

# Preserve Beach Access Newsletter



## Our Mission

to Keep America's Beaches  
Open and Accessible to All

**August 15, 2009**

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The consent decree has had a devastating impact on the Cape Hatteras National Seashore Recreational Area. As August brings the end of the shorebird breeding season, it is time to ask, "What has it accomplished?" This newsletter features an analysis of the consent decree.

Labor day weekend make plans to be at the Fessenden Center in Buxton for a "Community BBQ and Beach Access Awareness Rally" on Sunday, September 6.

This newsletter features a poem by Johnnie Baum with an insightful view of beach closures. We appreciate Johnnie sharing this poem with us.

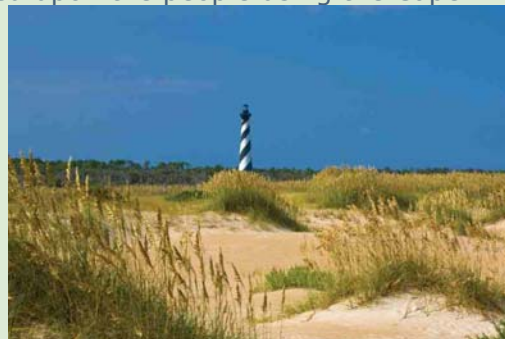
Preserving beach access is an issue that crosses party lines. That is why it is important we all continue our efforts to gain bi-partisan support for S.1557 and H.R. 718. Learn more in this newsletter about how you can help.

## Consent Decree Scores a Failing Grade

In 2008, an unpopular consent decree was imposed upon the people using the Cape Hatteras National Seashore Recreational Area on the Outer Banks of North Carolina. This consent decree followed a lawsuit by special interest groups against the National Park Service and set aside an "Interim Management Strategy" that provided both reasonable access and protection for wildlife.

While the special interest groups applauded the consent decree, the Dare County Board of Commissioners, who intervened in the case, reluctantly agreed to it rather than risk the complete closure of area beaches by a Federal Judge. Vice-Chairman, Allen Burrus recalls, "The consent decree was accepted only as the lesser of two evils. It was like asking, do you want to get shot in the head or the foot?"

As we near the end of the 2009 shorebird breeding season, it is appropriate to ask, "What has the consent decree accomplished?" Unfortunately, the preliminary evidence gives it a failing grade.



August marks the end of the bird breeding season in the Cape Hatteras National Seashore Recreational Area. It also brings to an end the first full breeding season for shorebirds under the consent decree implemented May 1, 2008. The results for the 2008 breeding season cannot accurately be attributed to the consent decree, since it began long after the start of the spring breeding season. Results for 2008 better reflect the management practices of the previous Interim Management Strategy.

2009 is then the first full breeding season exclusively under the terms of the consent decree. During this time, weather has been ideal with cooler temperatures than normal and no major storms. Preliminary results, outlined in the attached table, show the consent decree has not resulted in increased numbers of Piping Plover or American Oystercatcher.



Taxpayers have spent a substantial amount on the consent decree. In addition to \$100,000.00 awarded to the attorneys of the special interest groups who filed the lawsuit, another \$316,117.00 was spent in extra funds during 2008 to enforce the consent decree over the previous Interim Strategy. This represents more than it would cost to send 6 worthy students to the University of North Carolina at Chapel Hill for a four-year degree, including tuition, room and board.

Warren Judge, Chairman of the Dare County Board of Commissioners explains, "The consent decree has had a devastating impact on our area residents and businesses. It has also resulted in the death of hundreds of raccoon, possum, fox and other species as part of a predator control program by the Park Service." Last year 238 mammals were trapped and killed to protect 7 Piping Plover chicks. Judge asked, "How can these groups, who claim to protect wildlife, turn their backs on the murder of one species in order to protect another?"

Legislation to reinstate the Interim Management Strategy has been introduced in the U.S. House of Representatives and in the U.S. Senate with bi-partisan support. H.R. 718 and S.1557 would reinstate the Interim Strategy which had the benefit of a NEPA Review, ESA Section 7 Consultation, USF&W approval and public comment period. The provisions of the Consent Decree were never subject to these reviews.

"Reinstating the Interim Strategy is a good solution," Judge said. It provides reasonable access for everyone and does NOT remove protection for shorebirds or sea turtles. He added, "We need access for all recreational users including thousands of disabled and chronically ill visitors and their families. We support resource management programs and respect the scientists and professionals of the National Park Service to implement these programs rather than special interest groups."

Encourage your elected officials to co-sponsor and support H.R. 718 and S.1557. More information is available at [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org)

# # #

<b>Piping Plover</b>	Breeding Pair	Hatched Eggs	Fledged Chicks	<b>Amer. Oystercatcher</b>	Fledged Chicks
2008, Interim Plan	11	22	7	2008, Interim Plan	17
2009, Consent Decree	9	19	6	2009, Consent Decree	12 (2 unfledged) Max 14
<b>Full Year of Consent Decree (thru 7/29/09)</b>			<b>Minus 1</b>	<b>Full Year of Consent Decree (thru 7/29/09)</b>	<b>Minus 3</b>

## Who's Beach Is It ?



by Johnnie Baum

Every time a sandbar forms, signs and rope appear.  
Those people are afraid, a bird might want to nest here.

And when a few days later, the ocean takes it back.  
The "friends" and audubon, have a heart attack.

So I'm reporting God, to the powers that be.  
It's His beach and His whole world, far as I can see.  
He took down a bunch of signs, and idjits that they are.  
The "friends" and audubon, will claim every sandbar.

These people so important, that their word is law.  
With more lawyers and "paid scientists", than I ever saw.  
Have found a way to punish, every woman and man.  
And make money doing it, just because they can.

A bird's nest don't take up much space, and baby birds soon fly.  
And every now and then, a predator goes by.

It's been this way since the beginning, created "just so".  
So I really must ask, what does audubon know?

Or the friends of wildlife, that they can have their way.  
Ignoring our needs, and what the "people" say?  
When they write God a ticket, I want to be there.  
With a movie camera, because that I'd want to share.

Maybe I'm not the smartest man, and in some ways dense.  
But we're letting people run our lives, who have no common sense.

## Mark Your Calendar - Sunday, September 6

A "Community BBQ & Beach Access Awareness Rally" is planned for Sunday, September 6, 2009 at the Fessenden Center in Buxton, North Carolina. Join us for good food, music and a family-oriented day.



The event is designed to increase awareness about beach access in the Cape Hatteras National Seashore Recreational Area and raise funds to benefit the Cape Hatteras Access Preservation Alliance (CHAPA).

Rob Alderman is planning the event and needs volunteers and donations. Contact Rob at [FishMilitia@aol.com](mailto:FishMilitia@aol.com) or 252-305-2017.

## Action Alert - Visit your Representatives Now



As Congress takes its summer break, legislators are home in their districts. This is the perfect opportunity to visit your elected officials and personally ask for their support of Senate bill (S.1557) and House of Representatives bill (H.R. 718). The most effective way to do this is face-to-face, as a constituent at their local district field office.

S.1557 and H.R. 718 would reinstate the National Park Service "Interim Management Strategy" that provides reasonable access and protects shorebirds and sea turtles in the Cape Hatteras National Seashore Recreational Area. A consent decree set aside the Interim Strategy after a lawsuit by special interest groups. This is a classic example of trying to "fix something that wasn't broken."

### **S.1557 and H.R. 718**

- Reinstates the Interim Strategy that was subject to public review
- Does not remove protection for shorebirds and sea turtles
- Provides flexibility for Park Service to adjust buffers based on bird behavior
- Restores reasonable access to the recreational area
- Helps the tourism-based economy & supports struggling small businesses

### **YOU CAN HELP**

We need people from all 50 states to personally visit Congressional field offices during August. Tell your legislator and their staff that you support S.1557 and H.R. 718. And, share your first-hand experience about the importance of beach access.

To find Congressional field offices - insert your state & zip code on the following links on [www.PreserveBeachAccess.org](http://www.PreserveBeachAccess.org)

For maximum impact, there is no substitute for face-to-face contact. However, if you are unable to visit your legislators in person, please be sure to call or email them.

**facebook**

Join the "Preserve Beach Access" Facebook Group

[Click Here](#)

## Voices of the People

People everywhere are talking about open and accessible beaches. Following are a few of the comments received this week from people signing up at "Act Now" on the Dare County Preserve Beach Access website -



### **Dennis - Berlin, New Jersey**

Keep up the good work! It is a shame that individuals and organizations who do not reside on Hatteras Island have decided that they know what is best for Hatteras Island and the people who live there.

### **Tim - Kernersville, North Carolina**

Our family has always valued our right to take my Dad to the Outer Banks and fish. He took me when I was knee high many times. Now that he has Alzheimers disease, fishing the beach at Oregon Inlet and the Point is the only medicine that helps him deal with the disease. We need our access back 12 months out of the year.

### **Claudia - Graham, Washington**

When I visit this area, I want to know that I will have the opportunity to enjoy the beach, the businesses and environment that makes a vacation special. I resent a small number of illogical activists, who don't even live in the area to dictate how the tax-paying public may use and enjoy natural beauty.

### **Jose - Hubert, North Carolina**

It would be wonderful if the American people were able to enjoy the beaches at Cape Hatteras without being afraid of being arrested. I hope that bill S.1557 will be passed so all Americans can enjoy that beautiful seashore.

### **Bill - Bloomingdale, Illinois**

I have been walking or driving on the beaches of Cape Hatteras for the last 25 years. I have seen the closure areas, but have never seen a plover or a turtle. The rest of the sea birds will come right up to your feet, hardly endangered. The Interim Plan has hurt many of the island businesses and visitors, as well as the year-round residents. The results of 60 miles of closures for 15 birds is far from a success story. At any time, predation or an Atlantic storm (both occurrences beyond control of man) can wipe out any closure success. Thank you for supporting S1557 & HR718.

### **Claude - Chesapeake, Virginia**

I have had Polio and cannot walk on the beach. The only way I can enjoy the beach is to drive on with my Jeep. For two years I have been restricted from the places I like to go. I am 68 years old. I want to be able to again go on the beach.



### **Editor's Note**

The beach access website has helpful links to

[Cape Hatteras Anglers Club,](#)  
[North Carolina Beach Buggy Assoc,](#)  
[Outer Banks Preservation Assoc OBPA](#)

(Click for a direct link to their website)

## You Can Help

The residents and visitors of the Cape Hatteras National Seashore Recreational Area need your support. Here's how you can help -

### Forward this newsletter

Click "Forward email" at bottom of this newsletter

Send an E-Card to your friends & family [Click Here](#)

### Write Congress

Ask your elected officials to support S.1557 and H.R. 718. [Sample Letter](#)

Add a link on your website for instructions [Click Here](#)



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