

Board plans to fight feds over turtles

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BEAUFORT — The county is threatening to fight back if the federal government implements rules here and in other coastal areas in an effort to protect loggerhead sea turtles.

Those rules, according to opponents, are not based on science and could have expensive and drastic consequences for beach areas.

The County Board of Commissioners on Monday will consider a notice of intent to sue the U.S. Fish and Wildlife Service relating to the proposed designation of critical habitat for loggerhead sea turtles.

The action will be considered during the board's regular meeting, which starts at 6 p.m. in the boardroom on the second floor of the county's administration building.

The move comes on the heels of a public hearing last week in which the public informed the USFWS they are vehemently against designating 96 miles of North Carolina's coastline critical habitat for loggerhead sea turtles.

While the USFWS is looking to restrict action on land, the National Marine Fisheries Service is considering a similar designation to protect loggerhead sea turtles in the water. Again, this would have a significant impact on the county if it were to move forward and Indian Beach has already passed a resolution opposed to the proposal.

While the county is not considering legal action against the Marine Fisheries Service at this time, it will consider a resolution opposing its proposal.

In a document provided to commissioners, Greg "Rudi" Rudolph, the county's shore protection officer, summarized the situation in a document provided to commissioners for the meeting. In that document, Mr. Rudolph explained there are two separate critical habitat designations for the loggerhead turtle the board should keep in mind.

The "on the land" designation is administered by USFWS and would impact 739 miles of oceanfront beaches from North Carolina to Mississippi. In Carteret, 96 miles of beach would be impacted if the designation is implemented, impacting activities such as recreation beach use, beach driving, sand placement activities, coastal development, artificial lighting, dredging and more.

The National Marine Fisheries Service administers the "in the water" critical habitat designation. Mr. Rudolph states that of particular concern is an area from Beaufort Inlet to Bear Inlet, extending 1.6 km, about a mile, offshore.

Providing some historical context, Mr. Rudolph writes that loggerheads were first designated as threatened in 1978 without a critical habitat designation being implemented. He said the recent actions have been spurred by

multiple legal actions filed by non-governmental organizations, including the Center of Biological Diversity, the Turtle Island Restoration Network and Oceana.

Mr. Rudolph states: “It is apparent the proposed critical habitat designation is not rooted utilizing the best scientific practices but rather by the power of the courts. NGOs have had a history of suing the Services to list certain species, designate critical habitat, and provide greater protection under the Endangered Species Act.

“It’s obvious this template is being applied to the loggerhead sea turtle,” Mr. Rudolph states.

He adds that the “list of possible impacts is endless...”

According to the proposed notice of intent to sue the USFWS, written by Todd Roessler of the law firm Kilpatrick Townsend and Stockton LLP, a designation of critical habitat for this area is “arbitrary and capricious.”

“The number of loggerhead nests and density do not support designation of critical habitat for Bogue Banks,” the letter states.

It also states that Bogue Banks has few turtle nests; instead, the area was included because it is adjacent to Bear Island, a high-density turtle nesting area.

The county has already approved a resolution opposing the “on the land” designation, but the National Marine Fisheries Service proposal was only introduced July 18. The county resolution opposing that proposal states it would also impact things like dredging and offshore disposal, as well as commercial and recreational fishing due to possible gear modi-

fications or bans and the possible elimination of fishing in certain areas.

Other towns will likely follow Indian Beach’s opposition to the NMFS action.

That resolution, passed by the Indian Beach Board of Commissioners during its regular meeting Wednesday night, states: “Whereas, these special management considerations will unnecessarily and negatively impact the local, state and federal economies, and the public’s access and enjoyment of marine waters, and despite these far reaching impacts on the federal, state and local economy, NMFS failed to prepare an adequate economic analysis as required in the Endangered Species Act.”

The NMFS has said the proposal will cost the area minimal money and should not have a drastic impact, but area leaders are saying that is not true.

These town leaders are questioning the need for the restrictive critical habitat designation, when the town is already protective of the sea turtles.

The town’s resolution against the critical habitat proposal states it is “the wrong management tool for the conservation of the species and the Town of Indian Beach will continue to support the protection and recovery of the loggerhead sea turtle by utilizing effective management guidelines and rules currently in place, while evaluating new practices as they develop.”

Elected boards in Atlantic Beach, Pine Knoll Shores and Emerald Isle are also anticipated to pass resolutions in the coming month opposing the latest critical habitat proposal.