



COUNTY OF DARE

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The federal judge who issued the consent decree for the Cape Hatteras National Seashore Recreational Area will convene a special hearing on June 2, 2009 in Raleigh, NC. Stipulations are scheduled to be presented to Judge Terrence W. Boyle, which if adopted, would modify certain provisions of the consent decree.

The hearing will examine a possible change to paragraph 23 of the consent decree that outlines penalties for violations of Pre-nesting Areas and Buffers. If adopted, the National Park Service would not be required to expand the buffer if a violator was apprehended. Or, in the discretion of the National Park Service, an expanded buffer could be retracted once a violator was apprehended.

The Stipulation hearing is scheduled to consider a change to paragraph 26 pertaining to full beach closures after September 15 for all remaining unhatched turtle nests. If adopted, the closures would be between the hours of sunset and 6 a.m.

The night-driving needs of commercial fishermen are also scheduled to be reviewed at the hearing. If modified, permitted commercial fishermen would have vehicular beach access during the hours of 5 a.m. to 6 a.m., subject to certain conditions.

In April 2008, Judge Boyle issued the Consent Decree as the result of a lawsuit filed against the National Park Service by the Audubon Society and Defenders of Wildlife represented by the Southern Environmental Law Center. Dare and Hyde Counties stepped forward and became Intervenors in that lawsuit, to preserve beach access and best represent the interests of its residents and visitors.

The Consent Decree remains in effect until 2011 when the long-term management plan of the National Park Service becomes effective, unless legislation introduced in Congress returns control of the area to the Park Service's Interim Management Plan (House Bill 718)

Information about beach access in the Cape Hatteras National Seashore Recreational Area is available at www.PreserveBeachAccess.org

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