

DISCUSSION OF CAC'S FEBRUARY 22, 2010 MEETING WITH THE NPS

Citizens for Access and Conservation (CAC) was disappointed by some of the decisions announced by the National Park Service's (NPS) at a meeting held on February 22, 2010. CAC had hoped for better news after discussions we have had and in view of various position papers delivered to the NPS advocating that the speed limit remain at 25 mph (the last of which can be found at http://cacrights.org/docs/DISCUSSION_ON_SPEED_LIMIT_ISSUES.pdf).

The NPS has decided that the speed limit will be reduced to 15 mph on the beach at the Padre Island National Seashore (Park) from April 15th to July 5th of this year. Although CAC is upset at the partial renewal of the speed limit reduction, we are thankful that the reduction is not as long as occurred last year (2.7 months this year verses 4 months last year). This reduced speed limit applies not only to Park visitors, but also to all Park personnel, including turtle patrollers. An unfortunate fallout from this rule is that it will be virtually impossible for Park rangers to patrol as far down the beach as they could at 25 mph and protect Park visitors and others.

The Superintendent of the Park announced that an Environmental Assessment (EA) will be prepared by an independent firm addressing two issues. One issue to be addressed by the EA will be the speed limit on the beach and related issues during turtle nesting season commencing in 2011 (if the EA is timely completed before that year's turtle season), and the second issue to be addressed by the EA will be the establishment of a safety zone (say 100 yards) around camps, parked vehicles, pedestrians, etc. around which the speed limit would be reduced to 10 or 15 mph.

Future announcements will be made by the Park soliciting public input on matters to be scoped by the EAs. CAC supports both EAs and has presented to the Park its preliminary request of matters to be included within the scope of the EA on access restrictions. Among other requests, CAC has requested that the scope of such EA include a determination and consideration of (a) the statistical materiality and significance of the Park's Kemp's ridley sea turtle program when measured against the worldwide recovery effort and (b) the number of turtles which can be taken if the program is deemed to be statistically material and significant.

CAC recognizes that one of the reasons that the Park was selected as a secondary nesting area was because of the risk to the nesting turtles if Mexico becomes politically unstable or unsuitable or if a natural disaster affects the use of the beach at Playa de Rancho Nuevo, Tamaulipas, Mexico as a nesting area. Thus, the EA should address how an adverse change in the Mexican turtle program or its beaches would affect access restrictions at the Park. CAC does not feel that access restriction should be imposed based upon the possibility of adverse turtle nesting conditions in Mexico.

With respect to the EA on safety zones, we have all observed vehicles speeding well in excess of 25 mph, some with trailers, within close proximity to our vehicles. The recent stopping distance tests conducted by the NPS and monitored by CAC have established

that it takes a considerably longer distance for a vehicle with anti-lock brakes to stop on soft sand and shell than on hard sand or pavement. A safety zone is needed for protection of users and others.

The turtle recovery program at the Park is very popular with the public and has been a public relations success for the Park and the NPS. CAC believes that the managers of such program, other Park turtle program personnel and volunteers are highly dedicated to the recovery effort.

CAC is aware that because of the popularity of the turtle program that some view it as heresy to criticize it. Nevertheless, CAC feels that management of the turtle program is over zealous in its desire to protect nesting turtles from injury by a vehicle, especially when the program's **statistical** success is measured against the number of nests found worldwide, primarily at Playa de Rancho Nuevo, Tamaulipas, Mexico. A Park website release last year stated that approximately 20,000 nests were found worldwide in 2009 versus 117 found at the Park last year. Thus, **less than six tenths of one percent** (0.6%) (117/20,000) of the total Kemp's ridley sea turtle nests discovered worldwide in 2009 were found at the Park.

At the September 16, 2009 meeting between CAC, the NPS and others, a representative with the U.S. Fish and Wildlife Service (FWS) stated that it would be possible to lose **all** of the turtles nesting at the Park and the species would still **not** be in jeopardy because of other recovery efforts taking place. This statement along with the statistics in the Park's website release buttress CAC's contention that the turtles nesting at the Park are not statistically material to the recovery of this endangered species.

CAC feels that it is unfair to the many thousands of Park visitors who desire to travel a long way down the beach during turtle nesting season to be inconvenienced or effectively prevented from doing so by the speed limit reduction introduced to protect turtles nesting at the Park when such turtles are not statistically material to the recovery of the species, especially since no turtle has ever been injured by a vehicle on the Park's beach.

As a result of CAC's negotiations with the Superintendent and the dispute resolution specialist employed by the NPS on this matter, as well as the Superintendent's presentation at the meeting, CAC is convinced that the Superintendent has studied and considered CAC's arguments and has forwarded CAC's position papers to upper management for the NPS and numerous groups within the hierarchy of the federal government in an effort to analyze and accommodate CAC's requests. CAC feels that CAC and the Park's users have been fairly treated by the Superintendent and appreciate his assistance. CAC believes that upper management of the NPS, in conjunction with other government agencies, at the urging of the turtle program is responsible for the speed limit reduction being imposed on Park users.

Also actively participating in the meeting were representatives from the Sierra Club and from the Sea Turtle Restoration Project-Texas, Help Endangered Animals-Ridley Turtles (HEART). All of such representatives vocally supported the reduced speed limit. One

such representative indicated that she would have no problem with closing the beach during turtle nesting season to protect nesting turtles but hoped that such closure would not be necessary. One of such representatives indicated that she had asked an officer with Saltwater-fisheries Enhancement Association (SEA) for their position on the speed limit reduction during turtle nesting season and stated that such officer indicated that SEA supported the reduction, which we believe is because they have not fully evaluated the effect of access restrictions on Park users.

In addition to being concerned about unnecessary and ill advised speed limit restrictions, CAC is also concerned about closure of the beach. Although the avowed purpose of the EA is to address speed limit issues on the beach, CAC is powerless to prevent the preparer of the EA from addressing closure of the beach. If the EA determines that the beach should be closed during turtle nesting season if specific conditions occur, then if such conditions exist, the beach will be closed.

Based upon your reaction last year to the speed limit reduction, we anticipate that many of you will be unhappy with the partial renewal of the speed limit reduction again this year and the prospect of the EA which could significantly affect your beach access rights in the future during turtle nesting season. **Nevertheless, CAC requests that you NOT post personal attacks on fishing message boards about any individual with the Park, the NPS or the turtle recovery program.** Such personal attacks will not be helpful and will be counterproductive. All individuals involved in this dispute believe in good faith that they are doing what is best, and should be treated accordingly.

The good will of the user towards the Park is the Park's most valuable asset. When considering changes in use or procedures, the Park needs to take this into account. CAC believes that any perceived benefit which the turtle program believes the speed limit reduction may have benefited nesting turtles has been more than offset by the bad will generated towards such program by such speed limit reduction

If you desire to be proactive on this matter (in addition to donating funds to CAC) and have contacts with any recreation, business or user groups or governmental representative or agency who you feel might be interested in protecting and defending users' access rights at the Park, please advise them of CAC and the proposed EA, and provide their contact information and your contact information to webmaster@cacrights.org so that we can provide them with additional information. CAC believes that the Sierra Club, the Sea Turtle Restoration Project, and perhaps other groups, will be actively advocating that access restrictions be imposed on beach users during turtle nesting season by the EA.

CAC is hopeful that others will take an active role in participating with CAC in the scoping process on the EA so as to protect their own interests and that of their members and constituencies. CAC anticipates that we will be up against formidable opposition with substantial resources advocating access restrictions on Park users during turtle nesting season which CAC may not have the resources to match without assistance. Contributions can be made at <http://cacrights.org/join.html>.