

000001

CAPE HATTERAS NATIONAL SEASHORE
PUBLIC SCOPING MEETING

FOR

ORV MANAGEMENT PLAN/
ENVIRONMENTAL IMPACT STATEMENT

FESSENDEN CENTER
46830 NC HWY 12
BUXTON, NORTH CAROLINA
FEBRUARY 26, 2007

CAROLINA COURT REPORTERS, INC.

105 Oakmont Professional Plaza
Greenville, North Carolina 27858
TEL: (252) 355-4700 (800) 849-8448
FAX: (252) 355-4707

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MEETING BEGAN AT 3:04 P.M.

SUPERINTENDENT MIKE MURRAY: Good afternoon. I want to welcome you all to this Public Scoping Meeting on the Cape Hatteras National Seashore Long-Range -- or Long-Term ORV Management Plan and Environmental Impact Statement. We have a brief presentation right now to kind of give you some background information about the process and what we're hoping to accomplish with the plan, and then we will open it up for public comments so we can hear what you-all think. I do want to tell you that all the remarks will be recorded by a court reporter over here on our left. It's Peter Wylie from Carolina Court Reporters. During the public comment period, we'll have a facilitator kind of help ensure that everyone has a fair amount of time -- equal time -- to make their comments. I'm Mike Murray. I'm the Superintendent of Cape Hatteras National Seashore. Can you all see the screen okay? I'm not sure we can do much better than that. Okay, next slide. We're here to kind of give you information on the purpose and objectives of the Public Scoping Meeting in general. The primary purpose today is to hear your comments and give you a chance to either talk to us individually,

1 write down comments or speak into a microphone so that we can
2 record your comments. We're also here to explain the
3 planning process and the time line, and to try to note the
4 relation of the NEPA planning process, or National
5 Environmental Policy Act process, to the proposed negotiated
6 rulemaking. Today's meeting is about developing the plan and
7 the environmental impact statement under the NEPA process --
8 but we will tell you how that relates to the negotiated
9 rulemaking -- and to share information with you from internal
10 scoping. That is, the Park Service has talked amongst
11 ourselves to get some basic information together as a
12 starting point for this and future discussions and
13 opportunities for public input. So we've done a little bit
14 of thinking about the purpose and need, objectives, issues,
15 possible preliminary alternative concepts and elements. Next
16 slide, please. This one I know you can't read, and I can't
17 read my handout, so I will try to summarize for you and let
18 you know that this will be available on the website; not
19 necessarily today, but in the next few days. This is kind of
20 a description of the sequence of events in the scoping
21 process leading to the development of the plan. And this is
22 standard procedure, not just in this case, but the typical

1 development of an environmental impact statement or
2 management plan. First, there's internal scoping, so the
3 agency, in this case the Park Service, tries to identify the
4 purpose and need for the plan; some basic objectives; and we
5 try to identify some of the issues. The next stage, which is
6 what we're in at the moment, is public scoping, where we
7 solicit public input, especially on the issues and the ideas
8 for alternatives but, as well, on the purpose and the need
9 and other things. In December -- December 11 to be exact --
10 we published a notice in the Federal Register announcing our
11 intention to develop an ORV Management Plan and Environmental
12 Impact Statement. We're in the public scoping period, which
13 is why we're having these meetings, to get public input. The
14 next step after that will be for the Park Service, and in
15 this case, the Negotiated Rulemaking Committee, to work on
16 creating alternatives. So we would review the public
17 comments received during the scoping period as well as any
18 input from other agencies. And ideally, we'll get the
19 Negotiated Rulemaking Committee started soon. They will
20 participate, and they'll take the information and help to
21 develop an alternative or preferred alternative to be
22 considered by the Park Service. And the time frame we're

1 looking at is 2007 into part of 2008. At some point there
2 will be an impact analysis. Part of writing up the plan in
3 the environmental impact statement will be for the Park
4 Service to analyze the impacts of all the alternatives. And
5 these impacts will be on the affected environment, including
6 socioeconomic impacts, visitor experience, and resource
7 impacts. Eventually -- probably at least 2008, if not later
8 -- we would prepare a draft environmental impact statement
9 describing a number of alternatives. We would formally
10 consult with the U.S. Fish and Wildlife Service on that.
11 They would have to render a biological opinion on that. And
12 again, the way it relates to negotiated rulemaking is that
13 we're anticipating the committee to help determine what the
14 preferred alternative will be. Once there's a draft
15 environmental impact statement, it will be put out for public
16 review. We anticipate at least a 60-day public review
17 period. This is likely to be late 2008 or 2009. And at some
18 point, once we have better defined alternatives and those
19 kinds of things, we'll also begin to work on a proposed
20 regulation. There's two parts here. We need to develop the
21 ORV Management Plan, and the NEPA document -- environmental
22 impact statement -- which evaluates the impacts and

1 alternatives. And then we also need to develop a federal
2 regulation regarding ORV use at Cape Hatteras National
3 Seashore. So we kind of need to know what the plan is before
4 we can develop the regulation. And then we're anticipating a
5 final decision sometime in the winter of 2008/2009. After
6 the public comment period on the draft environmental impact
7 statement, we would analyze those public comments, prepare a
8 final environmental impact statement and a Record of Decision
9 for the regional director's signature. And then ultimately a
10 final regulation will be published sometime after the Record
11 of Decision. So that's a lot to tell you about what you
12 can't read up there, and I just had to do it from notes.
13 I'll give you a chance for some questions at the end of the
14 presentation. Next slide, please. Okay. The National
15 Environmental Policy Act, or NEPA, which is the federal
16 National Environmental Policy Act, kind of prescribes a
17 planning process that federal agencies use during the
18 development of any significant plans. The first step is to
19 develop the purpose, need and objectives for taking action,
20 and to identify the issues. And you can find this
21 information in the flyer that was available out at the table.
22 We've also sent it out by e-mail and it was in the

1 newsletter, but that will give you some information about the
2 purpose and need and the objectives. Next slide, please.
3 Typically the purpose of action is a broad goal statement
4 that describes what the agency intends to accomplish by
5 taking action. Next slide. In this case, the purpose of
6 this plan and EIS is to develop regulations and procedures
7 that manage off-road vehicle use and access in the Seashore
8 to protect and preserve natural and cultural resources and
9 natural processes, to provide a variety of appropriate
10 visitor use experiences while minimizing conflicts among
11 various uses, and to promote the safety of all visitors.
12 Next slide. The need for the action: typically the need is
13 the proper framing of the question, "Why take the action
14 now?" It's a "Because" statement. The action is needed now
15 because the Park Service here at the Seashore must comply
16 with Executive Orders 11644 and 11989 respecting ORV use, and
17 with various NPS laws, regulations -- such as 36 CFR 4.10 --
18 and policies to minimize impacts to park resources and
19 values. So these are some requirements imposed on the Park
20 Service to have a plan and regulations for this action. Next
21 slide, please. The action is needed now because the lack of
22 an approved plan has led over time to inconsistent management

1 of ORV use, user conflicts and safety concerns. Next slide.
2 The action is needed now because ORV use could damage
3 natural and cultural resources if not managed effectively.
4 Next slide. Action is needed now because the Seashore needs
5 to provide for protected species management in relation to
6 ORV and other uses to replace the Interim Protected Species
7 Management Strategy and EA -- or environmental assessment --
8 and the associated Biological Opinion. Next slide. Okay,
9 the objectives. These are goals that must be accomplished to
10 a large degree for the plan to be considered a success. Next
11 slide. In terms of management methodology, on the
12 objectives, we try to identify criteria to designate ORV use
13 areas and routes. Next slide. The next objective is to
14 establish ORV management practices and procedures that are
15 able to adapt to changes in the seashore's dynamic physical
16 and biological environment. Another objective is to
17 establish a civic engagement component for ORV management,
18 which is important to us; how we communicate and interact
19 with the community and the public on this issue. The next
20 objective is to establish procedures for prompt and efficient
21 public notification of beach access status, including any
22 temporary ORV use restrictions for such things as ramp

1 maintenance, resource and public safety closures, or storm
2 events. Another management objective is to build stewardship
3 through public awareness and understanding of National Park
4 Service resource management and visitor use policies and
5 responsibilities as they pertain to the Seashore and off-road
6 vehicle management. The next objective is to manage off-road
7 vehicle use to allow for a variety of appropriate visitor
8 experiences and minimize conflicts between off-road vehicle
9 use and other uses. The next objectives are to ensure that
10 off-road vehicle operators are informed about the rules and
11 regulations regarding ORV use at the Seashore, and to ensure
12 that ORV management promotes the safety of all visitors. The
13 next objective: for threatened, endangered and other
14 protected species -- for example, state listed species -- and
15 their habitats, to minimize adverse impacts related to off-
16 road vehicle uses as required by laws and policies such as
17 the Endangered Species Act, the Migratory Bird Treaty Act,
18 and National Park Service laws and management policies. The
19 next objectives are to minimize adverse impacts to native
20 plant species which may be related to ORV use, to minimize
21 adverse impacts to wildlife and their habitats, and to
22 protect cultural resources such as shipwrecks, archeological

1 sites and cultural landscapes from adverse impacts. The next
2 objective is to identify operational needs and costs to fully
3 implement an ORV management plan. So those are objectives
4 we've identified at this point, and certainly any of this
5 presentation or anything in the newsletter is subject to
6 comment. So if you have comments about objectives that are
7 not stated there, then that's part of this process. Issues:
8 in the Park Service NEPA planning process, issues are
9 environmental, social and economic problems or effects that
10 may occur if actions are implemented or continue to be
11 implemented. So, in general, if we implement whatever the
12 plan ends up being, what will the side effects, both pro and
13 con, be on various aspects of the environment, socioeconomic
14 situations, et cetera. So, issues we've identified at this
15 point include visitor use and experience: management and use
16 of off-road vehicles could result in user conflicts and
17 adverse and/or beneficial changes to visitor use and
18 experience. Economy of communities within the seashore:
19 management and use of off-road vehicles could affect the
20 local economy and have a subsequent effect on the regional
21 economy. The next set of issues include local commercial
22 fishing activities: management and use of off-road vehicles

1 could affect access for commercial fishing. Federally listed
2 threatened and endangered species: management and use of
3 off-road vehicles could impact federally threatened or
4 endangered species in their habitat on the beach and
5 soundside of the Seashore. Conflicts between the listed
6 species and ORV use could create direct or indirect losses to
7 the species. The next issue involves other sensitive
8 species: the management and use of off-road vehicles at the
9 Seashore may impact habitat for the American oystercatcher
10 and other locally sensitive species, as well as species
11 listed by the State of North Carolina that may be vulnerable
12 to such use. The next issue involves soundscapes: the
13 management and use of off-road vehicles could impact Seashore
14 soundscapes as vehicular noise as well as recreational uses
15 associated with it may introduce an element to the soundscape
16 that is incompatible with other recreational uses. The next
17 issue involves water resources: the management and use of
18 off-road vehicles has the potential to impact water quality,
19 marine and estuarine resources and wetlands. The next issue
20 involves the coastal barrier ecosystem: the management and
21 use of off-road vehicles may be impacted by natural processes
22 such as hurricanes and other storm events that change the

1 landscape of the Seashore and the area available for off-road
2 vehicle use. Over time, high levels of off-road vehicle use
3 could have a cumulative effect on ecosystem processes. Okay,
4 next we consider alternatives. Sort of the definition is a
5 full range of reasonable alternatives is required in an
6 environmental impact statement. Where the purpose and need
7 define the problems, alternatives are different ways to solve
8 them; they meet the purpose and objectives while resolving
9 need and issues. And they are all within the stated
10 constraints, such as legal mandates and NPS policies. Next
11 slide. Alternatives provide real options for decision-
12 makers. In other words, they need to be realistic
13 alternatives. They require a creative approach. They're
14 based on environmental rather than technical, logistic or
15 economic differences, and they must be reasonable. Next
16 slide. Reasonable alternatives need to be economically
17 feasible, display common sense, meet the objectives of taking
18 action, must be technically feasible, and not necessarily the
19 cheapest or easiest solution. Now, how the alternatives are
20 developed. And I can't read my handout here. [Goes to
21 screen to demonstrate] So basically we have several things
22 that will interplay in this process. There will be practical

1 knowledge, so those of you that use the beach and are
2 participating in negotiated rulemaking or are submitting
3 public comments -- either way -- your information will help
4 us in this process. There will be science, so the various
5 research and studies. Park Service policies will play a role
6 in this. You know, what are we legally able to do and not
7 able to do. We need a range of alternatives. The process
8 requires we not just settle on one solution. We need to come
9 up with several reasonable alternatives that we can compare.

10 Federal laws set some sideboards and constraints on the
11 process; the Endangered Species Act, the Migratory Bird
12 Treaty Act, the Park Service Organic Act, the Seashore
13 Enabling legislation are a few examples -- and the Public and
14 Negotiated Rulemaking Committee's input. So we're right now
15 in the NEPA process for the Plan and EIS, and this is public
16 input. And once we can get a Notice of Intent published in
17 the Federal Register, we're closer to beginning the
18 negotiated rulemaking portion of the process, which I'll tell
19 you about a little bit more in a few minutes. Next slide.
20 Okay, we need to consider all reasonable alternatives. When
21 there are many alternatives that could be analyzed, we're not
22 obligated to analyze all of them, but we need to choose a

1 range of reasonable alternatives to analyze and compare that
2 cover the full spectrum of the options. Okay, it's the range
3 of the alternatives that's most important during this
4 process, rather than the number. We could have a small
5 number of alternatives that represent some diverse ways of
6 trying to solve the issues, and that would be fine; or we
7 could have many, many different ones, and they're all kind of
8 a single variation of the same thing, and that would probably
9 not meet this range of reasonable alternatives option. Next
10 slide. The alternatives must include a "No Action"
11 alternative, which means current management would be
12 continued through the life of the plan. In this case, we are
13 hoping to finalize the interim strategy soon, and then likely
14 use that as the "No Action" alternative. That would be the
15 plan that's in place for the time being, compared to going
16 back in time to take something from some previous time
17 period. Preliminary alternative concepts; okay, these are
18 simply ideas for discussion that may or may not be developed
19 into alternatives. The Park Service experience has been that
20 we generally get more substantive, valuable public comment if
21 we can put some ideas up on the board for you to comment on,
22 rather than have a complete blank slate up there. But I can

1 assure you that the intention here is to get comments on
2 ideas that have come up with the Park Service through an
3 internal scoping -- that is, our in-house discussion -- but
4 that these are not preconceived notions that necessarily are
5 predetermined. At this stage of the process, these are
6 simply concepts to get up there so that you can comment on
7 them, fine-tune them, give your own ideas on what you think
8 may work or may not work. You can find these preliminary
9 alternative concepts on displays in the room at these poster
10 stations. They include concepts such as creating some sort
11 of a zoning system for different uses, or a percentage
12 system, guaranteeing a certain percentage of the Seashore
13 would be open for ORV driving at any one time and/or a number
14 of possible elements that could be used in one or more of the
15 alternatives. And these would be such as speed limits,
16 designated routes, time of day restrictions, et cetera. So
17 we really need your ideas for alternative concepts and
18 elements. Next slide. How to provide comments during public
19 scoping? Okay, today we're having this open house. You can
20 submit written comments, you can write something up on a
21 flip-chart sheet during the informal session, you can tell us
22 what you think during the upcoming public hearing part of it,

1 or you can also submit electronic comments at the Park
2 Planning website that's visible here. The address is in the
3 handout, so I won't read it to you, but it's in the handout.

4 Next slide. Or you can submit comments in writing to
5 Superintendent - Outer Banks Group at the Manteo address.
6 And that address is also in the newsletter handout. If you
7 would like to be on the project mailing list so that we can
8 continue to send you information as this proceeds, please be
9 sure we have your full name. We prefer an e-mail address,
10 but we also will be happy to take mailing addresses, as well.

11 We're maintaining a pretty large e-mailing list, and many of
12 you are on it, but if you're not on it and would like to get
13 periodic updates, we're happy to add you to that list. So
14 before I turn it over to the moderator for the public comment
15 section, let me ask and see if there's any questions about
16 the presentation, or about the process, or about how we
17 envision negotiated rulemaking interacting with the EIS/NEPA
18 process. I'd be happy to take any questions right now.

19 Yes, sir.

20 AUDIENCE MEMBER: [Off-mic, inaudible]

21 SUPERINTENDENT MURRAY: Okay, the question was
22 -- the gentleman had heard that the official name of the

1 National Seashore had "Recreational Area" in the title, and
2 then how that affected whether commercial uses such as
3 commercial fishing were compatible with "Recreational Area"
4 status. It's a good question. I don't have the perfect
5 answer for you. In 1937, Congress passed an act to establish
6 Cape Hatteras National Seashore. In 1940, they passed an
7 amendment of that act that changed the name to Cape Hatteras
8 National Seashore Recreational Area. There's some reasons
9 why they changed the name. At the time, the primary reason
10 was to authorize the continued waterfowl hunting -- migratory
11 waterfowl hunting that predated the designation. As far as I
12 can tell, and I'm looking into the history because I don't
13 have all the history figured out yet, there's been no formal
14 Congressional action to change the name. The enabling
15 legislation also provided for continued commercial fishing
16 by residents of the villages. So, if we looked at our
17 enabling legislation, the commercial fishing activity today
18 that occurs has been a continuance of what was authorized in
19 the enabling legislation. You know, I'm sure what was
20 intended in the enabling legislation by the use of
21 terminology like "Recreational Area," "Primitive Wilderness,"
22 which is also referred to in there, will come up for rigorous

1 discussion during the negotiated rulemaking process. Any
2 other questions at the moment? Yes, sir.

3 AUDIENCE MEMBER: I've got one question. I see
4 you have four meetings scheduled here.

5 SUPERINTENDENT MURRAY: Yes.

6 AUDIENCE MEMBER: We seem to be the only ones
7 that are scheduled 2 P.M to 6 P.M. We've got a ton of other
8 folks out there working at this hour who would love to attend
9 this meeting. Is there any reason for that?

10 SUPERINTENDENT MURRAY: We considered our
11 options and talked with some members of the community about
12 what would work best. We recognize there's a trade-off with
13 whatever time we pick. The feeling was that there may be a
14 larger crowd here in Buxton, so to provide more time, we
15 chose to have it in the afternoon. We're trying to provide
16 kind of a cross-section of meeting times, but that's some
17 legitimate feedback. If you think we'd be better off doing
18 it in the evening, then we'll consider that for the next go-
19 around of meetings after -- there should be another set of
20 public meetings once the draft environmental impact statement
21 is released, whenever that is. So it's a fair observation,
22 though. But, in principle, we just tried to have a cross-

1 section of locations and times to give people diverse
2 opportunities. There was no great strategy behind it. Any
3 other questions? Yes, sir.

4 AUDIENCE MEMBER: [Off-mic, inaudible]

5 SUPERINTENDENT MURRAY: Yeah, I don't know if I
6 know everything I need to know to answer your question fully.

7 When the Seashore was authorized by Congress, there was an
8 emphasis on land acquisition either being by donation or with
9 donated funds. And that's why it took from 1937 till 1953 to
10 actually establish the Seashore as a unit, because they had
11 not acquired the land. And the State donated a large portion
12 of the land within the Seashore. I have not heard that there
13 was a specific restriction in the deed about continued use of
14 the beach, but that's something one of my staff would be able
15 to look into. So the best I can tell you at the moment is
16 that that's a good question, and we'll look into it. And
17 certainly, whatever was identified in the deed of conveyance
18 from the State to the Seashore for any State lands that were
19 donated or transferred would carry weight today. You know, I
20 am familiar that there is some mention in the deed about the
21 State's ability to perpetually maintain Highway 12. That's
22 an example of a case where we have a commitment to the State

1 that we will work with them on maintaining Highway 12 through
2 Seashore property. Any other questions? Okay, if we could,
3 I'd like to introduce Jess Commerford. He's an environmental
4 planner from the Louis Berger Group. LBG -- as we call them,
5 affectionately -- is a contractor that's working with the
6 Park Service to help us write the environmental impact
7 statement. And what we want to do is maximize the amount of
8 time you have to provide your comments to us. So I'm going
9 to invite Jess up. We have a few basic ground rules. And
10 what I can tell you is, if we don't have enough time for
11 everybody to speak as long as they want at the moment, we'll
12 stick around afterwards, and you can tell me personally, as
13 well. I'm here to hear your comments today. Thank you.

14 MR. JESS COMMERFORD: Thanks, Mike. We'll go
15 ahead and get started. This is really what we consider kind
16 of the more formal part of the presentation this afternoon.
17 I want to thank you all for coming out. For those of you
18 that showed up at two, we did have an hour that was an Open
19 House format, during which time you could put comments on the
20 pads or ask questions of folks. We are scheduled to do that
21 for another hour after this, so this is scheduled to go until
22 5 o'clock. We had intended to limit the comment period for

1 everyone to three minutes. Given the number of folks that we
2 have signed up, we're going to extend that to four. I think
3 we'll be in good shape to get through everybody, giving you
4 that extra minute as we move through this, and still wrap it
5 up around 5 o'clock. And, as Mike said, we're certainly here
6 for another hour, so, if you have questions, let us know.
7 Given that, this is really more a period during which we want
8 to hear your comments. This is not really a question-and-
9 answer session. So I would ask you to address your comments
10 to the Park Service. I recognize that there are a lot of
11 positions and concerns on both sides of this issue, so I
12 would ask you to address your comments to the Park Service,
13 and not others in the crowd who may support or oppose your
14 opinion. Please be courteous of one another as they're
15 speaking, and don't interrupt. We will have the four
16 minutes. I do want to say that sometimes people want to
17 yield time to others or something. We're not going to do
18 that this afternoon. We do have the hour afterwards. So
19 your four minutes is your four minutes. I will say, if you
20 have prepared texts or if you have notes, you can submit that
21 formally during your presentation, so if you're not able to
22 get through everything that you have written, or prepared

1 comments, submit those to us and they'll go to the reporter
2 and become part of the official record this evening, if you
3 have those prepared comments with you. And we also have the
4 comment cards and everything as you came in, so we can get
5 your comments in a variety of other ways besides this forum.

6 Please, when you come up to the microphone to make your
7 comment, state your name clearly so the court reporter can
8 get that, so that we have an accurate record of who said what
9 this evening. And we'll go ahead and get started with that.

10 So, as I said, as I call your name -- we're doing that in
11 the order that people showed up and signed in. You'll have
12 four minutes. I'll probably give you a high sign or
13 something when you've got about 30 seconds left so that you
14 know that you need to start wrapping that up. And, as
15 always, I apologize in advance for any names or the
16 pronunciation of the names that I butcher as we get through
17 this, so bear with me. With that, we'll go ahead and get
18 started, and Ted Hamilton is first.

19 MR. TED HAMILTON: I'm going to pass because
20 it's already been addressed as to what I was going to say
21 about "Recreational Area"; that was already answered in one
22 of the questions. Thank you.

1 MR. COMMERFORD: Thank you. John Ennis.

2 MR. JOHN ENNIS: I am from Wilmington, North
3 Carolina. John Ennis. I'm a birder and a nature
4 photographer. I'm a member of the Cape Hatteras Bird Club,
5 the Lower Cape Fear Bird Club, and Audubon. The reason I'm
6 here today -- the most important reason is I'm the vice-
7 president of the Carolina Bird Club, which is the
8 ornithological society for North and South Carolina. We have
9 probably about a thousand members, and our members make
10 hundreds of visits to the Outer Banks each year. Sometimes
11 we have special programs here, or we support the Wings Over
12 Water birding festival. The last meeting we had was at Kill
13 Devil Hills in Nags Head at the end of January. Two hundred
14 people came out and spent -- [one of the staff fixes the mic]
15 -- that's much better. We had two hundred people come out to
16 spend two, three, four days. I think that we really don't
17 have a hard and fast position on this, but we do want the
18 National Park Service to use all means necessary to protect
19 endangered and threatened species. We use the beach. We use
20 four-wheel drive vehicles to go out and look at birds at The
21 Point and other places on the Outer Banks, and all the way
22 down to Fort Fisher. We just enjoy that privilege. We want

1 to continue that. We, though, are certainly willing to live
2 within the rules that support all of the acts that you showed
3 on the slides. As a wildlife photographer, I visit -- I come
4 up here several times every year anyway -- but I visit at
5 least 30 states a year, and many of the national seashores,
6 national parks and national wildlife refuges. And I know
7 that most places I have visited have worked this type of a
8 situation out. I've just not seen that be a problem. So I'm
9 hoping that this happens here. We at the Carolina Bird Club
10 have a vested interest out here. We're very interested in
11 the outcome of this. So with that, I think that's it. Thank
12 you.

13 MR. COMMERFORD: Thank you. Randy Collins. It
14 will be John Mortenson after that.

15 MR. RANDY COLLINS: My name is Randy Collins. I
16 live in Hatteras Village on Dunes Drive. I'll try to
17 consolidate as much as I can. One thing I want to mention.
18 Mike, you can answer that later. You mentioned in your ORV
19 thing about protecting all of the archeological -- and things
20 on the beaches and things like that. I work very closely, as
21 you know, with the museum. This past year, we uncovered a
22 ship down off Ramp 55, and we got a group of students to come

1 in. They did a very good job over a week and a half to
2 uncover the ship. It was very dry, and it could have been
3 taken out of there. We didn't have \$750,000 to take it out
4 of there, but I guess you preserved it, because you went in
5 there with a front-end loader and covered it back up. So
6 we'll have to work on that later. My concerns, basically,
7 are simply with ORV use of the beach, and I simply want to
8 condense without going into great detail what I have written
9 in here. I usually try to follow rules and regulations. The
10 National Park Service has a lot of rules and regulations.
11 And the number of years I've been coming down here, I just
12 find that the person who drives on the beach and the person
13 who likes to fish on the beach usually gets regulated pretty
14 well. The other rules and regulations that the National Park
15 Service has doesn't get regulated at all. And, please, don't
16 give me the excuse that you don't have law enforcement
17 people, because I can attest to being present on the beach
18 off 55 with all the guns and all the people and about
19 \$400,000 spent one summer keeping us from the inlet. So, you
20 know, when I hear that we don't have law enforcement, that's
21 fine. But, in regards to that, you know, you have a rule
22 about dogs on the beach. I'll be very brief. Some people

1 call me a dog Nazi. But I had animals. But you have a rule
2 that a dog needs to be on a six-foot leash. And we might as
3 well not have the rule. I suggest maybe eliminating it,
4 because you don't enforce it. I had a unique experience
5 trying to do my civic duty, because I was told that I could
6 call if I had a problem or to be a good citizen and report
7 things. I got tired of being cussed out and given the bird
8 and all kinds of things. So I said, "Is there something that
9 the National Park Service can give me that I can show these
10 people that we're all concerned about the rules and
11 regulations of the Park Service?" I was given this card. I
12 still can't figure it out. The American Dog Owners
13 Association? Didn't have nothing to do with the National
14 Park Service. And I couldn't even begin to see myself
15 showing this to somebody on the beach. I know what I'd get.
16 Fireworks; correct me I'm wrong. That's not legal. I sit
17 on Dunes Drive every night and I think it's the 4th of July.
18 Fires below the water line, up to the water line. My little
19 bit of -- not mine, excuse me -- on Hatteras Village; I walk
20 it every morning with my wife, and there's trash, beer cans,
21 bottles in between the dunes; fires by the people down at the
22 haciendas, as I call them. It's not hard to figure out where

1 they are. It's not hard to figure out any of that. So I'm
2 glad you mentioned economics. One short comment when you're
3 reading all of this, but it's all got to do with economics.
4 You know, I was thinking while you were talking. There's a
5 saying about moving out of Nashville: "Will the last person
6 to leave Nashville please turn the light out." That's the
7 way I look upon what might happen down here. I still don't
8 understand about the villages. Naturally, I'm a little bit
9 preoccupied with Hatteras Village. But there's nobody on
10 that beach. There hasn't been anybody on that beach since
11 December. And, you know, we can't drive on it. The old rule
12 says open it back up. We still have had it closed for the
13 last 15 years. So I appreciate your listening to me. That's
14 my concerns, and I'll submit them in writing.

15 MR. COMMERFORD: Thank you very much. John
16 Mortenson.

17 MR. JOHN MORTENSON: John Mortenson, Buxton,
18 North Carolina. First off, I'd like to say that the Point
19 here in Buxton and the inlet down in Hatteras are more than
20 just a stretch of beach that we fish and recreate on.
21 They're actually our town centers, our community centers, and
22 our town square where we get together and talk business and

1 day-to-day life. With that said, I'm for the enabling
2 legislation of the Cape Hatteras National Seashore and
3 Recreation Area of 1938. I'm for practical conservation, not
4 voodoo logic. I'm for the re-opening of closed beaches, and
5 that includes up to -- it includes the Pea Island National
6 Wildlife Refuge. I'm for the creation of more beach access
7 points for both pedestrians, mobile surf fishermen, and
8 recreational enthusiasts. I'm for more restrooms, more
9 parking areas, more dumpsters at beach access points. I'm
10 for a redesigned interdunal dune system. I'm for the
11 draining of ocean overwash and maintenance of the system put
12 in place to do so. I'm for keeping the campground open until
13 December 1 each year. I'm for family tradition and a way of
14 life that we are blessed to have here on this island. I'm
15 for the relocation of turtles, birds, chicks and eggs to
16 beaches that are not prone to ocean overwash. This is the
17 highest energy beach on the entire East Coast. It's not the
18 OHV's, or beach bums, that some have called us in a recent
19 national publication, it's Mother Nature that causes the
20 loss. I am for survival of the fittest and natural
21 selection. What makes one animal's life more valuable than
22 another's, and who decides this? There's only one man I know

1 equipped and capable for this job, and that, my friends, is
2 not us. It is God. I'm against a permit system of any kind.

3 I'm also against expansive and unreasonable beach closures
4 that time and time again produce no results. But most of
5 all, I'm against liars and deceitful people. With that said
6 -- and for the record, I don't consider myself a beach bum.
7 I consider myself a dune billy.

8 MR. COMMERFORD: Thank you. John Chrystal.
9 It'll be Bob Davis after that.

10 MR. JOHN CHRYSTAL: That's a tough act to
11 follow. What I mostly wanted to say has already been said.
12 I'm a member of both the Beach Buggy Association and some of
13 these eco-tourist groups. And I look forward to working with
14 the Park Service on some compromise so everybody's needs are
15 met. I really strongly would like to make sure that what
16 rules and regulations are in place now are actually enforced
17 before we go through a whole bunch of other things. And, as
18 far as having certain areas open for ORVs, fish don't pay any
19 attention to that, you know? You know, you may only be able
20 to be here, and, of course, the fish are over here in a place
21 that's closed. So some of that has to be taken into account,
22 too. Seasonally, you know, there are changes in that also.

1 Thank you.

2 MR. COMMERFORD: Thank you. Bob Davis.

3 MR. BOB DAVIS: Bob Davis from Buxton. Will and
4 Ariel Durant published a history of civilization, a series of
5 volumes that take up about three foot on a bookshelf. The
6 last book was about the lessons from history. The final
7 conclusion was that what we learn from history is that we
8 don't learn from history, and that applies in the past and
9 perhaps now to the Park Service here at the Cape Hatteras
10 National Seashore. When you talk about history, you want to
11 talk about the enabling legislation of 1937 and the 1940
12 amendment, this law means that the beaches are dedicated to
13 recreational uses. And all the land and water between the
14 beaches is to be reserved as a primitive wilderness. The
15 framers were acutely aware that the 1916 Organic Act
16 deliberately chose not to provide for the protection of
17 wildlife on the beaches. It is therefore unlawful to erect a
18 wildlife enclosure which prevents public access to the beach
19 for recreation or commercial fishing. It's also unlawful to
20 remove the words "Recreational Area" from the title of the
21 Cape Hatteras National Seashore Recreational Area.
22 Superintendent Murray graciously pointed out that the word

1 "beach" was not found in the enabling legislation a little
2 while ago to me. But when you look at what the framers did,
3 without using the word beach, they described the beach as an
4 area adaptable for swimming, boating, sailing, fishing and
5 other purposes. I guess other purposes could be like
6 birdwatching, reading a book, those things. It's kind of
7 like describing a duck. It looks exactly like a duck, it
8 swims like a duck, it flies like a duck, it quacks like a
9 duck; you're not calling it a duck, but it sure is a duck.
10 So, that's why I say our beaches are for recreation by the
11 enabling legislation. Now when you read the phrasing in the
12 1937 legislation, it seems very awkward to me. If I were to
13 write this, I would use different words and make it much
14 simpler. But they use some very awkward phrasing in there.
15 Now was this because they were dummies? Was Franklin
16 Roosevelt a dummy? No way. That guy was a foxy politician.
17 So were the crafters of this legislation. These words were
18 carefully crafted for a purpose. To understand why the
19 wording is there, you have to go back to history. And that
20 shows definitely that they wanted recreational beaches to be
21 the primary thing at Cape Hatteras National Seashore. But
22 they wanted more than just the recreational beaches, which is

1 why the wording is so peculiar. They had a vision of
2 woodland and freshwater ponds sculpted into traditional
3 recreational parks, typical of the 1920's and 30's. Now most
4 of you folks don't go back that far. What I can remember was
5 left over from that period of time. When you went to one of
6 those parks, be it the city or county or state or whatever,
7 they had horseback riding and trails and stables and
8 footpaths around the pond and wooden bridges, bathhouses,
9 bathing beaches, kiddie areas, a diving area out in the deep
10 part, rental canoes and rowboats and the storage houses for
11 those, small sailboats, picnic pavilions, athletic fields.
12 They wanted to create this kind of intensive recreational
13 area all the way out past Currituck Lighthouse. Their vision
14 evaporated. Congress never appropriated the money to acquire
15 these lands back in 1937. So what happened then was they
16 went from the Great Depression into World War II, and then to
17 recovery. The villages expanded during this time, and we are
18 left with the park as it is today, and the law as it is
19 written. And, if there's any folks here that don't like the
20 way that law is written, then you need to go to Congress and
21 get it rescinded or amended. You can't go sneaking into it
22 by using some of the policies or regulations or procedures.

1 You have to obey that law. So as we go into these new
2 regulations -- as we're drafting this -- we expect the Park
3 Service to adhere to the law and maintain this recreational
4 area. Thank you.

5 MR. COMMERFORD: Thank you. Barbara Ackley.

6 MS. BARBARA ACKLEY: Barbara Ackley, Buxton.
7 Cape Hatteras National Seashore Recreational Area is
8 especially needed today even more than it was in 1937. The
9 recreational needs of the 300 million Americans are even
10 greater than those of the 100 million when the Park was first
11 enabled. As originally set aside by Congress, all areas
12 specially suited for recreation use should be open and
13 accessible. To make this possible for all people today, an
14 ORV regulation is necessary. Therefore, I suggest that an
15 access path needs to be constructed and maintained behind the
16 current dunes the entire length of the Seashore. This would
17 allow for temporary bypass around closures for nesting
18 animals, heavy pedestrian use areas, and safety closures.
19 More ramp accesses will provide for greater utilization for
20 an increasing population. These entrances will prevent the
21 need for greater ORV traffic on the beaches and local roads
22 to get around the closures. Fewer ORVs traveling the

1 waterfront will reduce the fuel usage, pollution and sound
2 concerns and volume of traffic in the recreational area and
3 on the highway. In order to keep as much of the waterfront
4 area open for recreational use as possible, and still provide
5 for the survival of wildlife, several actions need to be
6 undertaken. All enclosures should be removed when nesting is
7 concluded, and vehicular use should be encouraged. This will
8 keep the vegetation suppressed and be more attractive for
9 nest location. Mitigation methods such as restoring and
10 creating alternative habitats of ponds and flats for the
11 birds is important. Natural barriers from recreational use,
12 such as grass-covered dunes, would be preferred. Relocation
13 nest areas for turtles should be implemented to prevent ocean
14 overwash of the nests. The absolute tragedy of encouraging
15 birds to nest and forage and turtle nests to remain in
16 historic storm-flooded areas is a crime. How can the Park
17 justify the loss of half of the turtle eggs and hatchlings
18 while even thinking about curtailing the slight amount of
19 nightly ORV travel? Approximate 30 to 40 nests with about
20 100 eggs each are lost each year. You do the math. Of the
21 remaining nests, it is probable that, without volunteer
22 supervision, few hatchlings have survived the ghost crabs to

1 even get to the water's edge. In the planning regarding ORV
2 travel, please look at the real issues. Our society greatly
3 needs affordable, convenient, accessible space and conditions
4 for resting, relaxing, recreating. At the same time, and
5 often in adjacent areas, wildlife needs undisturbed space
6 also. We need to use good scientific judgment, flexible
7 educated thinking, and common sense to accommodate all
8 species, even us, who find this to be a space necessary for a
9 significant part of life.

10 MR. COMMERFORD: Thank you. Steve Magliano.

11 MR. STEVE MAGLIANO: It seems to me that we are
12 slowly losing our privileges as citizens of this country. On
13 my North Carolina fisherman's license, new this year, it says
14 that fishing in the ocean is a privilege. Driving on the
15 beach is also a privilege. In my experience of being out on
16 the beach and recreating, I've never seen very much except
17 for people being kind to one another and helping each other
18 out. I've never seen any misbehavior out there. I don't
19 understand why we need more rules and regulations. Things
20 seem to be working pretty well. I don't have any bird or
21 turtle statistics; that's not my field. But I do notice
22 human behavior, and everyone's very nice out there, and I'm

1 for no more regulations and keeping things the way they are.

2 MR. COMMERFORD: Thank you. Judy Swartwood.

3 MS. JUDY SWARTWOOD: Hi, I'm Judy Swartwood.

4 I'm from Cape Hatteras Business Allies. According to the
5 Interim Protected Species Management Strategy/Environmental
6 Assessment, Cape Hatteras National Seashore must find balance
7 in the needs for species protection and visitor use. It also
8 states that the NEPA Policy Act requires that economic and
9 social impacts be analyzed when they're interrelated with
10 natural and physical impacts. The document addresses the
11 socioeconomic impacts in 7 out of the 336 pages; this is not
12 balanced. An equal amount of time, effort and money needs to
13 be applied towards the socioeconomic impact if there is to be
14 a balanced plan. Thank you.

15 MR. COMMERFORD: Thank you. Dee Hardham.

16 MS. DEE HARDHAM: The list of improvements or
17 suggestions for the Park I will send in in written form. I
18 have a question, though, that bothers me insofar as the
19 biological opinions in the Interim Species Protection Plan
20 were supposed to be scientific papers, but they were filled
21 with personal bias, innuendo, rumor, stories, "I was told
22 that..."; this is not scientific. This is a biased paper

1 slanted against public use. If this is a national park, it
2 is to be used by the public. If the national park does not
3 want the public to use it, cede it to fish and wildlife.
4 Make up your minds. Thank you.

5 MR. COMMERFORD: Thank you. Jim Lyons.

6 MR. JIM LYONS: Thank you, Mike and the Park,
7 for having this meeting. I appreciate it. There have been a
8 lot of problems with ORVs and management for a long time
9 here. I think a lot of the problem has been that there has
10 been a lot of increased recreational use on the beach, and
11 the beach has been shrinking. Long established pedestrian
12 beaches have recently been opened to ORVs. ORV trails from
13 the ocean beach extend to the dune line and from the dune
14 line to the water line in a lot of areas, leaving little room
15 for pedestrians. I think that the established high use
16 season is too short. Park resources are being degraded,
17 species and native shore birds are close to being extirpated
18 from the Park. I think some of the things the Park should do
19 would be establish year-round pedestrian-access-only areas,
20 make sure ORV operating rules ensure the safety of
21 pedestrians and protect the resource, initiate a longer high
22 season meaning that, instead of just having three months,

1 they should extend farther in time. I think the Park should
2 take proactive resource protection which is based on science
3 and applicable legislation, make ORV rules that protect the
4 safety and aesthetic values of all users and adhere to
5 National Park Service policies, establish rules for driving
6 on the beach that create water safety and parity for ORV
7 users also. There's areas of the beach when I drive on it
8 that are just too narrow for people to be parking on it;
9 people park on it and it makes it difficult to get by. Rules
10 like that. I'm also going to quote from the enabling
11 legislation, and I'm not going to quote from the Organic Act,
12 but one part of the enabling legislation that I think is
13 important says, "No development of the project or plan for
14 the convenience of visitors shall be undertaken which would
15 be incompatible with the preservation of unique flora and
16 fauna." And ORV routes are established for the convenience
17 of the visitors. ORV routes should not be detrimental to the
18 resource or to other users. A legal ORV management plan
19 should be written so that it guarantees that future visitors
20 will be allowed to enjoy all the Park has to offer. The Park
21 can provide managed recreational ORV use. However, there are
22 Park users that don't want to recreate in or around ORV

1 trails. They should be provided with ample opportunity and
2 easy access to the seashore. The unique flora and fauna of
3 this Park is an integral part of their recreational activity.

4 When formulating an ORV management plan, please consider a
5 balanced approach that considers all recreational activities
6 while protecting the resource. Thank you.

7 MR. COMMERFORD: Thank you. Virginia Luizer.
8 Virginia?

9 MS. VIRGINIA LUIZER: [No statement.]

10 MR. COMMERFORD: Sydney Maddock.

11 MR. SYDNEY MADDOCK: Hello. Sydney Maddock,
12 Buxton, North Carolina. I work for the North Carolina
13 offices of the National Audubon Society, and this is our
14 general statement regarding the process. We will also be
15 submitting more detailed comments in writing. "Audubon North
16 Carolina is seriously concerned about the future of
17 waterbirds and shorebirds within Cape Hatteras National
18 Seashore, especially the seven species of birds that nest on
19 the Seashore beaches. In a relatively short period of time,
20 Cape Hatteras National Seashore has gone from one of the most
21 important places for beach-nesting waterbirds and shorebirds
22 to one of the most threatened. The number of birds that nest

1 on the Seashore's beaches have declined precipitously in the
2 past ten years. Several species, gull-billed tern, common
3 tern, black skimmer, and Wilson's plover have nearly
4 abandoned all of Hatteras Island. This is objective evidence
5 of the need for management changes now, not after three to
6 four years have elapsed, and the reg-neg process has been
7 completed. There are three primary reasons for the decline
8 in nesting birds within the Seashore. They are: human
9 disturbance, predators -- primarily non-native mammals -- and
10 habitat loss. It is Audubon's position that the National
11 Park Service should implement proven and science-based
12 protection measures for beach-nesting waterbirds and
13 shorebirds, and they should implement these protection
14 measures in a timely manner. In addition, they should remove
15 non-native predators from nesting sites. There's a wealth of
16 knowledge about waterbirds and shorebirds that nest on
17 beaches, and their responses to human disturbances and
18 predators. There are also tried and proven methods of
19 protecting beach nesting birds in areas where human
20 disturbances are high. These are outlined in numerous peer-
21 reviewed publications, and they have been adopted by State
22 agency and non-governmental wildlife managers in North

1 Carolina. We realize the desire of the Park Service to
2 balance resource protection with visitor use, even though the
3 enabling legislation of the National Park Service clearly
4 defines which of the two should be given priority when there
5 are conflicts. However, balancing resource protection and
6 visitor use by providing nesting birds with 25 to 50 yards of
7 buffer zone from recreational activity when the science
8 clearly shows that nesting waterbirds and some species of
9 shorebirds require a minimum of 100 to 150 yards does little
10 more than to ensure a nesting failure. This type of
11 compromise is completely inappropriate. If the National Park
12 Service feels that nesting birds at Cape Hatteras behave
13 differently than the same species studied in other areas,
14 then conduct the appropriate studies at Cape Hatteras, use
15 impartial and credible scientists affiliated with major
16 universities and appropriate federal agencies, and with
17 demonstrated expertise with shorebirds and waterbirds. Until
18 there is new and credible evidence to prove that nesting
19 birds at Hatteras behave differently than the same species in
20 other similar areas, then the National Park Service should
21 follow the recommendations put forth in the existing studies
22 that have been published in peer-reviewed scientific

1 literature. In closing, protection of nesting habitat for
2 beach-nesting birds does not require vehicles to be banned
3 from the Seashore's beaches, and we at Audubon have never
4 suggested that vehicles should be banned from the Seashore's
5 beaches. Audubon supports appropriate and responsible access
6 to Cape Hatteras National Seashore beaches for both people
7 and vehicles in a manner that does not endanger people or
8 wildlife. Nesting birds and vehicles can coexist at the
9 National Seashore beaches provided that proven and science-
10 based protection measures are implemented." Thank you for
11 the opportunity to speak.

12 MR. COMMERFORD: Thank you. The first name
13 looks like Arlene, and I can't make out the last name.
14 Arlene -- Aileen? Is there an Arlene or Aileen here? Arlene
15 Ann Jacob?

16 AUDIENCE MEMBER: Adam.

17 MR. COMMERFORD: That's why I apologized in
18 advance for butchering one.

19 MR. ADAM JAKOB: My name is Adam Jakob. I live
20 in Salvo. I think we should leave our beaches open to these
21 people where there's life down here. If you close our
22 beaches up on us, you take everything away from all of us. I

1 think the government should step out of this and leave us
2 alone. My relations have been down here all these years on
3 this island. You people come in here and you're just making
4 it more difficult for all of us. I think the people should
5 have the dogs -- the dogs should be tied down, have a fence
6 or something around them where they can't go into other
7 people's lives. And I think we should have the government
8 just leave us alone and let us have our beaches. This is our
9 home to us. This is everything to us. Thank you.

10 MR. COMMERFORD: Thank you. Frank Jakob.

11 MR. FRANK JAKOB: Hi, my name is Frank Jakob. I
12 live in Salvo. I'll tell you a little story. Like how
13 important these beaches are to us as individuals, but to us
14 also as our economy. I haven't really heard anybody talk a
15 whole lot about the economy, but everyone sitting in here
16 really knows, okay, that having public access to these
17 beaches -- our only industry down here is tourism, and a
18 little bit of commercial fishing. But the primary thing that
19 pays all these new tax bills and everything is the tourism.
20 And people come here for the same reason that I came here in
21 1976. I moved out of New Jersey because I wanted to raise my
22 family in a nice, clean environment away from pollution, and

1 with very minimal government regulations on our beaches.
2 Which, by the way, the Park Service is doing an excellent
3 job, and I do want to commend you, particularly in this last
4 regime here with Mr. Murray at the helm. He's done an
5 excellent job of keeping the beaches open for all of us,
6 okay, and not having to spend a half million dollars of
7 taxpayers' money. If I had an unlimited budget -- the old
8 aquarium theory here, you know? I could sit here and I could
9 make a presentation that would take me 22 years to present to
10 you. But let's just try to keep it simple. It's worked. If
11 it's not broken, don't fix it. I've been driving the beaches
12 for 45 years. I've been to Cape Cod, where I understand that
13 Mr. Murray, our superintendent, has come from. And they've
14 done an excellent job, but they have certainly a different
15 situation in Cape Cod. And I've been to Assateague. And
16 I've been down to Cape Lookout, which I spend a lot of time
17 there. What I think we need to do is try to keep it simple.

18 Now I understand your boss said you've got to have a plan.
19 So, all right, let's go ahead and write a plan. But let's
20 not create such a bureaucracy. It's just overwhelming. It's
21 like our bridge. For 22 years, we're trying to get our
22 bridge replaced, and we're still not getting it. We're not

1 any further now than we were 22 years ago. And
2 unfortunately, I don't want to see that happening here, all
3 right? I think what's here is working. You close for the
4 red piping plovers. I mean, ten years ago we didn't even
5 know what a piping plover was, all right? At least I didn't,
6 anyhow. But your turtle nesting has always been in your
7 closed areas. We respect that. I mean, I drive the beach
8 every day. I have not seen anyone else on the beach in Salvo
9 in months. Now how could we be damaging that beach? It's
10 just like we go from a population of 6,000 people on Hatteras
11 Island to probably 300,000 during the season. Now obviously
12 you need to have some rules and regulations, not only at the
13 beach but basically for the highways as well. If you're
14 going to do anything, let's just improve a little bit about
15 what we have. You have a good plan, okay? Now that I'm
16 becoming older, and I need some knee surgery, I can really
17 see the need for this handicapped access, not only just for
18 ORV users, but also for pedestrians. We need to do -- let's
19 take the time and money and put it into the improvement upon
20 what we have, and let's do some stuff here with the parking
21 lots to create some walkways. Like Ramp 27 has one, or is it
22 -- yeah -- has a walkway. But we need to provide more

1 handicapped access, particularly when our geriatrics are
2 representing like the biggest bulk of our population. And
3 keep up the good work there, Superintendent Murray. You're
4 doing an excellent job. And, like I said, if it's not
5 broken, don't fix it. Thank you.

6 MR. COMMERFORD: Thank you. Wayne Mathis.

7 MR. WAYNE MATHIS: Gentleman, Superintendent
8 Murray, thank you very much for taking this public input
9 here. I think the Park Service is doing a fine job of
10 soliciting input to the development of this plan, and I hope
11 that that input will be considered and implemented in the
12 plan when it comes out. There's been a little talk about the
13 early legislation, the 1938 Act and whatnot, and I just want
14 to point out that they impose a dual mandate on the
15 management of this fine national park. First, to preserve
16 the resource as much as possible as a wilderness, and second,
17 to ensure that such areas that are uniquely and specially
18 suited for recreational uses "shall" be developed as needed.

19 And I emphasize that word, because the last time I talked to
20 any of the attorneys I've met, "shall" is an obligatory term,
21 it is not a permissive term. The visitation in this park has
22 burgeoned since the 1938 legislation. At the same time,

1 public access has dwindled. You have fewer campgrounds, you
2 have fewer parking areas, you have fewer ramps, you have
3 fewer trails -- pedestrian trails -- and I specifically note
4 there are pedestrian trails in this park. Generally
5 speaking, public access has declined at a time when public
6 demand for that access has increased. And I feel that that
7 is not really good stewardship of the resource, nor do I feel
8 that that is what Congress intended when they wrote that
9 those resources shall be developed. The Park Service has a
10 duty, and their duty appears clear to me. They should make
11 the resources of this beautiful park available to the public,
12 for whom it was created by Congress. Resist the trends that
13 you're seeing developing here now toward a de facto
14 privatization of a lot of these resources. There are areas
15 where people were for good cause emphasizing safety
16 constraints, but they're trying to expand the justifiable
17 seasonal closures in some areas to year-round closures.
18 These are unsupportable and unjustified. People wish to go
19 in in their park -- I don't feel the Park Service should
20 collude or aid or abet greedy -- and I use that word
21 advisedly -- greedy individuals who want to usurp public land
22 for their own private domain. We've heard talk about setting

1 aside specific pedestrian trails on the beach. I favor
2 multi-use of the beach resource. If someone is offended by
3 the sight of their fellow citizens recreating in a manner
4 other than the manner they would choose to recreate, I feel
5 that that is a weakness in their character, as opposed to
6 good public stewardship. And I think we should call it what
7 it is. It is unmitigated, blatant greed. As far as some
8 specifics that I think should be included -- because I
9 believe you want specifics to include in your scoping here,
10 items which must be included in the scoping for this EIS, or
11 species management -- I could offer a few. First, restore
12 Pole Road to its pre-Isabel condition, and provide the
13 traditional and historical access to Cape Hatteras Inlet the
14 way it has been; second, expand access to the ocean beach and
15 sound side to reverse the decreases in access points over the
16 past 25 years, and accommodate the increase in visitation
17 numbers -- that improved access should include more new ramps
18 and access roads, and you should improve maintenance of the
19 existing ramps and access roads; there should be prompt re-
20 opening of temporary or seasonal beach closures where cited
21 justification for that closure no longer exists; provide a
22 public boat launch facility at Hatteras Inlet similar to what

1 we have at Ocracoke Inlet and up at Oregon Inlet; provide
2 amenities at all the ramps, such as restrooms, fish cleaning
3 stations, trash dumpsters, air stations, things that serve
4 the visiting public that will be coming to your park. And
5 finally, improve the drainage facilities through the park
6 to ensure timely drainage of ocean overwash and stormwater
7 accumulations, which are presently responsible for closing
8 roads and visitor campgrounds, killing vegetation, and which
9 pose potential health threats as vector breeding grounds.
10 Those are some specifics you can do. Again, I want to thank
11 you having these hearings. Superintendent Murray, you've
12 done an excellent job at Cape Cod, and I think you're going
13 to do a good job here, although I don't envy the challenges
14 you face. And I would like to say that I intend to submit
15 it, and to revise and extend my remarks in a written
16 submission.

17 MR. COMMERFORD: Thank you. That's actually
18 everyone who signed up to speak. Is there anyone who did not
19 sign up and hasn't spoken that wishes to speak?

20 AUDIENCE MEMBER: [Off-mic, inaudible.]

21 MR. COMMERFORD: Thank you. Is there anyone
22 else?

1 THE COURT REPORTER: Jess, they need to speak at
2 the mic in order to be on the record.

3 MR. COMMERFORD: Yes, come to the mic and state
4 your name, if you would, please.

5 MS. PAT WESTON: Pat Weston. Jim and I live in
6 Avon, North Carolina. And I just had a couple of things to
7 say. I think that everyone is aware of and has seen the
8 statistics regarding the success rates of nesting pairs of
9 the major species over the years. And it appears that, when
10 ORVs were less restricted, the success rate was significantly
11 higher than when compared to the declining success rate when
12 there were more extensive closures and less ORV access.
13 What's wrong with this picture? More ORV use, less
14 predation. Quite some time ago, areas of the beach near Salt
15 Pond were plowed free of vegetation for bird nesting areas.
16 We don't do that any longer. Salt Pond used to be drained,
17 and that area provided an optimal naturally protected habitat
18 behind the dunes for nesting birds. There was successful
19 creation of nesting area, and significant success rate with
20 hatchlings. Let's learn a lesson from our past.

21 MR. COMMERFORD: Thank you. Yes.

22 AUDIENCE MEMBER: [Inaudible, off-mic.]

1 MR. COMMERFORD: Say that again? Come up to the
2 mic, if you would, please.

3 MR. ROB ALDERMAN: Rob Alderman, Buxton, North
4 Carolina. I think everybody that's come before me has
5 basically touched on anything I would have really liked to
6 touch on. But, you know, from the other side of things, the
7 environmentalists, and even in this meeting thus far in the
8 opening, there was a lot of words being used by the National
9 Park Service. "May," "could," "would," "should." Talking
10 about resources, talking about the vegetation, talking about
11 migratory, talking about all of the above. Do you know, in
12 my 32 years on this planet, as brief as it has been, I really
13 most times couldn't give two cents about what anybody thinks
14 about me. But is there ever going to come a point with this
15 issue that I am not going to feel like I am the Antichrist of
16 the world? Seriously here, I almost feel like everything
17 that's transpiring out there on these beaches to a degree
18 revolves around us. Now I know the negotiated rulemaking is
19 based on ORV, but, if the grass doesn't grow 200 yards in on
20 the back side of the dune, is that my fault? I just can't
21 figure this out. It's like, who's next? Are we going to
22 have a negotiated rulemaking with Mother Nature, and sit down

1 there and say, "Hey, please, can we come up with some bases
2 here for hurricanes? Can we have some basic rules here?" I
3 just want to come away from this feeling like we're not the
4 enemy. We are not evil people. We're not out there
5 destroying these beaches on average. And all I want to know
6 is when is that time going to come? When are we not going to
7 have to feel like as individuals that we are the worst person
8 walking on this planet? And that's all I've got to say.

9 MR. COMMERFORD: Anyone else who hasn't spoken?
10 This lady [indicating] right here.

11 MS. CARLA BOUCHER: My name is Carla Boucher,
12 and I'm an attorney with the United Four Wheel Drive
13 Association. I've been wheeling decades longer than I've
14 been practicing law, which is why they hired me. And our
15 motto and mission is to protect, provide and promote
16 recreational 4 by 4 access globally, and we have a lot of
17 great ideas on how we can do that so that four wheelers won't
18 become the next endangered species here at Hatteras.

19 MR. COMMERFORD: Thank you.

20 MS. BOUCHER: And I'm going to provide my
21 comments in writing.

22 MR. COMMERFORD: Thank you. This gentleman

1 right back here.

2 MR. KEVIN MCCABE: Kevin McCabe, Buxton.

3 THE COURT REPORTER: I can't hear you on the
4 record.

5 MR. COMMERFORD: He can't hear you. You thought
6 you could avoid it.

7 MR. MCCABE: Kevin McCabe, Buxton. And just out
8 of curiosity, I want to know how many people, by show of
9 hands, have driven on the beach here. How many have had a
10 ticket for doing something wrong? [One man raises his hand.]
11 That was just for the record.

12 MR. COMMERFORD: Anyone else who has not spoken?
13 Yes, sir?

14 MR. GEOFF MEYER: My name is Geoff Meyer, and
15 I'm from New York, the Hudson Valley specifically. I've been
16 coming down here since the late '60s. I have no economic
17 interests. My ability lies in the ability to use and
18 negotiate driving the beach. I don't consider myself an
19 expert, but I do have an opinion. I firmly believe that
20 beach access whether by vehicle or by foot should be allowed.

21 While arguments exist that ORV users are destroying the
22 habitat/natural resource, can anyone tell me that a three-day

1 nor'easter or a hurricane doesn't destroy the natural
2 resource? Granted, ORV usage is not a natural event. But it
3 is still being destroyed by something other than an ORV. ORV
4 usage should not be disallowed due to misaligned perceptions
5 of others. The decision to allow ORV as well as pedestrian
6 access to Cape Hatteras National Seashore should be based on
7 common sense, not emotion. If an area is deemed unsafe by
8 the National Park Service, then ORV and maybe even pedestrian
9 usage should not be allowed. But, once it is deemed safe,
10 access should then be re-granted and re-allowed for
11 pedestrian ORV. I do not consider myself an extensive ORV
12 user of the beach. But I do consider myself lucky and, to be
13 quite honest, privileged to experience driving the beach, as
14 well as having the ability to show my family the different
15 area of Cape Hatteras National Seashore other than the areas
16 in front of the villages. I have witnessed occurrences of
17 people that have violated the current rule. These are the
18 people that should be prosecuted to the fullest extent. But
19 to prosecute implies presence. Presence means National Park
20 Service enforcement personnel. To me, the Cape Hatteras
21 National Seashore is not only here for us, but we need to
22 protect it for our future generations, and it's all our

1 responsibility. It's not just an ORV user, it's not just an
2 environmentalist, it's all of us. The negotiated rulemaking
3 process is just that; it should be negotiated. It should not
4 be ruled by any one entity who has more money than anybody
5 else. Democracy is not meant to be bought and paid for. If,
6 upon a multitude of meetings and rule negotiations, it is
7 decided that access to the beach, whether it be by ORV or
8 pedestrian, should not be allowed, I'm not going to like that
9 decision. But I will abide by the decision. National Park
10 Service has to be the lead agency on this Seashore. What
11 goes on has to be controlled by the National Park Service.
12 Safety closures should be based upon a decision of the
13 National Park Service. Not me. I don't have the expertise.

14 I admit it freely. But, once the area is no longer deemed
15 to be -- is now deemed to be safe, it should be reopened, not
16 kept closed "because..."; someone mentioned earlier that they
17 live in an area and every night it's the 4th of July on the
18 beach. It's against the law. How many stores and businesses
19 on Highway 12 sell fireworks? Every one of them. So you on
20 one hand say you can't, but then you turn around and sell. I
21 firmly believe that ORV use, pedestrian use should remain
22 viable and open at all times when it's deemed necessary. But

1 it is the National Park Service as the lead agency. And, Mr.
2 Murray, I do commend you as well. You've established a
3 fantastic line of communication to all those individuals who
4 have used this beach in the past, and for that, I thank you.

5 MR. COMMERFORD: Thank you. Anyone else who
6 hasn't spoken? Right here [indicating].

7 MR. JIM LUIZER: Jim Luizer. My comments
8 pertain to this little flyer that we all got, and if I forget
9 his name, the Antichrist who was up here a few moments ago.
10 There you go [indicating]. I'm one of your followers. And
11 it's very curiously written in an almost deceptive way. Let
12 me just give you some ideas as to what I'm talking about.

13 "The use of ORVs `could' result..." Another paragraph: "Use
14 of ORVs `could' affect access." "ORVs at the Seashore
15 `could' impact federally threatened," etc. "ORV use `could'
16 create direct or indirect losses." "ORVs `may' impact
17 habitat and `may' affect species that `may' be vulnerable to
18 such use." "ORVs `may' impact vegetation." I mean, do ORVs
19 do anything, or just they might or could? That's what I want
20 to know. Because all of this is about allowing ORVs on the
21 beach, or taking them off the beach, or putting serious
22 restrictions on all ORVs at the Seashore. And I think you

1 ought to come out with a listing of facts, not hearsay,
2 innuendo, that this may, this could, this might; God knows,
3 what does it do? That's what I want to know. Have ORVs hurt
4 vegetation? Where's the documentation? Have ORVs
5 threatened, endangered, killed wildlife? Where's the
6 documentation? What have ORVs done in the 30 or 40 years
7 that they have been allowed to be on the beach? What have
8 they done? Don't tell me about what they might do. I lose
9 sleep worrying about what might happen. Tell me what has
10 happened, and then do something about it. Thank you very
11 much.

12 MR. COMMERFORD: Anyone else who has not spoken?
13 With that, we're wrapped up here a few minutes early.

14 AUDIENCE MEMBER: I have one question.

15 MR. COMMERFORD: Have you spoken already?

16 AUDIENCE MEMBER: Yes, I have.

17 MR. COMMERFORD: How many folks spoke before
18 that want -- I don't want to get into a thing where it's a
19 point/counterpoint thing. I mean, I don't want to be rude
20 and cut you off, either, but that's -- we're going to be here
21 for about another hour and a half in the open house format
22 with questions and answers, and again, we can get any other

1 comments on the record. Fill out a card or see us at the one
2 of the pads, and we'll get that written down. Again, I want
3 to thank everyone for coming out this afternoon. I've said
4 this before. I mean, those of you who look at the guidance
5 of the National Environmental Policy Act, which really
6 dictates this process for the Park Service, it is every bit
7 as much about public involvement and having public
8 involvement in decision-making as anything. So I personally
9 appreciate you all coming out this afternoon. For that
10 gentleman that commented on the afternoon format, we are
11 trying to mix it up a little bit, but I will let you know for
12 those of you who didn't notice that we are at Wright Brothers
13 tomorrow evening starting at 6 o'clock, so if there are folks
14 that you knew that would have liked to have been here this
15 afternoon -- I recognize for Buxton folks that's a bit of a
16 trip north, but I wanted to make the point that we will be
17 there tomorrow evening at Wright Brothers if you run into
18 folks who are interested. Thank you very much, and we'll be
19 here at the posters.

20
21 MEETING CONCLUDED AT 4:40 P.M.
22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20