

**Testimony from Warren Judge, Chairman of the Dare County, NC Board of Commissioners in Support of H.R. 6233, to Reinstate the Interim Management Strategy Governing Off-Road Vehicle Use in the Cape Hatteras National Seashore.  
September 11, 2008**

Thank you Congressman Grijalva (Mr. Chairman) and members of the Committee; I'm Warren Judge, Chairman of the Dare County Board of Commissioners. On behalf of the 33,000 people who call Dare County their home and the six million people who visit Dare County and the Outer Banks of North Carolina every year, it is my honor to appear before you to seek your support for H.R. 6233 to return the management of the Cape Hatteras National Seashore Recreational Area to the Park Superintendent.

The National Park Service created the Cape Hatteras National Seashore in 1937. In 1952, after taking miles of privately owned lands and in an effort to alleviate the concerns of the people of Hatteras Island, Conrad Wirth, the Director of the Park Service, sent an open letter to the people assuring them that "there will always be access to the beach for all people, whether they are local residents or visitors." This is a very powerful letter and I have included a copy in your handouts.

Mr. Wirth's letter acknowledges that the people who had lived in the area for generations would be responsible for caring for the tourists that would arrive to the newly created Seashore and that these communities would enjoy the prosperity created by the Park. Until April of this year, Director Wirth's vision for the Park has been carried out. For decades the National Park Service has balanced the rights of all Americans to access the Seashore with the need to protect the Park's resources.

In April of this year, environmental groups put an end to the National Park Service's successful and accepted management practices. As a result of a lawsuit, a consent order was issued by a U.S. Federal District Court judge resulting in the closure of significant portions of the Seashore to human access, including the most popular swimming areas in the Seashore and the traditional and world renowned fishing areas.

Dare County was an intervener in the lawsuit that resulted in the consent decree -- and you may wonder why we agreed. The truth is, our hands were tied -- the height of the tourist season was quickly approaching and we were allowed little involvement in any negotiations. With the threat of an injunction that would result in even more beach closures, the consent decree was signed. We chose the lesser of two evils.

Congressmen, this is an issue of access for all people to their favorite place in the Recreational Area. The back side beaches and tidal pools at Oregon Inlet offer moms and dads a great place to take their small children to experience the ocean outside of the wave zone. Cape Point is world renowned for fishing; there is no better place in the world to drum fish. Cape Point is where the Gulf Stream and the Labrador Current collide. This phenomenon brings surfers from all over the world. If you surf Hawaii and Australia, you will surf Cape Point.

This is an issue of our heritage and our culture. It is about our people -- generations of Hatterasmen who are descendents of shipwrecked victims. It is about families who for generations have owned and operated businesses on Hatteras Island.

There are hundreds of stories that I could share with you today about people whose businesses, as a result of a Court's order, have declined in some cases by as much as 50% in the prime part of our season. Recently released figures show just how much our businesses have been affected – in July of this year, at the height of our season, there were decreases of up to 23% in our lodging industry. Visitation at the Cape Hatteras National Seashore has dropped 14.5% when nationwide, the decrease at our national parks has averaged 1.2%.

Congressmen, there are no factories in Dare County; there are no Corporate Headquarters. We are hundreds of small businessmen and women. We go to work everyday to provide for ourselves and to serve as hosts to millions of vacationers as they come to Dare County and the Cape Hatteras National Seashore Recreational Area. Many eke out a living and are content to do that for the opportunity to enjoy the outdoors that Hatteras Island provides. Government should not take that away. Government should do all that it can to preserve this way of life.

These same men and women that I have spoken about are the very ones who care for the environment and beauty of the Cape Hatteras National Seashore Recreational Area. You will find them cleaning the beaches or guiding and protecting turtle hatchlings. They cherish the Park's natural resources. These are the same resources that attracted them to Dare County and attract the visitors upon whom all of our livelihoods depend. They too want to protect these resources, but do not believe it should be done without thought of the human impact.

In a few minutes, you will hear opposing testimony from Derb Carter of the Southern Environmental Law Center. You will hear statistics about increased numbers of nests and fledglings and he will try to make you believe that they are directly attributable to the consent decree that has been effect since May 1 of this year. Please understand that there are many factors that led to these increases – the 2007 interim management plan, favorable weather conditions and increased surveillance by Park Service personnel, to name a few. This is

supported by comments from Mike Murray, Superintendent of the National Seashore, in the newspaper article that I have included with my hand out.

The Interim Management plan that was adopted in 2007 worked, the birds and turtles were protected and the people had access to the Recreational Area. The people of Hatteras Island understood and accepted the plan. It was developed by the National Park Service in conjunction with the U.S. Fish and Wildlife Service. It gave Park Managers the ability to manage. That ended when those, who are unwilling to balance interests, who are single minded in their pursuits, filed legal action to obtain their goals without thought to the impact to small communities and to the working people who live in those communities. It should now be restored while we all work together to come up with a permanent plan that accomplishes these same goals.

The people of Hatteras Island and Dare County are counting on you to help them, to keep the promises made by those before you. Please help us preserve our culture, our history, our way of life. Please support H.R. 6233.

Thank you for this opportunity to appear before you today.