

CAPE HATTERAS NATIONAL SEASHORE  
PUBLIC SCOPING MEETING

FOR

ORV MANAGEMENT PLAN/  
ENVIRONMENTAL IMPACT STATEMENT

WRIGHT BROTHERS NATIONAL MEMORIAL  
FIRST FLIGHT CENTENNIAL PAVILION  
KILL DEVIL HILLS, NORTH CAROLINA  
FEBRUARY 27, 2007

**CAROLINA COURT REPORTERS, INC.**

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MEETING BEGAN AT 7:05 P.M.

SUPERINTENDENT MIKE MURRAY: Thank you for coming tonight. I'm Mike Murray, the Superintendent at Cape Hatteras National Seashore. In case you haven't realized it, the purpose of the meeting tonight is a public scoping on the ORV Management Plan and Environmental Impact Statement for the National Seashore. Let me define ORVs. That stands for off-road vehicles. And we'll try to avoid using too much jargon tonight, but sometimes it's efficient to do so. The purpose and objectives of the public scoping meeting are, first and foremost, to receive your comments. It's to explain the planning process and time line and note the relation of the NEPA planning to the proposed negotiated rulemaking. NEPA stands for National Environmental Policy Act. It sets out some parameters for environmental compliance that federal agencies need to follow when they're making management decisions such as this. And it's also to share information with you that we develop from internal scoping; that is, Park Service staff met and talked about the issues to try to at least frame up some basic issues and concepts so you have something to think about and comment on,

1 such as the purpose, need, objectives, what some of the  
2 issues may be, preliminary concepts and elements. I  
3 recognize this slide will be hard for you to read, so I'll  
4 try to help you with it. We want to talk about the Off-Road  
5 Vehicle Management Plan and the associated Environmental  
6 Impact Statement, which is the NEPA document to analyze the  
7 alternatives, et cetera, that are developed for the plan.  
8 It's a process that may take several years to complete. And,  
9 at the moment, we're at the beginning, February 2007. I  
10 don't know if you can see the red dot up there, but the first  
11 statement says, "Internal scoping" -- and that's where the  
12 Park Service staff meet to identify the purpose, need and  
13 objectives, identify issues, preliminary alternative concepts  
14 and elements. On December 11 we published a Notice of Intent  
15 in the Federal Register announcing our intention to develop  
16 the Off-Road Vehicle Management Plan and Environmental Impact  
17 Statement, and the notice opened the public scoping, or the  
18 public comment period. These meetings are part of that  
19 public scoping process. And the purpose of the public  
20 scoping is to solicit public input, especially on issues and  
21 ideas for alternatives. For your comments to be most useful  
22 to us, we need to receive them by March 16. Thereafter,

1 we'll start looking at the comments; organizing information  
2 received from the public, from other agencies; and develop a  
3 full range of reasonable alternatives, including what we hope  
4 will be a consensus alternative from the negotiated  
5 rulemaking committee. Part of this process is to develop an  
6 ORV Management Plan and an Environmental Impact Statement.  
7 Parallel to that we also need to develop a federal regulation  
8 regarding ORV management at the National Seashore. And we're  
9 going to use what's called a negotiated rulemaking process  
10 whereby a group of stakeholders will be appointed as a  
11 committee to help the Park Service develop the content of the  
12 regulation, which in essence will be likely to be the  
13 preferred alternative in the EIS and Plan. Further down the  
14 road, later in 2007 or probably in 2008, there will be an  
15 impact analysis, and that will involve the NPS analyzing the  
16 impacts of these proposed alternatives on the affected  
17 environment, including impacts on socioeconomics, visitor  
18 experience and on park natural and cultural resources. The  
19 next step in the NEPA process will be preparation of the  
20 Environmental Impact Statement in consultation with the U.S.  
21 Fish and Wildlife Service. During that process we will work  
22 on revising alternatives as needed to reduce or mitigate

1 adverse impacts that have been identified through the  
2 analysis, and then prepare the Environmental Impact  
3 Statement, which will ultimately be a public document  
4 identifying a range of alternatives, and open to public  
5 comment. And then we're required, on management activities  
6 or decision-making processes like this that may impact  
7 threatened and endangered species, to consult the Fish and  
8 Wildlife Service. Once there is a draft Environmental Impact  
9 Statement and Plan, it will be distributed for public review  
10 for a minimum of 60 days. And hopefully by then we will also  
11 have a proposed regulation to go along with it. We may not  
12 have them in perfect timing, but there would also be a 60-day  
13 public review period on the regulation. So both the Plan and  
14 EIS under the NEPA process gets public review; the regulation  
15 under the regulatory process gets public review. Then  
16 ultimately -- we hope in 2009 -- there will be a decision,  
17 and the Park Service will analyze all the public comments,  
18 prepare a final Environmental Impact Statement and a Record  
19 of Decision for the regional director's signature. And then  
20 the final regulation would be published in the Federal  
21 Register after the Record of Decision. So a quick summary of  
22 the National Environmental Policy Act, or NEPA planning

1 process. The first step is to develop the purpose, need and  
2 objectives for taking action, and to identify the issues.  
3 You can find this information in the flyer that we had  
4 available at the desk at the beginning and in the newsletter.

5 I see that many of you have that. Typically the purpose of  
6 action is a broad goal statement that describes what the Park  
7 Service intends to accomplish by taking action. And, on this  
8 particular issue, the purpose of this plan and EIS is to  
9 develop regulations and procedures that manage off-road  
10 vehicle use and access at the seashore to protect and  
11 preserve natural and cultural resources and natural  
12 processes, to provide a variety of appropriate visitor use  
13 experiences while minimizing conflicts among various uses,  
14 and to promote the safety of all visitors. The need for the  
15 action is the proper framing of the question, "Why take the  
16 action now?" It's a "Because" statement. The action is  
17 needed on ORV management because the Seashore must comply  
18 with Executive Orders 11644 and 11989 with respect to off-  
19 road vehicle use, and also with NPS laws, regulations --  
20 specifically Title 36 of the Code of Federal Regulations  
21 Section 4.10 -- and policies to minimize impacts to Park  
22 resources and values. The action is needed now because the

1 lack of an approved plan has led over time to inconsistent  
2 management of off-road vehicle use, user conflicts and safety  
3 concerns. The action is needed now because off-road vehicle  
4 use could damage natural and cultural resources, depending on  
5 how it's managed. Action is needed now because the Seashore  
6 needs to provide for protected species management in relation  
7 to off-road vehicle and other uses to replace the Interim  
8 Protected Species Management Strategy and environmental  
9 assessment, or EA, and the associated Biological Opinion. In  
10 other words, the interim strategy is an interim plan to  
11 provide guidance until we can develop a long-term plan.  
12 Objectives are goals that must be achieved to a large degree  
13 for the plan to be considered a success. The management  
14 methodology for identifying the objectives is, first, to  
15 identify criteria to designate off-road vehicle use areas and  
16 routes. So that will be part of the process. Another  
17 objective is to establish off-road vehicle management  
18 practices and procedures that are able to adapt to changes in  
19 the Seashore's dynamic physical and biological environment.  
20 Another objective is to establish a civic engagement  
21 component for off-road vehicle management. Another objective  
22 is to establish procedures for prompt and efficient public

1 notification of beach access status, including any temporary  
2 ORV use restrictions for such things as ramp maintenance,  
3 resource and public safety closures, storm events, et cetera.

4 Another objective is to build stewardship through public  
5 awareness and understanding of National Park Service resource  
6 management and visitor use policies and responsibilities as  
7 they pertain to the Seashore and off-road vehicle management.

8 The visitor use and experience objective is to manage off-  
9 road vehicle use to allow for a variety of appropriate  
10 visitor experiences and to minimize conflicts between off-  
11 road vehicle use and other uses. Other objectives include  
12 ensuring that off-road vehicle operators are informed about  
13 the rules and regulations regarding ORV use at the seashore,  
14 and ensuring that ORV management promotes the safety of all  
15 visitors. Park resource objective: for threatened,  
16 endangered and other protected species -- for example, state  
17 listed species -- and their habitats, to minimize adverse  
18 impacts related to off-road vehicle uses as required by laws  
19 and policies such as the Endangered Species Act, the  
20 Migratory Bird Treaty Act, and National Park Service laws and  
21 management policies. Additional Park resource objectives are  
22 to minimize adverse impacts to native plant species that



1 could be related to off-road vehicle use, to minimize adverse  
2 impacts to wildlife species and their habitats that could be  
3 related to ORV use, and to protect cultural resources such as  
4 shipwrecks, archeological sites and cultural landscapes from  
5 adverse impacts that could be related to ORV use. A Park  
6 operational objective is to identify operational needs and  
7 costs to fully implement the ORV management plan. Issues in  
8 the National Park Service NEPA planning: 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 some of the issues identified through  
12 internal scoping in which we hope you'll help by further  
13 refining through your comments include visitor use and  
14 experience issues. The management and use of off-road  
15 vehicles could result in user conflicts and adverse or  
16 beneficial changes to visitor use and experience. The  
17 economy of local communities within the seashore: how we  
18 come up with management and use of off-road vehicles could  
19 affect the local economy and have a subsequent effect on the  
20 regional economy. Local commercial fishing activities: how  
21 we manage and allow use of ORVs could affect access for  
22 commercial fishing. Federally listed threatened and

1 endangered species: the management and use of off-road  
2 vehicles could impact federally threatened or endangered  
3 species in their habitat on the beach and soundside of the  
4 Seashore. Conflicts between the listed species and ORV use  
5 could create direct or indirect losses to the species.  
6 Additional issues include other sensitive wildlife species  
7 and plant species; those that are not federally listed as  
8 threatened or endangered. So the management and use of off-  
9 road vehicles at the seashore may impact habitat for the  
10 American oystercatcher and other locally sensitive species,  
11 as well as species listed by the State of North Carolina that  
12 may be vulnerable to such use. Soundscapes: the management  
13 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. And let  
17 me point out that all these uses are qualified as may, could,  
18 might. These are identified ahead of time to be studied and  
19 analyzed during the process, so we're not making judgments,  
20 we're just identifying things that we need to consider.  
21 Water resources: the management and use of off-road vehicles  
22 has the potential to impact water quality, marine and

1 estuarine resources and wetlands. The coastal barrier  
2 ecosystem: the management and use of off-road vehicles may  
3 be impacted by natural processes such as hurricanes and other  
4 storm events that change the landscape of the seashore and  
5 the area available for off-road vehicle use. Over time, high  
6 levels of off-road vehicle use could have a cumulative effect  
7 on ecosystem processes. The alternatives? A full range of  
8 reasonable alternatives is required in an environmental  
9 impact statement. So the job here is not to develop one  
10 single plan, but it's to identify several options that can be  
11 compared and analyzed and considered. Where the purpose and  
12 need define the problems, alternatives are different ways to  
13 solve them; in other words, they meet the purpose and  
14 objectives while resolving the needs and the issues. And  
15 alternatives are all within the stated constraints, such as  
16 NPS policies and other legal mandates. Alternatives provide  
17 real options for decision-makers. They require a creative  
18 approach. They're based on environmental rather than  
19 technical, logistic or economic differences, but certainly  
20 technical, logistic and economic information can and should  
21 be considered during the process, and the alternatives must  
22 be considered reasonable. In other words, it would not work

1 for this process to identify an alternative that's impossible  
2 to implement or that nobody can live with or that would have  
3 unacceptable impacts. The alternatives have to be a  
4 reasonable range of implementable options. Reasonable  
5 alternatives need to be economically feasible, display common  
6 sense, meet the objectives for taking action, must be  
7 technically feasible, and they're not necessarily the  
8 cheapest or the easiest solution. Now, how the alternatives  
9 are developed. Another slide which may be a little tough to  
10 read, so I'll help you with it. We consider National Park  
11 Service policies, federal laws, public input from both the  
12 NEPA process, scoping, such as we're doing tonight, and also  
13 the negotiated rulemaking committee, which will be a parallel  
14 process that will be considering the same issues. So input  
15 from both sources. Practical knowledge, so field experience  
16 from Park staff. And science -- studies, research, standard  
17 practices, those kinds of things. All these things are  
18 considered as we try to develop a range of reasonable  
19 alternatives. Are all alternatives going to be reasonable?  
20 Not necessarily. At this point of the process, there may be  
21 many alternatives that could be analyzed, and we'll go  
22 through that process of elimination. And of those that are

1 reasonable we'll choose a few to cover the full spectrum of  
2 options. So the key is not that we have a high number of  
3 alternatives, but that we have a range of alternatives that  
4 provide different approaches and different options to solving  
5 those needs and issues. There will be a "No Action"  
6 alternative. That's a part of this planning process.  
7 There's always a "No Action" alternative which typically  
8 reflects current management that would be continued through  
9 the life of the plan. We are in the process of finalizing  
10 the interim strategy, and so I would say that management  
11 practices have been in flux over the last few years. At this  
12 point conceptually, once the interim strategy is finalized,  
13 that would be the current management and could be considered  
14 as a "No Action" alternative, but there's further discussion  
15 to hear on that. At this stage of the process, the Park  
16 Service attempts to identify some preliminary alternative  
17 concepts, and these are ideas for discussion that may or may  
18 not be developed into alternatives. And you can find them on  
19 display on the posters. They are also mentioned in the  
20 newsletter. They include concepts such as creating some sort  
21 of a zoning system for different uses; or a percentage system  
22 guaranteeing a certain percentage of the Seashore would be

1 open for ORV driving at any one time; and a number of  
2 possible elements that could be used in one or more of the  
3 alternatives, such as speed limits, designated routes, time  
4 of day restrictions, et cetera. The intention of putting  
5 some of those things up on the board is to generate  
6 discussion and conversation. What we really need is your  
7 ideas and your input on details of how alternative concepts  
8 and elements could be developed. There are several different  
9 ways to provide comments during this public scoping period.  
10 At these meetings, such as tonight, there's an open house,  
11 you can speak to us informally; get your comments on a  
12 flipchart; you can fill out a written comment form and submit  
13 that now or later. And you can also speak at a public  
14 hearing. Tonight, we'll have a court reporter present who  
15 will record my presentation and the formal comment period so  
16 those comments will be on the record and available to be  
17 considered. You can also submit comments directly online  
18 through the Park Planning website; the information is here on  
19 the board -- sorry, on the screen -- and also in the  
20 newsletter. It's the standard [parkplanning.nps.gov/CAHA](http://parkplanning.nps.gov/CAHA)  
21 website. And this is the ORV Management Plan and EIS  
22 Project. Again, for comments to be most useful to us at this

1 stage, we ask that they be received by March 16. You may  
2 also submit comments in writing by regular mail during the  
3 public scoping period by sending them to: Superintendent -  
4 Outer Banks Group or National Park Service, 1401 National  
5 Park Drive, Manteo, North Carolina 27954. If you would like  
6 to be on the project mailing list so that we can continue to  
7 send you updates and keep you informed, please be sure we  
8 have your full name, mailing address and e-mail address. For  
9 efficiency, we have a large e-mailing list, and many of you  
10 get press releases, beach access reports, updates on this  
11 planning process, and that works well for us. So, if you  
12 have an e-mail, we would love to get that from you. If you  
13 don't, then we can send you -- mail you periodic updates as  
14 well via regular mail. So, at this point, I'm here to listen  
15 to you, to hear your input, your comments and concerns about  
16 the issue. Tonight we have a facilitator with us. His name  
17 is Jess Commerford. He is part of the team from the Louis  
18 Berger Group, which is an environmental consulting firm  
19 contracted with the Park Service to help us develop the plan.  
20 They do a lot of the writing for us, and they're here also  
21 tonight to help with the public meetings. So I will turn my  
22 ears on so I can listen to you, and then turn it over to Jess

1 to facilitate the discussion. Thank you.

2 MR. JESS COMMERFORD: Thanks, Mike. Good  
3 evening, everyone. We'll go ahead and get started with the  
4 official public comment period. There are some faces I  
5 recognize from being here before for the Interim Plan.  
6 Welcome back. There are some faces I see from yesterday in  
7 Buxton. I'll go over three or four of the ground rules  
8 before we get started. If some of this seems a little silly,  
9 given the size of this group, I apologize. But we do have  
10 four of these meetings, so our goal is to be consistent in  
11 the times allotted and the way we handle the meeting from one  
12 night to the next. We normally allow about three or four  
13 minutes per speaker. We only have six people that have  
14 signed up to speak so far, so I'm going to extend that out to  
15 about five minutes to give people a little more latitude.  
16 Again, we have time to go over that, but for the sake of  
17 continuity between this and the other public meetings, I'll  
18 ask you to limit your comments to five minutes tonight. This  
19 is not a Q & A period. We'll be available for more of the  
20 kind of open house format after that. It's really for you to  
21 get your comments on record for the Park Service with the  
22 reporter here this evening. So, when you come up, I would



1 ask that you state your name again for the record for him.  
2 Please speak into the microphone. He really can't capture  
3 that any other way unless you come up and speak to the  
4 microphone. Please don't yield your time to others. The  
5 five-minute limit applies to everyone, and I would ask that  
6 you address Park Service in your comments and not others in  
7 the audience. I said last night, I'll say it again, we  
8 certainly recognize there are differing opinions on this  
9 subject, so I would ask you to respect one another when they  
10 come up to give their comments, and address those to the Park  
11 Service and not others that are in the audience. So with  
12 that we'll go ahead and get started. And, as always, I  
13 apologize in advance if I mispronounce or butcher some names,  
14 but we'll go ahead and get started. When I call you up, if  
15 you'd come up to the microphone and state your name, and then  
16 you'll have five minutes, as I said. And the first person  
17 who signed up this evening is James Harris.

18 MR. JAMES HARRIS: I'm James Harris. I moved  
19 down here a couple of years ago to try to fish. If we want  
20 to see what a fully protected barrier island beach looks  
21 like, look a little bit south of Assateague and north of Cape  
22 Charles. And look at the economy in Oyster. I'm curious

1 about how many of the threatened and endangered bird chicks  
2 were lost in 2006 by the hand of God. How many did she take  
3 from us? And what could we have done to prevent it? And the  
4 other is, some of the amenities that fishermen might like to  
5 have. Porta-potties; they were put out last year. Thank you  
6 very much. It was a great place to unload. The dumpsters;  
7 again, thank you very much. I understand they might not be  
8 there this year. I thought that was a great step forward,  
9 because we don't get much. We've got two fish-cleaning  
10 tables and two dumpsters in the whole Park, I think, is what  
11 we have; one in Ocracoke and one in Buxton. So board sailers  
12 get paved parking lots and big comfortable bathrooms. We get  
13 Porta-potties and a rutted road and a dumpster. But there's  
14 less of us. Oh, no, wait a minute. There's more of us. But  
15 anyway, thanks.

16 MR. COMMERFORD: Thank you. Tracy Oates?

17 MS. TRACY OATES: My name is Tracy Oates, and my  
18 comment is the National Park Service has asked for comment on  
19 what the concerns are for the ORV Management Plan. Here's my  
20 concern. There won't be an ORV Plan. In fact, if left up to  
21 the extremist groups, the public would be denied to all of  
22 our national parks. These groups will not be appeased until

1 all ORV use is banned. These organizations do not understand  
2 things like compromise, equitable resolution, reasonable  
3 solutions, and working together; they're an elitist group who  
4 believes it has to be their way or the highway. What  
5 happened to Cape Hatteras National Seashore Recreational Area  
6 being a national public land? Recreation by definition means  
7 leisure, exercise, play, amusement, sports. How can this --  
8 I'm sorry -- how can any of this take place if access is  
9 denied? Make no mistake, if ORVs are not permitted, much of  
10 the public would not be able to access the beach. Families  
11 with small children, the disabled, the elderly, the fishermen  
12 -- who, by the way, bring a substantial amount of revenue to  
13 our community. And, yes, even the birdwatchers who use their  
14 ORVs to access areas too far to walk or too far to get to.  
15 It's people who are becoming the endangered species on our  
16 beaches. Year after year, more and more beach access is  
17 being stripped away. Enough already. We can co-exist with  
18 our flying, crawling and furry friends with reasonable beach  
19 closures. I'm a volunteer for the Alligator Wildlife Refuge  
20 on Pea Island, so I understand the need to protect our  
21 wildlife. What I don't understand is the passion to take  
22 away my rights as an American citizen to use and enjoy our

1 national parks. I am a member of the North Carolina Beach  
2 Buggy Association, which is committed to the preservation of  
3 our beaches as well as vehicular access to beaches. I have a  
4 job, a home, a boat; I volunteer in my community, I clean the  
5 roadway and the beaches. I report anyone who violates the  
6 rules and the laws posted on our beaches. In all, I'm a  
7 responsible, productive member of my community, and I resent  
8 being referred to as a beach bum. Hats off to Mike Murray  
9 and his staff for the incredible job he has done thus far.  
10 He has managed the delicate balance between protecting our  
11 wildlife while maintaining access to the National Park  
12 beaches. My hope is that that balance continues through  
13 these negotiations. Negotiated rulemaking needs to happen,  
14 and it needs to happen as soon as possible. Thank you.

15 MR. COMMERTON: Thank you. Bob Davis.

16 MR. BOB DAVIS: Bob Davis from Buxton. I spoke  
17 briefly last night about some of our unlawful activities in  
18 the Park. I'd like to tonight be more positive and address  
19 the future of the Park. The latest projection I've seen is  
20 that the population of the state of North Carolina is going  
21 to increase about 58 percent in the next 20 years. This Park  
22 needs to gear up; even if only half that projection comes

1 true, you're going to have a lot more visitors than we've  
2 ever had in the past. So we've got to make some changes  
3 here. We need more ramps, both ocean- and soundside. These  
4 ought to be called recreational access ramps. There really  
5 needs to be almost a complex at the base of that ramp. We  
6 need larger parking areas, restrooms and showers, fish  
7 cleaning and potable water, and we need, above all, a  
8 handicapped-access with walkways from the parking area out to  
9 that beach. Every ramp has got to have these things. I  
10 don't think we ought to have ORV trails in this park. We  
11 don't need them. What we need is exactly what we have now,  
12 which are multiple-use trails from the waterline to the toe  
13 of the dune, on the entire beach from Whalebone Junction to  
14 Ocracoke Inlet, including Pea Island. If you want to see  
15 what a multiple-use trail is, you-all come down on a holiday  
16 and visit our beaches, especially these crowded places like  
17 South Beach, at the Cape Point or Oregon Inlet, and just  
18 visit them and join in the celebration of the human spirit  
19 that's going on there. There's no conflict going on. You  
20 have people that are surfing, they're boogie-boarding,  
21 they're skim-boarding, they're fishing, they're swimming,  
22 they're wading, they're walking, they're running. There's

1 groups playing volleyball, they're picnicking; doing all of  
2 these things all in the same beach area with no conflict, or  
3 certainly no conflict to speak of. You have a concept of  
4 zone; the zone concept of beach management. I don't think  
5 that's going to work here. One gale, and what was once a  
6 prime surfing beach is now a fishing beach, and vice-versa.  
7 We just have too many changes that Mom Nature does to us here  
8 to work with anything like a zone system. I think we need a  
9 system of mitigation trails; that is, a sand trail that runs  
10 just behind the dune line parallel to the ocean. Every  
11 mile there ought to be a marker, and there ought to be a ramp  
12 over the dune from that trail to the front beach. This is to  
13 allow for safety closures and for temporary closures for  
14 nesting of threatened and endangered species. If it's really  
15 unlawful to have a closure on the beach for wildlife, then  
16 you need some form of mitigation to circumvent that. And I  
17 think a system of trails like this will do the job for you.  
18 While we're talking about trails, I can't leave without  
19 talking about Pole Road. We need to repair that road from  
20 the ravages of Hurricane Isabel. You know, before the  
21 National Seashore was brought together and before  
22 electrification, that road was there. It was called Back

1 Road. It was the safety road for the people of Hatteras  
2 Village to access the inlet for commercial fishing and for  
3 private recreation. It's a safety road, and we need to get  
4 it back. Now, alongside that road, there's parts where  
5 there's puddles in there, and someone said that that stuff is  
6 called wetlands. That's not wetlands. That's a damaged  
7 roadbed that needs to get repaired. This road is historical  
8 in nature, and I think one of the problems of the National  
9 Park Service is to protect and preserve historical items, and  
10 this certainly is one of them. So what we need is  
11 recreational access ramps, multiple-use trails, and  
12 mitigation trails. We need RARs and MUTs and MITs. And  
13 while we're at it, we'd like to have two boat-launching  
14 ramps. One in the Hatteras area and one in the Avon area.  
15 This is for soundside access boat launching. Don't forget,  
16 you're going to have a gazillion visitors come to this island  
17 before the island submerges in the sea. We've got to take  
18 care of them. Thank you.

19 MR. COMMERFORD: Thank you. John Couch.

20 MR. JOHN COUCH: Hi, Mike.

21 SUPERINTENDENT MURRAY: Hey, John.

22 MR. COUCH: My name is John Couch, and I'm a

1 resident of Buxton, North Carolina. I'm the owner of the Red  
2 Drum down in Buxton. I've been there with my family since  
3 1964. I'm very concerned about how this plan works out in  
4 the economic scheme of things. We've worked very, very hard  
5 since 1964. I've raised my family here. And I think one of  
6 the main and top topics of this ORV Management Plan would be  
7 how this plan is going to affect the overall economy of  
8 Hatteras island. We are eight villages that live within the  
9 Park. You don't have that everywhere else. Those issues  
10 that come up are going to be very, very critical for how we  
11 survive and how we carry on our lives on the Cape Hatteras  
12 National Seashore. Here we are talking about an ORV  
13 Management Plan, and, since Hurricane Isabel, you still can't  
14 even get Pole Road open. Here we are going into something,  
15 and we can't fix something as simple as putting in an access  
16 road that has been there for 60 years plus. Get it done.  
17 Could, could, could, could, could, could, may, may, could,  
18 may, could result -- has the potential -- may, could. That's  
19 what I heard in the presentation here of how ORVs are going  
20 to affect everything, and it seems to me that it puts out a  
21 negative connotation of how ORVs hurt everything. But, if it  
22 hurts everything, where is the data that shows that? As ORV



1 drivers -- motorized access, as I like to call it -- we don't  
2 drive on the dunes. We don't drive in the bird areas. We  
3 don't drive over turtle nest areas. We go in the areas that  
4 are provided in the framework of safe and responsible driving  
5 set out by the Park Service, so it seems to me that there's  
6 just all this negativity, but ORVs are a vital part of how we  
7 as island people -- it's the traditional and cultural and  
8 historical way of our socioeconomic livelihood, so that  
9 should be way up there at the top as well as -- as important  
10 as any other aspects of it. I don't want my beaches here at  
11 the Cape Hatteras National Seashore privatized. Those areas  
12 that are out there in front of the villages, seasonal  
13 closures -- don't have a problem with that. Traditionally  
14 it's been from May 15 to September 15. There's no need to  
15 change that. As a business owner, I recognize that that is a  
16 necessary part in the scheme of things. But to think that  
17 we're going to extend that and have these property owners  
18 that are privileged to have property and can afford that  
19 property, and they want a private beach -- the beaches are  
20 for everybody. We all pay taxes. Seasonal closures, no  
21 problem. But we've experienced this winter that there's been  
22 months that people have not used these beaches, and some of

1 them are still closed. So seasonal closures are fine, but to  
2 think that nobody's going to access those beaches because  
3 somebody owns some property there, that's absurd. These  
4 properties, they don't provide access. The only way to  
5 access them is by motorized access or if you want to go ahead  
6 and run a marathon. So the idea of privatizing the beach  
7 does not sit well with me. In Buxton a particular motel for  
8 the month of February is down 200 rooms. To think that we're  
9 flourishing and we will continue to flourish, that's not  
10 always going to be. We're going to have the ups and downs,  
11 and if you look at your visitor uses, they spiked, but now  
12 they're coming down again. So anything that is provided out  
13 there in the ORV Management Plan should parallel what is  
14 going on in the Park and what visitation is occurring from  
15 time to time. Single specific-use beaches should be  
16 considered, as Bob Davis said, as multi-use beaches. I think  
17 it's absurd that any person would object to any other people  
18 using the same areas. These are just my spur-of-the-moment  
19 comments, and I have provided in writing -- sent to you,  
20 Mike, my written comments. Thank you.

21 MR. COMMERTON: Thank you very much. Jim  
22 Keene.

1           MR. JIM KEENE: My name is Jim Keene, and I'm a  
2 resident of Nags Head, North Carolina, and the president of  
3 the North Carolina Beach Buggy Association. I guess the  
4 first thing I want to say is we've lost sight of the Park.  
5 August of '37, June of 1940, Congress passed a declaration  
6 that established this as Cape Hatteras National Seashore  
7 Recreational Area, and we've totally lost sight of this.  
8 Mike, unless you've learned something since our last  
9 conversation, that has not changed; it was established by  
10 Congress and it cannot be removed, except Congress. This  
11 area was established as a recreational area primarily for  
12 recreational pursuits. Now we've lost sight of that and  
13 we've gone the other direction, and we now are trying to get  
14 back to where it actually belongs to begin with. So I think  
15 anything we do in our conversations and in our discussions  
16 and in reg-neg, we have to go back to the establishing  
17 documents, except those documents that have been overwritten  
18 by the Endangered Species Act and a few others. But, as far  
19 as the Park itself, we need to go back to the history of this  
20 park, and where it began and where it's going. I think all  
21 historical access points need to be reopened immediately, and  
22 then we'll talk about those that can't be reopened because of

1 natural changes and environmental changes. But basically,  
2 they need to be reopened and discussed and reviewed. By the  
3 Park Service's own figures, in the last 30 years, visitation  
4 is up 50 percent. That has its good sides and sometimes its  
5 questionable sides. But worse is the fact that, while  
6 visitation is up 50 percent, our ocean access ramps have been  
7 decreased by 41 percent. And, during this same time frame,  
8 the public parking spaces along these beaches remain static,  
9 a few parking places more here and a few less there. But  
10 it's basically a static situation. So what's happening is  
11 you're purposely excluding visitors from this Park by not  
12 providing them a place, access or parking -- either one.  
13 This needs to be corrected. As John said, privatization has  
14 got to stop. These are public beaches, they deserve public  
15 access, not just to myself or my grandchildren, but for  
16 everybody coming on behind us, the next generation and the  
17 generation after that. These parks weren't established for a  
18 few individuals to have them closed for their own private  
19 access. All areas need to be reopened. And I do agree, we  
20 do need to close the villages at certain times of the year.  
21 And there are storm events that will close certain areas for  
22 safety reasons. And there, of course, is the nesting of the

1 birds and the turtles that will always close, given small  
2 areas. But, beyond that, there needs to be a program  
3 established and written that reopens these temporary closures  
4 immediately. Temporary closures have turned into long-  
5 lasting closures, and that has to be stopped. And beyond  
6 reg-neg, this Park needs to consider and I think expedite now  
7 during this NEPA documentation, during the EIS, during the  
8 reg-neg -- there needs to be another parallel program  
9 started, and that is under FACA, to establish an advisory  
10 committee down here at Cape Hatteras specifically for the  
11 discussion of and administration of all access issues and ORV  
12 operations within Cape Hatteras National Seashore. Thank you  
13 very much.

14 MR. COMMERFORD: Thank you. Judy Swartwood.

15 MS. JUDY SWARTWOOD: Hi, I'm Judy Swartwood. I  
16 want to know exactly what is a soundscape, and is it  
17 legislated by something, and what's the definition of it.  
18 Does it contain noise restrictions? Apparently, our Seashore  
19 is a hostile environment for birds of all kinds. We have  
20 storms and ocean overwash, and there are eight villages,  
21 pedestrians, ORVs, dogs, feral and tame cats, raccoons,  
22 gulls, vultures, foxes, ghost crabs, kites, children and

1 assorted sources of noise such as traffic from Highway 12,  
2 sirens, airplanes, boats, gunfire. This last week in Buxton  
3 the Park Service lent its target range in Buxton to the Coast  
4 Guard and the sheriff's department, and we heard gunfire all  
5 week. We have a siren that goes off for the fire department  
6 and emergency response down there because it's all volunteer.

7 We have fireworks, jets, sonic booms, horns, thunder, and  
8 then there are the waves that are constantly crashing. And  
9 all these things are here to stay. You can't eradicate  
10 everything, every creature and every person from Hatteras  
11 Island; no matter how hard you try, it's just not going to  
12 work. And on a different subject, with the presentation of  
13 the words "could," "may," "might," why wouldn't it say  
14 "might" or "might not," "may" or "may not," "could" or "could  
15 not"? That would have been a more fair and balanced way to  
16 approach it.

17 MR. COMMERFORD: Thank you. That's actually  
18 everyone who signed up to speak beforehand. Is there anyone  
19 who hasn't spoken that wishes to come up and do that now who  
20 didn't sign in? Yes, sir. Come up to the mic and state your  
21 name, please.

22 MR. LARRY HARDHAM: I'm Larry Hardham, from

1 Buxton. It bothers me when the concept of zoning or single-  
2 use or percentages for beach uses is brought up. We have  
3 sunbathers and shell collectors, fishermen, birders, surfers,  
4 kiteboarders, windsurfers, kayakers, swimmers, walkers,  
5 runners, and I do a lot of those. When I go to the beach,  
6 I'm a multi-use user, as are many users. And to try to  
7 segregate beaches based on use is just a concept that I just  
8 cannot see in my wildest dreams working. I enjoy a lot of  
9 these things. I can't -- I don't do a lot of them. I don't  
10 do surfing and kiteboarding and windsurfing, and I don't  
11 really run. These beaches have to be accessible to  
12 handicapped people who may also do a number of these  
13 functions, as well. And it's beyond reason to seriously  
14 consider single uses of our beaches at a national seashore.

15 MR. COMMERFORD: Thank you. Is there anyone  
16 else who wishes to speak who didn't sign up? Yes, sir.  
17 Again, state your name into the mic, please.

18 MR. BERNARD GOULD: Yes. I'm Bernard Gould. I  
19 live in Frisco.

20 MR. COMMERFORD: Can you spell your last name  
21 for me, sir?

22 MR. GOULD: Gould. G-O-U-L-D.

1 MR. COMMERFORD: Thank you.

2 MR. GOULD: I think that the first priority for  
3 our national seashore should be the wildlife; birds, turtles  
4 and other forms of wildlife. That ought to be the number one  
5 priority. Most of the country has given first priority to  
6 human habitat. That's fine. But some of it has to be set  
7 aside for the wildlife, and I think that the national parks  
8 should be set aside for wildlife to the extent possible.  
9 That means specifically for Cape Hatteras National Seashore  
10 that the areas that are best for wildlife habitat -- birding  
11 habitat -- ought to be set aside for their use, especially  
12 during the nesting season. That would probably mean that  
13 access to Cape Point, Hatteras Inlet and the other areas  
14 around the inlets -- the public should not have access to  
15 those areas during nesting season. During non-nesting  
16 season, I would think it would be all right for pedestrians  
17 to use that area. But I would be inclined to keep motorized  
18 vehicles out of that area all year round. Now, regarding the  
19 less sensitive areas of Cape Hatteras National Seashore on  
20 the beaches, I think that much of that area should be set  
21 aside for non-motorized use. The vehicles interfere with the  
22 enjoyment for people that like the quiet, that like to



1 observe the nature in a quiet environment. I can see setting  
2 aside some restricted areas for multi-use, but I think most  
3 of it should be set aside for non-motorized vehicles. So  
4 I realize that's a minority position in this room, but I  
5 would like to take that position for the record. Thank you.

6 MR. COMMERTON: Thank you. Anyone else? Yes,  
7 sir.

8 MR. DAVID GOODWIN: Good evening. My name is  
9 David Goodwin, from Buxton. First off, I'd like to thank  
10 Mike on behalf of the Park Service for allowing -- for having  
11 these scoping sessions. It's good to air things out. First  
12 and foremost, negotiated rulemaking in the development of an  
13 ORV Management Plan is absolutely critical. It's something  
14 that we've got to do. Otherwise we're going to spend months,  
15 if not years, in litigation. And the Park Service can't  
16 afford it, the visitors, the residents of those -- all of us  
17 that live within the Park -- can't afford it; Dare County  
18 can't afford it, the State of North Carolina can't afford it.

19 So negotiated rulemaking is a must-do thing. Now, on a  
20 little bit different subject. The idea of privatization is  
21 abhorrent. Public lands. There are very good statutes,  
22 federal statutes and state statutes, against this, unless

1 Mike, you've uncovered something that I'm not aware of, which  
2 is possible. As for the treatment of wildlife, I think it  
3 goes without saying that the majority of the people that  
4 visit the Cape Hatteras National Seashore as well as the  
5 majority of the people, if not all, that reside within the  
6 Cape Hatteras National Seashore, recognize the necessity for  
7 the preservation of the wildlife of all stripes. Humans have  
8 co-existed with the birds and the turtles and the seabeach  
9 amaranth for centuries here. There's no reason to think that  
10 that won't continue, and this is, of course, part of the  
11 development of the ORV Management Plan, and we're a part of  
12 that. I fully believe that the development of a plan, if  
13 done properly by the negotiated rulemaking along with your  
14 NEPA process, will go a long way to solving a lot of these  
15 problems. Thank you.

16 MR. COMMERTFORD: Thank you. Anyone else? No?  
17 Okay, with that we'll go ahead and close down the official  
18 public comment period. We are scheduled to be here for  
19 another hour, so we'll go ahead and hang out by the pads and  
20 the boards. If there are those of you who didn't wish to  
21 speak publicly, please recognize that you can come back here  
22 and fill out one of the comment forms, or visit with one of

1 the folks over here on staff to get your comments down in  
2 writing. Everything that's on the pads over there will be  
3 entered into the official record as well, as part of the  
4 official comments. And with that we'll go ahead and wrap  
5 this up. As always, I thank you all for coming out. A big  
6 part of the National Environmental Policy Act is really to  
7 involve the public in the decision-making process. That's  
8 really the purpose of it. And I appreciate all of you taking  
9 your personal time to come out this evening. Thanks a lot.

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11 MEETING CONCLUDED AT 7:59 P.M.  
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