

Date: 2/3/09

To: Cape Hatteras National Seashore Regulatory Negotiation Committee

From: H. Wayne Clark

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Rooms and Cottages

## **Ideas/Thoughts on the ORV Issue**

### **General**

Good afternoon. My name is Wayne Clark. My family consisting of my son, his wife, my wife and me operate a Family Owned Motel and Cottage Operation on Ocracoke Island; Edwards of Ocracoke. We have eleven motel units, and in addition ten cottages and apartments. Our "reason to be" is to provide comfortable, affordable lodging in the historic village that adjoins the park. We have owned the business since 1996. The Motel was the first motel on the Island having been constructed by Stanley Wahab in the late thirties. Our goal is to offer very functional facilities with an "Old Ocracoke" theme. We have no grandiose ideas. We just want to make a living in an environment and surroundings that we love and enjoy living in. The Park is very much a part of our everyday life and livelihood...

### **Economic Impact**

Surf Fishing has historically been a tremendous draw for Ocracoke Island. Access to both inlets (Hatteras and Ocracoke) is important to these Fisherman both during day light and night hours. The Shoulder Seasons (spring and fall) provide for excellent fishing and extend our tourist season significantly. These type Park Visitors are very instrumental as to the ability of the local economy to sustain itself.

The economy of Ocracoke Village is significantly dependant upon the continuing, historical use attraction of the Park. Surf Fishing and the use of ORVs is an important draw for many Visitors. Without primary consideration for the historical use of the beach relative to surf fishing and ORV use, the livelihoods of the entire Village is at risk. Noting that the local economy has been allowed to grow and become increasingly dependant on Tourism by way of ORV Access and convenient beach access for Surf Fisherman, it is very concerning that significant changes of use are being considered; especially given that little off setting or mitigating plans are being considered.

The local citizens, businesses and Park Visitors did not contribute to the current regulatory problem. The Ocracoke Citizens have based there livelihood on the only economic engine available (Tourism). To change regulations as to park use that could have a negative impact on the local economy is both reckless and irresponsible unless done with the utmost consideration for "historical uses" and the use of "mitigation" as an offset.

If regulations need to be changed relative to environmental/endangered species concerns; be it birds, turtles or whatever; changes only need to be considered after making allowances for the historical use of the Park. Significant changes that reduce the historical use particularly in reference to ORVs and Surf Fisherman should be limited to what are "proven needs" by sound facts and not based on speculation. A Community and Way of Life are at risk through "no fault of their own".

It is my view that there could very well be "legal issues" relative to implementing regulations that have a negative impact on Local Businesses, Property Values and Citizens of Ocracoke Island. I have heard of "historical precedents" whereby citizens and/or businesses must be compensated for loss of economic value when restrictions are placed on public use areas that have a "direct, negative, economic impact". Without some type of mitigation or offset as to "use", it is my view that this type remuneration needs to be explored be it a suit involving the Park Service or the Organizations that are favoring more restrictions.

It is recognized that certain areas of the Island are more environmentally sensitive than others (North and South Points). These areas need "special review" but any "use limitations" (changes) should only be considered after giving much thought to the historical use and providing mitigation relative to the potential impact on the local economy.

I ask this question to those of you on the Negotiating and Rule Making Committee and NPS who advocate major changes that could directly cause harm to the local economy by imposing restrictions on ORV use and Surf Fishing access; "how would you feel if the means of livelihood for you, your family and community were being threatened? Most all our citizens are very concerned, some to the point of outright hysteria. In my view you should be as understanding and concerned for mankind (our citizens) as you are for the environment and wild life. I am sure you would expect that of us if the "shoe were on the other foot"!

### **Possible Means of Mitigation**

I do have the following thoughts should it becomes necessary to significantly change the historical use of the Ocean Front relative to ORV use and the availability of "prime surf fishing areas".

With the advent of a new Federal Effort to booster the economy by way of spending funds on Road Projects and related, it makes sense to consider "opening up" the sound side of the Park to ORV use. This could be done by putting in place a Sound Side ORV Trail (running parallel to the sound) complete with beach access and parking areas. The Sound Side Trail could be geared towards recreational use (Wade Fishing, Birding, Swimming, Kite Boarding and Beach Combing). With publicity to make the public aware of this new, sound side recreational opportunity; perhaps it

would offset some of the potential economic negatives that could come from additional restrictions as to historical use on the ocean front?

Perhaps with a Sound Side ORV Trail the NPS would be opening up sound side access to areas that are less environmentally sensitive than some on the ocean side. This would assist in compensating for the Public's loss of use relative to environmentally sensitive areas on the ocean front. There appears to be a real need for a Sound Side Beach similar to the Ocean Side Beach Walk Over Access near Ocracoke Village. This would offer an alternative for Park Visitors when the weather conditions on the Ocean Beach are less than optimal.

Currently many stretches of ocean side beach are not open in "peak periods" (summer). Perhaps the NPS can actually open more ocean side beaches in the summer to compensate for areas that must be closed relative to being environmentally sensitive? There definitely needs to be more access areas for Surf Fishing if the ocean side is going to be more restricted.

Funding for the Capital Projects (Sound Side ORV Trail, Parking and Beach Access) could come from the Federal Plan for stimulating the economy. Funding to police the additional use of the Park could come from "new user fees". Environmental Groups and Organizations that are advocating closure as to "historical use" should also assist in funding.

I implore those on the Committee that feel additional restrictions of use need to be put in place to at a minimal provide some means to mitigate the "real potential" of economic loss to the Island Citizens and Businesses. This can best be accomplished by way of additional access in less environmentally sensitive areas.

Thank you for your time and effort!

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