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CAHA # 2924

National Park Service
U.S. Department of the Interior



Cape Hatteras National Seashore
North Carolina

Off-Road Vehicle Management Plan

Cape Hatteras National Seashore

Draft Public Comment Summary Report

December 2007

CONTENTS

| | |
|---|----|
| Introduction..... | 1 |
| Public Scoping Meetings and Opportunities for Public Comment | 1 |
| Definition of Terms | 2 |
| Overview of the Comment Analysis Process | 2 |
| Specific Methodology Used in the Comment Analysis Process | 3 |
| Comment Summary Report | 4 |
| Concerns and Comments Report..... | 11 |
| Comments Related to Laws, Regulations, and Policies | 11 |
| Comments Related to Purpose, Need, and Objectives of the Plan/EIS..... | 12 |
| Comments Related to the scope of the Plan/EIS | 13 |
| Comments Related to General Impact Analysis for the Plan/EIS | 14 |
| Comments Related to Alternative Concepts to be Evaluated in the Plan/EIS | 15 |
| Comments Related to Alternative Concepts that Involve Permitting of Vehicles at the Seashore | 19 |
| Comments Related to Alternative Concepts that Involve a Zoning System the Seashore | 21 |
| Comments Related to Alternative Concepts that Involve a Percentage System the Seashore | 22 |
| Comments Related to Alternative Concepts that Involve Seasonal Restrictions AT THE Seashore... .. | 22 |
| Comments Related to the Use of Nighttime Restrictions as a Component of the Alternatives | 24 |
| Comments Related to the Provision of Additional ORV Related Amenities at the Seashore..... | 25 |
| Comments Related to Potential Elements of Communication, Outreach, and Education for the Plan/EIS..... | 27 |
| Comments Related to Other Potential Alternative Elements for the Plan/EIS | 28 |
| Comments Related to Wildlife and Wildlife Habitat, including Threatened, Endangered, and Species of Special Concern | 33 |
| Comments Related to Potential Impacts and Influence of ORV use on the Economy | 37 |
| Comments Related to Potential Impacts of ORV Use Related to Visitor Use at the Seashore..... | 40 |
| Comments Related Land Uses Surrounding the Seashore | 50 |
| Comments Related Impacts to the Topographic Features of Beaches at the Seashore | 51 |
| Comments Received Regarding Potential Impacts to Cultural Resources at the Seashore..... | 51 |
| Comments Received Regarding Park Operations and Management at the Seashore..... | 52 |
| Comments Received to the Negotiated Rulemaking Process..... | 53 |
| Comments Received Outside the Scope of the Long-term ORV Plan/EIS | 54 |

1

INTRODUCTION

2 On December 11, 2006 the National Park Service (NPS) published a Notice of Intent to Prepare a
3 Draft Environmental Impact Statement for an Off-Road Vehicle Management Plan for Cape Hatteras
4 National Seashore, NC. The Notice announced that to determine the scope of issues to be address in
5 the ORV Management Plan/EIS and to identify significant issues related to ORV management at the
6 Seashore, the NPS would conduct public scoping meetings and invited the public to send written
7 comments to the Superintendent or to enter them on-line in the NPS Planning, Environment and Public
8 Comment (PEPC) system.

9 PUBLIC SCOPING MEETINGS AND OPPORTUNITIES FOR PUBLIC COMMENT

10 In February and March, 2007, the NPS held public scoping meetings for the Cape Hatteras National
11 Seashore Off-Road Vehicle (ORV) Management Plan EIS (plan/EIS) at the following locations:

- 12 • February 26, 2007, 2:00 PM to 6:00 PM at the Fessenden Center, Buxton, NC,
- 13 • February 27, 2007, 6:00 PM to 9:00 PM at the Wright Brothers National Memorial First Flight
14 Centennial Pavilion, Kill Devil Hills, NC,
- 15 • February 28, 2007, 6:00 PM to 9:00 PM at the McKimmon Center, North Carolina State
16 University Campus, Raleigh, NC,
- 17 • March 1, 2007, 6:00 PM to 9:00 PM at the American Geophysical Union Building,
18 Washington, DC.

19 These meetings were held to obtain public feedback on the initial purpose, need, objectives, issues and
20 concerns, and preliminary alternative concepts and elements for ORV management at Cape Hatteras
21 National Seashore.

22 Each meeting began with an open house and a brief presentation. During the open house, attendees
23 were invited to walk around the meeting room and view display boards that included the following
24 information:

- 25 • project background,
- 26 • draft purpose, need, and objectives,
- 27 • preliminary issues for the plan/EIS,
- 28 • preliminary alternative concepts and elements for ORV management at the Seashore, and
- 29 • planning process timelines, including how the negotiated rulemaking process would be
30 conducted concurrently and exchange information with the NEPA planning process.

31 NPS personnel and contractor staff were present at each display to answer questions from attendees
32 and record attendees' comments on flip charts. Later each flip chart from the meeting was input as a
33 single correspondence into the NPS PEPC database for the plan/EIS and each comment on the flip
34 chart identified as a separate comment for the purposes of comment analysis.

1 Comment sheets were provided to meeting attendees as an additional method for providing comments.
2 Following the open house and presentation, attendees were also offered an opportunity to comment in
3 a public hearing format. These comments were transcribed by a court reporter.

4 As described above, the meetings offered a variety of methods for the public to provide comments.
5 Those attending the meetings were also given a brochure that provided additional opportunities for
6 comment, including directing comments to the NPS Planning, Environment, and Public Comment
7 (PEPC) website at <http://parkplanning.nps.gov/caha/>. In addition, the Seashore posted the brochure
8 and the Notice of Intent to Prepare a Draft EIS on the project website in PEPC; e-mailed individuals,
9 businesses, agencies and organizations on the Seashore's email mailing list; and issued a news release
10 inviting the public to comment. The following sections of this summary describe the comment
11 analysis process and summarize the comments received.

12 **DEFINITION OF TERMS**

13 Primary terms used in this comment summary report include:

14 **Correspondence:** A correspondence is the entire document received from a commenter. It can be in
15 the form of a letter, email, written comment form, flipchart comment, or public meeting formal
16 statement recorded by the court reporter.

17 **Comment:** A comment is a portion of the text within a correspondence that addresses a single topic.
18 For example a comment could address a topic such as an expression of support or opposition to a
19 potential management action, additional data regarding the existing condition, scientific information,
20 information on personal experience at the Seashore, concerns about potential impacts of management
21 actions, etc.

22 **Code:** A code is a logical grouping centered on a common topic. Codes are developed during the
23 scoping process and used to track major topics throughout the planning process.

24 **Concern Statement:** A statement that expresses several comments on the same or similar topics.

25 **OVERVIEW OF THE COMMENT ANALYSIS PROCESS**

26 Comment analysis is a process used to compile and correlate similar public comments into a usable
27 format for decision makers and the plan/EIS interdisciplinary planning team. Comment analysis helps
28 the team in organizing, clarifying, and addressing technical information under NEPA regulations. It
29 also aids in identifying the topics and issues and the alternatives to be evaluated and considered
30 throughout the planning process.

31 Comment analysis has five main steps:

- 32 1. Developing a coding structure
- 33 2. Using a comment database for comment management
- 34 3. Reading and coding comments
- 35 4. Interpreting and analyzing the comments to identify issues and themes
- 36 5. Preparing a comment summary

1 A coding structure was developed to help sort comments into logical groupings or topics. NPS
2 derived the coding structure from an analysis of the range of topics discussed during internal NPS
3 scoping, past planning documents, and the comments themselves. The coding structure was designed
4 to capture all comment content rather than to restrict or exclude any ideas.

5 The NPS PEPC database was used to manage the comments. The database stores the full text of all
6 correspondence and allows each comment to be coded by topic. The database produces tallies of the
7 total number of correspondences and comments received, can sort and report comments by a particular
8 topic, and provides demographic information on the source of each comment.

9 Analysis of the public comments involved assigning codes to comments made in the letters, e-mail
10 messages, written comment forms, PEPC comment entries and public meeting comments. All
11 comments were read and analyzed, including those of a technical nature; opinions, feelings, and
12 preferences for different alternative concepts or elements over others; and comments of a personal or
13 philosophical nature. The database also includes comments received on topics outside the scope of the
14 plan/EIS as it was described in the Notice of Intent to Prepare a Draft EIS.

15 **SPECIFIC METHODOLOGY USED IN THE COMMENT ANALYSIS PROCESS**

16 During the comment period, 3,511 pieces of correspondence were received, containing a total of 3,532
17 signatures. In the comment analysis, each comment in a correspondence with two (or more)
18 signatures was counted as two (or more) comments under that code.

19 The 3,511 pieces of correspondence received before, during, and after the public scoping meetings
20 contained a total of 14,397 comments. Once all the correspondence was entered into PEPC, each was
21 read, and specific comments identified within each correspondence. Each comment was then given a
22 code. The coding structure comprised codes established in the PEPC system as well as codes
23 developed specifically for this plan/EIS. An example of a code developed for this plan/EIS is
24 alternative concepts suggested for permit systems. These codes were used to identify the topic of a
25 comment.

26 Comments were grouped by similar codes and a concern statement was written to express these
27 comments. One concern statement can express many comments on the same topic. Each concern
28 statement is followed by representative quotes from commenters. The concern statements in this
29 report display representative quotes from comments assigned different but similar codes.

30 In February and March, 2007, the National Park Service (NPS) conducted four public scoping
31 meetings for the Cape Hatteras National Seashore Off-road Vehicle (ORV) Management Plan/EIS
32 (plan/EIS). These scoping meetings initiated the public involvement process early in the planning
33 stages of the plan/EIS and were held to obtain community feedback on the initial purpose, need,
34 objectives, and alternative elements for ORV management at Cape Hatteras National Seashore.

COMMENT SUMMARY REPORT

The comment summary report is produced from PEPC and provides information on the numbers and types of comments received, organized by code and by various demographics. The first table is a summary of the number of comments under each code or topic, and the percentage of comments under each code. Note comments coded “XX1000 – Duplicate Correspondence” represent those that were entered into the system twice and are not additional comments on the document.

Data in the following tables also include correspondence by type (i.e., number of faxes, emails, letters); number received by state; number received by country; and number received by organization type (i.e., organizations, governments, individuals).

Content Analysis Report (09/09/2007)

Document ID: 10641

Document Title: Public Scoping Materials

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Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the number of codes may be different than the actual comment totals.)

| Code | Description | Number of Comments | Percent of Comments Received |
|--------|--|--------------------|------------------------------|
| AC1005 | Alternative Concepts: Oppose Limiting ORV Access | 60 | 0.42% |
| AC1010 | Alternative Concepts: Limit ORV Access | 698 | 4.85% |
| AC1012 | Alternative Concepts: Support Limiting ORV Access | 57 | 0.40% |
| AC1022 | Alternative Concepts: Oppose Eliminating ORV Access | 53 | 0.37% |
| AC1025 | Alternative Concepts: Eliminate ORV Access | 4 | 0.03% |
| AC1027 | Alternative Concepts: Support Eliminating ORV Access | 60 | 0.42% |
| AC1030 | Alternative Concepts: Permitting System | 36 | 0.25% |
| AC1035 | Alternative Concepts: Oppose Permitting System | 20 | 0.14% |
| AC1037 | Alternative Concepts: Support Permitting System | 9 | 0.06% |
| AC1040 | Alternative Concepts: Zoning System | 11 | 0.08% |
| AC1045 | Alternative Concepts: Oppose Zoning System | 8 | 0.06% |

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the number of codes may be different than the actual comment totals.)

| Code | Description | Number of Comments | Percent of Comments Received |
|--------|---|--------------------|------------------------------|
| AC1047 | Alternative Concepts: Support Zoning System | 4 | 0.03% |
| AC1050 | Alternative Concepts: Percentage System | 1 | 0.01% |
| AC1055 | Alternative Concepts: Oppose Percentage System | 4 | 0.03% |
| AC1060 | Alternative Concepts: No Additional Funding | 1 | 0.01% |
| AC1065 | Alternative Concepts: Oppose No Additional Funding | 2 | 0.01% |
| AC1070 | Alternative Concepts: Maintain Current ORV Open Access | 14 | 0.10% |
| AC1075 | Alternative Concepts: Oppose Maintaining Current ORV Open Access | 1 | 0.01% |
| AC1080 | Alternative Concepts: Support Maintaining Current ORV Open Access | 166 | 1.15% |
| AC2000 | Alternative Concepts: Seasonal Restrictions | 39 | 0.27% |
| AC2100 | Alternative Concepts: Support Seasonal Restrictions | 20 | 0.14% |
| AC2150 | Alternative Concepts: Oppose Seasonal Restrictions | 6 | 0.04% |
| AC2200 | Alternative Concepts: Nighttime Restrictions | 3 | 0.02% |
| AC2250 | Alternative Concepts: Support Nighttime Restrictions | 4 | 0.03% |
| AC2260 | Alternative Concepts: Oppose Nighttime Restrictions | 11 | 0.08% |
| AC2270 | Alternative Concepts: Additional Amenities | 58 | 0.40% |
| AC2280 | Alternative Concepts: Communication and Outreach | 31 | 0.22% |
| AC2290 | Alternative Concepts: Support Communication and Outreach | 4 | 0.03% |
| AC2310 | Alternative Concepts: Increase ORV Access | 31 | 0.22% |
| AC2320 | Alternative Concepts: Support Increasing ORV Access | 13 | 0.09% |
| AC2330 | Alternative Concepts: Oppose Increasing ORV Access | 1 | 0.01% |
| AC4000 | Alternative Concepts: New Concepts or Elements of Concepts | 117 | 0.81% |
| AE1100 | Affected Environment: Threatened and Endangered Species | 1,987 | 13.80% |

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the number of codes may be different than the actual comment totals.)

| Code | Description | Number of Comments | Percent of Comments Received |
|---------|--|--------------------|------------------------------|
| AE11000 | Affected Environment: Species of Special Concern | 1,982 | 13.77% |
| AE12000 | Affected Environment: Wildlife and Wildlife Habitat | 36 | 0.25% |
| AE20000 | Affected Environment: Land Use | 10 | 0.07% |
| AE21000 | Affected Environment: Socioeconomics | 36 | 0.25% |
| AE22000 | Affected Environment: Visitor Use | 147 | 1.02% |
| AE23000 | Affected Environment: Visitor Conflicts | 47 | 0.33% |
| AE3000 | Affected Environment: Topographic | 10 | 0.07% |
| AE8000 | Affected Environment: Visual Quality | 1 | 0.01% |
| AE9000 | Affected Environment: Park Operations and Management | 19 | 0.13% |
| BO1000 | Concerns Regarding the Biological Opinion | 5 | 0.03% |
| CC1000 | Consultation and Coordination: General Comments | 9 | 0.06% |
| CR2000 | Cultural Resources: Methodology and Assumptions | 2 | 0.01% |
| CR4000 | Cultural Resources: Impact of Proposal and Alternatives | 1 | 0.01% |
| GA1000 | Impact Analysis: Impact Analyses | 4 | 0.03% |
| GA3000 | Impact Analysis: General Methodology for Establishing Impacts/Effects | 9 | 0.06% |
| GA6000 | Impact Analysis: Scientific Data Used to Determine Impacts | 17 | 0.12% |
| MT1000 | Miscellaneous Topics: General Comments | 31 | 0.22% |
| MT2000 | Miscellaneous Topics: Comments Regarding the Article "Beach Burns" from the National Audubon Society | 178 | 1.24% |
| PN1000 | Purpose and Need: Planning Process and Policy | 15 | 0.10% |
| PN2000 | Purpose and Need: Park Purpose and Significance | 1991 | 13.83% |
| PN3000 | Purpose and Need: Scope of the Analysis | 53 | 0.37% |
| PN4000 | Purpose and Need: Park Legislation/Authority | 742 | 5.15% |

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the number of codes may be different than the actual comment totals.)

| Code | Description | Number of Comments | Percent of Comments Received |
|-------------|--|---------------------------|-------------------------------------|
| PN8000 | Purpose and Need: Objectives In Taking Action | 1,984 | 13.78% |
| PO1000 | Park Operations: Guiding Policies, Regulations and Laws | 3 | 0.02% |
| PO2000 | Park Operations: Methodology and Assumptions | 11 | 0.08% |
| PO4000 | Park Operations: Impact of Proposal and Alternatives | 2 | 0.01% |
| RN1000 | Regulatory Negotiation Process | 20 | 0.14% |
| SE2000 | Socioeconomics: Methodology and Assumptions | 19 | 0.13% |
| SE4000 | Socioeconomics: Impact of Proposal and Alternatives | 88 | 0.61% |
| TE1000 | Threatened and Endangered Species: Guiding Policies, Regulations and Laws | 686 | 4.76% |
| TE2000 | Threatened and Endangered Species: Methodology and Assumptions | 29 | 0.20% |
| TE4000 | Threatened and Endangered Species: Impact of Proposal and Alternatives | 1,967 | 13.66% |
| TE5000 | Threatened and Endangered Species: Cumulative Impacts | 5 | 0.03% |
| VE1100 | Visitor Use and Experience: Guiding Policies, Regulations and Laws | 3 | 0.02% |
| VE2200 | Visitor Use and Experience: Methodology and Assumptions | 80 | 0.56% |
| VE4100 | Visitor Use and Experience: Impact of Proposal and Alternatives | 53 | 0.37% |
| VE5000 | Visitor Experience: Cumulative Impacts | 1 | 0.01% |
| VE5500 | Visitor Use and Experience: Cumulative Impacts | 2 | 0.01% |
| VF100 | VALUES - Value of Recreational Fishing, including Surf Fishing | 181 | 1.26% |
| VG100 | VALUES - Value of other Visitor Opportunities (activities, programs, recreation, etc.) | 151 | 1.05% |
| VH100 | VALUES - Value the History or Cultural Resources | 9 | 0.06% |
| VI100 | VALUES - Value of a Vehicle-Free and/or Wilderness Experience | 20 | 0.14% |

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the number of codes may be different than the actual comment totals.)

| Code | Description | Number of Comments | Percent of Comments Received |
|--------|---|--------------------|------------------------------|
| VN100 | VALUES - Value the Natural Resources or Setting (flora, fauna, views, natural quiet, undeveloped areas) | 48 | 0.33% |
| VS2000 | Visitor Conflicts and Safety: Methodology and Assumptions | 7 | 0.05% |
| VS4000 | Visitor Conflicts and Safety: Impact of Proposal and Alternatives | 3 | 0.02% |
| WH1000 | Wildlife and Wildlife Habitat: Guiding Policies, Regulations and Laws | 10 | 0.07% |
| WH2000 | Wildlife and Wildlife Habitat: Methodology and Assumptions | 59 | 0.41% |
| WH4000 | Wildlife and Wildlife Habitat: Impact of Proposal and Alternatives | 8 | 0.06% |
| WH5000 | Wildlife and Wildlife Habitat: Cumulative Impacts | 3 | 0.02% |
| XX100 | Blank Correspondence | 21 | 0.15% |
| XX1000 | Duplicate Comment | 31 | 0.22% |
| XX1200 | Duplicate Correspondence | 14 | 0.10% |
| | Total | 14,397 | 100.00% |

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Distribution by Correspondence Type

| Type | Percentage | Number of Correspondence |
|--------------|----------------|--------------------------|
| E-mail | 23.03% | 814 |
| Letter | 7.33% | 259 |
| Park Form | 0.59% | 21 |
| Transcript | 0.14% | 5 |
| Web Form | 29.46% | 1,041 |
| Other | 39.45% | 1,394 |
| Total | 100.00% | 3,534 |

Correspondence Distribution By State/Territory

| State | Percentage | Number of Correspondence |
|----------------------|------------|--------------------------|
| Alabama | 0.03% | 1 |
| Arizona | 0.03% | 1 |
| Arkansas | 0.03% | 1 |
| California | 0.17% | 6 |
| Colorado | 0.03% | 1 |
| Connecticut | 0.03% | 1 |
| Delaware | 0.62% | 22 |
| District of Columbia | 0.37% | 13 |
| Florida | 0.11% | 4 |
| Georgia | 0.03% | 1 |
| Illinois | 0.06% | 2 |
| Indiana | 0.03% | 1 |
| Kentucky | 0.79% | 28 |
| Louisiana | 0.03% | 1 |
| Maine | 0.06% | 2 |
| Maryland | 3.03% | 107 |
| Massachusetts | 0.11% | 4 |
| Michigan | 0.03% | 1 |
| Minnesota | 0.06% | 2 |
| Missouri | 0.03% | 1 |
| Nebraska | 0.03% | 1 |
| New Hampshire | 0.03% | 1 |
| New Jersey | 0.25% | 9 |
| New Mexico | 0.08% | 3 |
| New York | 0.17% | 6 |

Correspondence Distribution By State/Territory

| State | Percentage | Number of Correspondence |
|-----------------------------------|------------|--------------------------|
| North Carolina | 13.19% | 452 |
| Ohio | 0.31% | 11 |
| Oregon | 0.08% | 3 |
| Pennsylvania | 6.51% | 230 |
| South Carolina | 0.17% | 6 |
| Tennessee | 1.64% | 58 |
| Texas | 0.06% | 2 |
| Virginia | 8.32% | 294 |
| Washington | 0.08% | 3 |
| West Virginia | 0.62% | 22 |
| N/A Indicates no state identified | 63.19% | 2,233 |
| Total | | 3,534 |

Correspondence Distribution by Country

| Country | Percentage | Number of Correspondence |
|--------------------------|------------|--------------------------|
| Canada | 0.06% | 2 |
| Denmark | 0.03% | 1 |
| Germany | 0.06% | 2 |
| Israel | 0.03% | 1 |
| Mexico | 0.03% | 1 |
| New Zealand | 0.03% | 1 |
| Singapore | 0.03% | 1 |
| Turkey | 0.03% | 1 |
| United States of America | 37.41% | 1,322 |
| Unspecified | 62.31% | 2,202 |
| Total | | 3,534 |

Comment Distribution by Organization Type*

| Organization Type | Percentage | Number of Correspondence |
|---------------------------|------------|--------------------------|
| Business | 0.11% | 4 |
| Conservation/Preservation | 0.20% | 8 |
| Recreational Groups | 0.2% | 8 |
| Unaffiliated Individual* | 99.5% | 3,514 |
| Total | | 3,534 |

* Denotes how individuals identified themselves, therefore, some organizations may be classified as unaffiliated

CONCERNS AND COMMENTS REPORT

Cape Hatteras National Seashore Off-Road Vehicle Management Plan/EIS

(NOTE: Representative quotes are edited for clarity only.)

This report summarizes comments received during the public scoping process. Comments are organized into concern statements and representative quotes are provided for each concern statement.

COMMENTS RELATED TO LAWS, REGULATIONS, AND POLICIES

1. **Several commenters stated that consideration of species protection measures for federally listed threatened and endangered species, species of special concern, and other wildlife at the Seashore should be based on applicable laws and regulations. Specific laws and regulations include the Endangered Species Act; Migratory Bird Treaty Act; executive orders; NPS Management Policies 2006; and the Seashore's enabling legislation, purpose, and significance.**

Representative Quotes:

Comment Text: When Congress established Cape Hatteras as a National Seashore, it stated that it should be "permanently reserved as a primitive wilderness and NO development...for the convenience of visitors shall be undertaken which would be Incompatible with the preservation of the unique flora and fauna." Moreover, in a Presidential Order issued in 1972, President Nixon directed that "Areas and trails shall be located in areas of the National Park system...only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values."

Comment Text: Please do your job and enforce the Endangered Species Act as written, not as a powerful lobby has persuaded you to not enforce it. NO vehicles, other than safety and patrol vehicles, belong on a National Seashore. Your failure to enforce the law seems as criminal as the acts that are taking the lives of species listed as threatened and endangered, i.e. against the law.

Comment Text: The NPS has consistently applied needlessly stringent, excessively onerous, and even draconian interpretations of requirements of the Endangered Species Act (ESA) and/or the Migratory bird Treaty Act (MBTA) to exclude the public from portions of the Park. While it is undeniable that the NPS must satisfy legal requirements, such steps should be the minimal practical measures in order that public access to the Park's recreational resources is maximized. Parks are intended for the PEOPLE.

Comment Text: I would like to start with the correct name of our park. It is the Cape Hatteras National Seashore Recreational Area as was named by Congress in 1940. Somewhere along the line, the Recreational Area has been omitted and needs to be corrected in all communication, oral or written, from the National Park Service. This was an act of Congress.

Comment Text: Cape Hatteras National Seashore Recreational Area (CHNSRA, the Park, or CHNS hereafter) has not been managed as Congress intended in its creation, when it was clearly stated and

implied that the Park was to be for the use and enjoyment of the American People. Certainly the dual mandates of the National Park Service(NPS) to "preserve and protect" the resources while providing them for the "use and enjoyment of the people" are both applicable, but at CHNSRA Congress intended that diverse recreational activity should receive the highest priority when they stated that "Portions of the area deemed especially adaptable for recreational uses, particularly swimming, boating sailing, fishing and other recreational activities of similar nature, which shall be developed for such uses as needed" It is, therefore, obligatory on the part of the NPS to develop, open and maintain park resources to satisfy public demand. Further, Congress, and the NPS Management have variously stated and/or implied that the Residents of the Villages within the Park would be allowed to pursue their traditional recreational and commercial activities in perpetuity, and indeed, have relied on those residents to develop an infrastructure and economic base to support the multitudes of visitors to the Park.

Comment Text: We believe NPS has an obligation under Executive Orders 11644 and 11989 to designate areas that are closed to off-road vehicles in Cape Hatteras National Seashore.

COMMENTS RELATED TO PURPOSE, NEED, AND OBJECTIVES OF THE PLAN/EIS

- 2. Commenters stated that the "objectives in taking action at the Seashore" should include ORV impacts on natural and cultural resources, protected species management, visitor use, traditional uses, and demand for ORVs at the Seashore. Commenters also suggested the plan balance species protection and recreation. Some commenters suggested revisions to the purpose, need, and objective statements.**

Representative Quotes:

Comment Text: As the plan and EIS development progress it is imperative that the agency undertake such preparation within the scope of the purpose and need of the rulemaking. Such purpose should not be overbroad so as to extend the protection mandate established by the enabling legislation to protect flora and fauna prevailing in the area in 1937. Furthermore, the scope of the rulemaking must focus on the mandate to protect recreational uses. Please make additional attempts to broaden the purpose and need of the rulemaking to focus equal attention on the enabling legislation mandate to provide for recreational uses as you have thus far given to the species protection mandate.

Comment Text: To truly keep the Cape Hatteras Seashore a National Seashore, there has to be a balance between off-road vehicle access and the protection of wild land, species protection, and opportunities for non-motorized recreation. Without this balance, species of native wildlife that are listed for protection under the Endangered Species Act, such as the piping plover, will lose their critical habitat.

Comment Text: As you develop the plan and EIS please add the following need to the Purpose and Need sections. "An ORV management plan is needed to conform to and comply with the enabling legislation for the national seashore and recreational area." Several needs for an ORV management plan have already been identified, including compliance with Executive Orders 11644 and 11989, to address the lack of an approved plan, ORV use could damage natural and cultural resources, and to

provide protected species management. It is crucial to identify the additional need to conform and comply with the enabling legislation for several reasons. Such protection of recreational uses is subservient only in limited circumstances to the mandate to preserve the area as a primitive wilderness for the preservation of unique flora and fauna prevailing in the area at the time the national seashore recreational area was established in 1937.

Comment Text: Within the objectives of the project, as a highlight of "visitor experience" please be sure to "manage ORV use to meet demand" and "manage ORV use to maintain historic uses." Also within the objectives of the project, please add the objective to "economically support the surrounding communities and villages".

COMMENTS RELATED TO THE SCOPE OF THE PLANE/IS

- 3. Commenters suggested elements to form a foundation for the ORV planning process at Cape Hatteras National Seashore. Ideas included having an open process, considering all viewpoints, conducting the process in a timely manner, and determining the impact topics to be addressed. Some commenters suggested that a separate species management plan should be developed.**

Representative Quotes:

Comment Text: I'd ask that you develop a BIRD management plan before the ORV management plan and a science-based management plan that follows the guidelines and recommendations put forth in published research and conservation plans.

Comment Text: I support a process in which all people/groups have an equal say. There are certain groups which have a gigantic infrastructure, and dollars, which have the tendency to sway decisions, versus the individual users and smaller groups of users - listen to all and respect everyone's decisions.

Comment Text: Additionally, we'd like to express our hope that the final plan will be completed with expedited efficiency. With populations as low as one successful nesting pair on the seashore in 2006, there could be no clearer call to action.

Comment Text: I would like to ensure that the EIS addresses issues related to ORV usage such as appropriate (or no) usage during breeding bird season, T&E species of wildlife and vegetation, critical habitats and natural communities listed by the NC Natural Heritage Program as S1-S3 and G1-G3.

Comment Text: When forming an ORV management plan please take into consideration that ORV proponents are disproportional to the total number of CAHA [Cape Hatteras National Seashore] users.

Comment Text: It is suggested that the NPS consistently refer to the Plan being developed as an endangered species habitat preservation and development Plan rather than stressing a mechanical

vehicle management aspect that would place the planning expertise more under a department of transportation. The present Plan title focus tends to limit actions that could be taken to preserve the barrier island breeding and germination habitat. While a change in the paradigm is often difficult for extreme proponents on either side of an issue the majority on the middle ground should then be open to more Plan possibilities.

COMMENTS RELATED TO GENERAL IMPACT ANALYSIS FOR THE PLAN/EIS

- 4. Commenters provided general suggestions for methodologies for developing the plan/EIS. Suggestions included information sources to consider, data collection methods, determining the baseline condition, and taking into account the dynamic nature of the Seashore. Commenters questioned the use of the terms, "may," "could," and "would" when discussing potential impacts of ORV use.**

Representative Quotes:

Comment Text: I am requesting that you discount and reject any e-mail received from this venue (Defenders of Wildlife) as it is founded in a projected lie about the Park Service. This venue can't reflect an accurate response from the Defenders of Wildlife readership because they haven't been told the true circumstances.

Comment Text: Counters to be used must include a time recorder. Without a recorded time factor any data will be scientifically inaccurate to relate ORV use during darkness. (This is when most turtle activity occurs) Clock timers will allow an accurate count by taking numbers from one hour after sunset to one hour before sunrise.

Comment Text: As a future ORV access and management is developed, it is very important to accurately remember how much more beach has been open to beach access. As notions of "compromise" are approached and undertaken in this process, it is critical to remember that the current ORV access regime, while representative of an admirable effort by park managers to balance diverse and different interests, is not an accurate baseline or starting point for efforts toward compromise as the ORV plan is developed. The more severely restrictive ORV access regime in the last 6 to 8 years is simply not a valid measure for a "baseline" or starting point for any discussions that might result in a "compromise" among parties with differing views on beach access. In the not-too-distant past, significantly larger and seamlessly connected areas of CHNS [Cape Hatteras National Seashore] have been open for ORV access -- with respectful and balanced interaction and use of the park by users and wildlife. This wider access had continued for decades in the past with very solid results as it relates to preserving Park resources and wildlife.

Comment Text: Begin management plans with document of August 1937, June 1940 where-in Congress created the Cape Hatteras National Seashore Recreational Area. This document designed the seashore primarily for recreational pursuits.

Comment Text: Understand, plan, and account for the ever-changing beach and islands due to sporadic storms and persistent migration. For example, South Point is no longer at the same location

as it was 20 years ago- or where it will be 20 years from now. Plan alternate/additional access points to these areas to bypass closures.

Comment Text: 1) Traffic count must be done and cover the entire year and for each area 2) That traffic count should identify if there is a problem, when and where. Then the problem periods and locations can be considered for assessment of damage.

Comment Text: Establish an assessment of where and for how long traditional pedestrian beaches were prior to May 17, 2004.

Comment Text: 7. Unbiased Science The committee should use only unbiased scientific data. The science of biology as it pertains to endangered species and the Park's wildlife resources should be obtained from actual scientists and trained biologists, not neg-reg committee members. The committee should then work from this scientific guideline as a starting point and how it pertains to current federal law.

Comment Text: I direct your attention to page 3 on which are listed thirteen (13) "bullet" items under the heading "Issues Related to ORV Use at Cape Hatteras National Seashore." This title suggests that these issues are extant and are descriptive of actual negative impacts being caused by ORVs within the CHNRS [Cape Hatteras National Seashore]. However, after carefully examining all of these issues, I think a more accurate and appropriate title for this portion of the NPS brochure would be "POTENTIAL Issues Relating to ORV Use at Cape Hatteras National Seashore." For example, each time the NPS brochure mentioned the word "ORV," it was always followed by the words "could," "may," or "has the potential to." What these choices of words indicate to me is that these so-called identified ORV "issues" are not truly existing issues or problems at all --only theoretical possibilities at best. If I may be so bold, "potentials" and "possibilities" seem flawed reasons to adopt any kind of in-place, operational "ORV Management Plan."

COMMENTS RELATED TO ALTERNATIVE CONCEPTS TO BE EVALUATED IN THE PLAN/EIS

5. **Many commenters provided thoughts on the level of ORV access that should be allowed at the Seashore under the plan/EIS. General themes included:**
 - a. **Opposing limiting ORVs, including any further vehicle restrictions or beach closures, at the Seashore and an emphasis on the importance of recreational enjoyment and maintaining traditional open access. Commenters felt that limiting ORV access was not necessary to achieve resource protection and some commenters offered suggestions for increasing access.**
 - b. **Allowing ORV use, but on a limited basis, in part due to resource protection, and suggested ORV use could be managed through increased regulations. Many commenters requested the current level of ORV access be maintained.**
 - c. **Supporting elimination of ORVs at the Seashore because of the impact of vehicles on wildlife and the rest of the environment, as well as human health and safety.**

Representative Quotes

Comment Text: Open access to the beach at Cape Hatteras has been ongoing for several hundred years and it seems to be doing great-except for the parts the Park Service has screwed up. The CHNS was meant to be preserved for the people to use and enjoy. It seems lately a few individuals have taken on a mission to reduce or eliminate this recreational use for reasons that are greatly flawed in both concept and factual content. Restriction of ORV use, beyond what it is already, would serve absolutely no environmental purpose. It would deprive thousands of people and future generations of the ability to enjoy one of the most wonderful recreational experiences on the planet. I am an advocate for no further restriction of ORV use at CHNS [Cape Hatteras National Seashore].

Comment Text: I have always been amazed at the fact that beach access is free and unsupervised. I think there needs to be more regulation of access at certain times and in certain areas, and I also think there should be a fee for use, as there is in most other 4WD beach areas, which could go a long way to support programs and maintenance of the area.

Comment Text: I urge NPS to reduce the mileage of beaches that is dominated by off-road vehicles. Out of 53 beach miles in the seashore, less than 5 miles is even closed on a seasonal basis. That is badly out of balance.

Comment Text: I firmly believe that Beach access whether by vehicle or foot (pedestrian) should be allowed. While arguments exist that ORV users are destroying the habitat (natural resource), can anyone tell me that a 3-day Nor'easter doesn't destroy the habitat (natural resource) or any other natural event (hurricane doesn't destroy the habitat (natural resource). While agreeing that the above are natural events, ORV usage should not be disallowed due to misaligned perceptions of others.

Comment Text: Motorized recreation should be banned from the Cape Hatteras land and sea corridor. Motorized recreationalists prevent my family from engaging in our low-impact recreation. These high impact folks harm birds, fish, people, and habitat.

Comment Text: The Cape Hatteras and Ocracoke Island National Seashore for Recreation is just that, it for Recreational Use. Current conditions and rules in effect now should not be changed except to allow more access to the Sea Shore, on foot, ORV or Horse. It makes no sense to close off a National Recreational Sea Shore when steps can be taken to move and protect endangered species. Civilian Tax payer money provides for the Recreational Sea Shore and therefore we the people who pay such taxes should be allowed Access by any means.

Comment Text: I am in favor of reasonable and responsible beach ORV access. We have always respected the resource and have always left the beach as pristine as we found it.

6. Commenters provided potential elements for alternatives related to maintaining or increasing ORV access at the Seashore. These elements included reopening historical ramps; open the maximum amount of beach to account for an increase in ORV use; reopening existing closures and making closures smaller; restoration of the Pole Road; restoration of historical ORV routes; establishment of alternative routes during high tide; and looking at ORV access in front of villages.

Representative Quotes:

Comment Text: Reopening of historical ramps. Many of these ramps were closed "temporarily" never to reopen.

Comment Text: I disagree with anymore closures and I am not happy with the existing closures. If we are negotiating closures I want the existing closures open to access. The park should open all the Northern Beaches that are closed, the areas around Cape Point, and all the Southern Beaches. You are dealing with a side that will not be happy until there is no access. At what point does your organization stand up to the group that wants our beaches closed to ORV access and say, we have given you enough.

Comment Text: recommend that the park 1. Evaluate all sound side roads from Buxton north and perform any necessary maintenance, and 2. Re-open the three sound side roads that existed on the Pole Road prior to Hurricane Isabel. With respect to neglected sound side roads, I recommend that the park perform the maintenance needed to restore the northern sound side roads. With respect the nine closed sound side roads, three of these roads were located on the Pole Road. These sound side roads were extremely popular for family activities such as wading, claming, scalloping, and picnicking. Furthermore, these sound side roads provided the only sound side access between the Buxton sound side road and the Cable Crossing Road at Hatteras Inlet. This being the case, it is incumbent upon the park to re-open the sound side roads along the Pole Road.

Comment Text: Some areas such as the Point (Buxton) and Oregon Inlet have restrictive access at times of high tide. I would like to see alternative access routes to get to these areas such as additional interdunal paths, and that they remain accessible and usable.

Comment Text: I would like to see the pole road to Hatteras inlet/false point maintained for access. Sometimes high tides block access via the beach and the pole road is a great alternate route to the beaches around the inlet

Comment Text: The Seashore should build & maintain ORV trails on the landward side of the dunes. This will allow for a route to bypass any nesting-resource-safety closures in place on the beach and would allow easier access to the beach by emergency services.

7. Commenters provided potential alternative concepts related to the amount of ORV access allowed at the Seashore. Some of these elements included creating closures based on the timing of wildlife nesting and breeding periods, mitigating areas that are limited by implementing measures such as vehicle bypasses or limiting the duration of vehicle restrictions, and use of vehicles for administrative government use only.

Representative Quotes:

Comment Text: During critical nesting periods for birds and turtles, the beach should be off-limits to off-road vehicles to ensure the birds are able to nest and fledge without putting them in harm's way.

Comment Text: I understand from time to time closures are needed to protect wildlife, but I would like to see both the frequency and areas affected by this minimized to be both low impacts economically and literally.

Comment Text: Only allow surf fishermen to use ORVs on the beach. And limit the areas and times based on best practices for wildlife.

Comment Text: We urge the Seashore to implement the following protection measures to protect nesting non-breeding shorebirds within the Seashore: 1. the sound side wet sand and/or mud flats and ephemeral pools/ponds associated with Bodie Island Spit, Hatteras Spit, and the southern end of Ocracoke Island should be closed to vehicles, dogs, and active recreation activity. Passive recreation activity, such as fishing, could be permitted within a narrow corridor (<10 m) along the sound side water line in an area within 200 m from Ocracoke Inlet and 100m from Hatteras and Oregon Inlets.

Comment Text: 6. Exceptions to the pedestrian and ORV closures: a. Cape Point: ORVs could be permitted to travel on the north side of Cape Point through a corridor within 20 m from the mean high water line to reach the easternmost tip of Cape Point and -300m along the south side of Cape Point (which could remain open) provided that suitable habitat and recommended buffer distances are established (to the water line if necessary) on the south side of Cape Point and that nesting colonial waterbirds and Piping Plovers were not disturbed or otherwise threatened by this action. b. Hatteras Inlet: an alternate route through habitat that is not appropriate for nesting oystercatchers, piping plovers, or colonial waterbirds could be established to provide for access to Pamlico Sound as long as such a route was at an appropriate distance from nesting or potential nesting sites, and foraging habitat for terns, skimmers, American oystercatchers, and Piping Plovers and these species were not disturbed or otherwise threatened by this action. c. Ocracoke Island: a pedestrian and ORV corridor could be established to allow access along the northern and southern oceanfront beach to the inlets provided that the sound side (including wet sand and inertial areas to the water line) was closed to all activity and such a corridor did not jeopardize nesting colonial waterbirds and Piping Plovers were not disturbed or otherwise threatened by this action.

Comment Text: Most suitable bird habitat areas on the beach should be set aside exclusively. No driving permitted in area in front of houses. Remaining areas should be split between motorized use and non-motorized use. Year round protection for sensitive species habitat areas.

Comment Text: The only motorized vehicles that have a right to the beaches of the Cape Hatteras National Seashore (CHNS) are National Park Service (NPS) and other authorized government vehicles, emergency rescue vehicles, vehicles carrying physically disabled persons and vehicles engaged in traditional work.

Comment Text: I hesitate to say that ORV usage should not be allowed at all - but ATV usage should be entirely excluded except by park staff.

COMMENTS RELATED TO ALTERNATIVE CONCEPTS THAT INVOLVE PERMITTING OF VEHICLES AT THE SEASHORE

8. Commenters provided their opinions on implementing a permitting system at the Seashore; some commenters favored this concept and others opposed it. Some commenters felt that competition for permits would have a negative impact on the Seashore.

Representative Quotes:

Comment Text: I strongly suggest implementing a fee for vehicle access to specified Cape Hatteras National Seashore surf areas. The collected money could be used for enforcement, administration, ecological studies and conservation. Balancing the needs of all stakeholders can be accomplished.

Comment Text: Regarding a Permit System, I am in general against permits because I see them as a first step in limiting access by numbers. However, I struggle with how to effectively educate folks regarding beach driving. I might consider a permit system because of the experience I had at ODNRA. There the permit was \$10, was good for 2 years and the required equipment/vehicle inspection with a brief run thru of the rules takes about 20-30 minutes. So I might (repeat MIGHT) consider a permit if the permit is (1) readily available without the horror story waits we have heard about in other areas, (2) the number of permits is not limited, (3) any permit fee only includes cost to administer the program, (4) is valid for 2 years for a given vehicle/driver, (5) includes a requirement to have read a set of rules and tips on beach driving as well as other Seashore rules such as fires, fireworks, dead fish on the beach, etc. and (6) includes a requirement to have certain equipment in the vehicle like shovel, tow strap, board for jack, etc. And I emphasize again "might consider" in order to support beach driving education.

Comment Text: One program that should be considered is the establishment a permit-based ORV access program whereby all ORV users must have a permit to drive on Seashore beaches. User orientation programs are common in Seashores, Parks, Refuges, Wilderness Areas, and National Forests where visitors can have a significant impact on sensitive natural resources. As part of the permit process, visitors should be required participate in a Seashore orientation program which, should include a natural resource awareness component and a thorough explanation of Seashore regulations. This would allow the Seashore to reach all ORV users. This type of program can also serve to alleviate issues for Seashore law enforcement personnel by ensuring that all ORV users are aware of Seashore regulations. If violations resulted in the revocation of beach-driving privileges for the offender, drivers may make an extra effort to ensure they are operating their vehicles in a safe and responsible manner.

Comment Text: Therefore, our suggestion is that the new ORV management plan focuses on better enforcement of existing regulations along with a fee permit system if necessary to defray costs. We would not be adverse to purchasing an annual ORV permit such as at Assateague Island National Seashore to defray the costs of increased enforcement, and if this fee were steep enough perhaps that would limit the crowds somewhat. This cost should be minimal to Island residents, with tourists such as us assuming the burden. We would gladly pay a permit fee between \$100 and \$200 per year for ORV access if it would assure us open access, keep the crowds in check and allow for increased enforcement of reckless driving, littering, and driving on vegetation and in restricted areas. Perhaps increased enforcement would appease the more moderate environmentalists somewhat as well if they felt the natural resources could be better protected.

Comment Text: Already, vast portions of the beach are restricted from ORV use - Avon to Buxton, and the Hatteras housing areas. Further restricting ORV access can only increase the intensity of demand for those areas that remain open. With increased demand, I believe that ORV permits will radically change the nature of the CH [Cape Hatteras] national seashore. There will be competition for permits and competition for space on the beach. Permits will be the source of bribes and black market forces and stealing. Permits will anger long-time visitors and locals who feel that their freedom of the beach is being limited. Moreover, if permits are used to grant access to specific points along the beach that will be all but impossible to enforce and lead to further conflict and skirting the system as I envision above.

Comment Text: Costs vary depending on the locale and no doubt an Outer Banks pass could command a pretty penny. A logical approach would be to offer a low priced, three to five day pass and a costlier annual pass. The money from these passes could go directly into research and personnel pay to aid in the maintenance of shore bird nesting sites and populations as a whole

Comment Text: I suggest using a tiered-permit system that would require annual renewal. Tiers could include categories for commercial fishing interests, sport club members (anglers, beach buggy associations), local individuals (defined as either NC residents or County residents), and visitors (all others). Fees could be tiered such that each category paid different fees or could be priced for short duration use (someone visiting for a week's vacation) or for long duration (commercial fishing or sport club members who visit throughout the year). Permits could be issued as hangers for rear-view mirrors (allows moving to different vehicle) or as stickers for windshield. If permits are serially numbered then it would allow tracking of the vehicle should questions arise. Benefits of the permit system include generating revenue to fund additional NPS enforcement personnel or programs; maintains a database on vehicles being used on the beach; and provides an opportunity for NPS personnel to conduct rules and regulations awareness training as permits are issued. There is precedence for charging an entrance fee or selling permits. Other NPS facilities charge entrance fees (Yellowstone for example). A park-wide entrance pass called "America the Beautiful: National Parks and Federal Recreational Lands Pass" is sold through the NPS website.

Comment Text: I am absolutely against any kind of permit system for beach access, including four wheel drive or foot access. The seashore along the Outer Banks is as clean and pristine as any seacoast in the world, largely because of the easy access it provides. Limiting access through a permit system will discourage countless users and only achieve minimal results politically. An existing

permit system for the Cape Cod National Seashore is in place and I will tell you from personal experience that it has 100% turned me off from going there to enjoy all it has to offer as well.

COMMENTS RELATED TO ALTERNATIVE CONCEPTS THAT INVOLVE A ZONING SYSTEM THE SEASHORE

9. **Commenters who supported a zoning system provided ideas including separate areas for pedestrians, certain recreational uses, vehicles, and wildlife and wildlife habitat. Some commenters acknowledged that implementing a zoning system could be difficult due to the geographical layout and the dynamic nature of the Seashore. Those who opposed a zoning system stated that it would keep families from recreating together.**

Representative Quotes:

Comment Text: Cape Hatteras Seashore has approximately 50 miles of beach. If vehicles must stay with us, can we not share the beach??? Areas for pedestrians, areas for vehicles, maybe even areas for plant and animal species. Designate large areas in all villages for each. Pedestrians and drivers do not mix. Naturalists want to hear the ocean and birds, not car motors. Drivers want to get to the fish and do not want to slow down for pedestrians.

Comment Text: The idea of establishing certain zones of usage needs to be carefully looked at. If a Family is in a "Fishing Zone" and the kids want to go swimming do they have to move to a "Swimming Zone"? If they want to go "Surfing" should they "Relocate" once more? Since the NPS already admits that they are under funded for enforcement, how will they enforce even more regulations?

Comment Text: The Zoning could be beneficial, if it could be done to lessen the congested areas that are prime for fishing, to reduce injury risk. Cape Point for instance is where a lot of fishing is done and is not a safe place for a lot of swimming. My idea would be to require a fishing license in that area and have fishing only zones marked.

Comment Text: If a zone system is to be developed it should start with unstressed prime habitat (i.e. "Vehicle-free habitats") to be monitored by experienced personnel for a minimum of three years before high stress activities such as ORV driving or other human activities that have been proven to be high stress activities (large groups of active humans remaining in an area, etc.) are permitted in an area. And if once a habitat is open to these high use activities, and endangered species are found at any time making use of these areas, and being negatively stressed, it should return to the "Vehicle-Free Habitat" (VFH) status.

Comment Text: The idea of recreational zones is ridiculous! Many visitors and residents partake in several different types of activities and it is ludicrous to expect families to split up on the beach in order for each of them to enjoy their particular form of recreation! One of the major appeals that Cape Hatteras National Seashore has for visitors is the freedom to be able to recreate in various ways, such as swimming, fishing, surfing, shell seeking, sunbathing, walking (with or without the family pet), horseback riding, kite boarding, skim boarding, viewing nature and cultural resources, boating, bird watching, clamming, crabbing, campfires, star gazing etc. One should not have to travel all over the

park in order to recreate in more than one fashion! This "zone" idea would actually create more ORV use! As it is now, folks generally pick a spot and stay put! Also, Mother Nature does not subscribe to zones. The fish, the surf and the birds cannot be made to stay in their "zones"! So how can one enjoy activities if the ingredients needed to enjoy that activity is now taking place in a new zone that was not designated for that use?

COMMENTS RELATED TO ALTERNATIVE CONCEPTS THAT INVOLVE A PERCENTAGE SYSTEM THE SEASHORE

- 10. Commenters opposed using a percentage system because of the dynamic nature of the Seashore. One commenter suggested that this might be feasible, but only after species at the Seashore had been removed from the endangered species list.**

Representative Quotes:

Comment Text: ORV access based on percentages might be initiated once the endangered species have been removed from the endangered species list. This method would then ensure habitat protection for the species and allow high stress human actions on the maximum habitat allowable. This would keep the NPS from being threatened with legal actions for not upholding legal natural resource protection mandates.

Comment Text: Regarding some sort of Percentage System, the dynamics of the beach changing would make this very difficult if not impossible to keep current. The good waves would move down the beach and the surfers would want to move and the good fishing hole would close and the new one opened would be inaccessible because it is not in the percentage area. By the time areas are changed the beach will have changed again negating the area change. Again I have not seen user conflict that would justify such a system.

COMMENTS RELATED TO ALTERNATIVE CONCEPTS THAT INVOLVE SEASONAL RESTRICTIONS AT THE SEASHORE

- 11. Supporters of seasonal closures suggested that closures should be based on breeding seasons or recreation and visitor use patterns. Suggestions for alternative elements included consistent enforcement in all seasons and removing some of the closures in front of villages.**

Representative Quotes:

Comment Text: 1. Close with symbolic fencing (posts, string, closure signs) all suitable nesting habitats at nesting sites that have been used in the past 10 years, with appropriate buffer distances (see Table 6), from April 1st to September 14 or until the last chick has fledged and departed the area. These areas would include: Bodie Island spit, Cape Point, South Beach at Cape Point, Hatteras Inlet Spit, Ocracoke Inlet spit, and the north end of Ocracoke at Hatteras Inlet. 2. Monitor all other sites where habitat is suitable for nesting terns and skimmers (see Erwin 2005) and close these areas with symbolic fencing and appropriate buffer distances immediately upon observing courtship activity, territorial behavior, or scrapes. Closures should remain in effect until September 11 or until when the last chick has fledged and departed the area. 3. A narrow pedestrian corridor could be allowed at the mean high tide line for the purposes of fishing or passive recreation (walking, sunbathing, etc.) during daylight hours as long as nesting birds were not within 180m for Common Terns and Black

Skimmers, or 100m for Least Terns. Dogs and active recreation activity (kite flying, ball or Frisbee throwing/games, fireworks, other games) should not be allowed in the pedestrian corridor. If deliberate acts of disturbance or harassment of birds, or vandalism are observed, the area should be closed entirely for the remainder of the nesting season.

Comment Text: 6) Open full access to all beaches during fall and winter months after the birds and turtles have moved on.

Comment Text: These rules and regulations need to be in effect all year round. Period. No seasons. NPS needs to be consistent. There are visitors and residents all year. A closed area is a closed area all year. Consistency eliminates problems

Comment Text: Seasonality of ORV Traffic - The EIS should address seasonal variations in ORV-based fishing. Are there certain months that are favored by the fishing community? In the past, it seems fishing was considered of equal interest all year round. Perhaps there are months when a closure would affect fewer ORV users but would help wildlife and other visitors.

Comment Text: · Seasonal Closures: I believe all beaches within ½ mile of each Village (a boundary of ½ mile on the North end and South end of each Village) should be closed beginning the Monday immediately preceding Memorial Day and re-opened on the Monday following Labor Day. Since both holidays are now federal holidays that always fall on a Monday, this has the effect of opening and closing the beach 7 days before and after the respective holiday. The obvious reason for seasonal closures is one of safety. · Weather Related Closures: Storms and unusually high tides can make ORV use hazardous. When icing occurs in my part of the state, the highway patrol issues warnings and in some extreme cases the roads are closed. The same sense of reasoning and public awareness should be used for certain weather conditions within the Park. For example, if the Island were evacuated due to Hurricane warnings, the plan would call for a closing of all beaches to ORV use. If unusually high tides overcome a particular ramp, the ramp would be closed until safe access is possible. If unusual high tides are eroding the beach at the high dune, warnings will be posted, when possible. · Protected Species Management: This is a difficult issue. It is hard to understand why a few birds can cause an entire beach to be closed. I commend the Park Service for your recent efforts in communicating the need to protect certain species as well as developing alternative access methods where possible during breeding times. The ORV plan must identify which species are to be protected and how they will be protected. For example, turtle nesting areas have been identified by your staff and property roped off to prevent un-intended damage to the nest. It is my understanding that the same type of protection has been successfully done for the Piping Plover.

Comment Text: Seasonal Closures - should be mandated per rental season in front of the villages or when deemed necessary by NPS. However, re-opening of these areas should also occur once tourist season is over (especially in front of the villages). Typically, as I understand, the tourist season is roughly mid May - Labor Day weekend. As for temporary closures for other reasons (turtle nesting, bird nesting, etc.), NPS should have the final say. That said common sense should be one of the primary factors. Closing an area that is not in close proximity to a sensitive area should remain open.

Comment Text: Beach Closures, Re-Openings. The ORV management plan should provide clear guidelines that will enable personnel (under the direct supervision of the Superintendent of the Cape Hatteras National Seashore) to determine when a beach should be closed and when it can be re-opened. Guidelines within the plan would include: · Weather conditions. · Safety concerns. · Foot traffic on the beach in front of villages, during season for example. · Protected species management.

COMMENTS RELATED TO THE USE OF NIGHTTIME RESTRICTIONS AS A COMPONENT OF THE ALTERNATIVES

12. Some commenters stated that nighttime restrictions may be necessary to protect species at the Seashore, while others suggested that nighttime restrictions may be unnecessary and would limit certain nighttime recreational uses.

Representative Quotes:

Comment Text: Night Driving: There is no factual data to substantiate a ban on night driving. Brief appearance of headlights has minimal impact on beach compared to unregulated village and pier lighting. Beach front "cottages" are ablaze with lights and much of the turtle hatchling "light" problem would be eliminated by use of a tight key whole configuration of black plastic screening. This would also help to control ghost crab predation.

Comment Text: I've been told that the park is preparing to attempt a study/ count of nighttime ORV use of the beaches. At sunset there is a near frantic evacuation of the ORV-use beaches. Few visitors are at ease with the darkness of a beach. The actual nighttime numbers of ORV users is low, even in the most popular areas of the Point.

Comment Text: I would like to see some areas set aside and designated for fishermen and the like to be able to rest / sleep in their vehicles. This is not camping. Many times I have arrived late and cannot get a campsite nor are the National Park Campgrounds even open. An area in which to park and not be approached by the NPS Officers would be a blessing.

Comment Text: No vehicles on the beach at night between April and November to protect all stages of sea turtle nesting activities.

Comment Text: Do not put night time driving restrictions in place. The opportunity to gain access to the Park twenty-four hours a day allows for family activities the entire day. Star gazing is most enjoyable. My family and I enjoy night time fishing as well.

Comment Text: Regarding nighttime access...popular and highly sought after fish species such as striped bass and red drum [the North Carolina State Fish] are commonly pursued at night -- it is imperative and very reasonable that free and open night access to all of the areas where these fish are pursued, is maintained.

COMMENTS RELATED TO THE PROVISION OF ADDITIONAL ORV RELATED AMENITIES AT THE SEASHORE

13. Commenters asked that the ORV plan/EIS provide for additional amenities to Seashore users including: trash receptacles/dumpsters; restrooms/port-o-johns; fish cleaning tables; solar powered air-tanks at ramps; installation of additional access ramps and better maintenance of existing ramps; ramp number and mile marker signs; new and/or improved signage including identifying emergency contacts and the ferry schedule; more parking areas for pedestrian access; an RV dumping station; campground improvements; more public boat ramps; life guards; a bike path; showers; and more ranger patrols.

Representative Quotes:

Comment Text: There should be trash receptacles, "porta-potties", fish cleaning tables and solar-powered air tanks at ALL ramps.

Comment Text: I feel if ORV access is to be significantly curtailed serious consideration should be given to providing improved beach pedestrian access--more and larger parking areas near existing ramps--additional parking areas along route 12 with walkovers to beach will be needed--a very large area would be needed at Ramp 49 in Frisco to provide adequate access to the beach---Without these improvements many park visitors would not be able to enjoy the Park to its fullest.

Comment Text: Construct & maintain additional ORV and pedestrian ramps from NC 12 to both the ocean & soundside beach; 3. Erect & maintain toilet facilities at all ramps & fish-cleaning tables/air pump equipment at the more popularly used ramp locations. Establish trash receptacles (dumpsters) at ALL ramp locations; 4. Replace Carsonite posts with standard NPS signage on 2X2 stakes both on the beach & elsewhere within the Seashore. Provide ramp number and mile-marker signage on the beach in locations appropriate to each sign;

Comment Text: Establish more parking areas to accommodate vehicle-free beach and soundside recreation.

Comment Text: In addition, I would like to see the RV Sanitary Dumping Station open year round.

Comment Text: Salvo Campground: This unit has been under utilized and needs to be developed for the expected future increase in visitation. Bayside campgrounds have proven popular in other areas when extensive boating ramps were included. Additional restrooms and showers would be necessary. If boat launch facilities are developed elsewhere on the island the sound side waterfront should be further developed for increased bathing and water board sport beaches. There is adequate land area in Salvo to construct a first class turtle incubation laboratory. With the rise in cost of village rentals it is very important to maintain attractive facilities and ample accommodations for low cost camping in CHNSRA [Cape Hatteras National Seashore].

Comment Text: Implement shuttle systems for hard to reach areas during temporary resource protection closures.

Comment Text: I recommend that the park 1. Retain Pea Island as a vehicle free beach with no ORV ramps, 2. Maintain the existing 16 ocean side ORV ramps, and 3. Add the following ramps: a. one at the site of the One-way Road b. one Frisco Bathhouse, and c. one between ramp 59 and ramp 67. My recommendations for additional ramps are designed to address situations where existing ramps are more that 3-4 miles apart.

Comment Text: I would like to see the park reassert its authority and do the job it was established to do. In the future I would like to see more beaches closed year round to vehicles, more walking trails, lifeguards at more of our beaches in the summer, a bike path the length of the island, and in general more promotion of non-vehicle recreational alternatives.

Comment Text: If only the NPS had funding to build a walkway near ramp 44 similar to the one between Avon and Salvo. The only current way for a pedestrian to reach ramp 44 is by a deep, sandy track that is utilized by ORVs. There used to be a man-made ridge of hard-packed sand that connected the ponds at 43 with the dune at 44. It made for easier walking from car to ramp. Alas, most of that ridge was removed several years ago. The wished-for walkway could end with an observation platform that would be great for a spectacular view of the Salt Pond and the distant Point. Steps could lead down to the hard-packed road that connects ramp 44 with the beach.

Comment Text: Provide visitor amenities such as parking lots, sanitary facilities, air stations, fish cleaning stations and dumpsters or refuse collection at all ramps and beach access points. Provide a Public Boat Launch Facility at Hatteras Inlet adjacent to the Ferry Channel, similar to those at Oregon and Ocracoke Inlets. Note: The NCDENR has resources and expertise to construct such a facility if the NPSD identifies and approves a suitable site and real estate.

Comment Text: The beaches need to be better identified as part of the National Seashore. A better system of signage on Hwy 12 and on beach access ramps needs to be in place.

Comment Text: 1) Ramps / turnouts etc. currently established appear to be adequate at least as far as I'm concerned. Additional ramps / turnouts as warranted / needed. However, additional ramps/ turnouts must be deemed necessary based upon the need not because of surplus of annual funding that needs to be expensed. At ramp locations the following should be made available: 1) RULES for using the beach for ORV or Pedestrian traffic; 2) dumpsters; 3) air stations (re-fill tires); 4) water; 5) ferry schedule; 6) emergency contact numbers (medical, law enforcement, NPS).

COMMENTS RELATED TO POTENTIAL ELEMENTS OF COMMUNICATION, OUTREACH, AND EDUCATION FOR THE PLAN/EIS

14. Commenters stated that communication, outreach, and increased education should be included in the plan/EIS. Other commenters stated that outreach should occur throughout implementation of the plan/EIS to make any necessary adjustments, and comments from North Carolina residents should be given more weight than others.

Representative Quotes:

Comment Text: Education should be carried on with a multi-media approach of pamphlets and video programs at visitor centers, local televisions, rental agencies and parking area bulletin boards to foster responsible use of this park.

Comment Text: Communication: Communication will be the most important element of a sound ORV management plan. No plan will work perfectly every day. There will always be a need for unexpected closures or limited restrictions of use based on constantly changing environmental conditions. Effective and timely communication will be integral to the plan's success. I have been very impressed with recent efforts by your department to communicate the condition of the beaches, the need for beach closures, and related announcements when beaches are re-opened. I have received periodic e-mails that give me detailed information on the opening and closing of ramps and beaches. When a beach has been re-opened or closed, the reasons for action being taken has been clearly stated. Your communications in this respect have played a key role in quieting some of the fears and concerns of ORV beach users. In the not too distant past, potential ORV users have been "greeted" with signs posted "overnight". Beaches were closed without warning and with no communication of purpose. Your recent use of E-Mail and other communication procedures have provided an opportunity for all ORV users to plan their access to the beaches. And, this communication has allowed for a more complete understanding of conditions throughout the Park. A sound ORV management plan will provide communication methods that: Follows guidelines within the plan. Gives a clear understanding for the purpose of temporary closure, limitation of use, or whatever the restriction may be.

Comment Text: Organized citizen watch groups that can report violations. Privacy protection should be available for those making such reports. · Hotline number to Park Service to report abuse. · The management plan would have defined penalties that escalate in significance for re-peat offenders. · Park Service communications available to the public on safe ORV use and the protection of our Park's resources.

Comment Text: I believe perhaps a good approach is the establishment of general guidelines which will require ORV access to the beaches, but providing that access be curtailed (but not completely) to allow for appropriate environmental and wildlife protection. The fine tuning of how much access and where should be left to a volunteer panel comprised of citizens, scientists and government officials so that the balance of access and protection could be varied as conditions require. I would propose that local County Commissioners from Dare and Hyde Counties be allowed to appoint members and that likewise the Park Service appoint members as well.

Comment Text: Visitor and ORV user Education and Awareness It is likely that many visitors and ORV users within the Seashore are completely unaware of beach-nesting birds, the habitats they require for nesting and foraging, the importance of these habitats to their survival, the impact of vehicles and human disturbances on these birds, and the impact their actions have on predators. The Seashore has made only a minimal effort to make visitors aware of the biology of beach-nesting birds. We urge the Seashore to develop and implement an extensive natural resource awareness program as part of the ORV Management Plan. The Seashore should also distribute this information to all ORV users that access the Seashore beaches.

Comment Text: We need more brochures and/or training at Ramps and other locations which could include tackle shops, grocery stores, restaurants and other "shops" to inform the public using the Recreation Area who may be unfamiliar with the rules or how to drive and enjoy the Area safely. Offer a training video in the Visitors Center. Place a "DO" sign at each Ramp. Example: DO let the air out of the tires; DO pick up trash; DO report any careless/dangerous driving (and post a number). By saying "DO" instead of "DO NOT", it takes the negative word "NOT" out.

Comment Text: It seems odd that Ocracoke is not included in the list of public meetings. The affected area is 16 miles long and by my estimate there are about 5 miles of that open to ORV. If Ocracoke has not been included for public comment because NPS feels that there need be no changes to the already existing limits, then that is fair enough.

COMMENTS RELATED TO OTHER POTENTIAL ALTERNATIVE ELEMENTS FOR THE PLAN/EIS

15. Suggestions for new alternative elements included:

- a. Increased enforcement and actions to address those who violate regulations.
- b. Requirements for vehicles and drivers on the beach.
- c. Alternative transportation, such as electric or non polluting shuttles and over sand vehicles.
- d. Consideration of elements used for similar plans at other national seashores.
- e. Taxes, fees, or licenses to manage ORVs.

Representative Quotes:

Comment Text: 6. Pedestrian corridors Consideration should be given to increased pedestrian corridors in the villages so that the closure signs are not posted at the site of the last property line. Pedestrians should be allowed to enjoy beachcombing areas adjacent to dunes and free of motor vehicle traffic to enjoy the solitude and natural beauty of the National Seashore. There thus needs to be pedestrian buffer zones of at least 1 mile adjacent to the villages.

Comment Text: 5. Publicize all summons and court cases involving beach violations. The "New Jersey Wildlife" magazine used to report violations monthly. It must have been daunting to Dr. so and so, or even John Public to see his name listed for fishing-no license or two trout over limit.

Comment Text: Park Service Enforcement: Unfortunately, there are citizens that refuse to follow the rules. Law enforcement within the park will be a critical part of a successful ORV plan. The plan

must identify areas of abuse and regulation violation and provide for proper penalties. For example: · Speed enforcement. · Use of non-licensed vehicle. · Damage to dunes by vehicle or pedestrian. · Illegal access to beach (not by designated ramp). · Allowing pets off leash. · Obvious reckless driving. Repeat offenders will be given more significant penalties. A public access telephone number to the Park to report offenders should be implemented.

Comment Text: A 20 mph speed limit be posted and enforced. No digging holes over 12 inches deep, except to unstick vehicles. Then the area should be restored. No kite or balloons with those little ribbons, ask the stores not to sell them.

Comment Text: I do make 1 request: I used to take 1 ATV for me and the wife, but the new law says we must each ride our own separate ATV. The new ATV rules have increased the number, or size, of vehicles needed on the barrier islands unnecessarily. Please use the farm and harvest rules as before.

Comment Text: Miscellaneous Elements of ORV Management Plan Vehicle Safety Requirements- Any state licensed four-wheel drive vehicle should be allowed access. Current postings (at ramps) of tire pressure are adequate notice for safety precautions. Requiring the use of certain off road equipment such as chains, shovels, etc should not be required. The ORV plan should allow night driving. Speed limits of 15 MPH should be enforced. A 20-25MPH speed limit is simply too much speed and is not needed. Designated ORV routes should be provided from Highway 12 to the beach or sound. Once over the ramp, the ORV user should be directed away from existing dunes. Once on the beach, the ORV user should be free to use the entire beach with the obvious need of protecting the dunes as is now done by sign postings. Specified corridor widths on the beach should not be a part of the plan. The Park service must be present on our beaches with routine patrols and available for assistance when requested. The ORV plan would have no vehicle permit requirement. The ORV plan would not have vehicle unit limitations. Everyone is welcomed to enjoy the beach following a few simple rules. Given the significant and constantly changing environment within the Park, the ORV management plan must be flexible to be successful. Methods must be available to allow public comment regarding policy and plan implementation by the Park Service. The public must have methods outlined within the plan to request a change of policy or procedure. The ramp system now in place within the Park is very good. I envision a plan that would build on the current system, using the access areas that are already in place. Pets should be allowed on the beaches. The pets must be leashed, using a normal retractable leash or similar device.

Comment Text: Another element to be considered is the use of alternative transportation to sensitive barrier island habitats such as beaches and spits. Small and medium sized vessels off shore might be contracted for near shore fishing to limit human impacts to the beach habitat during endangered species breeding and germination seasons, (Electric?) Beach bus routes running on planned interior areas might also limit visitor impacts to these sensitive habitats and yet allow for limited surf fishing (and take away a possible negative comment such as "they've kicked us off the beach!"). Increased marketing for the use of habitats on the west side of Route 12 could do its part on limiting beach impacts due to human activity that is stressful for breeding and germination. Each of these suggestions has a high possibility of being contracted to allow for replacement revenues for those habitat-damaging ORV activities that would be eliminated by Plan actions.

Comment Text: Although others would disagree, I wouldn't mind paying an "off road tax" of some sort to help with federal maintenance, or perhaps include cape Hatteras seashore in the golden park passport system?? I would not want ORV to be the ONLY ones paying this tax.

Comment Text: Put a gate at Buxton and charge a fee if necessary.

Comment Text: Use bussing system and bus in fishermen Boat in fishermen if they are truly so concerned with people with disabilities then provide a disability van.

- 16. Commenters provided the following alternative elements that specifically addressed management of ORVs related to protected species management:**
- a. Identify nesting areas and close them to vehicle traffic; list the species that should be protected; use fencing to protect species; establish conservation zones; ban fireworks; allow for independent verification of nests; and establish a species monitoring program.**
 - b. Use of habitat creation or modification, as well as the relocation of species to other areas and the use of hatcheries.**
 - c. Address other threats to species, such as predators and food sources for predators.**
 - d. Implement closures, providing alternate access around closures, removing closures as soon as possible, allowing rangers to determine when closures should be removed, and determining how safety closures should be established.**

Representative Quotes:

Comment Text: The areas of the beach that have nesting birds such as piping plovers or least terns obviously need to be closed to vehicle traffic. Areas of open beaches that have nest areas roped off need the proper buffer so the birds won't abandon nests or young. These rules need to be consistently enforced.

Comment Text: Some easy things to implement under your Habitat Conservation plan could be to stop driving at sunset, make a "conservation zone" (30 ft from the top of all dunes) where people can't drive, and mark clearly all sea turtle nests, so they don't get run over.

Comment Text: Fireworks should not be allowed during the nesting season.

Comment Text: Allow for independent verification of nests, etc w/ NPS personal if requested.

Comment Text: The Seashore should implement a monitoring program to assess the effectiveness of the ORV Management Plan and the impact of the ORV Management Plan on all beach-nesting bird species and other resources in the Seashore.

Comment Text: Upon observations of nesting turtles, these nests should be marked. Once egg laying is over, the eggs dug up and relocated to the Pea Island NWR beaches. There are NO lights in this

area that could cause confusion in the young turtles. This could considerably increase the numbers of juvenile turtles reaching the surf.

Comment Text: Why does the park service not study how habitat can be modified to provide for protection and recreation? The past practice has been to close off areas, which promotes plant growth. This expands the areas that are not suitable bird habitat and forces the birds to compete with humans. At the same time this policy expands the suitable habitat for predators, which the NPS spends a good amount of money to trap and kill. A case in point is the large pond at Cape Point. Many long time residents remember that it used to be a large nesting and breeding area when the vegetation was not allowed to grow right up to the shoreline. I have been told that the Audubon Society has raised this concern in the past and received no interest from the park service. Since the park service has allowed the large wooded area on Cape Point to be flooded by salt water killing off the vegetation, why not use this area to create the proper bird habitat? The area has no human presence so there is no loss of access for the public and could provide a model of creative thinking and a wonderful place for bird watchers.

Comment Text: 1) Turtle hatchery program: retrieve eggs, hatch, and release. This obviously will reduce predation 2) Enlarge nesting areas for bird nesting by mechanical means i.e. disk & harrow 3) 2' mesh fence to keep chicks from wandering 4) Intensive predator control: Haphazard attempts will not be successful. A trapper should be engaged and predators reduced to low numbers (forget the ghost crabs).

Comment Text: When plovers are observed nesting and laying eggs, these eggs should be collected, incubated, hatched, fledged and released into the wild. This will decrease the amount of predation by 100%, and from personal experience - I KNOW fledging programs such as this, do in fact, increase the overall populations of threatened or endangered species.

Comment Text: Predator Control Program: The Threatened and Endangered species and species of special concern within the Park must be protected from predators. It has been my experience that man is not a chronic problem here. Significant adverse consequences to T & E species are typically caused by: Weather (High tides, Storm surges from Hurricanes, etc.) other wildlife (Foxes, opossums, raccoons, etc.) and, perhaps the worst: Feral cats. Solve this problem on Hatteras Island and you may save some of the threatened and endangered species! The ORV plan must: Identify the T & E species. Identify natural predators of the T & E species. And, provide methods to control the predators.

Comment Text: Reduce predator food sources by removing fish cleaning stations and dumpsters to interior areas away from the beach.

Comment Text: I also believe that if any popular recreational area absolutely needs to be closed for temporary reasons that every effort should be made to allow access around the closed areas. Superintendent Murray did manage the beaches in 2006 within the confines of the regs. and policy both for the protection of the birds & turtles AND for the access of the visiting public. Last year the Park Service did make a good attempt to keep us up to date as to the closures, the reasons for the

closures, attempted to mitigate some of the closures by providing access around the sensitive areas to unaffected areas and opened the areas when the biological reason were no longer in effect.

Comment Text: Establish a policy for the timely reopening of beach closures regardless of the reason for closure. Give the Park Rangers patrolling those areas the authority to reopen safety closures once conditions improve.

Comment Text: 3) Safety closures should be based upon experienced NPS personnel determining that due to circumstances (wind, hurricane other natural event) the beach is not safe to traverse, (to close to water, to close to dunes, potential of harming resource because of the lack of room. However, re-evaluating the closed area(s) should be undertaken in a timely manner. Upon this re-evaluation, the area in question is opened or remains closed pending the next re-evaluation.

17. Commenters requested that the ORV management plan address vehicle access and routes. Commenters also recommended changing the Seashore to a state managed beach, prohibiting vehicle traffic in front of dwellings, and prohibiting net fishing.

Representative Quotes:

Comment Text: There should be a minimum of 20 additional sound access roads with parking lots established on the west side of Highway 12 along the entire CHNSRA [Cape Hatteras National Seashore].

Comment Text: 100 foot rule The Interim management plan held that if the distance from mean high tide to the dune line is less than 100 feet, than this area of beach is too narrow and constitutes a safety closure. Superintendent order #7 in 2006 as per Mr. Murray removed this provision. Consideration needs to be given to reinstatement of this rule in the interest of pedestrian safety. Pedestrians and ORVs in a narrow corridor threaten the safety of the 90% of park visitors who access the beach by foot.

Comment Text: I would like to see inter-dunal passage ways where land mass permits. This would allow safe passage by ORVs should the oceanfront be closed for ANY reason.

Comment Text: The answer is making this a North Carolina State Beach, not Federal.

Comment Text: All vehicle traffic should be prohibited on the beach adjacent to dwellings.

Comment Text: If your serious and want to protect our shores then focus on stopping large netting and any type of dragging within a 1/2 mile of our shores by anyone. It is down right wrong for such activities taking place near our shores and in our tributaries.

COMMENTS RELATED TO WILDLIFE AND WILDLIFE HABITAT, INCLUDING THREATENED, ENDANGERED, AND SPECIES OF SPECIAL CONCERN

18. Commenters noted the value of wildlife habitat at the Seashore and stated that many of the Seashore's wildlife are in decline, including federal and state listed wildlife. Commenters stated that some threats to the species include ORV use, predators, and weather conditions. Some stated that wildlife decline was an issue of concern, others felt that history does not show ORV and species conflicts, with some suggesting that ORV use could benefit the Seashore environment.

Representative Quotes:

Comment Text: 2006 showed miserable stats for Cape Hatteras' National Seashore. There was only one successful piping Plover pair, Oystercatcher pairs had dropped by 50% in a decade, and not one Gull-billed Tern chick was hatched. That is abysmal productivity for a 70 mile long barrier beach!

Comment Text: Areas such as Pea Island, Cape Point and the flats near Oregon Inlet provide unique habitats for wintering ducks and for such species of concern as piping plover, American oystercatcher and common tern. We must come up with a plan that preserves this habitat, while addressing legitimate concerns of the fishers.

Comment Text: Virtually all ORVs operate within several feet of the high tide line. In many years of using the recreation area, there have been very few, if any, incidents of ORV traffic injuring nesting birds or turtles.

Comment Text: As many have noted, predation is the major cause of piping plover mortality relative to fledglings on this beach.

Comment Text: The main culprit that keeps birds like the Piping Plover from making a comeback on the beaches of Cape Hatteras National Recreational Seashore is Mother Nature. She's a cruel mother, with regular Nor' Easters & hurricanes overwashing almost all the beaches in the park. Park, eggs & fledglings stand poor chances of survival. There is nothing any man can do to prevent nature's wrath.

Comment Text: Protection for American Oystercatchers. The American Oystercatcher is listed as a "Species of High Concern" in the US Shorebird Conservation Plan (Brown et al. 2001). Primary threats to this species are habitat loss, human disturbance, and predation by non-native predators and species closely associated with human activity (Schulte et al. 2006). Human disturbance has been implicated as a significant contributor to low reproductive success and high predation rates in studies conducted in North Carolina and Georgia (McGowan 2004, Davis et al. 2001, Sabine 2005, Sabine et al. 2005, and Simons 2004). Davis et al. (2001) also found that oystercatchers avoid nesting in areas with high human disturbance and McGowan (2004) found that the presence of vehicles on beaches contributed to higher predation rates.

Comment Text: The environment is harsh and unpredictable there making it likely that reproduction would be inconsistent. As I drive the many miles from Oregon Inlet to Buxton I cannot imagine why that land would not be enough to set aside for the birds to reproduce.

Comment Text: Everybody is trying to blame the four-wheel drive for the lack of birds in the park, but the problem started after the Park Service attempted to protect the birds. Close areas allows the animals to hunt without threat of humans. Close areas allows grass to overtake the areas that shore birds need to nest and feed in. The Park Service decision to not reopen the drain system after a storm in 2003 has caused more damage to the park and to the island than any storms in history. The wooded area which holds this island together has been destroyed and a polluted swampland has been made. I know that the wooded areas were here in 1979 when I was station here in the Coast Guard for four years. Also, the lighthouse would not have been moved into a swamp area when they move in 1999. Park Service should be liable for the clean-up and replanting of the maritime forest to protect this island and the park from further damage.

Comment Text: Predation is a natural occurrence and it is important in maintaining ecosystem balance. It is also one of the key limiting factors in waterbird and shorebird nesting productivity in the Seashore. Predation can become problematic when the predator is an introduced species, when the population of a predator is un-naturally high due to human influences, when predation is occurring on species experiencing significant population declines, or when there are efforts underway to restore nesting sites (Parnell et al. 1998, Hunter et al. 2006).

Comment Text: I have been on the coast of NC the majority of my adult life. I have seen more destruction of habitat and shoreline due to CONSTRUCTION of Condominiums, and other hard buildings then I have seen caused by ORVs.

Comment Text: That statement, at least about the plovers simply isn't true. CHNSRA [Cape Hatteras National Seashore] is one of the southern most areas for the breeding of piping plovers. Even historically, before ORV use was as popular as it is today, the numbers of breeding pairs on the island were extremely low, and if the species is to be kept around, pressure should be shifted more up north where numbers of birds are much greater and enclosures are often tiny, and not vast such as the multiple football field size closures on Hatteras. They are also a vital habitat and food source for countless shorebirds. Which has not been to greatly disturbed, closures in the Oregon Inlet Area, as well as the area of the hook and pea island are havens for birds, and the birds that only feed along the shore of the ocean are generally unbothered by people, and often come right up around surf anglers to feed.

Comment Text: An additional element to be considered is the break up of habitat caused by ORV driving. Designated routes with the tire ruts prevent the movement of chicks by adults to areas of safety from some predators. These ruts are the equivalent to fences preventing adults from removing chicks from the immediate area during predator activity. If prey is not easily obtained, predators tend to move out of an area and/or their numbers drop naturally. This would make a costly, time consuming predator control plan unnecessary. In addition, ORV tire ruts limit the natural ability of adults to entice predators away from nests (i.e. broken wing display, vocalizations to divert Prey from a path to the nest or chick area, etc.). -- It should be noted that there is documentation from Fire Island

NS of adult Piping Plovers moving their three chicks a distance of four miles on the chick's second and third day of life to an area that was vehicle free and had fewer predators. ORVs and their tire ruts prevent this natural evasive action.

Comment Text: Has anyone ever investigated, as I believe, that driving on the beach actually packs the beach and helps in its preservation? I believe there was such a study in Australia.

- 19. Commenters listed specific methodologies and assumptions that should be taken into account when preparing the ORV management plan at the Seashore, including promoting preservation over recreation, only initiating closures for federally listed species, determining the proper buffers, allowing for access and preservation, using science-based protection measures, determining how species counts should be reported or data to be used, detailing the costs of protection measures, focusing on predation control, and studying past closures and related productivity. Commenters noted other issues that should be addressed in the impact analysis including disturbances during nesting periods, compromise between ORV users and environmentalists, and increased populations at other parks.**

Representative Quotes:

Comment Text: I would like to go on record as favoring controls that are weighted toward preservation and conservation, as opposed to recreation. I believe that it would be politically unfeasible to prohibit beach-driving totally, but it can and should be controlled for conservation measures. The Outer Banks are more fully developed now than anyone would have dreamed possible in the early years of the National Seashore and there are simply too many vehicles now.

Comment Text: To clarify the above paragraph, "endangered species" means just that. If the species is NOT on the endangered list, then the beach should NOT be closed for access. The closures should only occur WHEN the species arrives, NOT in anticipation of the arrival. As for the tourist season, that would be May 15th through September 15th. We should have unlimited access from September 16th through May 14th annually.

Comment Text: Protection of nesting habitat does not require vehicles to be banned from the Seashore's beaches. It simply requires that proven and science-based protection measures are implemented to keep recreation activity a safe distance from nesting sites and habitats where chicks are present.

Comment Text: When reporting ESA protected flora/fauna show Pea Island counts/locations. Also show counts for new land masses, i.e.; spoils islands, sand migrations, etc. Our birds are mobile and many have moved not perished as inferred.

Comment Text: What is the benefit of the extreme amounts of money the NPS has spent in the last few years to protect an extremely small population of piping plovers? I would like to see what hundreds of thousands dollars of taxpayers money could have done if the NPS had explored the idea of creating habitat instead of denying access. Is our population of breeding pairs critical to the survival of the species? How can such a small population warrant the impact on the economy of

Hatteras Island that comes with the total beach closures we have seen in the past? These total closures have a far-reaching impact on our economy. A visitor who spent his or her money for a vacation during a total closure and was denied ORV access might not understand that the situation may be different the next year and not plan a return visit.

Comment Text: If nesting piping plover is a real concern then predation control should be the most important element of the Park's plan. The Park should incorporate the recommendations of the study "Impacts of Feral and Free-Ranging Cats on Bird Species of Conservation Concern" into their plan.

Comment Text: The highs and lows in plover population levels should be studied. Having no closures during the 1980 through the late' 1990 period and having high plover #'s of nest only to watch the numbers diminish as closures got larger and larger is wrong.: The mismanagement by a very biased NPS group led to this decline and only through proper and thorough understanding of the past will populations continue to increase.

Comment Text: Protection for nesting Piping Plovers, in 2005, the USGS Patuxent Wildlife Research Center prepared and submitted to Cape Hatteras National Seashore a document entitled Management and Protection Protocols for the Threatened Piping Plover (*Charadrius melodus*) on Cape Hatteras National Seashore, North Carolina (Cohen 2005). In addition, the Atlantic Piping Plover Recovery Plan (USFWS 1996) provides recommendations regarding the protection of adults, nests, chicks, and habitats. These documents clearly outline actions that should be taken by the Seashore to protect, manage, and monitor Piping Plovers within the Seashore. The recommendations provided by Audubon are consistent with these recommendations and we urge the Seashore to take action and fully implement recommendations presented in these documents.

Comment Text: The greatest known fledging success for Piping Plovers in the Seashore was in 2005 when 2 Piping Plover pairs breeding at Cape Point/South Beach were reported to have fledged 3 chicks each. In 2005, access to Cape Point was limited during the period when piping plover chicks were present, thus the chicks were able to access to suitable foraging habitat (and likely avoid predators) without disturbances.

Comment Text: Off-road vehicles simply don't belong on beaches with prime nesting habitat during the critical breeding season for wildlife that depends on these shores. No amount of monitoring will provide the protection needed during these periods

Comment Text: Contact all US Eastern Coast Parks and Wildlife Sanctuaries to learn the full truth of numbers of nesting shore birds/sea birds. The statement of number of shorebirds nesting here continuing to decline each year is only a small part of the true picture, which is propaganda at its best. If numbers are decreasing here are they decreasing anywhere else? If numbers are decreasing everywhere then the problem lays in the migratory routes and wintering grounds not the problem of this park alone. Scientific reports need to be factual and truthful with no emotional bias or skewing of facts. If the park personnel are not doing a good job of something be truthful and ask for advice for improvement

Comment Text: Several studies have addressed the reaction of nesting birds to human disturbances and provide recommended minimum setback distances (Table 6). These recommended setback distances are the minimum distances at which recreation activity (including people and vehicles) should be kept from incubating birds and adults with chicks. Studies addressing the reactions of shorebirds and waterbirds to the presence of dogs are limited. Dogs have been observed killing black skimmer chicks (W. Golder pers. obs.) and anecdotal observations of the reaction of nesting birds to the presence of dogs suggest that nesting birds are disturbed at greater distances by the presence of a dog (W. Golder pers. obs.). Dogs off leash have been observed to be a significant problem at the Seashore. The Seashore should strictly enforce leash regulations for dogs and a minimum of 100m of additional buffer distance should be added in areas where dogs are permitted (Hunter et al. 2006).

Comment Text: We feel the NPS should consider the negative impact of increased foot traffic on the dunes and fauna if ORV access is limited and people are required to walk across the habitat to access the beach areas. This is already apparent in some areas of Pea Island.

COMMENTS RELATED TO POTENTIAL IMPACTS AND INFLUENCE OF ORV USE ON THE ECONOMY

20. Commenters stated that any limitations on ORV use would reduce visitation to the Seashore and impact the economy of villages within the Seashore. Other commenters felt that the impacts to the economy would not be great.

Representative Quotes:

Comment Text: Restricting my access to the beaches of Cape Hatteras National Seashore would eliminate my desire to come to Cape Hatteras, and that of my friends and family, which would have a very definite negative impact on the economy and future of Cape Hatteras. Please, leave the beaches accessible to all for years to come.

Comment Text: I am in favor of continued use of ORV access. Access is the key to being able to fish the waters on the islands and should continue to be available to the public. Surf fishing brings income to all the islands where ORV can access beaches. Many fishermen will stop going fishing causing loss in income to local businesses as well as a decline in saltwater fishing licenses. I hope to continue to have the privilege of fishing on the islands with the use of a motor vehicle.

Comment Text: Recognize that the entire beach IS NOT equal. Year round access to points and inlets is CRITICAL for tourism and economy on both Hatteras and Ocracoke Island. Our customers will tell you that they do not have an interest in fishing the middle of the beach- they are here for the points and inlets. They can fish other places in the middle of the beach a lot closer to home and not spend the night in a hotel or eat out at the local restaurants.

Comment Text: ACCURATELY evaluate the short and long term economic impact to local villages and businesses. Involve these persons and businesses in the evaluation- survey the customers, send out surveys to businesses, hotels and restaurants. The park should survey vacationers that rent homes

on the island through the rental companies. Get real numbers on the people staying and spending their money in villages- not just "day trippers" that swing through from Nags Head/Kitty Hawk.

Comment Text: The beaches belong to the citizens of the United States, they were created as a recreational area, and the livelihoods of the majority of the residents depend on exactly that! The villages have grown to accommodate the visitors to the park; the majority of businesses are here to serve the visitors to the park, not wildlife! The Park needs to invest an equal amount of time and money into the economic impact as it has into species protection! Once again, the "Interim Protected Species Plan" seems to be the focal point, not the economy.

Comment Text: A healthy economy does not depend on one or two recreational activities such as beach fishing to sustain the regional work force. The issues facing Cape Hatteras National Seashore are common along the east coast. Being the first to plan and develop alternative, habitat friendly, beach activities (other than wind surfing, etc.) would put this area ahead of the others that would follow. Developing a proactive long-term Plan will require dedicated NPS and regional personnel that are capable of "seeing the forest from the trees", and permitted to "work outside the box".

Comment Text: When conducting your analysis of socioeconomic impacts, I recommend 1. That you ignore the assertion that 10% of park users who frequent the beaches use ORVs. 2. That you ignore the Vogelsong Visitor Use Study, 3. That you ignore any and all conclusions based upon the Vogelsong Visitor Use Study, and 4. That you ignore the Economic Impact Study presented in the Interim Protected Species Management Strategy/Environmental Assessment. With respect to the assertion that 10% of park users who frequent the beaches use ORVs, the 10% figure is based upon Vogelsong's estimate of the number of ORVs that can be found on the park's beaches per annum ' 91,907. The above-noted figure, 91,907, was calculated as follows: $91,907 = (251.8)(365)$ where 91,907 is Vogelsong's estimate of the number of ORVs on the park's beaches, per annum, 251.8 is Vogelsong's estimate of the average number of ORVs found on the park's beach "at one time", and 365 is the number of days in a year. 91,907 is an algebraically meaningless quantity. This follows from the fact that 91,907 was calculated by multiplying an "at one time" quantity (215.8) by a number of "days" quantity (365). It's like multiplying apples by oranges. SOCIOECONOMIC IMPACTS Thus, a one-month closure at one spit could affect approximately (2%) of the annual ORV use, or 4,332 visitors, whereas a full-summer closure would impact approximately (6%) of ORVs or 12,997 visitors? Vogelsong provides a second measure of the percentage park users who frequent the beaches using ORVs. 68% of all visitors surveyed reported spending some time driving on the park's beaches Assuming the 68% is a more accurate reflection of the percentage of park users who frequent the beaches using ORVs, the above-referenced statement would read as follows: Thus, a one-month closure at one spit could affect approximately 32,242 visitors during any one summer month. A full summer closure would affect 96,725 visitors during the 3 summer months. This assumes that all ORV users are driving to the spits, which may not be the case. 5. Clearly, the use of an algebraically meaningless number has a substantial impact on the conclusions as they relate to the impact on visitor use and experience and economic impacts related to proposed restrictions on ORV use. Vogelsong's Study Is Not Statistically Credible.

Comment Text: Birders by nature are very passive people. We are not inclined to put up a fight, like the fisherman and ORV industry. Please know that for every one of us that contacts you, there are dozens more that feel the same way. We have plenty of money to spend on our hobby. Money that

can be spent on hotels, restaurants, and gifts. Like I said, my tourist dollars go to SC where I know I can walk the beach and watch and photograph birds without having to dodge SUV's and ORVs.

Comment Text: The towns in Dare County depend on the tourism for their economic well-being, their very survival. Take away ORV access, and one of two things will happen: 1. These towns will dry up with little to no tourist income. 2. The small hotels and tackle shops will sell out to high rise hotels, Eagles, and Wings and turn the quaint villages of Hatteras Village, Rodanthe, and Buxton into Myrtle Beach. Tell us how good that will be for the wildlife?

Comment Text: I employ at least 10 people in Dare County and they are dependant upon our citizens being able to access our beaches. Economics play a great part in any decision to be made.

Comment Text: Besides the quaint village atmosphere, the beach is the reason for our visitor's obsession with Ocracoke. Access to the beach is a way of life for the local Ocracokers. How can these traditions not have an effect on the Park Service decision? How can the loss of this access not have a financial effect on this community? Your plan will alter our livelihoods, our property values, and the growth of our community. Who will the Park be serving when the people cease making the long trek down the Banks to our little island? Our life on the island is hard enough; we are subject to the economy, the weather and the fragility of the thread of Route #12, running down the Outer Banks. Why does it feel like an even tighter strangle hold on the life blood of the island?

Comment Text: Perhaps fishing is king at this seashore, but overall in this country birders are not outnumbered by fishermen. There are an ever increasing number of birders who come here to see the seashore's specialties: Piping Plover, American Oystercatcher, Least Tern and seven other tern species, Black Skimmer, some ten species of gulls, and numerous ocean-going specialties such as Northern Gannets and various sea ducks. Pelagic birds are a specialty of regular all day boat trips out of various harbors. A yearly festival, Wings over Water, attracts visitors from across the country. Annual mid-winter censuses are conducted by visiting birders. The bottom line is that several hundred visiting birders who lodge, dine, buy gasoline and other commodities do have an economic impact on the region.

Comment Text: The loss of income would, I think, only be temporary as the mix changes to walking fishermen, families, and ecology minded vacationers. With the current high profile on ecology and protection of our wildlife and properly marketed, this would not be a difficult result to achieve.

COMMENTS RELATED TO POTENTIAL IMPACTS OF ORV USE RELATED TO VISITOR USE AT THE SEASHORE

21. Commenters noted the importance of being able to use ORVs at the Seashore to access recreational opportunities, and felt that this access did not have negative impacts to the Seashore.

Representative Quotes:

Comment Text: I have experienced endless hours of enjoyment at Cape Hatteras National Seashore and caught many fine fish. As I am now a senior citizen it is even more critical for me to be able to access the beaches via a 4x4 vehicle as I wind down a life of surf fishing.

Comment Text: A statement was made regarding ORV access vs. pedestrian access--I live in Avon near ramp 38--I have noticed many times an "odd" situation--Nice Summer day will show few people on the beach in front of the village--Seems like lots of them have 4wd vehicles and drive out on the beach somewhere rather than walk out from their ocean front rental--I bike a lot and notice quite a few 4wd vehicles all loaded up and ready to go, even though they have a beach right in front of their cottage--even more prevalent with renters on the sound side--too long a walk--don't want to lug all their stuff--would rather drive out 43 or 44 to the Point or some other 4wd access spot--Obvious question---if they can't drive out to the beach where will they all go? Or will they still continue to visit CHAC? They come here because they can drive on the beach (Surveys might show different but it looks that way from what I see). Worth thinking about.

Comment Text: Millions of people visit the Island each year be it to swim, fish, collect shells, vacation, or windsurf, or what have you. I'd be willing to say that 95% of those people use the beaches to enjoy their hobbies, and of those 95%, I'd bet close to 100% have ORVs to better enhance their trips to CHNSRA [Cape Hatteras National Seashore].

Comment Text: It is vital that the watersports-user group not be overlooked. The users within our group range from local residents and business owners to international manufacturers and industries. This group comprises millions of participants worldwide, and among those, well over 1 million participants specifically recognize Cape Hatteras as a premier location for watersports based on conditions and the current ORV access to the soundside and ocean waters. Each year, hundreds of thousands of people visit this area specifically to participate in watersports. Indeed, the watersports group may be one of the largest combined user groups of the National Seashore.

Comment Text: We all use ORVs to gain access to these (and other) sand spits (in my case SUV's to go birding). Various people use these areas for a variety of purposes: Sun bathing, Shelling, Swimming and wading, Fishing, Birding, etc. etc. But in none of these activities is one required to move into or move onto these 'restricted areas' that are set aside (& for brief periods of time) for the benefit of our native breeding birds. It seems obvious that we can ACCOMODATE most all of the purposes that people put these areas to use.

Comment Text: As a visitor to the National seashores of Sandy Hook, and Cape Hatteras, I have been quite careful with the ORV access never to disturb either hikers, Bathers or other fishermen.

Comment Text: Audubon Society has failed to mention many positive outcomes of having ORV use on the beaches at not only Cape Hatteras but other seashore over this country. I know of several mammals that have strayed from the oceans and beached themselves and a ORV user has called for help and the mammals has been cared for and we have actually gained knowledge of the species, then returned it to complete a natural life in either the open waters or in a facility to care for them like the Baltimore Aquarium.

Comment Text: The plan must not buy into user conflicts that mostly do not exist. There currently is very little true competition and conflicts between park visitors, aside from occasional incidents which may occur anywhere significant numbers of people gather. Much of the recent perceived conflict between groups such as bird enthusiasts and fisherman has largely been fed by groups and individuals who can then use an argument of reducing conflict to restrict human access to significant areas of the park. The plan should not include restrictions to correct manufactured or over-advertised conflicts.

Comment Text: As our beaches have gotten developed there are less and less places to access our beaches. Please don't take this beach access away from those of us who can't afford a beach front home.

Comment Text: We feel by restricting vehicles, you are leaving 99% of the park for only the park rangers to be able to enjoy, leaving the public to a small restricted area which will end up crowded and abused because of the large number of people in a small area. A restricted area for could never show the general public what a diverse and beautiful park Cape Hatteras is.

Comment Text: People come to the park for all kinds of recreation. Denying ORV access would deny many user groups access to the beaches and the park. Children, physically challenged people and the elderly are a few user groups that come to mind. Cape Hatteras National Seashore Recreation Area is one of the finest parks in the country because it is so accessible.

22. Commenters provided examples of how ORVs detracted from their experience. Commenters also felt that the recreational opportunities at the Seashore could be accessed without an ORV.

Representative Quotes:

Comment Text: Noise pollution is a huge consideration as well. Off road vehicles are incredibly intrusive with there noise, pollution, and speed at which they travel. Please consider the importance of silence. You have a chance to make a difference. It crucial to do it now rather than later.

Comment Text: SO# 7 and the NPS September Press release create a less than equitable situation for non-ORV park users accessing the Seashore. SO # 7 says pedestrians can stay landward of the ORV corridor and the September Press Release says not set up any paraphernalia in ORV routes. There are ORV trails from the base of the dune to the waters edge on the majority of CHNS beaches during the

shoulder season (September 15 through May 15). This constitutes a failure of the NPS to provide pedestrians with equitable safe access and fundamentally changed the status quo of how much of the seashore had been managed prior to SO # 7 May, 2004. The entire beach can be an ORV trail and the park does little more than recommend that pedestrians stay out of the way.

Comment Text: Documented cases of visitor use conflicts, pedestrian safety, and resource violations coupled with a dramatic increase in vehicles on the Park beaches make today's ORV use neither traditional nor appropriate. The Park has photographic documentation of what traditional use of vehicles on CHNS [Cape Hatteras National Seashore] looked like. Those pictures in no way compares to ORV use today.

Comment Text: It was not our idea of a lovely day on the beach listening to the waves and the birds. Instead we listened to truck engines revving and breathed truck fumes.

Comment Text: Our beaches have become a veritable parking lot and I no longer feel safe walking where vehicles are constantly going back and forth and some of the drivers are intoxicated and reckless. Furthermore the atmosphere has become poisoned with websites full of slander and hatred for those who wish to protect the environment. Frankly I feel that our park representatives have become intimidated and have caved in to unreasonable demands for beach driving.

Comment Text: Besides, uncontrolled drivers create dangers for other citizens. They threaten and disturb the activities of sunbathers and walkers.

Comment Text: I have witnessed occurrences of ORV users driving in front of the villages during peak season and would not recommend this scenario if for no other reason than there are to many visitors on the beach in front of the villages. The National Seashore designation implies SAFE use for all who want to use the resource.

Comment Text: I prefer a CAR-FREE beach for the following reasons; 1) I don't have to worry about my child being run-over. 2) Peace, Quiet, Privacy, Nature. Cars on the beach totally change the tranquil, natural aspects of the beach. 3) Ruts and erosion 4) Wildlife protection.

Comment Text: I am an avid bird watcher that no longer visits the Outer Banks of NC because of the enormous number of ORVs that are allowed on our beaches. It is no longer enjoyable to go to Cape Hatteras and watch and photograph birds because there are either ORVs parked all over the beach or they are zipping up and down the beach with no regard for the pedestrians, human, avian, and otherwise. I now go to SC to go bird watching, which means my tourist dollars are not being spent in my home state.

- 23. Commenters questioned data used for the impact analysis of visitor use, specifically the data from the Vogel song study. They also felt that the visitor use analysis should consider many elements, including eliminating stereotypes of user groups, detailing the amount of shoreline available for different types of recreational uses, including various recreational uses, and conducting additional visitor use surveys.**

Representative Quotes:

Comment Text: An analysis of the widely quoted "Cape Hatteras National Seashore Visitor Use Study" by Dr. Hans Vogel song done by Jim Luizer has been submitted to you as part of his comments on the Interim Protected Species Management Strategy. Attached is a copy of Jim's analysis. I understand that the National Park Service (NPS) is not obligated to respond to comments and that NPS has officially accepted the Vogel song Study. If in fact, the analysis done by Jim is correct, then I believe that the NPS has a responsibility to publicly recant at least portions, of if not the complete Vogel song Study. I respectfully request that you have Jim's analysis reviewed by DOI staff in this field, an outside firm or university. As you know, Jim is a retired Professor of Economics and presumably knows what he is talking about and I feel that his analysis is entitled to serious consideration. William D. Neal, Senior Executive Office of SDR Consulting has also expressed concerns about the "Vogel song" survey to me privately. Mr. Neal has done survey work for OBPA and is a qualified expert in marketing and survey research. The validity of certain conclusions made by Dr. Vogel song must be ascertained before Negotiated Rulemaking (Neg. Reg.) meetings start. I hope that you can help to clear the air on this subject, as it will be a very serious problem at Neg. Reg. if it is not addressed now.

Comment Text: The ORV user group has come under much criticism and has been labeled the bad guy for enjoying nature in their application. ORV users have been told that they deliberately choose to run over plovers and turtles. Also that we destroy the beaches and dunes, we leave the beaches full of trash, drive to fast on the beach, and so on. All of the previous are untrue as a majority and as a matter of fact ORV user will abide any postings be it nests, speed limits and when an ORV user exits the beach will take all of the trash with them and even pickup the trash in the area where they enjoyed the day at the beach.

Comment Text: The plan must clearly state and recognize the loss of human access to significant areas of the park that further restrictions on ORV access would create. To be accurate and honest the plan must fully assess what amount of shoreline would be effectively inaccessible without ORV access to families, children, the elderly, the physically challenged, and recreationists who require equipment. This assessment would need to recognize that most such individuals would realistically be limited to using only the areas within a few hundred yards of a handful of parking areas. This assessment also needs to recognize the impacts of concentrated parking, and the negative environmental and social consequences of crowding large numbers of people into smaller and smaller areas.

Comment Text: There is NO actual incompatibility between casual pedestrian transit and mobile or stationary ORV activity on the open beach. In fact there are already numerous areas in the woods and behind the dunes where dedicated pedestrian trails exist, and the entire Pea Island Wildlife Refuge beach and soundfront are reserved for pedestrian use. Indeed, the Study of Visitor Use and Preferences by Vogel song, commissioned by the NPS, concluded (Table 6) that the 4 most popular (Primary + Secondary) activities of Park users were Recreational Fishing (1), Sunbathing (2),

Swimming(3) and Beach Driving (4). Indeed, Vogelsong observes that participants in the most popular activities commonly utilize ORVs to access their favorite activity. While the raw data are clear regarding participant numbers, the interpretation of visitor attitudes toward compatible uses is much more subjective. There are some informative conclusions to the study, however: First, visitors are almost universally very satisfied with their Park "experience". Second, they collectively do not mind coexisting or "sharing" the Park with other diverse recreational activities. Third, they perceive ORV use as a proper and "positive" factor in their Park "experience. And fourth, they do NOT feel adversely disposed toward either mixed, diverse recreational activity, or to seeing ORVs on the beach. In fact, when asked their reaction to a ban of ORVs on the beach, a preponderance of visitors indicated that they would be LESS likely to visit CHNSRA [Cape Hatteras National Seashore]. Vogelsong goes so far as to attribute the reaction of the small minority who oppose or view negatively the presence of ORVs on the beach to these individuals possession of undefined "social values" which are at variance with most visitors in the sample. In my layman's terms I would say these individuals are deviants with anti-social tendencies, who would not be happy in ANY National Park where significant numbers of citizens are engaging in diverse activities.

Comment Text: Birding also is a prime people activity at the Seashore, and is the fastest-growing outdoor recreational activity in the United States. Planning should address the rights and recreational opportunities of these taxpayers, too.

Comment Text: 3 Unbiased Visitor Survey the NPS should consider conducting a visitor use survey performed by an unbiased 3rd party, similar to the Vogelsong survey. Data needs to be obtained which gives a fair and accurate assessment of how the largest user group and largest contributor to the Hatteras Island tourist economy feels about beach driving issues. Specifically, data needs to be obtained regarding Park visitor opinion on year-round pedestrian-only beach areas as well as other the use of permits and quotas. This user group should not be ignored in the negotiated- rulemaking decision- making process. Vogelsong found that 90% of National Seashore visitors access the beach on foot. Thus effort should be devoted to find out how this group feels.

Comment Text: Potential for Non-motorized Uses - The EIS should identify the potential for greater visitor use of the beach without vehicles. Visitors in other national park seashores often have their favorite park experiences on foot, on horseback, or on a bicycle. At Hatteras the presence of ORVs on the beach has kept these types of visitation down. Removing ORVs from more of the beach would create new opportunities for riding stables and bicycle rentals in Buxton and other communities. In the end, more people will visit Hatteras if you can reduce ORV traffic and make the seashore hospitable to more traditional park visitors.

Comment Text: Another component should then be developed that addresses human uses that are consistent with protecting wildlife and the ecosystem. We find off-road vehicles to be loud, intrusive, and sometimes driven at excessive speeds. The management plan should address their use and the impacts there of on the ecosystem wildlife and other humans user of the Seashore.

Comment Text: While visitation and recreational use at CHNS [Cape Hatteras National Seashore] has increased multifold over the years the practical recreational access has consistently decreased, making potential user conflict and potential resource effects a self-fulfilling prophesy. The obvious

answer is to expand visitor access to under visited areas, not further restrict access and increase visitor density. Note, that when CHNS was created the entire shoreline was open to vehicles and there were 40+ ramps.

24. Commenters asked that the American with Disabilities Act be taken into consideration in the plan/EIS.

Representative Quotes:

Comment Text: Most of the park is not usable, under the guidelines of the AMERICAN DISABILITIES ACT.

25. Commenters related stories that stated reasons why they value the Seashore. These values included the following:

a. Recreational fishing, including surf fishing.

Representative Quotes:

Comment Text: Surf fishing is my passion and a large part of my family's recreational time is spent on the beach.

Comment Text: I live in New jersey and I only get down to Hatteras for about 10 days a year, I love to drive and explore the beaches and go fishing while I'm there and if I was unable to do that I don't think that I would come down there anymore and I'm sure that a lot of other people feel that way.

Comment Text: At every opportunity I make the 7 hour trek to the outer banks to sit, to fish, to boat, to rest, relax and recharge my batteries. The fishing on the outer banks is what really draws me here. It's the best saltwater fishing in the southeast. The natives of North Carolina have something the surrounding states can only dream about, excellent surf and off shore fishing.

Comment Text: When I read recently in the Richmond Times Dispatch that the beach access was under review and certain groups would like to see it closed it is very, very troubling. If we were to loose this access it would mean that families like mine would not be able to enjoy nature and see the outer banks as it truly is. My children are very young, ages 2 to 8, and the beach access allows us to take all the family out on the beach for picnics and surf fishing with their grandparents.

Comment Text: I wanted to drop a short note about fishing on the OBX. I have fished there since a young boy with my father and brother. I cannot imagine what my sportsman's life would be without those fond memories of bonding with family, nature and the islands. I hope that surf fishing will always remain open and legal (including the untold joys of driving on the beaches in search of fish, from trout and flounder to stripers and reds.)

Comment Text: Travel along the Outer Banks beaches by ORV has produced some great memories: 1. Brilliant colored sunrises and sunsets with those fluffy clouds forming above the Gulf Stream. 2. Dolphins body surfing and somersaulting in the near waves. 3. Looking down between my boots to

discover a big fossilized shark tooth. 4. Huge fish breaking water sometimes as close as the shell line. You wonder if you really saw that! It happened in the blink of an eye. 5. A night beach alive with ghost crabs. 6. Those spectacular views of the starry night skies when you drive far enough away from the village light pollution. 7. Watching a thin dark line on the horizon that grew thicker and longer then suddenly the air was full of thousands of birds diving to feed over water turned to froth by marauding jumbo blue fish. Those blues ran between your feet and drove croaker, sea mullet and trout right on to the sand desperate to escape those sharp choppers. 8. Spiking a couple of rods then eating lunch on the tailgate to watch semi-palmated and piping plovers scurry for their own dinner just two yards away. Most of the time the truck was surrounded by the birds, all of us living in harmony. Even that visiting snowy plover came within five yards to drive away a laughing gull who invaded his territory. He surely was a real feisty little guy! 9. Hearing a flurry of wings and looking to see a hawk make its kill against the face of a sand dune north of Avon... 10. Once in a while catching a fish for dinner. 11. Enjoying Barbara's little dance on her first visit to Cape Point in 1991 when she was knocked down by her wave and had to extract the sand fleas from her bathing suit.

Comment Text: With our four vehicles we spent the week roaming the beaches from Nags Head to Ocracoke village searching for fish and comparing notes at the end of each day. We survived our first jumbo blue fish blitz at Cape Point that ceased only after all of our tackle boxes were emptied of every metal lure which we possessed. What a fantastic experience to drive all of these beaches with a variety of rods and tackle right at our fingertips ready to target the diverse species of fish offered by the rich Carolina waters. In New Jersey we were forced to park a block or two from the beach, pack our gear in surf bags and hike to the water with only one rod. Vehicle access was on just a few beaches and was limited by seasonal and permit restrictions. Basically the best areas were reached only by hiking. With my present old knees I could never hike to those places again.

Comment Text: Fisherman especially have annually trekked to the waters edge of Hatteras in hopes of catching one of the fish it's so famous for. Without the ability to load up an ORV with all the equipment and essentials needed it would not be possible to maintain the same access. I personally come twice a year bringing with me 15 of the best friends and liars I know. We stay a week and most days arrive at the beach before sun up and leave well past sunset. We do this because our fathers did. For us fishing at Hatteras is not for fun. It's to quench our obsession that haunts us twelve months a year. If you are considering closing the beach to ORV because you figure "folks will still come and just figure out something else" you are wrong. You will be making the decision to put an end to one of the things Hatteras beach is most famous for, the fisherman and their pursuit.

b. The ability of the elderly or disabled to access the beach.

Representative Quotes:

Comment Text: I have experienced endless hours of enjoyment at Cape Hatteras National Seashore and caught many fine fish. As I am now a senior citizen it is even more critical for me to be able to access the beaches via a 4x4 vehicle as I wind down a life of surf fishing.

Comment Text: I am writing to express my concerns about any further restrictions being placed against ORV beach access. I feel that the ability to access some of the more remote areas by vehicle is one of the primary reasons that a large number of fishermen are drawn to the Outer Banks. For

handicapped people and/or older people (like myself) further limiting their ability to use vehicles in traveling to the remote fishing areas would, in effect, close those areas to those people.

Comment Text: "Vehicular Access" is necessary for my 87 year old Father who is a World War II combat veteran to be able to enjoy the Park. Remember the Handicapped and the Americans with Disabilities Act when writing the plan.

Comment Text: I have FSH muscular dystrophy and without a 4 wheel drive I wouldn't be able to join them on the beach. I have to drive to the edge of the ocean where the sand is nice and firm, and only then can I get out and walk a few steps to the edge of the ocean and cast my line. Then I walk back a few steps and sit and wait in my chair for the action to start.

Comment Text: Due to my husband's heart condition he was not able to walk a great distance so being able to drive on the beach allowed him to enjoy many good years fishing, playing with grandchildren and looking for shells. This made retirement an enjoyable time and his quality of health much better. He was told in 1971 that he had less than one year to live and lived until 1996. This was the only place that really brought happiness for him. Since his death, I have remained here due to my love of fishing, walking, and playing with grandchildren who live off the island and come each and every summer, many times spending the whole summer with me.

c. Experiencing non-ORV activities such as viewing wildlife, shelling, relaxing, star gazing, seeing sun rises, camping, shopping, visiting the lighthouse, looking at shipwrecks, birdwatching, memorializing loved ones, seeing different areas of the Seashore, kayaking, wading, swimming, hiking, watersports, and enjoying the peace of the Seashore. Some commenters used an ORV for these activities, others did not.

Representative Quotes:

Comment Text: It is not just about fishing. The access allows us to view many different aspects of the Outer Banks. We enjoy the wildlife, shelling, relaxing, and viewing the Stars at night. We enjoy all the things God intended for us to enjoy and are as close as one can get to it due to being able to access the beach. I know a lot of "Surf Fisherman" ALL of them take pride in the beach, they are not there to destroy or disturb anything. Neither am I or my Family. We enjoy being able to take all our gear in the truck and spend days on the beach enjoying ourselves. Would I continue to come to the Outer Banks if there was no access to the beach? ORV access is an essential part of why we are there. We want to enjoy the privilege of driving on the beach and enjoy everything that comes with it.

Comment Text: We have been vacationing on the outer banks for over 30 years and have always enjoyed access to the beaches; it is part of the overall experience. I have enjoyed many sun rises next to the water while my husband fishes, this time together is important to us. Please do not let the emotional actions of a few dictate the policy for the majority.

Comment Text: I am 72 years old, and my Mom and Dad before me instilled the love of the islands. When my baby was 6 weeks old, I carried him to the Hatteras Camp Ground and we visited there with his Grandparents... he does not remember the first trip because he was mostly asleep on a pillow.

From then on, his memory is quite good, from digging holes in the campground (all sand back then) on through carrying buckets of water from the community spigots. This was all in tents... going on to a larger tent, to a truck camper to a mobile home, to my son working his summers in Hatteras during his college years. Now he is an employee of our wonderful State, with children of his own, all sharing memories of trips to our National Seashore and the great times is has made possible to all of us.

Comment Text: We also visited the shops in the area, the lighthouse (all of them, some for a second time) and other points of interest, like the Wright Bros. Nat'l Monument, Ft. Raleigh Nat'l Historical Site and from Ocracoke to Corolla. We greatly enjoyed walking the beaches and observing the wildlife.

Comment Text: Whether we were fishing at the point or looking for shipwrecks and seashells north of Avon, I can not imagine coming to Avon and not being able to enjoy this unique activity.

Comment Text: When my parents died, both their ashes were spread along the Cape Hatteras shores. If I can't drive to the ocean shore my family and I will no longer be able to visit them in the way they intended. We'll all be there this June in a beautiful ocean front home but I still can't walk to the beach, so I'll get in my Trooper and drive to the edge of the surf each day with my brother who also has muscular dystrophy so he too can walk on the beach.

Comment Text: Visitors come to the Outer Banks for all sorts of activities besides driving up and down the beach. Yes, many visitors come to see the birds and wildlife, but a lot of folks come down to soak up the sun, let their kids build sand castles, paint pictures, read books, whatever. These people also patronize local eateries, bars, t-shirt shops, and super-markets. Another group I'm not wild about are the surfers and sail-boarders who think they the right to pull off the road anywhere they please (especially on Pea Island), and tromp over the dunes to get to the "perfect wave".

Comment Text: This is to make a plea for a solution to be found considering the problem of ORVs running over nesting sites on the Cape Hatteras National Seashore. While I don't surf fish much anymore I do enjoy driving to the "point" to see birds and wildlife. There must be a compromise in order for all to enjoy the greatness of Hatteras. In reading the Management Plan it seems that appropriate language is used to address the conflict. Whatever the problem is it is now time to resolve the issue before more wildlife is lost.

Comment Text: I am a resident of Ohio, but an annual (at least) visitor to the beaches of North Carolina's Cape Hatteras National Seashore. I visit mostly because these beaches are unmatched on the East Coast for their pristine and natural characteristics. My interests while visiting include bird-watching, hiking and simply sitting and soaking in the beauty of this unique landscape.

Comment Text: The watersports-user group includes participants in kiteboarding, windsurfing, surfing, sailing, kayaking, wakeboarding, skimboarding and other water-based active sports.

d. The value of ORV use as a traditional use at the Seashore.***Representative Quotes:***

Comment Text: Historical recreation has included ORV access to the entire ocean beachfront. Over the years access has dwindled to a small fraction of its original scope. It is time to halt the encroachment of dwindling access.

Comment Text: It is the history of CHNS [Cape Hatteras National Seashore] to have free and open access to the beaches, primarily to harvest fish from the sea. It all began back when automobiles did not exist, yet it was the horse drawn wagons, guided by hand line fishermen, loaded with the days catch that worked the beaches. There is a cultural and natural resource at stake here that supports thousands who reside on the islands. It predominantly use to be locals who traversed the sands with their wagons, then autos, to support the village and families, now, over the past 500 years, it has evolved to the visitor, with his love of fishing, something as American as grandma and apple pie, that helps to support those who still reside there. From fishing to feed the family, fishing to feed the village, fishing to feed the next village, to feeding the region, feeding the state, feeding the nation, feeding the world! A heritage was passed down, generation to generation until the generations became limited to what could be harvested. Commercial captains became charter captains, people began to seek recreational fishing and as we grew as a nation, a new industry began.

Comment Text: Driving vehicles on the beach was one of many traditional uses of CHNS beaches. Walking is also a traditional use of the beach that many park users find difficult on heavily used ORVs beaches.

Comment Text: Our access to the beaches on the Outer Banks of North Carolina is a tradition that we as a family have maintained for generations. Keep the beaches open for ORV use.

e. The value of a vehicle-free or wilderness experience at the Seashore.***Representative Quotes:***

Comment Text: I want my daughter to be able to enjoy seeing shorebirds as she grows up. I also want to know that there are places in this country set aside for wildlife. We humans have enough places to drive cars and build houses. Let the shorebirds nest in peace. This is what National Parks are for -leaving "native ecosystems unimpaired for future generations."

Comment Text: Wilderness means to me an area which is free, and protected, of usual and common access roads. It should not be regarded as an open range, free to be traversed by any and all forms of transport.

f. The value of the natural resources and/or environment at the national seashore including flora, fauna, and scenery.

Representative Quotes:

Comment Text: Even as a foreigner, US tourist, ecologically concerned human being and a reporter, I would like to express my concern for the protection of precious landmarks with its unique flora and fauna like the Cape Hatteras National Seashore.

Comment Text: I have spent many vacations with my family as child going to the Outer Banks. I have always enjoyed the near pristine and wildness of the Cape Hatteras National Seashore. The expectations and my understanding is the National Park Service mission includes protecting this land and its wildlife. I don't like the changes I observed with the traffic and crowds of people.

Comment Text: From the standpoint of visiting birders who visit the Outer Banks from fifty states and several countries, they are here to view and study the very threatened, endangered and protected species that come under current laws and management policies. It is to the birders' advantage to find the species present, especially for those who travel from afar and those who have never seen species that inhabit the seashore habitats. Just as a fisherman glories in coming here to catch, say, a flounder that is much larger than the legal keeping size, so a birder is happy with a sighting of that American Oystercatcher or Piping Plover that he has never seen before.

COMMENTS RELATED LAND USES SURROUNDING THE SEASHORE

26. Commenters emphasized the importance of prohibiting development at the national seashore to protect natural resources, wildlife, and scenery and felt that the development has, in effect, privatized some beaches. Some commenters pointed out how past development has altered the area.

Representative Quotes:

Comment Text: To me, the most attractive thing about Hatteras is the lack of development, and the presence of common people who share common loves. I have been distressed over the last few years by the destruction of the weathered cottages that used to make up the beach side rental properties. They are being demolished so that the land can be used for huge houses that are private, or available to only the wealthiest of people. The long line of huge steel single masted billboards that run for miles along Highway 64 heralds the coming of the same type of greedy unregulated development that has turned almost every other beach on the eastern seaboard into an ugly mess.

Comment Text: In the early days one could never conceive that the local villages contained so much developable land when they were only located on the sound side. Development and the sheer numbers of people made seasonable closings a logical and reasonable compromise but then it became apparent that many areas closed because of erosion were never re-opened once the beach built back. This gave the investment owners of much of the beachfront property the belief they owned a private beach and some even advertised to that effect.

Comment Text: There is a disturbing trend along seacoasts and waterfronts which has emerged and is being challenged in the State and Federal Courts. It is the efforts by private landowners to de-facto "privatize" beaches and waterfronts that are in fact in the public trust or are public lands. Where challenged legally, the public rights of access are being upheld, however such challenges are difficult and costly burdens on the public. At CHNSRA [Cape Hatteras National Seashore] such efforts to de-facto privatize the Park Beaches have reared their ugly heads in Frisco and Hatteras Villages, where landowners who have developed adjacent real estate are demanding year-round closure of convenient and practical public access to beaches that were traditionally opened at all times when there were not bona-fide public safety justifications for closure.

COMMENTS RELATED IMPACTS TO THE TOPOGRAPHIC FEATURES OF BEACHES AT THE SEASHORE

- 27. Commenters offered differing opinions about the causes of beach erosion and the topography of the beach. Some stated that erosion was due to natural processes, while others felt that ORV use was a contributing factor.**

Representative Quotes:

Comment Text: Oregon Inlet beaches are being washed away as well as the sand around the Bonner Bridge pilings. The area that over washes yearly has very little high ground, if any, for air breathers to flee to in the storms. The beach between Rodanthe & Avon get changed, being washed away to the dune line only to rebuild itself with the next change of wind. Hatteras Inlet beaches were washed away last spring leaving no room for man or bird on the once expansive sand flats. We are lucky that Ocracoke Inlet still is intact. The "point" shifts with every storm, meandering back and forth. Some days there is a pool on the southward side, sometimes a thin spit going way out at low tide. None can predict this, or hope to control any of it, either.

Comment Text: The geology of the CHNSRA [Cape Hatteras National Seashore] is impacted by storms and hurricanes far more than can be attributed to ORV traffic. A few ruts made by ORVs disappear quickly under the continued onslaught of wind and weather. This should not be a concern as long as the traffic is kept below the dune line and close to the water.

Comment Text: I have noticed that one tide change will always eliminate any ruts left on the beach by vehicles. A hard blow for a day or two will eliminate any ruts above the water line. The bottom line is that vehicles, in my opinion, are not destroying the beach as some claim.

COMMENTS RECEIVED REGARDING POTENTIAL IMPACTS TO CULTURAL RESOURCES AT THE SEASHORE

- 28. Commenters stated that ORV use does not negatively impact cultural resources at the seashore.**

Representative Quotes:

Comment Text: It is incumbent on the NPS to assure safe and consistent access to the beach areas. ORV use does not in any way impact cultural resources. In fact, many people would not be able to experience these resources without the ability to drive an ORV to see them.

COMMENTS RECEIVED REGARDING PARK OPERATIONS AND MANAGEMENT AT THE SEASHORE

- 29. Comments received regarding park operations and management at the Seashore focused on the level of enforcement provided. Commenters suggested that law enforcement should regulate and control those visitors who do not respect the park rules. Commenters also felt that the majority of the people visiting the Seashore do abide by the current rules.**

Representative Quotes:

Comment Text: As on any issue, 95% of the people follow the rules and a small minority breaks the rules - that's why we have law enforcement groups - they catch the 5% that speed, while most of us obey the limits. Sadly there might be a small group of ORV users, uneducated and untrained, which might break an ORV regulation. Likewise, there might be a small group of sunbathers, birdwatchers, etc who venture onto areas on the beach where they should not be. Be wise not to negatively stereotype one group because of the acts of a few, and be wiser still to the groups who would try to do that.

Comment Text: Rules are good if they can be enforced. The NPS, by its own admission, does not have the resources to enforce their rules. This has resulted in a "Padlock Management" mind set. As a responsible ORV user I reject the idea that I cannot access my public recreational area because the NPS does not have the personnel to enforce the rules and regulations that should protect the resource and allow my enjoyment of this special place. In the past several responsible ORV access organizations have asked the NPS if they would be able to help with reporting violations. The NPS has never really explored this possible resource.

Comment Text: I am not asking for a complete ban on ORV activities; only that they be prohibited from sensitive nesting areas during the nesting season and that the NPS retain the ability and resources to arrest and prosecute offenders.

Comment Text: Is there currently any written law (federal / state) prohibiting the use of ORVs on Cape Hatteras National Seashore beaches? If there is, then obviously it is not being enforced (I don't mean this as an insult) just the way it is. If there isn't, then NPS should implement usage policies that are applicable (common sense) but also enforceable. If usage policy(ies) can't be enforced why have them in the first place. If it is determined that usage policy(ies) are necessary versus "good ole common sense" then it behooves the NPS to ensure applicable manpower is present so as to enforce said usage policy(ies). I have noted many occasions where people shoot fireworks on the beach. If I remember correctly, it is illegal to shoot fireworks off the beach anywhere along the Cape Hatteras National Seashore. Here's the ironic part of this scenario, how many locations along Route 12 currently sell FIREWORKS. I don't blame NPS for this, but the law is the law and NPS does not have the manpower to enforce this law to extent necessary.

COMMENTS RECEIVED TO THE NEGOTIATED RULEMAKING PROCESS

30. Commenters provided their opinions on the regulatory negotiation process being undertaken by Cape Hatteras National Seashore. Common issues included the make up of the committee members, requesting a more balanced committee, establishing ground rules, questions on the outcome of the committees work, and questioning the appropriateness of using the committee for this plan.

Representative Quotes:

Comment Text: 9. a more balanced Neg-Reg committee: currently there are 13 members and alternates on the committee who represent ORV special interests. There are no representatives of the largest park user group, the visitor/vacationer. As per the Vogel song NPS study, 90% of these visitors access the beach by foot, not by ORV. The Negotiated Rulemaking Act mandates balanced representation from all important stakeholder groups. I ask that the NPS address this problem as soon as possible.

Comment Text: 1. Ground Rules: As soon as possible, from the very beginning of the neg-reg process there needs to be binding and enforceable ground rules which govern the conduct of stakeholders toward other stakeholders. Committee members must agree not to verbally attack each other on the internet, web-forums, letters to the editor, and other media. This includes a ban on posting stakeholder's Dare County tax records, links to photos and location of our homes, home and business telephone numbers and calls for economic boycotts of stakeholder business interests. I ask that the committee agree that this represents harassment and intimidation rather than freedom of speech. I ask that as a show of good faith, members of the committee who own these web sites (specifically Bob Eakes/reddrumtackle.com) and act as moderators of these sites (specifically Dave Goodwin/fishmojo/free access dammit) immediately remove these harassing posts from their web sites. I will provide the links to these threads as requested.

Comment Text: Question-how is committee Made up? Who selects members? Who chairs the meetings? Who pays for the mediators? What qualifications do the mediators have to understand and resolve the problem?

Comment Text: The use of "negotiated rulemaking" to develop an ORV management plan is an acceptable means of considering input from all stakeholders. This process is entirely inappropriate for the development of a natural resource management plan. A natural resource management plan should be developed by biologists, ecologists, and geologists with demonstrated expertise with barrier island wildlife, plants, plant communities, and natural processes. It should not be developed or influenced by any other parties, especially those with the intent of restricting or eliminating resource protection.

COMMENTS RECEIVED OUTSIDE THE SCOPE OF THE LONG-TERM ORV PLAN/EIS

31. Commenters suggested improvements that the Seashore could make to beach access and other visitor use issues at the Seashore that were outside the scope of an ORV management plan/EIS. Some improvements included fixing bridges, regulating development in areas not owned by the Seashore, developing a standing water control plan, designating critical habitat, developing regulations for volunteers in the park, management of NC-12, U.S. Navy activities, and changing the process for receiving a handicap permit. Commenters also provided their opinions on the published article "Beach Bums" (both agreeing and disagreeing with the viewpoints in the article) and the Interim Protected Species Management Strategy/EA Biological Opinion, which are also outside the scope of this plan/EIS.

Representative Quotes:

All representative quotes were outside the scope of a long-term ORV management plan.

APPENDIX 1: CORRESPONDENCE LIST OF ORGANIZATIONS

0001128

List of Official Representatives of Organizations or Businesses that Submitted Comments

| Correspondence ID | Organization | Name |
|-------------------|---|-----------------------------------|
| 1321 | Mermaid's Folly | Baker, Mickey |
| 1300 | Wake Audubon | Beane, Jeffrey |
| 1363 | Virginia Coastal Access Now | Becker, Jeff |
| 203, 383 | Cape Lookout Mobile Sportfishermen | Birkett, Dylan and Rende, Nik |
| 2872 | United Four Wheel Drive Associations, Inc | Boucher, Carla |
| 1316 | Delaware Mobile Surf-Fishermen, Inc. | Cahall, Tom |
| 288 | Appalachian Ecological Consultants | Caldwell, Kevin |
| 1406 | Water Sports Industry Association | Foreman, Trip |
| 2912 | Audubon North Carolina | Golder, Walker |
| 215, 2869 | North Carolina Beach Buggy Association | Keene, W. James |
| 253, 2924 | Coastal Conservation Association North Carolina | Mandulak, Bill |
| 1299, 1297 | Defenders of Wildlife | Massie, Cynthia and Kirby, Pamela |
| 1168 | Howard County Bird Club | Schwarz, Kurt |
| 1328 | Cape Hatteras Business Allies | Swartwood, Judy |