



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

March 26, 2008

The Honorable Elizabeth Dole
United States Senate
120 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard Burr
United States Senate
B40C Dirksen Senate Office Building
Washington, D.C. 20510

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 Walter Jones, Jr.
United States House of Representatives
2333 Rayburn House Office Building
Washington, D.C. 20515

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

The Honorable Virginia Foxx
United States House of Representatives
430 Cannon House Office Building
Washington, D.C. 20515

The Honorable Howard Coble
United States House of Representatives
2468 Rayburn 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 Robin Hayes
United States House of Representatives
130 Cannon House Office Building
Washington, D.C. 20515

The Honorable Sue Myrick
United States House of Representatives
230 Cannon House Office Building
Washington, D.C. 20515

The Honorable Patrick McHenry
United States House of Representatives
224 Cannon House Office Building
Washington, D.C. 20515

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

The Honorable Melvin Watt
United States House of Representatives
2236 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Brad Miller
United States House of Representatives
1722 Longworth House Office Building
Washington, D.C. 20515

Dear Members of North Carolina's Congressional Delegation:

As you may know, a lawsuit has been filed against the National Park Service by the Defenders of Wildlife and the National Audubon Society regarding off-road vehicle access to the Cape Hatteras National Seashore. As the April 4 court date approaches, I wanted to be sure you were aware of how critical it is to keep public access to the Seashore and how important this resource has been to our coastal culture and heritage, our local economy, and our sense of community – and to ask for your assistance in protecting it.

This current lawsuit, driven by out-of-state environmental groups whose agenda is clearly to ban access to the beaches, would have devastating effects on the very families who have treasured and protected this resource for generations. The residents, visitors, property owners and business owners on Hatteras and Ocracoke Islands will face very real and very significant harm should this lawsuit succeed.

When the federal government was creating the recreational Seashore in 1937, Outer Banks residents and visitors were deeply concerned – and rightly so – that government involvement would interfere with the public's enjoyment of and access to the beaches of Hatteras and Ocracoke Islands. It was an incredible relief 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. In fact, 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."

This access has always included vehicles – in fact, before we had roads built in the Outer Banks, the beaches were our roads. Wirth's 1952 letter also 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 and surf fishing are beloved local traditions and recreational opportunities that help people truly appreciate – and in turn, work to protect – our natural resources. The people who use this resource, in fact, are among our most conscientious stewards of the environment. 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 would be 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.

I write today to urge you to pass legislation as soon as possible to clarify the Park Service's previously expressed intent to maintain public access, particularly vehicle access, to the Seashore. This issue is time-sensitive and is of critical importance to the lives – and livelihoods – of the people of the Outer Banks.

As the hearing date nears, the involved parties have been meeting to negotiate rules for a long-term plan for off-road vehicle access. The people of the Outer Banks, the users of these

beaches, and the Park Service itself all care deeply about our Seashore – and about the animal and plant species that live or nest there – and are absolutely sincere in their desire to develop a reasonable plan that protects the Seashore while preserving reasonable public access to it. However, the threat of this lawsuit hanging over their heads would, I assume, make it very difficult to work in good faith with those who have filed the lawsuit and who now have the ability to use this litigation as an unfair “hammer” in these negotiations.

I still believe that the 2007 federal plan to regulate off-road vehicle use was adopted through a public process and is being implemented in a fair and effective way. It is unfortunate that a lawsuit is now in play – and even more unfortunate that it has the potential to be used as a negotiating weapon to intimidate good-hearted people who truly love the beaches and the environment, and who work every day of their lives to protect the gifts that Mother Nature has given our community. I prevail upon your sense of justice and right, and hope you will take the immediate action that is needed to protect our heritage, our economy, and the public’s right of access to their Seashore.

Sincerely,



Marc Basnight

Cc: Dirk Kempthorne, Secretary of Interior
Mike Murray, Superintendent of Cape Hatteras National Seashore
Dare County Commissioners
Hyde County Commissioners