Cape Hatteras National Seashore Recreational Area (CHNSRA) by overturning the National Park Service's Final Rule and Consent Decree that have excessively restricted human access to CHNSRA.

Residents and visitors deserve access to our most precious natural resources, and I wholeheartedly support H.R. 819. Its passage is important to restore the promise made to the people enacted by Congress in 1937.

I am proud to have you represent Dare County on this important issue and offer any assistance that you or the Board may need.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Tine".

Paul Tine



North Carolina General Assembly  
Senate Chamber  
State Legislative Building  
Raleigh, NC 27601-2808

March 11, 2013

United States House of Representatives  
Subcommittee on Public Lands and Environmental Regulation  
1017 Longworth House Office Building  
Washington D.C. 20515

Dear Committee Members:

I write to you in support of House Resolution 819, introduced by Congressman Walter Jones. This act is needed to preserve access to Cape Hatteras National Seashore Recreational Area, and to ensure that people are not unreasonably restricted in their access of the seashore.

Furthermore, this resolution has the support of the people of the area, and it would continue to encourage tourists to visit our beautiful seashore. I encourage you to support this resolution and allow folks continued access to the beautiful beach and ocean with which God has blessed us.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Bill Cook".

Senator Bill Cook  
North Carolina Senate District 1  
919-715-8293

*Serving Beaufort, Camden, Currituck, Dare, Gates, Hyde, Pasquotank, & Perquimans Counties*



## **COUNTY OF CURRITUCK**

### **RESOLUTION**

#### **SUPPORTING H.R. 819 PRESERVING ACCESS TO THE CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT**

**WHEREAS**, H.R. 819 introduced by Congressman Walter Jones (NC-3) to preserve access to the Cape Hatteras National Seashore Recreational Area, reintroduces a previous bill that passed the House of Representatives in the last Congress but failed to make it out of Senate committee; and

**WHEREAS**, H.R. 819 would restore balance and common sense to Park Service management by overturning a final rule implemented by the National Park Service in mid-February 2012, as well as the 2008 U.S. District court approved Consent Decree, both of which excessively restrict human access to the Recreational Area; and

**WHEREAS**, H.R. 819 would assure taxpayers the right to access the recreational areas they own by reinstating the Park Service's 2007 Interim Management Strategy, which was backed up by a 113-page Biological Opinion issued by the U.S. Fish and Wildlife Service finding that species of concern, including piping plover and sea turtles, would not be jeopardized; and

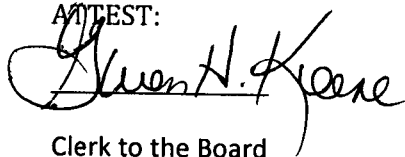
**WHEREAS**, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and

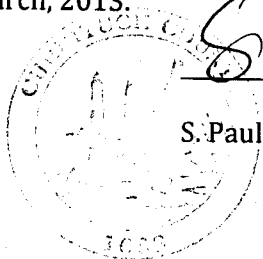
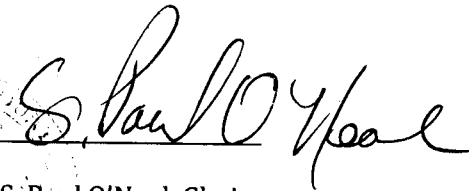
**WHEREAS**, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

**NOW THEREFORE BE IT RESOLVED** that the Currituck County Board of Commissioners supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with the promises made in the enabling legislation and supports H.R. 819 as effective legislation that would balance resource management with recreational access for Currituck County and Dare County's residents and visitors.

ADOPTED this the 4<sup>th</sup> day of March, 2013.

ATTEST:

  
Clerk to the Board

  
  
S. Paul O'Neal, Chairman



**RESOLUTION 2013-02**  
**SUPPORTING H.R. 819 PRESERVING ACCESS TO THE**  
**CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT**

**WHEREAS**, H.R. 819 introduced by Congressman Walter Jones (NC-3) to preserve access to the Cape Hatteras National Seashore Recreational Area, reintroduces a previous bill that passed the House of Representatives in the last Congress but failed it make it out of Senate committee; and

**WHEREAS**, H.R. 819 would restore balance and common sense to Park Service management by overturning a final rule implemented by the National Park Service in mid-February 2012, as well as the 2008 U.S. District court approved Consent Decree, both of which excessively restrict human access to the Recreational Area; and

**WHEREAS**, H.R. 819 would assure taxpayers the right to access the recreational areas they own by reinstating the Park Service's 2007 Interim Management Strategy, which was backed up by a 113-page Biological Opinion issued by the U.S. Fish and Wildlife Service finding that species of concern, including piping plover and sea turtles, would not be jeopardized; and

**WHEREAS**, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and

**WHEREAS**, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Manteo Board of Commissioners supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with the promises made in the enabling legislation and supports H.R. 819 as effective legislation that would balance resource management with recreational access for Dare County's residents and visitors.

This 6<sup>th</sup> day of March, 2013.

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Jamie Daniels, Mayor

  
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Becky Breiholz, Town Clerk