

Death Threats and Intimidation at Cape Hatteras National Seashore **Jason Rylander, Senior Attorney, Defenders of Wildlife**

For nearly 30 years, off-road vehicles had free rein on Cape Hatteras National Seashore. Despite two presidential executive orders, one by Nixon (EO 11644) and one by Carter (EO 11989), requiring units of the National Park System to adopt off-road vehicle (“ORV”) management plans to regulate beach driving, Cape Hatteras never did. Rare wildlife, including the federally-threatened piping plover and loggerhead sea turtles, depend on these barrier beaches for nesting and forage. But in the ORV free-for-all that was Cape Hatteras, there was no place for them to go. Plover nesting all but ceased. Least tern chicks were run over. Black skimmer populations declined and gull-billed terns disappeared from the seashore entirely.

In 2005, Defenders of Wildlife and the North Carolina Audubon Society filed a notice of intent to sue the National Park Service for failure to develop an ORV plan for the national seashore. While the prospect of change is often difficult, nothing could have prepared wildlife advocates for the intensity of the reaction. A number of articles have been written about the vitriol that was spewed at environmentalists and Park Service staff. (See below).

It went beyond the merely silly rhetoric you sometimes see. Some advocates of regulation found their homes vandalized and started receiving harassing phone calls, photographs, and mail at home and their offices – one picture even indicated that someone had been inside an advocate’s house. Park Service rangers were denied service in local businesses. “Wanted posters” were placed around the island with the picture of local environmentalists on them. On the beach itself, turtle nests and fence enclosures were vandalized.

But the online forums may have been the worst. One gentleman suggested visiting my office, but not to chat. He wrote, “you go in with a 44..... and a shop vac!” Death threats of this nature, while perhaps merely hyperbolic, are disturbing and occurred regularly. Another forum visitor stated: “Go shoot something (preferably a DOW [Defender of Wildlife employee]) but something...NOW... then repeat.” In addition, environmental groups were regularly likened to Nazis and terrorists. We were called “F’n nature natzi eco loonies” (sic).

All this occurred because a rabid group of surf fishermen and associated businesses did not want the Park Service to follow the law and regulate (not ban!) ORV use at certain times of the year on portions of a 67-mile long beach to protect threatened species and enhance the visitor experience for all users. Such regulations are common at most national seashores in the country and work for both people and wildlife.

The Park Service finally adopted an ORV regulation in 2009, after a year-long negotiated rulemaking process failed to yield a consensus. Since then, opponents have filed litigation to overturn the rules (a federal court upheld the regulation), and encouraged Congress to roll them back.

Passions have cooled somewhat. I no longer receive death threats and crank calls on this issue. But the issue of extremism is real and should be addressed.

Further Reading:

<http://www.forbes.com/sites/deborahljacobs/2012/09/04/outer-banks-of-north-carolina-become-a-bloody-beachhead/#7e8137627a23>

<http://www.audubon.org/magazine/september-october-2012/the-battle-over-north-carolina-beach>

<http://www.nationalparkstraveler.com/2011/08/cape-hatteras-national-seashore-birds-turtles-and-humans-have-created-air-controversy-part-ii8570>

<http://www.nationalparkstraveler.com/2009/09/more-nesting-site-vandalism-cape-hatteras-national-seashore4509>

<http://www.nationalparkstraveler.com/2008/08/how-cape-hatteras-national-seashore-faring-under-habitat-restrictions>

<http://www.audubon.org/magazine/january-february-2007/war-rages-cape-hatteras>