



NORTH CAROLINA GENERAL ASSEMBLY
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October 28, 2009

The Honorable Kay Hagan
United States Senate
B40A Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable David Price
United States House of Representatives
2162 Rayburn House Office Building
Washington, D.C. 20515

The Honorable G.K. Butterfield, Jr.
United States House of Representatives
413 Cannon House Office Building
Washington, D.C. 20515

The Honorable Bob Etheridge
United States House of Representatives
1533 Longworth House Office Building
Washington, D.C. 20515

The Honorable Mike McIntyre
United States House of Representatives
2437 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Larry Kissell
United States House of Representatives
512 Cannon House Office Building
Washington, D.C. 20515

The Honorable Heath Shuler
United States House of Representatives
422 Cannon House Office Building
Washington, D.C. 20515

The Honorable Melvin Watt
United States House of Representatives
2304 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Brad Miller
United States House of Representatives
1127 Longworth House Office Building
Washington, D.C. 20515

Dear Democratic Members of North Carolina's Congressional Delegation:

I am pleased that in August, North Carolina's two U.S. Senators joined together to cosponsor legislation (S. 1557) to keep the federal government's promise to the people of the Outer Banks and to preserve what has been a focal point of our community's culture, economy and coastal heritage for generations. I write to you today in hopes that you, too, will join in bipartisan unity to support H.R. 718, as Congressman Butterfield along with all our state's Republican congressional members have already done.

This legislation will maintain public access to Cape Hatteras National Seashore – as the federal government had always intended. It also will provide a lifeline to local families and small businesses that are struggling so valiantly in these difficult economic times, and allow for the Park Service to continue developing long-term plans to manage off-road vehicle access in a way that protects sensitive species without forever banning the human presence.

As you may know, a Consent Decree issued in 2008 now governs beach access at the Seashore as the result of a lawsuit that heavily funded, out-of-state environmental interest groups filed alleging that the Park Service's interim beach access management strategy did not go far enough to protect shorebirds and sea turtles. But what you may *not* know is just as important: the Park's interim strategy was approved by the U.S. Fish and Wildlife Service, endured a NEPA review, was developed in a public process with public input, and offers protections for wildlife along with reasonable access for family recreation. The Consent Decree that currently governs beach access at the Park did not undergo any such public or environmental review – which directly conflicts with the Park's guiding principles and historical collaboration with the community.

In the 1920s and early 1930s, the federal government began actively looking for ways to provide recreational opportunities in federally owned public lands. And as Cape Hatteras National Seashore – America's first national seashore park – began to take shape, public access and enjoyment was at the very heart of the park's creation. As the Seashore was being developed, Outer Banks residents and visitors were deeply concerned that government involvement would interfere with the public's enjoyment of and access to the beaches of Hatteras and Ocracoke Islands. What an incredible relief it was that the Park Service and the Department of the Interior were willing to work so closely and cooperatively with the local community to address these concerns. Indeed, the federal legislation that created the park expressly specified that it was to be a “national seashore recreational area for the benefit and enjoyment of the people” – setting a promise of public access and enjoyment in the law itself.

In 1952 during discussions of adjusting the boundaries of the Seashore, Park Service Director Conrad Wirth wrote an open letter to the people of the Outer Banks reassuring them that the beaches would continue to be open for their use, stating, “...when the lands for the Recreational Area are acquired and become public property there will always be access to the beach for all people, whether they are local residents or visitors from the outside.” Access to the beaches has always included vehicles – in fact, before we had roads built in the Outer Banks, the beaches were our roads. Wirth's 1952 letter states a clear intent to continue to allow vehicle access in the Seashore, specifically noting that “it will be necessary to establish certain regulations, such as to designate places for vehicles to get to the beach, in order to reduce sand dune erosion to a minimum...”

Beach driving, surf fishing, watersports and other such water-based activities are beloved local traditions and recreational opportunities that help people truly appreciate – and in turn, work to protect – our natural resources. Those who enjoy these types of activities are, in fact, among our most conscientious stewards of the environment because they want their children and grandchildren to be able to enjoy this resource as well.

Additionally, the economies of Hatteras and Ocracoke depend solely upon fishing and tourism, and losing access to some of the nation's most premier surf-fishing spots has been a devastating blow to our local community and economy – and to the prestige that Cape Hatteras gives North Carolina as a world-renowned destination for fishing and recreation.


Ensuring that residents and visitors to Cape Hatteras National Seashore can enjoy the traditional uses of the area is the duty of the Park Service, not the court system. The National Park Service had developed and implemented a sensible interim management plan based on the

best science available. The plan endured several thorough environmental reviews, was developed in a public process with public feedback, and protects wildlife while continuing to uphold the federal government's promise to its people.

The court's Consent Decree, in contrast, did not go through any such public process or any environmental scrutiny. Moreover, preliminary data show that the Consent Decree cannot be credited with producing any significant gains in the number of piping plover chicks, oystercatchers or other endangered or threatened birds, not to mention sea turtles. Finally, the financial costs of the Consent Decree – costs to the Park Service to administer the Consent Decree restrictions, costs to local taxpayers for legal fees that were assessed a result of the lawsuit, and costs to the local employers and businesses – are burdensome in an already difficult economic situation.

I write today to urge you to support H.R. 718 and do all you can to put beach management back in the hands of the National Park Service, where it belongs, and keep the promise that the federal government made decades ago to the people of the Outer Banks and America. I hope you will take the action needed to protect our heritage, our environment, our economy, and the people's right of access to their Seashore.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marc Basnight", written in a cursive style.

Marc Basnight