

The Second Front

C Friday, February 13, 1976 B1

12 Miles Affected

Proposed Pea Island Ban on Traffic Called Unfair by Recreational Group

By JEANETTE DAVIS

Virginian-Pilot Correspondent

RALEIGH—A proposed ban on vehicle traffic in the Pea Island National Wildlife Refuge was protested in Raleigh Thursday afternoon.

The protest was made to the Sea Water Fishing Committee by Don Mitchell, vice president of the N.C. Beach Buggy Association. The remarks were heard during the 31st Annual Convention of the N.C. Wildlife Federation.

Mitchell said the proposed ban was discriminatory because it was directed toward vehicle traffic only.

He presented a resolution to the federation calling on the Department of the Interior to preserve as much unrestricted beach as possible, to treat all beach users equitably and to hold a public hearing in Dare County to examine factors leading to the ban.

Johnny Williams, manager of the refuge, submitted the proposal. The refuge is located in Currituck National Estuarine

"While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island, we submit that the Pea Island closure, as submitted, is unreasoned and unfair for several reasons."

— Mitchell

of 50 per cent of ocean front from May 15 through Sept. 30.

Williams' reasons were to protect the nesting habitat of terns and logarithm turtles. The closing would affect only beach vehicles and not walk-over traffic.

Mitchell said in his text: "While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island . . . we submit that the Pea Island closure proposal, as submitted, is unreasoned and unfair for several reasons."

Mitchell said from May 15 through Sept. 30 more than 100,000 vehicles would enter the refuge.

that same period, the refuge recorded 65,200 days of human use, of which 18 per cent entered by vehicles.

Mitchell said "Public access had been unrestricted since the refuge established in 1930. Although tremendous increases have occurred in both off-road vehicles and visitors, there has been no recorded change in the constituency of the refuge. In fact, 1975 was a record year for the refuge—in birds, turtles, visitors and vehicles."

The proposed ban would begin at the

point one-half mile above the southern boundary.

During the past 20 years, bird colonies on the refuge have varied from 0 to 4. In 1975 there were four colonies with 900 adults.

Since 1970 the refuge recorded 65 natural turtle crabs and 31 natural nests. Since 1970, 91 nests have been brought in from Cape Hatteras National Seashore and 3,000 hatchlings released into the ocean.

Mitchell said before his speech that his association agreed some marsh areas should be closed to all traffic "because they are fragile, sensitive areas. But they should be permanently closed to everyone." He also contended that the ban would have an economic impact on the Outer Banks. He said "People will have no way to know what areas are closed to their recreation vehicles until they drive hundreds of miles to get there."

An additional 25,700 acres of water area has been added to the refuge since 1930 and provides habitats for snow geese.

JW
14/

SUGGESTED LETTERS

Please try to put the following ideas in your own words, along with any other ideas you want to express. Don't simply tell the man you're opposed to the idea; give him something specific to do and a reason for doing it.

The Honorable Thomas S. Klappe
Secretary of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

I am opposed to the proposed closure of Pea Island National Wildlife Refuge in North Carolina. In closing 12 miles of ocean beach to beach vehicles during the summer months, I feel that the refuge manager is asking too much, since the nesting areas involve only about one mile.

While I am a conservationist, I do not think it is fair to one group of users to exclude them from the beach when people on foot can do more damage than people passing by in vehicles.

I am concerned that closing 12 miles of Pea Island would tend to concentrate too many vehicles in the few remaining areas of Cape Hatteras National Seashore.

Before allowing this closure to take place, I would like for you to hold public hearings, both in Washington and in Dare County, N.C. I think the Fish & Wildlife Service should fully explain its reasons for proposing the closure, and I think the National Park Service should explain to the public just how this closure will affect other areas of the Seashore.

Sincerely yours,

/ signed /

In addition to sending the above to the Secretary of the Interior, we suggest that you write your Congressman and Senators, asking them to call upon the Secretary to hold public hearings. Give them your reasons, just as in the first three paragraphs above, and conclude by asking your Congressional Delegation to call upon the Secretary to hold the public hearings.

FOR OUTER BANKS RESIDENTS

Following are members of the North Carolina Delegation to whom you should write

The Honorable Walter B. Jones
United States House of Representatives
Washington, D.C. 20005

The Honorable Robert Morgan
United States Senate
Washington, D.C. 20005

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20005

OFFICIAL PUBLICATION OF N.C. BEACH BUGGY ASSOCIATION
Box 71 Point Harbor, N.C. 27964

President - Carl Schleuss
Vice-Pres. - Donn Mitchell
Sec-Treas. - Robert Pinault
Corr. Sec. - Joan Armstrong

Directors
Fritz Boyden
Clair Bullington
John Copley

Jim Lee
Kitty Lourie
Joe White

- SPECIAL BULLETIN

The Manager of the Pea Island National Wildlife Refuge has submitted his long-awaited closure proposal to the Fish & Wildlife Service. It is expected to appear in the Federal Register (Uncle Sam's legal newspaper) by March 1.

This closure would ban beach vehicles from a point opposite the Coast Guard station near the south point of Oregon Inlet some 12 miles south to a point about half a mile from the refuge boundary, at the village of Rodanthe. It would not ban anyone else from the beach, just beach vehicles.

The closure period this year would be from May 15 to September 30, aimed at protecting nesting sites for shorebirds such as the least tern and loggerhead turtles

Officers and directors of NCBBA have studied this proposal in detail, and sent NCBBA Vice-President Donn Mitchell to the annual meeting of the North Carolina Wildlife Federation in Raleigh last week to seek support in fighting the closure.

The decision to fight the closure was made only after weighing conservation need against our personal desires to use the beach, and after weighing what steps are really needed to protect bird and turtle nesting sites. Since we are concerned with all of the Outer Banks, and since this closure would affect the most heavily used area north of Cape Point, we also considered the impact on other areas. We base our protest on the following:

---The closure would ban vehicles from 12 miles of beach to protect nesting areas which altogether involve less than one mile of beach.

---The closure would be discriminatory, since it would leave nesting areas open to pedestrian traffic and would bar only one class of user.

---The closure would have severe impact and create over-use on other beaches of the Cape Hatteras National Seashore still remaining open.

---The closure would have a serious adverse impact on the economy of the Outer Banks.

The North Carolina Wildlife Federation, composed of member clubs across the State, passed a resolution calling upon the Secretary of the Interior to hold public hearings in Dare County and in Washington, D.C. Because of the vital importance of this resolution, we have reproduced it in full in this newsletter. Please read this resolution carefully, since it reflects not only the policy of NCBBA but now the policy of the North Carolina Wildlife Federation as well.

We have also reproduced one of the news articles which appeared in the Norfolk Virginian-Pilot, since it accurately summarizes the issue and the steps being taken by NCBBA.

Finally, we have included suggested language for a letter for you to write to the Secretary of the Interior and members of your Congressional Delegation. Put the letter in your own words, but by all means write.

RESOLUTION PASSED AT THE 31ST ANNUAL MEETING OF THE NORTH CAROLINA
WILDLIFE FEDERATION, RALEIGH, NORTH CAROLINA, FEBRUARY 14, 1976.

WHEREAS, the ocean beaches of North Carolina are becoming increasingly crowded with developments ranging from private cottages and ocean piers to protected Federal swimming beaches and campgrounds, AND

WHEREAS, the thousands of sportsmen who fish from over-sand vehicles are entitled to legitimate use of these beaches when this does not pose an unreasonable conflict with other uses, AND

WHEREAS, the Manager of the Pea Island National Wildlife Refuge proposes an almost total summer exclusion of vehicles over a great length of public beach to protect isolated and limited shore-bird nesting areas,

WE HEREBY RESOLVE that all closures be restricted to limited and clearly identified areas, and that every effort should be made by the U. S. Department of the Interior to preserve as much open, unrestricted beach as possible when this does not conflict with effective wildlife management.

WE FURTHER RESOLVE that all beach users be treated equitably, and that if beach vehicle passage is prohibited to protect nesting areas, those nesting areas should also be posted to exclude pedestrian traffic when necessary, and that the purpose, duration and authority for each closure be clearly posted with appropriate public notice, AND

WHEREAS, due to the already severely limited area in which over-sand vehicles may use ocean beaches, any closure will have an adverse effect on many people throughout the Nation, WE THEREFORE CALL upon the Secretary of the Interior to hold a public hearing, with no less than 30 days advance public notice, to thoroughly examine the factors leading to the refuge manager's decision, its impact on other public beaches, and to weigh public sentiment toward this decision. We ask that a public hearing be held in Dare County, North Carolina and in Washington, D. C., in a facility sufficiently large to accommodate those who wish to appear, and also that the National Park Service be prepared to respond to the question of impact of such a decision on adjacent Federal lands.

12 Miles Affected

The VIRGINIAN PILOT

2/13/76

Proposed Pea Island Ban on Traffic Called Unfair by International Group

By JEANNETTE DAVIS

Virginia-Pilot Correspondent

RALEIGH—A proposed ban on vehicle traffic in the Pea Island National Wildlife Refuge was protested in Raleigh Thursday afternoon.

The protest was made to the Salt Water Fishing Committee by Donn Mitchell, vice president of the N.C. Beach Buggy Association. The remarks were heard during the 31st Annual Convention of the N.C. Wildlife Federation.

Mitchell said the proposed ban was discriminatory because it was directed toward vehicle traffic only.

He presented a resolution to the federation calling on the Department of the Interior to preserve as much unrestricted beach as possible, to treat all beach users equitably and to hold a public hearing in Dare County to examine factors leading to the ban.

Johnny Williams, manager of the refuge submitted the proposal. The refuge is located in Cape Hatteras National Seashore and the ban would call for closing 12 miles

"While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island... we submit that the Pea Island closure, as submitted, is unsound and unfair for several reasons."

— Mitchell

or 50 per cent of ocean front from May 15 through Sept. 30.

Williams' reasons were to protect the nesting habitat of terns and lesserhead turtles. The closing would affect only beach vehicles and not walk-over traffic.

Mitchell said in his text "While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island... we submit that the Pea Island closure, proposed, as submitted, is unsound and unfair for several reasons."

Mitchell said from May 15 through Sept. 30, 1975 the refuge recorded use by 2,920 vehicles, an average of 28 per day. During

that same period, the refuge recorded 66,251 days of human use, of which 16 per cent entered by vehicles.

Mitchell said "Public access has been unrestricted since the refuge established in 1953. Although tremendous increases have occurred in both off-road vehicles and visitors, there has been no recorded change in the constituency of the refuge. In fact 1975 was a record year for the refuge—in birds, turtles, visitors and vehicles."

The proposed ban would begin at the northeast boundary of the Coast Guard station at Oregon Inlet and continue to a

point one-half mile above the southern boundary.

During the past 20 years, bird colonies on the refuge have varied from 0 to 4. In 1975 there were four colonies with 500 adults.

Since 1970 the refuge recorded 68 natural turtle crawls and 24 natural nests. Since 1972, 91 nests have been brought in from Cape Hatteras National Seashore and 3,630 hatchlings released into the ocean.

Mitchell said before his speech that his association agreed some marsh areas should be closed to all traffic "because they are fragile, sensitive areas. But they should be permanently closed to everyone." He also contends that the ban would have an economic impact on the Outer Banks. He said "People will have no way to know what areas are closed to their recreation vehicles until they drive hundreds of miles to get here."

An additional 25,700 acres of water area has been added to the refuge since 1938 and provides habitats for snow geese, brant, Canada geese, ducks, shore birds, terns, and gulls.

Pea Island Refuge

VIRGINIAN PILOT

2/14/76

Beach Buggies Supported

By JEANETTE DAVIS

Virginian-Pilot Correspondent

RALEIGH—The Salt Water Fishing Committee of the N. C. Wildlife Federation has unanimously accepted a resolution opposing the ban of beach buggies on the Pea Island National Wildlife Refuge.

The action was taken Thursday at the federation's convention here. It was prompted by a resolution offered by Don Mitchell of Nags Head, vice president of the N. C. Beach Buggy Association.

The resolution, which was adopted, asked the U. S. Interior Department to

preserve as much unrestricted beach as possible; to treat beach users equitably; and to hold a public hearing in Dare County on the proposed ban.

Mitchell said the only change added was a request that a hearing be held in Washington also, with the date of the hearing to be set by the Interior Department.

"I'm much encouraged by the unanimous support of the N. C. Wildlife Federation. I feel confident we will be successful with the Department of the Interior to get this order rescinded or modified. I think we got unanimous approval in Raleigh because we have a good, solid case," Mitchell said Friday.

The ban of vehicular traffic along 90 per cent of the refuge beachfront was proposed by Johnny Williams, manager of the refuge. Williams said the ban is necessary to protect the nests of terns and loggerhead turtles. The ban would be in effect May 15 to Sept. 30.

Mitchell said, however, that in 1975 the refuge had its heaviest use by vehicles but also its heaviest use by both the terns and the turtles.

Mitchell and his association contend that the ban would be discriminatory, since it is directed at vehicles only.

Pea Island National Wildlife Refuge is in Cape Hatteras National Seashore on North Carolina's Outer Banks.

VIRGINIAN PILOT 2/15/76 BATTLE OF PEA ISLAND

A group of Outer Banks surf fishermen has pledged a fight against a proposal to close 90 per cent of the Pea Island National Wildlife Refuge to beach buggies.

Supporting the stand of the North Carolina Beach Buggy Association is the North Carolina Wildlife Federation which decided last week to endorse the fishermen's call for hearings on the proposal.

Refuge officials have asked the U.S. Fish and Wildlife Service to close 12 miles of the Pea Island beach from May 15 through Sept. 30 to protect nests of terns and loggerhead turtles.

Donn S. Mitchell of Nags Head said his group opposes the plan because it would apply only to beach vehicles and not to those who might walk over the sand dunes.

Those who walk over the dunes pose a greater threat to the birds and turtles because the buggies get on the beach only by approved ramps, he said. "The proposed closure would affect only beach vehicles—not the walk-over-the-dune visitor who is bird watching, sightseeing or souvenir collecting; not the walkin fisherman who may park directly in front of a nest and not the rambunctious children and dogs who roam the dunes and vegetation," he said.

NCBBA

(Continued from Page One)

the past 20 years bird colonies numbered from zero to four with four colonies of 900 adults in 1975.

He added that, "in recent years tern nests have averaged 30, with 100-200 adults. Black Skimmers numbered 200 in mid-summer 1975 and other birds such as the sandpipers, sandlings, turnstones, etc., have averaged 3,000 over six years."

The number of beach vehicles in the 139-day period during which the birds and turtles were counted numbered 3,900, an

average of 28 per day, on a 12 mile stretch.

"The Refuge records also show during this same 1975 period that there were 66,200 use days of human use — of which only 12,000 or 18 percent entered via vehicles, leaving 82 percent of the visitor use during this nesting period coming from dune climbing, walk-in visitors and their entourage," the statement went on.

Mitchell also noted that of the total recorded activity hours, fishermen accounted for 87 percent of the total time. "Thus, 161,620 hours of visitor use were by the fishermen at the water's edge — not in the dunes or vegetation," he pointed out.

Mitchell, in a further point, said that "coupled with closures in the surrounding Cape Hatteras National Seashore, this refuge closure would result in only some 16 miles of open beach to vehicular traffic out of a total 72 miles under Federal jurisdiction.

"This Refuge closure would constitute 42.5 percent of the beach open to vehicles in 1975 and would concentrate the increasing number of off-road vehicles in the few remaining open areas — leading to serious over-use, with possible damage to the environment and then resultant closure of those areas since their carrying capacity would have been exceeded."

Stressing that the manager of the Pea Island Refuge proposes to "close 90 percent of the ocean beach to protect an aggregate of less than one mile of nesting area," Mitchell called for adoption of a resolution by the N. C. Wildlife Federation.

The resolution calls for:

— Preservation of as much open unrestricted beach as possible.

— If vehicles are prohibited,

pedestrians should be also.

— The Secretary of the Interior should hold a public hearing to examine the factors leading to the Refuge manager's decision, the hearing to be held in Dare County and the Park Service to be present to respond to the question of impact of such a decision on adjacent Federal lands.

NCBBA Opposes Pea Island Refuge Beach Closure

A move to close to beach buggies 12 miles of ocean front in the Pea Island Wildlife Refuge has taken a representative of the North Carolina Beach Buggy Association to Raleigh to speak before the 31st annual convention of the N. C. Wildlife Federation.

Donn S. Mitchell of Nags Head, NCBBA vice-president, chairman of the NCBBA Beach Task Force and president of the Outer Banks Preservation

Association, presented a statement from the organization this morning, Feb. 12, before the Federation delegates.

"The manager of the Pea Island National Wildlife Refuge, located within the boundaries of the Cape Hatteras National Seashore on North Carolina's Outer Banks, has submitted to the U. S. Fish and Wildlife Service the draft documents calling for closure of 12 miles of the Refuge beach from May 15 through Sept. 30, 1976," Mitchell's statement opens.

The reason for the closure is the protection of the nesting habitat for the least tern and loggerhead turtle.

The closure would affect beach buggies only, not "the walkover-the-dune visitor who is bird watching, sightseeing or souvenir collecting; not the walk-in fisherman who may park his gear directly in front of a nest; and not the ram-bunctious children and dogs who roam the dunes and vegetation 'stretching their legs' during a rest stop at one of the visitor parking areas provided in the Refuge," Mitchell said in his statement.

He quoted a statement of policy from the Department of the Interior, made Aug. 13, 1975. It read, "It is not the intent of the Department of Interior or of the National Park Service to discriminate against surf fishing and concomitant off-road vehicle use."

Mitchell noted the number of bird colonies on the Refuge and the number of turtle crawls. Of the latter, since 1970 there have been 66 natural crawls and 24 natural nests. He said that in



United States Department of the Interior

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

RF

In Reply Refer To:
FWS/RF

Girons
Wickham
Rudolph
Widson
Cannon
Van Hook
Barb
Euford
Fod
Cannon
Date

Mr. and Mrs. Donald Teague
1208 Manzanita Drive
Santa Paula, California 93060

Dear Mr. and Mrs. Teague:

Thank you for your August 17 letter supporting the Department of the Interior's decision on limiting vehicular travel on Back Bay National Wildlife Refuge. The courts have upheld the Department's position on this issue and Assistant Secretary Reed recently hailed the courts decision as "reconfirming that first priority will be given to the preservation of wildlife on national wildlife refuges."

The refuge staff and regional office personnel are presently preparing an environmental assessment concerning regulations limiting vehicular access on the beaches of Pea Island National Wildlife Refuge. Regulations to this effect are currently being considered by the Fish and Wildlife Service. A final decision will not be reached until the public has had an opportunity to comment on the proposed action.

We appreciate your interest and support for the needed regulations at both Back Bay and Pea Island Refuges.

Sincerely yours,

(sgd) Gordon T. Nightingale

Director

Regional Director, Atlanta, Ga.



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1525 18th STREET, NW, WASHINGTON, D.C. 20036/202 63

July 15, 1975

Nathaniel Reed
Assistant Secretary of Interior for
Fish, Wildlife & Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Secretary Reed:

Recently your regulations limiting beach access in Back Bay National Wildlife Refuge were upheld by the Fourth Circuit U.S. Court of Appeals. We were among those environmental groups supporting you in court.

We now wish to bring to your attention a comparable problem regarding the beaches of the Pea Island (N.C.) National Wildlife Refuge, where your embattled Refuge Manager John Williamson (see attached) is engaged in defending wildlife nesting areas from the ravages of beach buggy enthusiasts.

There are plenty of beaches on the Outer Banks where beach buggies are allowed. For many of the same reasons you restricted beach traffic in the Back Bay Refuge, we urge you to do the same at Pea Island. The Pea Island situation should be even easier for you to regulate since the arguments of those who would ravage the Refuge beaches with beach buggies purely for recreational purposes are not nearly as compelling as those who allege need to use the beach for vehicular access to property south of Back Bay.

Sincerely,

William A. Butler
Washington Counsel

cc: E.U. Curtis Bohlen
Deputy Ass't. Secretary for Fish,
Wildlife & Parks
U.S. Department of the Interior
Washington, D.C. 20240



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/FF
FWS 4538

MS 60 1810

Dear Mr. Butler:

Thank you for your July 15 letter supporting regulations to limit vehicular access on the beaches of Pea Island National Wildlife Refuge in North Carolina. Appropriate regulations to this effect are currently being considered by the Fish and Wildlife Service. The refuge staff and regional office personnel are presently preparing an environmental assessment of this proposed action.

We appreciate very much your involvement in the recent back Bay court case and your indication of interest and support for needed regulations at Pea Island Refuge.

Sincerely yours,

(sgd) Nathaniel P. Reed

Assistant Secretary for Fish
and Wildlife and Parks

Mr. William A. Butler
Washington Counsel
Environmental Defense Fund
1525 18th Street, NW
Washington, D.C. 20036

cc: [] Refuge Mgr, Pea Island NWR

Beach Vehicle Ban Delayed

WAVES — Threatened with protests, the U. S. Bureau of Fisheries and Wildlife has delayed at least until next year plans to ban vehicles from beaches in the Pea Island National Wildlife Refuge during the summer.

Refuge Manager F. N. (John) Williamson said Friday an environmental assessment will be prepared on the proposal, designed to keep vehicles from disturbing nesting shore birds and sea turtles on the 13½-mile long Outer Banks beach.

Williamson had recommended that the area be closed from June 15 to September 30 this year and from May 15 to September 30 in the future.

The North Carolina Marine Fisheries Commission urged further study of the proposal and officials of the North Carolina Beach Buggy Association, an organization of several hundred members, indicated they might oppose the ban unless there was a clear threat to wildlife.

Williamson said he still has authority

to close specific nesting areas. Vehicles are allowed only within 150 feet of the ocean or, where the water is close to the shore, within 150 feet of the beach dunes.

Traffic often scares birds from their nests, Williamson said, causing the eggs to ruin. There has been outright destruction of some nests, he added.

"I feel like the refuge was set aside to protect wildlife," he said. "That's what it should be used for."

Raleigh News & Observer Shore Bird, Turtle Protection Supported

To the Editor: I am at a loss to understand the reasoning behind the delay urged by the N. C. Marine Fisheries Commission in banning vehicles from beaches in the Pea Island Wildlife Refuge during the summer. The three month ban for protecting nesting shore birds and sea turtles in an area designated to do just that seems entirely reasonable to me.

Also, the idea that the manager of a National Seashore Refuge (not state, but

federal) could be intimidated by the "threat of a protest" (N&O, Saturday, June 28th) is unbecomable. If the refuge manager's authority in an area that belongs not to the region, not to the state, but to the whole country is so weak and his resolve to carry out measures he considers in the best interests of area wildlife is so shaky, then he either needs to be replaced or his authority should be made clear and strengthened.

That refuge was not created for the convenience of people who use the beaches as dune buggy drag strips. Neither was the N. C. Marine Fisheries Commission created to abort the purpose of the Wildlife Refuge.

DORIS COWART

Chapel Hill.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/AF
FSP 4838

AUG 20 1980

Dear Mr. Butler:

Thank you for your July 15 letter supporting regulations to limit vehicular access on the beaches of Pea Island National Wildlife Refuge in North Carolina. Appropriate regulations to this effect are currently being considered by the Fish and Wildlife Service. The refuge staff and regional office personnel are presently preparing an environmental assessment of this proposed action.

We appreciate very much your involvement in the recent Jack Bay court case and your indication of interest and support for needed regulations at Pea Island Refuge.

Sincerely yours,

(sgd) Nathaniel P. Reed

Assistant Secretary for Fish
and Wildlife and Parks

Mr. William A. Butler
Washington Counsel
Environmental Defense Fund
1625 18th Street, N.W.
Washington, D.C. 20036

cc: Refuge Mgr, Pea Island NWR