



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

RESOLUTION SUPPORTING S 3113 AND HR 6233 TO REINSTATE THE INTERIM MANAGEMENT STRATEGY GOVERNING ORV USE IN THE CAPE HATTERAS NATIONAL SEASHORE

WHEREAS, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937, and

WHEREAS, at the time of its creation and thereafter, residents and visitors to the CHNSRA were assured that there would always be access to the beaches by residents and visitors alike and residents and visitors have enjoyed that access until enjoined from significant areas of the beaches by court order in April of 2008; and

WHEREAS, in December of 2007 in an effort to develop a plan to balance the public use of the CHNSRA with the need to protect the natural resources of CHNSRA, the Secretary of the Interior implemented a negotiated rulemaking committee consisting of thirty different stake holders in the CHNSRA, with members representing various interest including, among others, property owners, environmental groups, fishermen, homeowners associations, business people, local governments, and tourist officials; and

WHEREAS, in July of 2007, the National Park Service (NPS), with the approval of the US Fish and Wildlife Service, adopted an Interim Protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the popular and traditionally used beaches of the CHNSRA; and

WHEREAS, in July of 2007 a Finding of No Significant Impact (FONSI) for the Interim Plan was issued determining that the Interim Plan would have no significant environmental impact on the bird, turtle and plant species of the CHNSRA; and

WHEREAS, the Interim Plan was intended to serve until the negotiated rulemaking was complete and a final management plan could be implemented by the NPS; and

WHEREAS, in October of 2007, environmental groups, who are active participants in the negotiated rule making process, filed suit in US Federal Court

seeking to enjoin off road vehicle access to large areas of the CHNSRA, which included the most popular and most traditionally used areas of CHNSRA, until the negotiated rulemaking was complete; and

WHEREAS, in April of 2008, a Consent Order was issued by the US Federal District Court, modifying the Interim Plan and resulting in the closure of the public of large areas of the CHNSRA, including the most popular and traditionally used beaches in the CHNSRA; and

WHEREAS, as set forth in the FONSI, the Interim Plan allowed public use of these traditional and popular beaches while providing adequate protection to the bird, turtle and plant species of the CHNSRA and was generally accepted by the local citizens and visitors of the CHNSRA; and

WHEREAS, the April 2008 Court Order has resulted in unprecedented closures of the beaches of the CHNSRA, has created significant economic harm to the businesses of Nags Head, Hatteras Island and to the Dare County economy, resulting in significant levels of discontent among the local population, visitors of CHNSRA, and others who have previously enjoyed access to the beaches of CHNSRA; and

WHEREAS, the Kill Devil Hills Board of Commissioners, on behalf of the people of Kill Devil Hills and the visitors to the CHNSRA, request that in order to restore the public's right of access to the beaches of CHNSRA, Congress intervene immediately.

NOW THEREFORE BE IT RESOLVED, that the Kill Devil Hills Board of Commissioners, at its August 11, 2008 regular meeting, unanimously approved this resolution supporting the adoption of S 3113 and HR 6233 to reinstate the interim management strategy at the Cape Hatteras National Seashore until the National Park Service issues a special regulation and long term off-road management plan for use of the Cape Hatteras National Seashore by the public.

This the 11th day of August 2008.



Raymond P. Sturza, II
Mayor

Mary E. Quidley
Town Clerk