

U.S. DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

CAPE HATTERAS NATIONAL SEASHORE PUBLIC MEETING ON OFF-ROAD  
VEHICLE MANAGEMENT PLAN/DRAFT ENVIRONMENTAL IMPACT

STATEMENT

CAPE HATTERAS SECONDARY SCHOOL  
48576 HWY. 12  
BUXTON, NORTH CAROLINA

APRIL 26, 2010

\* \* \* \* \*

\*

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE,  
HATTERAS NATIONAL SEASHORE --

CAPE

MICHAEL B. MURRAY, SUPERINTENDENT  
CYNDY M. HOLDA, PUBLIC AFFAIRS SPECIALIST  
DOUG WETMORE, ENVIRONMENTAL QUALITY DIVISION  
PAUL STEVENS, CHIEF RANGER  
THAYER BROILI, CHIEF OF RESOURCE MANAGEMENT  
DAVID CARTER, HATTERAS ISLAND DISTRICT RANGER

THE LOUIS BERGER GROUP --

FRANK SKIDMORE, FACILITATOR  
LORI FOX  
RUDI BYRON

COURT REPORTER -- BOBBIE G. NEWMAN

COURT REPORTER'S NOTE: The April 26, 2010, Buxton Public Meeting on Off-Road Vehicle Management Plan/Draft Environmental Impact Statement commenced at 5:05 p.m. at the Cape Hatteras Secondary School, Buxton, North Carolina.

SUPERINTENDENT MICHAEL B. MURRAY: Good afternoon. Good afternoon, ladies and gentlemen. I want to welcome

you

to this Public Hearing on the Cape Hatteras National Seashore Draft Off-Road Vehicle Management Plan Environmental Impact Statement or, as we refer to, the

DEIS.

Next slide. I want to cover briefly where we stand in the project time line of the planning process. We are

currently

in the Public Comment period for the DEIS that ends May 11, 2010. This week we're holding Public Hearings. The next Hearing will be tomorrow night in Kill Devil Hills. Then, Wednesday night will be Raleigh. Thursday night will be Hampton. And, there's more information in the newsletter about where those meetings are. Once the Comment Period is closed, the Park Service will review the Public Comments

and

start preparation of the Final Environmental Impact Statement which will include written responses to comments. So that work, the review of those comments, will be spring and summer, 2010. This fall, we'll publish a Proposed Regulation. There'll be a 60-day Public Comment Period on that. And then those comments will be reviewed in the

fall,

as well. The final Environmental Impact Statement and Notice of Availability, which is the Federal Register

notice

that it's been completed, and is available for the public, will be fall, 2010. And by fall, we're interpreting that

as

being up to the winter solstice, December. The Record of Decision, of which there is a waiting period after the

final

EIS, will be before December 31, 2010. And then the Final Regulation will be before April 1, 2011. Next slide.

Several ways you can comment, including verbally here at

the

Hearing. You can comment in person here, either orally or in writing. You can leave your written comments with the court reporter, as you come up to the podium. Or, if you don't want to make verbal comments, you can hand-deliver your comments to the court reporter during the meeting, or after the meeting. You can also comment on-line, at the Park Planning website. There's more detailed instructions in the newsletter about how to do that. But, the website

is

<http://parkplanning.nps.gov/caha>. You can also mail or hand-deliver written comments to me, Mike Murray,

Superintendent, Cape Hatteras National Seashore, 1401 National Park Drive, Manteo, North Carolina. All comments must be received by midnight, Mountain time, on May 11, 2010. Again, the newsletter has complete instructions. People are curious why Mountain time? The Park Service-

wide

park planning website is based in Denver, and so it's programmed to shut down receiving comments at midnight, Denver time. I'm going to turn the podium over to Frank Skidmore, who's the facilitator for this hearing. Frank.

MR. FRANK SKIDMORE: Thank you. Good evening. I'm Frank Skidmore, and I'm pleased to be here as your process facilitator. My job is to facilitate a process that allows everyone that would like to give a comment to do so, in a clear way, that allows the court reporter to capture every word, and that allows everyone's comments, if you will, to be entered for the record. For that purpose, we have a number of ground rules that make this -- make this work. First of all, the purpose of the -- of the Public Hearings are to deliver -- the purpose is to deliver the comments on the DEIS and the comment period that ends on May 11. And the National Park Service will respond to comments in the Final Environmental Impact Statement. Mutual respect and courtesy. Please remain quiet. These are ground rules

that

are designed to allow everyone to have their comments fully understood by the court reporter, and, of course, to avoid disruption during any of the comments, so that we can have fairness for everyone. You must be signed up to speak. At this point, we have some 52 members of the public that

would

like to make comments. So, please keep your comments on point. If you can be brief, that would assist in getting through the process a little more quickly, of course. But each speaker is allocated a maximum of up to three minutes. Now, the timekeeper to our left will hold up a yellow card when we're at 2 minute and 30 second point, so that you know, warning there's only 30 seconds left. And then a red card will be held up when the time has expired. I think you'll be surprised how quickly three minutes will go.

But,

please, adhere to this so that we can move this meeting through in the time that has been scheduled for it. Yielding time to another individual is not -- not one of

the

options under our ground rules. Incidentally, for consistency throughout the meetings, and so that the comments are all delivered and recorded consistently, at some point, it would be a potential that the court reporter would have to turn off her recording, if someone was

running

on too long, so that our statement was consistent with others. Speakers should refrain from addressing the audience. If someone addresses your talking point, it is

perfectly acceptable to stand up and say, "I agree with this individual or these individuals," and enter your comment as a written comment. Written comments are considered in the same way as the oral comments, which are trans --

translated into a written comment after the court reporter has taken them down. Please turn cell phones to "Off" or "Vibrate."

MAN ATTENDEE: Just did that.

MR. SKIDMORE: And, incidentally, if you would like to just hand your comments in, the place to do it would be down here, not try to come up here on the stage to reach

us. The court reporter will take any written comments. So that concludes the ground rules and what I will be doing, in terms of making this process move along, is I will be announcing several names in order, in advance, so that

those who are about to speak can queue up, if you will. We have several chairs down here reserved. Three reserved for people that can sit there, awaiting their turn, so that we don't spend a lot of our time just trying to get people out of the audience into their place. So, with that, we will start the comment process. And our first -- and by the

way, the speakers here, I have in the order that you signed in. And the first speaker, commenter, will be Don Bowers, followed by Lee Browning, followed by Mary Ann Cohen, and then Larry Holstein. So, I would ask that individuals who are in line, I'll continue to keep you abreast of folks

that are coming. Please come down here and be ready to speak when your time starts. Thank you. Don.

MR. DON BOWERS: Hello. My name is Don Bowers.

I'm from Frisco. During my 44 years here, I am witnessing the same mistakes being made and history repeating itself with our beaches. Over 20 years ago, best available science

said the birds need more protection, and they roped off the dredge pond, and the Point, and the spits. Best available science said keep the closures up year-round. Best available science said to increase the closure sites, because the birds didn't like the grass that was growing inside the closures. Best available science said the bird population declined because of ORVs and predators that

moved into this new habitat. Best available science also sued

the Park Service. Best available science says close the points and spits and trap and kill predators. Best available science says closures don't hurt our economy. Best available science says you count birds on dredge islands, and on Pea Island. Who pays for all this?

We do and the cost is escalating. We need real peer-reviewed unbiased science. It's no secret that environmentalism is big business. If you were the commissioner of baseball, would you let the player do the study on performance enhancing drugs, peer review

themselves

through the study, police it and then penalize the fans by making them pay for it? Best available science also says that hatched plovers need 1,000 meters of protection, which is not in the Recovery Act. If you stand at the new lighthouse location and look towards the old site, that is less than 1,000 meters, for a bird the size of a golf ball. The Pope doesn't get that much protection. Two years ago, during Reg-Neg day meeting at the Point, Sidney Mattock pointed out a plover, which was well within 100 yards, describing its behavior towards the other birds, totally ignoring the 30 people that charged up to that rope line. That's peer-reviewed reality, not best reviewed -- best available science. Walker Golder also told me that day that the best solution for the bird was to get rid of all the grasses. And these other issues with the DEIS -- you describe your resources as protected, as visitors or predators. We are not predators and we're definitely not protected. So referring to all the hard-working tax-paying islanders who have family that was buried here longer than the Park has been in existence, as visitors, is offensive. We neglected the loss of habitat due to best available science and poor park management. This best available science has pulled the trigger and made it okay to trap and kill hundreds of animals, with no study as to their role in balance of nature. It's just park policy. We've been studied to death on a bridge with no progress, and yet

these

animals are losing their lives or adapting to the environment that best available science has created. I

find

it laughable that local members of the Coalition in their spare time, and for free, came up with a more common-sense plan in two months that offers more protection for all parties, than the years it took for best available science. Overall, Alternate F gets an "F." Thank you.

by

MR. SKIDMORE: Lee Browning, who will be followed

Mary Ann Cohen, Larry Holstein, and Jim Leh.

MR. LEE BROWNING: My name is Lee Browning and I'm from Greensboro. I've spent most of my life as a Criminal Investigator in that area. According to the enabling legislation back when the Park was founded, Congress is responsible for setting the protocols to help manage this recreational area. And for the past two and a half years, quite frankly, I've been wondering when this process was going to start. In 2009, there were fewer birds under the first four years of the Consent Decree, than in 2008. Nine

these  
 pairs versus 11 pairs. Another thing that I found was  
 maps. The over-washed pre-nesting closure recommendations  
 were South Beach and Hatteras Inlet co-closure  
 recommendations and at North Point, Ocracoke closure  
 recommendations, show no piping plover nests in the last  
 two  
 years. Under Alternative F, please explain why these areas  
 are going to be closed permanently, not only to ORVs but to  
 pedestrians. In my opinion, it is very impossible to see  
 this issue as really about protecting the birds and the  
 wildlife. It's entirely about restricting access, not only  
 to the ORVs, but to pedestrians. Somebody please explain  
 why everywhere else in this country, there's a 200-meter  
 buffer to protect the nests. Why, in Hatteras, is it 1,000  
 meters? 800 meters would make all the difference in the  
 world, in an access corridor, to eliminate most of the  
 problems that we're going through right here, and have been  
 for the last several years. Thank you very much.

MR. SKIDMORE: Mary Ann Cohen, to be followed by  
 Larry Holstein, Jim Leh, and Fleetwood Pierce. Would the  
 next individuals please come on down and be in place, so we  
 don't lose too much time. Thank you.

MS. MARY ANN COHEN: I'm Mary Ann Cohen from Salvo.  
 On page 284 of the DEIS, it states that, "Recreational  
 fishing is a significant part of North Carolina's economy,  
 attracting spending from both local and out-of-state  
 anglers." With the restrictions for the ORV in the DEIS,  
 how will recreational fishing continue to help the North  
 Carolina economy? On page 482 of the DEIS, it states that,  
 "The National Park Service Organic Act directs National  
 Parks to conserve wildlife for future generations and to  
 protect native animal life as part of the Park unit's  
 natural ecosystem." Does trapping and killing native  
 mammals protect them? Thank you very much.

MR. SKIDMORE: Larry Holstein. Larry will be  
 followed by Jim Leh, Fleetwood Pierce, Peregrine White.

MR. LARRY HOLSTEIN: Panel members, to whom it may  
 concern, my name's Larry Holstein, and I currently live in  
 Maryville, Tennessee. My father, my wife and I served our  
 country in the United States military. We were told it was  
 to keep our shores free. Now, our freedom is being stolen  
 from within. I disagree with the ORV Environmental Impact  
 Statement, referring to the disabled, page 7, part 1, and  
 page 58, chapter 2. These rules were made before many of

us  
 were born. They are shallow, passe, and certainly not in  
 spirit with the Americans with Disabilities Act. I need an  
 ORV to get my wife and I to the fishing areas, if there are  
 going to be any left. Anything else is not acceptable.  
 This surf fishing is simply part of my American heritage.  
 Thank you.

MR. SKIDMORE: Jim Leh, to be followed by Fleetwood  
 Pierce and Peregrine White.

MR. JIM LEH: Good afternoon. My name is actually Jim Leh. I have a bad penmanship problem.

MR. SKIDMORE: Sorry.

MR. JIM LEH: However, I read pretty well, and

while

I commend the NPS authors and staff on putting together a document that reminds me a lot of the material that I've cranked out for consumption by Federal Agencies over the last 30 years, I do have to take some serious exception to its content. I -- it occurs to me that this management plan, however it ends up, is in fact going to have the

force

of policy, and that it may well practically have the force of law over the period of time. And I'm reminded to that Conrad Wirth's assurances in the 1950s, were written, made in good faith, and turned out to be unenforceable. So, I urge all of us who are participating in this process, let's get it right. Let's word it carefully. The conclusions

and

recommendations that are reached here -- the sources cited

-

- really need to be unimpeachable, because of their impact on the lives of all of us, and I think, in the long term, viability of the Seashore itself, as a national asset. Two quick examples. The Economic Impact Analysis is, to be quite honest, tentative and incomplete. I urge you to push RTI to get hard-edged, and to push into greater depth in analyzing the impact on these communities. I urge you to watch for professional -- Professor Dan Stein's 2009 report on the National Park visitor spending, coming out in July

or

in August of this year, and look at it very carefully in comparison to 2008 data on the economic life and viability of these communities. I urge you to look again at

positive,

positive habitat management. It's costly. It's difficult. No question about it. But you're already manipulating the ecosystem and expanding and maintaining alternative

breeding

habitat. Work a little bit on earlier reports which say

the

salt pond vegetation really could stand to be eradicated

and

that mud flats and wet flats should be expanded and protected. I urge you to revisit unbalanced language describing regulatory approaches. The language that I see in the DEIS right now emphasizes restricting ORVs and other recreational uses. It really does not pay much attention

to

managing natural resources. I urge you to take another

look

at the U.S.G.S. synthesis document, and others that provide clear, quantitated statements about bird and turtle behavior, but their descriptions of ORV impact are filled

with vague words like "can," "might," "is possibly" and "maybe." Again, this is too important to take it slack. Let's get it right. Thank you.

by MR. SKIDMORE: Next is Fleetwood Pierce, followed  
Peregrine White, Bill Forte and Lou.

MR. FLEETWOOD PIERCE: My name is Fleetwood Pierce. I'm from Colerain, North Carolina. I come down here the first time and caught my first drum in 1953. There were no restrictions at all at that time, and you take this ORV, close off the points and all the good fishing parts with drum, both of my grandchildren (starts crying) and their younguns, they won't have the place. Why? Why? For a little bird that ain't even -- ain't even -- a natural bird down here. You got it all over these other states, and ya'll close up this for people. And look at the economy. Thank you.

MR. SKIDMORE: Peregrine White.

I MR. PEREGRINE WHITE: My name is Peregrine White.  
live in Nags Head, and I'm the Chairman of the Republican Party in Dare County. Previous speakers spoke to the

matter that Congress is responsible for the enactment of  
In legislation and rules and policies for the Park Service.

that -- following that, the Dare County Republican Party, along with the Dare County Commissioners and several other parties, have presented resolutions and past resolutions, calling for return to the 2007 plan, and then starting over again with that as a basis. I have copies of that and I will leave them on the table. The other thing is that, I was just down on the beach, looking at the restrictions

that are on the beach. Some of the restrictions start here and they're down the road, there's another restricted area, and so forth. The whole area in between is restricted -- all

of the area between the beginning and the very last, going across several of the accesses to the beach. Third thing. The punishment for people who are violating the thing.

Most of the people, most of the violators in your study are pedestrians, not ORVs. But, the punishment for them has become a punishment for the rest of the islands, for its people. We are punished by increasing the size, unreasonably, and I've been to other turtle and bird sanctuaries, giving the punishment as being unreasonable, with 1,000 meter increments, impossible, that's the better part of a mile. The punishment should fit the crime. If the Park Service cannot find out who is the perpetrator of the violation -- of the vandalism of the signs, or the movement of signs, then the Park Service should do better investigation, or not punish the people who live here.



Thank you.

MR. SKIDMORE: As Mr. White did, if you have -- if you're representing an organization, please let us know

that

as well. Thank you. The next speaker is Bill Fort --

Forte

-- followed by an individual whose last name we don't have, but whose name is "Lou" and then Rick Scarborough and Carol Dawson.

MR. BILL FOSTER: Thank you. My name is Bill Foster. Judging by the order I came in, I suspect that's where -- where I am. The draft document represents a lot

of

work. That's a lot of work. But my impression from

reading

that document is that it represents a lot of work to

justify

actions which were planned before the EIS was started. Based upon the Executive Summary, I think that it's reasonable to conclude that the NPS staff started and ended with three assumptions. These three assumptions were and are: Number one, the protection of natural resources preempts the right of people to access the beach. Number two, people, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. Number three, all impacts of vehicles on the beach ecosystem are negative. I'd like to repeat that. The three assumptions that I see, the protection of natural resources preempts

the

right of people to access the beach. People, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. And the third assumption is that all impacts of vehicles on the beach ecosystem are negative.

If

all three of these assumptions are true, then NPS has done an excellent job of preparing this Draft Plan. If however, any of these assumptions is not true, then none of the listed alternative plans can satisfy both the enabling legislation and the various directives and legislation that's come along behind that. In three minutes, I cannot list all the reasons that these assumptions are not true. But, I will provide them in detail in written comment at a later date. What I'd like to do is leave you with idea for a different alternative than the ones that are listed in

the

Plan. What if the alternative had as its goal to optimize access and at the same time optimize the habitat for the various species involved? One thing that we never did during Reg-Neg was to try to take care of both the people and the resource. It was always one or the other. And, in -- as it turns out in the Plan, all the actions only go one way. We close for where the birds might be, and then we close anywhere else that's supposed to be open, if some

bird

happens to go there. I think the enabling legislation  
 makes it clear that both the people and the resource have equal  
 weight. Thank you.  
 after MR. SKIDMORE: Thank you. I'll check with you  
 - the period here, to make sure this was your card that you -  
 - MR. FOSTER: F-O-S-T-E-R.  
 MR. SKIDMORE: Perhaps.  
 MR. FOSTER: P. O. Box 212?  
 MR. SKIDMORE: Yes.  
 MR. FOSTER: P. O. Box 212.  
 MR. SKIDMORE: That's you. Okay. Thank you. Next  
 we have an individual, first name "Lou" with HIWR. Great.  
 MR. LOU BROWNING: I'm Lou Browning from Frisco.  
 I'm a Wildlife Rehabilitator. If you read the footnotes  
 and the quoted sources, the DEIS actually identifies habitat  
 destruction as the real problem here. Statistically, the  
 issue of public access is a diversion. It simply feeds  
 more lawyers. Limiting public access will not serve the habitat  
 problems for nesting and wintering birds. The Park Service  
 has been in control of this habitat for over 50 years. The  
 Park Service is responsible for the habitat destruction.  
 You have perpetuated the stabilization of the island in  
 prime nesting areas. This has diminished the wide beaches  
 and tidal mud flats that are required for sufficient  
 populations of birds. Years ago, you mined sand from Cape  
 Point for beach nourishment. For many years, you drained  
 water from the sedges onto the beach. You allow sea oats  
 to grow in nesting areas, thus building more dunes. You  
 protect sea oats. You should be yanking them out by the  
 roots, if they're in a nesting area. The effect of your  
 actions has made the beaches more suitable for predators  
 than for birds. If we want birds around, we need to  
 provide quality nesting and feeding habitat. Stop wasting your  
 time killing everything else. You need to deal with the real  
 problem. All the nesting areas in question are Park  
 property. What I suggest is to re-naturalize some areas.  
 What I suggest is to remove all vegetation and sand dunes  
 from Cape Point, Hatteras Inlet and Bodie Island spit.  
 Contour these new flat, barren areas to provide quality  
 nesting sites and tidal mud flats for feeding. The effect  
 will be to fledge more birds, kill less predators and have  
 the natural food sources available for the wintering birds.  
 If you do this, I'm sure you will find there's enough room  
 in our Park for wildlife and humans. You messed it up.  
 Now, fix it.  
 MR. SKIDMORE: Next we have Rick Scarborough,

followed by Carol Dawson, Rob Beedie and John Benson.

going  
our  
National  
the  
in  
scare  
stopping  
let  
the

MR. RICK SCARBOROUGH: These proposals are not to really affect me recreationally, where they will affect my livelihood. Year-round closures are not necessary on beaches. We don't have any threatened or endangered birds that winter on our beaches. The sand spoil islands that were dredged up by the State and our Sound waters have more nesting birds on them than most of the closed beaches combined. I've seen this with my own eyes. If the Park Service can enforce State laws on our beaches, that should open the door for the Federal Park Service to work with the State on the nests on the dredge islands. All right. Southeast Canada is the primary nesting area for piping plover. The piping plover populations in Canada should be factored into the equations here. A few special interest groups I don't feel should be able to dictate the future of the majority. The majority is supposed to rule this country. People on the beach -- they're going to off the predators. If we want to hurt the birds, taking people off, we've got more predators. Beach erosion is not worse in the open beach areas than in the closed areas. That's -- you can see that with your own eyes. Why would the federal government want to burden the people by the money flow in an area where the economy is still good? There would be a lot of lost tax revenue on the state, the federal and the county level. And here is something we really have to stand on right here, is, back when the Park Service was first -- they were first making this a Federal Park, the Phipps family -- one of the families that was on the island here that owned a lot of the property -- they donated all of the Cape Point and a lot of other parts of the beach to the National Park Service. And the National Park Service agreed with this family that the beach would never be closed to the livelihood of the locals, and it wouldn't be closed to the recreational enjoyment -- now, me underline "recreational enjoyment of the locals or of visiting public." And that was the only reason that that particular family gave -- let me underline "gave" the Park Service that land. That's it.

MR. SKIDMORE: Carol Dawson, to be followed by Rob Beedie, John Benson and Dave Wilson.

MS. CAROL DAWSON: The National Park Service -- my family didn't give it to you -- you stole it. But, anyway, my name is Carol Dillon Dawson. I was born in Buxton and

mother's family was shipwrecked here many years ago. My first comment is to tell you, the National Park Service, that I was not at all surprised when I found out that you were not taking questions or answering any of our comments, because that would involve intelligence and backbone, neither of which you have. We are here regarding the beach closures along the Outer Banks. All of us know that it is not really about birds or their eggs. It's about privatizing these beaches like you have done in other areas of our country. Let's see, in the past few years, we're charged to fish. We're charged to climb a lighthouse that should never have been moved, to the tune of \$18,000,000

tax

dollars. Now the NPS has closed our beaches, even to foot traffic. You want us to believe that it's because of an endangered bird egg. The piping plover has a brain about one cubic square inch. This species knows better than to breed on the beach. It goes to the dredge islands or the top of warm metal buildings where predators will not reach their eggs. These birds must have more common sense than you do, because you want us to believe that these birds

need

Cape Point, Oregon Inlet and Hatteras Inlet to breed, and that you need to close, not only to ORV traffic, but to

foot

traffic as well. Do you think we are really that stupid? The Outer Banks for North Carolina is the most undeveloped coastline along the eastern seaboard. Miles of untouched beach. But you want us to believe that these birds need

the

most famous beach in the world, Cape Point, to breed and that human presence would hurt them. You have killed thousands of animals that are indigenous to this area, that cannot fly back to this island, just to protect plover

eggs.

Animals have been trapped, murdered by you, thousands of them, chewing off their own legs to get out of the traps you've set. The Yogi Bear police here on the island have cost the American taxpayer hundreds of thousands of dollars to protect these eggs, and kill animals. I do not allow

the

National Park Service on my property. I own several businesses here in Buxton, and have not allowed you there for several years. My hope is to get every business owner to ban you, so that you can't buy gas, food, clothing, et cetera. The National Park Service came to this island in the early 1950s, and stole the land from the natives,

making

false promises to the people here. One of them was that

you

would never close the beach, the Cape Hatteras National Recreational Seashore. Some people in this room believe that it was only the Audubon Society wanting our beaches

closed. You knew that not having a long-term plan would  
put  
you in the clear of causing the complete and total economic  
demise of the island's economy. It is not only the  
business  
owners you have affected. It's all the people we employ,  
and all -- every human being that wants to exercise their  
human civil liberties to go to the beaches of Cape

Hatteras.  
It is not the birds that are endangered here. Human beings  
are the species that are endangered here. Thankfully -

MR. SKIDMORE: You --

MS. DAWSON: I -- I just want to finish one  
sentence. My father died here 36 years ago, right here on  
this property. In his obituary, it stated that he was a  
National Park Service fighter. Thirty-six years ago, he  
knew to hold you accountable. I'm here to tell you he's  
back, in the form of children, grandchildren and great-  
grandchildren. I'll see you in --

COURT REPORTER'S NOTE: The speaker's final  
words were drowned out by applause.

MR. SKIDMORE: Rob Beedie is followed by John  
Benson, Dave Wilson, and Gene Schwester.

MR. ROB BEEDIE: Sir.

MAN ATTENDEE: Say them again. We couldn't hear  
the  
names.

MR. SKIDMORE: Rob Beedie.

MR. BEEDIE: Sir. I know you made a lot -- I know  
you made several restrictions on our freedom of speech as  
far as time frame. I would like to ask you for the  
privilege to speak from your podium to the people of  
Hatteras, and you can hear every word, and you can shut me  
down, if I get out of line. I owe these people what I'm  
going to say, and I think you -- you will enjoy hearing it.

MR. SKIDMORE: Sir, I'm sorry, but the purpose of  
the hearing is to deliver comments to the National Park  
Service --

MR. BEEDIE: Yes, sir.

MR. SKIDMORE: -- and not to the audience.

MR. BEEDIE: Yes, sir.

MR. SKIDMORE: And we're just going to abide by  
those ground rules.

MR. BEEDIE: Yes. My name's Rob Beedie. I own one  
of the smallest surfing companies in the world, called the  
Global Surf Network. We're an audio/video film production  
company, and we represent small businesses throughout the  
world. We're here to talk about this right here, (holds up  
newsletter), which I'm probably not smart enough to  
understand it. But I would like to ask one question,  
because I drove four hours to get here. How many locals  
are

here, and if they could raise their hand? And how many  
wannabe locals? And ya'll know what that is: people that

decade, moved here late. And how many tourists are here? Now I've worked with the Park Service in the past, for over a

to help save the Cape Hatteras National lighthouse. Okay? And what I'd like to do, in memory of my grandfather and my father and mother, and I hope I don't offend anybody here, but I would like for you to bow your head, because we're leaving one person out. We have brilliant minds here. And I would like to invite my Lord, Jesus Christ, and I am a sinner -- I am a sinner that was saved when 13 years old, and the people that know me here, I have a son that's

buried at Meadows; okay? And the Outer Banks residents, the Hatteras residents, created a memorial scholarship fund in his memory. He was 21 years old and it's 15 years ago.

And he worked in the environment, and he was recognized for it. And they've given a scholarship out every year since then. There's one beach here, sir, that we paddle out and the surfers paddle out with flowers, my friends and I, every year. Okay. This beach represents life, liberty and the pursuit of happiness to me. Nothing more.

MAN ATTENDEE: Amen.

person MR. BEEDIE: I'm not -- I'm not a land owner, or anything, but I will paddle out where my son's buried, whether there's flags or not. And I may be the first

arrested and to have a federal crime. But that's what you're stealing from me. Okay? And I -- and I -- and I would like the environmental people to search your souls. But I pray to Jesus Christ that -- that the wisdom -- the wisdom and understanding on all parties before you decide anything. We, the people, can take care of these animals. God ordained us to do so. And I have my son's picture

here, and I pray that ya'll don't close that area down. And God bless the people of Hatteras.

sure MR. SKIDMORE: Okay. My role is simply to make

that everyone gets a chance to speak here, and it's clearly caught by the court reporter and we'll proceed to do that. The next speaker is John Benson, followed by Dave Wilson, Gene Schwester, and Kate Medlin.

MR. JOHN BENSON: I've thought a lot for the last couple of days of what I should say tonight. And after listening to several other people, I thought I should say, "I really want to thank you for giving us all of three minutes to talk about something that's so important to each of us." It's impossible for me to respond to the Draft Environmental Impact Statement of 800 pages in three minutes, and it's impossible to sit down and go through it. But, I've tried to and I've got something I turned in and I hope you'll read. I'm here tonight because I want you to see who you are affecting, and I hope you'll look at the

rest of us in the crowd and listen to what we're saying,  
and  
realize that you're doing this to people. And I wish that there were more people that were making decisions, sitting up there that could look at us. I'd like to say that the Draft Environmental Impact Statement that you've prepared does not adequately or factually address the issues of resource protection, visitor expectations and experience, economic impacts, or impacts on traditional or cultural values and quality of life within the Cape Hatteras National Seashore, and within the villages of Hatteras and Ocracoke Islands. I'd refer you to the Environmental Impact Statement that's been prepared by the ORV Access Coalition. It does a much better job in much less words of addressing these issues that the Park Service has been mandated to address. Not one of the five alternative ORV plans provided by the Park Service meets the Park Service's mandate to both protect resources, and to provide a quality experience for visitors to the Cape Hatteras National Seashore. None of them. The Park Service's preferred alternative is worse than what we're going through now, which is terrible. I would suggest that you should read the information and suggestions provided by the Access Coalition and adopt their suggestions as your preferred alternative. It would be something that would help the birds, the turtles, the people that live here and the visitors that come here to enjoy our beaches. I read the -- through the DEIS and I saw the words, "could," "might," "maybe," "can" so many times that it almost disgusted me. To use that as a basis for affecting my life and the lives of everybody here is not what my National Park Service is all about. Thank you.

MR. SKIDMORE: Thank you, John. Dave Wilson is next, followed by Gene Schwester, Katie Medlin and then Lynn Jordan.

MR. DAVE WILSON: Good evening. I'm Dave Wilson and I own a home here in Buxton that I rent out during the tourist season. The DEIS that we're discussing tonight attempts to predict the impact that several different methods of managing ORV use on Hatteras Island will have on our beaches and our livelihood. When making its final decision on the ORV plan, the National Park Service must do a careful job of balancing the cost and the benefits of this plan. Unfortunately, none of the proposed alternatives described in the DEIS passes this test. This is because all of the alternatives are based on a faulty premise that ORVs

have led to declining piping plover populations on our island. Not only is there no evidence to support this, but there's very clear evidence that storms and not ORVs, are the main reason that the piping plover populations fluctuate on the island. The evidence of this fact is very clear.

In March, 1980, American Birds Magazine reported that no more than ten pairs of piping plovers per year had bred along the North Carolina coast, for the 20 year period from 1960 to 1980. In 1987, the Park Service began doing its own measurements, and it found that year, that it discovered ten pairs in 1987, the same number that had been discovered seven years earlier in 1980, and for the 20 years prior to that. The Park Service has continued to monitor the piping plovers, and over this entire period it has been doing this from 1987 to present, it's found an average of nine pairs per year. For the past two years, the data is particularly instructive. In 2008, the Park Service counted 11 pairs, and in 2009, it counted 9 pairs. The average over the past two years has been 10 pairs, the exact same number that have been here when the weather's good for the past 50 years. But what's even more important here to note, is that from 2008 to 2009, the number actually decreased by 20 percent, and this indicates that the Draconian restrictions that the Park Service has placed on beach access has really had no effect on increasing the piping plover population. The evidence is really very clear, that nature intends there to be about 10 piping plover pairs on Hatteras Island every year. And no matter what the Park Service does, that's what's going to be here. So, how did we end up here?

Well, in short, we ended up here because a cycle of stormy seasons caused the piping plover populations to decline in the mid-1990s. Not only was the decline clearly not caused by ORVs, but it was -- it was clearly -- it is now a distant memory. You know, the last decline for year over year of the piping plover was from 2002 to 2003 -- I'm sorry, from 2001 to 2002 -- and ever since then, it has been increasing steadily as the storm seasons have abated. And, in fact, we haven't had any named storms hit us in the past couple of years. Let me just conclude -- I'm going to give you some charts in the written material -- but let me just conclude, that based on the impact on my rental income from the past two years, and extrapolating that over all of rental houses on Hatteras Island, I estimate the impact of the island economy to be



about \$14,000,000 per year. And this is a devastating impact to the people who live here. So, please --

MR. SKIDMORE: Thank you very much. I realize many of you have things that you'd like to express beyond the three-minute point. We've got 62 people now signed up and

I

just need us all to keep moving along and realize that you can submit whatever comments you can't get in, in three minutes, can be submitted here for the record, and receive the same action.

MAN ATTENDEE: We've got all night. We'll wait.

MR. SKIDMORE: Next is Gene Schwester, Katie

Medlin,

Lynn Jordan and Jack Painter.

MR. GENE SCHWESTER: Our 26th President, Teddy Roosevelt, created the National Park Service for the full enjoyment of all peoples. People. People. The emphasis

is

on people here. That's over a 100 years ago. And in these days, it seems that that has turned around 360 degrees in the favor of the environmentalists. I want to address the Alternatives A through F, which favor the

environmentalists.

And what I want to propose is Alternative H, which favors the people of Hatteras island. And that is the free and open access to our beaches. And the conditions I've

listed:

we want a responsible citizen from Hatteras Island and Ocracoke Island to accompany me and a Park Service individual in locating these nests, and document with a GPS or by photograph where they exist, to stave off any

mistrust

and so forth. And as an additional part of that

Alternative

H will be a conditional opening of that particular beach where there is no nest to be found. And also, after the fledglings are located, we'll want the beaches open immediately. Also, why hasn't there been a provision addressed in the DEIS for hatcheries? If these birds,

which

we could probably win the MegaMillion before we even get to see one, why with our stimulus plan, can't we have 100 percent hatch ratio for the survival of these eggs? We can go out there with our Easter baskets and pick those five eggs over -- of if we could find them -- over 750 billion cubic yards of beach. Why hasn't this been addressed? And about fees. What about the stimulus plan? Hasn't the NPS been allotted 1.2 million dollars? Where is that been going?

MR. SKIDMORE: Gene, that concludes your time.

MR. SCHWESTER: I've got one more second here if I can. If they're going to close the beaches, why do we need the NPS? Why do we need the 100 percent staff?

MR. SKIDMORE: Thank you. Katie Medlin is next,

followed by Lynn Jordan, Jack Painter, and Natalie Kavnagh.

MS. KATIE MEDLIN: Well, they stole my thunder.

I'm

just going to turn mine back over to the court reporter,

but

I would like to say something. My husband and I are

retired

down here for many years, and we sit around every day, and we thought, "Lord, if we'd just been smart enough to figure out a way to manufacture all this string and all these little poles that stack from Nags Head to Ocracoke, we

could

be wealthy. We'd never have to worry about another dime."

MR. SKIDMORE: Lynn Jordan.

MS. LYNN JORDAN: Hi. My name is Lynn Jordan. I'm from Salvo. I've read the plan F of the DEIS and hope you will consider revising it to the original purpose of this recreational seashore. It's stated by the federal government when the land was acquired in 1937, and I'd like to read to you part of that legislation. "The said area shall be and is established, dedicated and set apart as a National Seashore recreational area for the benefit and enjoyment of the people, and shall be known as Cape

Hatteras

National Recreational Area." Wildlife preservation is important to the citizens here. It always has been. Birds can be protected on approximately 20 miles of Hatteras Island without closing any of our ORV ramps. Birds can

also

fly to hundreds of barrier islands in the Pamlico Sound, where their nests are less likely to be disturbed by predators. Nests discovered on open beaches can be roped off for protection, just like they were prior to 2008. Turtle nests can be roped off as well or the eggs can be moved to Pea Island Wildlife Refuge. Eggs are only moved now, prior to storms, which have proven to be more detrimental to the hatchlings than ORVs. Under revised

Plan

F, the villages of Hatteras Island could be restored to their original purpose as recreational areas open to ORVs

by

the public. This would assure the National Park Service of compliance with the Americans with Disabilities Act, which is questionable under Plan F. It would be a show of

support

by the National Park Service for the socio-economic growth of the island, which cannot survive without ORV access.

The

National Park Service would be displaying its respect for the traditions, culture and history of Hatteras Island, not considered in Plan F. And the National Park Service would be honoring the federal government's original contract with the people. Please consider a revision to Plan F the citizens of Hatteras Island can support. This is a perfect

opportunity to restore good relations between the National Park Service and the people. We've worked diligently together in the past. Hatteras Island's dependent on tourism to survive economically. The main attraction to tourists here is our ORV access to the beach. Without that access, tourists will not come and the economy here will die. Thank you.

MR. SKIDMORE: Jack Painter, followed by Natalie Kavnagh, David Upton and Carol Dillon.

MR. JACK PAINTER: Mr. Superintendent, thank you

for

this opportunity. I'm here to talk specifically about the corridors in the DEIS. First of all, I believe that establishing corridors is a vital tool in providing access to our beaches, while concurrently effectively managing all resources of our beaches. That includes the human resources. First, corridors provide a path -- a small path around temporary resource closures, in order to provide access to an open area that would otherwise be blocked. Someone's already spoken to that. Further, in some instances, corridors can be made through or around closure areas, with no detriment to the wildlife. Also, in other areas of wildlife management, corridors can be established below the mean high tide line. I -- I doubt very seriously if I'm going to wade a plover to death. In addition, since unfledged chicks are not found in nests between the ocean and the mean high tide line, this type of pass-through corridor would have no negative effect on wildlife. I

can't

find that in the plan anyplace. It seems the present in

the

DEIS is outlined on pages xii, xvii, and page 468. Corridors are only allowed in Management Level Two portions of SMAs. These corridors, while theoretically plausible, are subject to resource or safety closures on a whim. I believe that the corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area. Further, corridors should be established throughout the entire breeding and nesting season. Also, corridors to be provided in all

areas

of the seashores, including highly restricted Management Level 1 portions of SMAs required under Alternative F. Corridors will provide a valuable access, Mr. Superintendent, without impairment or damage to protect the resources. I also believe and wholeheartedly support open and accessible beaches for everyone all day, every day. We must remember that access to our beaches is consistent with the promises made in the enabling legislation. Our residents have always been faithful stewards of wildlife. We believe that people and nature can live in harmony. We've proved it here on Hatteras Island over and over and over again, that we can live in harmony. Science based resource protection can be balanced with provided

recreational access. One additional comment. You guys had a long time to work on this plan. I'm a little confused as to why the people that it affects the most are allowed

three

minutes to talk to you about it.

MR. SKIDMORE: Natalie Kavnagh, followed by David Upton, Carol Dillon and Gary Gross.

MS. NATALIE PERRY KAVNAGH: Good evening. My name is Natalie Perry Kavnagh. I grew up here on Hatteras Island. My family is from here and has been here for about 300 years. I know that doesn't mean much to you, but it means a lot to me. It means that I want to pass my home,

my

property, and business on to my son. Where you come in is that this plan you have written for the management of the beaches will greatly affect my being able to do that. I prefer to have the management of the park like it was

during

the '70s, when I was growing up here. However, since it appears that you've decided on Alternative F, I will focus my concerns on that information. Data used in this statement comes from reading past Park Service reports and just observing the general workings of the beach over the years. This Plan, which is stricter than the Consent Decree, will not be good for the visitors' experience of

the

park or the economy of the island. The fact is that an economic impact study hasn't been done but the time I've

had

to comment on this Plan even hinders my ability to comment. I disagree with the fact that the off-season ORV access in front of Frisco Village is closed longer than other places, even though the visitor use statistics are similar to other areas. I believe the Park has given in to the personal request of a private homeowner in this matter, disregarding the needs of the people of the nation. It is everyone's Park, not one person's. The bird closures in this plan are too strict. ORV bypasses or corridors should be maintained through the bird use areas, to allow access to beaches around the bird nest areas. Good management can allow for both the people and the birds to use this resource. One thousand meters is too large a buffer around piping plover nests. Wilson's plover, American oystercatcher, least

terns

and other colonial waterbirds only need 30 meters of protection based on past park reports. Hire more resource people to watch the bird activity, if that is necessary,

and

adjust allowing for access in areas birds have moved from. To be sure, it is cheaper to the government than losing thousands and thousands of tax dollars from our business losses. Manage the vegetation at Cape Point to allow more open beach, like it was in the '70s and '80s. A lot of the problems here started when the park ORV closure around Cape

Point Pond moved the shore bird nesting too close to the ocean. This would be safer for the birds. There would be less predator habitat, and less over-wash of nests. I disagree with the night driving restrictions. Turtles have not been run over by ORVs here. Nest loss has not occurred with frequency here. Hatchling disruption has not occurred frequently here. It seems to me that allowing ORVs on the beach at night actually would frighten predators to the birds, and not do damage to the turtles. I disagree with the prohibition of pets in the park area, even for part of the year. Responsible pet owners should have the right to keep their pets in the Park on a leash near bird areas. If someone violates a leash rule, don't let them bring a pet again, but don't penalize everyone else. I disagree with any year-round closures to these beaches. Do not close Hatteras Inlet beach. Do not close Ocracoke's North Beach. Do not close any area permanently. All areas should be accessible and flexible to resource closures.

MR. SKIDMORE: Natalie, your time has expired.

MS. KAVNAGH: Yes, sir.

MR. SKIDMORE: Thank you very much. David Upton is next, followed by Carol Dillon, Gary Gross, and Frank Folb.

MR. DAVID UPTON: My name is David Upton. I come from Mooresboro, North Carolina. That's about 370 miles as the crow flies. About 450 by the road. And by the time I get here, I'm whupped. As I sat at home and looked at this DEIS thing that you've come up with, how in the world do

you

expect to pull such a charade over this bunch of people? I mean, you've -- I'll sit there and look at it and I'll

shake

my head. Shut the computer down. Go back an hour later

and

start it up again, and start getting -- the more -- and the more I read, the more -- more angry I become. Basically, you're trying to take our beaches away from us. You're trying to take my beach from my grandkids, and their grandkids, and I'm highly upset about it. If this is the best you can do, you need to throw that whole thing out the window and start over. Off-road vehicles -- you -- I

looked

at some of these websites of these people that are trying

to

shove some of this stuff down our throat, and they'll show these tracks between the high tide and the low tide line, track after track. One tide change wipes that out. And they'll have this picture of this piping plover laying

there

in a tire track. Who run over that piping plover? It wasn't one of these people here. Wasn't it a Park Service vehicle that run over that piping plover that's being used? Park Service. You're here to protect the wildlife. To maintain this place. In 1937, when Congress enacted that law, and it's a law, that this beach would have open and

free access, and then you come in here with your rattling  
sabre, or ever what you want to call it and start taking  
things away from us. I didn't even know who you were when

I

come in this building tonight. But I know who you are now,  
and I know what you look like. And I know what some of  
these other people look like. And it's -- it's a shame

that

this Park has been run like it's being run now. I think  
that the people need to take it back over like some of

these

people said. Get some responsible citizens here on this  
island more involved in what's going on.

MAN ATTENDEE: Yeah.

MR. UPTON: Throw this DEIS thing out and start all  
over.

MR. SKIDMORE: Carol Dillon.

MS. CAROL DILLON: My name is Carol Dillon and I'm  
an angry, 81-year old woman. And the only reason I mention  
my age is, I was here when the Park was formed. I  
personally heard the promises that the Park people made.  
They claimed they would never stop beach driving. They  
claimed they would maintain the beaches and the dunes.

They

would pay market prices for our property. All lies. Every  
one. Let me give you some examples. My mother had 100  
acres of high wooded land over near where the Park is --  
high, wooded trees. They paid her \$15 an acre. And if you  
don't call that stealing, I do. You personally came here  
with your bulldozers and raped the beaches. You took the  
three dunes that the CCCs had built, took a bulldozer back  
down in the ocean, and made a high dune. You allowed the  
Navy Base to take the Phipps 20-foot dune and take millions  
of cubic yards of sand to fill in the place where they put  
the Navy housing. It was nothing but a swamp. Later, six  
years later, an inlet was cut in the exact same spot. So,  
you're not fulfilling what I personally heard the Park  
Service claim. So, if the people here cannot believe the  
government or representatives of the government, what can

we

believe in? Let me give you some personal examples that  
have just occurred to me personally, within the last year.  
First, you put my cat in the pound. And fortunately, I  
didn't find out who that was, or saw, or I wouldn't be here  
today. But, it was not funny. I didn't think it was funny  
a bit. But the second thing is, about three, four, or five  
months ago, you took a jeep, and there were about six or  
eight of you, ran over my sandbags on my property, ruined  
the sandbags. When we had the storm in December, that was  
the exact same spot that broke through the dune that was  
completely -- I'll be through in 30 seconds -- so, anyway,  
I'm still angry. If -- the man was talking about God and  
Jesus Christ. If God would give me one, maybe three

wishes,

you'd be the first to go.

MR. SKIDMORE: Gary Gross, followed by Frank Folb, Ryan Dawson, and then Stephen Hissey.

MR. GARY GROSS: Tonight, I would like to comment on the birds that are selected for protection in the Draft Environmental Impact Statement. The Endangered Species Act, no doubt, requires protection for all endangered species. However, there is no requirement in the ESA that non-endangered birds be afforded the same level of protection. I believe the National Park Service should re-evaluate the position that they have taken in the DEIS, in giving special protection for non-endangered bird species. I'm referring to the protection that's outlined in pages 121 to 127 of the DEIS, which gives birds that are not endangered and not even threatened, the same level of protection as if they were endangered. These include the American oystercatchers, least terns and colonial waterbirds. It was for these non-endangered birds that Oregon Island and Cape Point and other areas were closed essentially from March/April through late August of last year. However, in the DEIS Alternative F, these birds are given huge buffers as if they were endangered. In fact, these birds are protected by the Park Service only because they appear on the North Carolina list called "Species of Concern." States such as North Carolina have created these lists in order to designate certain species as worthy of special tracking and monitoring, not to force the hand of federal agencies, and require them to apply the maximum buffers that are reserved for the truly endangered. The Park Service should re-evaluate the position regarding buffers for these birds, when preparing their final Environmental Impact. Accordingly, pre-nesting closure's appropriate only for the threatened piping plover, they are unwarranted for the American oystercatchers and least terns, and because the colonial waterbirds don't return to the same area year after year, pre-nesting closures for them is unpredictable and unnecessary. Furthermore, in counting birds in the Seashore, it's important that the Park Service get the benefit of considering all birds in the same ecosystem. That is why birds of all species on the dredge and spoil islands should be counted. For example, on Cora June Island, just 500 yards off the shores of Hatteras village, there are large colonies of birds that are not counted by the National Park Service. Ignoring these birds, it distorts an accurate assessment of the effectiveness of resource management.

things.  
species.  
Making these changes in Alternative F would do three  
One, it would benefit the long-range success of the

Number two, it would enhance the visitor experience. And  
number three, it would improve dramatically the lives of  
those who depend on the Cape Hatteras National Seashore  
recreational area.

Hissey,  
and Bill Barley.  
MR. SKIDMORE: I think, following that comment, is  
just a good time to just remind everyone that what we're  
trying to do is get good solid points that can be recorded  
that can assist the National Park Service in their  
decisions. Next is Frank Folb, Ryan Dawson, Stephen

internet,  
a  
-  
it says they must be post-marked by the 11th. So, there's  
conflict right there and what you said here, and what the -

-  
what the internet -- what your internet site says, and I  
pass -- that's the word we have been using when putting out  
this notice to people in the public. My comment today is  
something on something that's really relative, that's going  
on as we speak. That if anybody that came down highway 12  
today from Oregon Inlet, it will affect. While we have had  
to exist under the terms of Draconian rule of the judge's  
approval of the Consent Decree demanded by the

environmental  
special interest groups, and agreed to at gunpoint by local  
access groups, to have any access at all, I find the plans  
of the DEIS 800 plus pages totally unacceptable. This  
comment is in regard to the pre-nesting bird enclosures  
throughout the Seashore, and the early additional closures  
now installed for only two piping plover nests within the  
seashore at Cape Point, and seven oystercatcher nests

within  
the entire Seashore, including one on Green Island. If you  
want, it is okay with -- if you want to, without  
interruption, you can walk from the south end of Pea Island  
Wildlife Refuge, which is where Serendipity used to be, you  
can walk from there to Oregon Inlet. You can't drive  
because of a midnight decision to close that to ORVs, but  
you can walk that, undisturbed, without a closure. And

yet,  
if you add up the 4/22/2010 NPS Beach Access Report and add  
the number of miles closed to people -- that's pedestrians  
and vehicles -- you will see that 10.3 miles have been  
closed in the Seashore recreation area, and another 3.3,  
like past people have said, you can't get to because of



those people-closures, with limited access. You can get there by boat, for a total of 13.6, or more than the entire wildlife refuge beaches. Closures in a refuge could be understood, but when NPS, who has a dual mandate to not only protect birds, but to also protect the rights of access to its visiting people, common-sense observations show that the NPS is making bad decisions in these closures. Differences in buffers and management within the U.S. Fish and Wildlife Refuge and a recreational seashore would seem to be more aggressive in the refuge, while more lenient in the recreational seashore. But this is not the case and has not been the case in recent years, and only gets worse in the NPS Preferred Alternative F. NPS is, in the implementation of this Plan, must review their preferred plan and the Coalition for Access position statement, and find a common opportunity ground that we can all exist. Thank you for the to comment. And I do hope that the faith that I've lost in our government can be recovered through the comments and how they are handled in this document. Thank you.

MR. SKIDMORE: Thank you, Frank. Ryan Dawson is next, followed by Stephen Hissey, Bill Barley, and Brad Dunnagan.

MR. RYAN DAWSON: Hello, my name is an angry American citizen sick of an unelected dictator's harmonies, life, liberty and property, and I'm from an unoccupied section of Buxton near the no-human anti-freedom zone run by the bird police. I don't care if you found an albino duckbill platypus dodo bird hybrid out there, the Park is for recreation and that's the law. The public was never to worry that the Park would land -- the land would suddenly become private property open to developers, or suddenly become a wildlife refuge, closed to humans. It's our Park the federal government purchased, or in some cases, stole the land from the public in order to create the Park. The Park does not belong to the Park Service. It is not Park Service land. It is Park land. The Park Service, like the police, are public servants and they don't own the Park

land any more than cops own the towns they patrol. It is our land and you work for us. It is outstand -- it's astounding that pseudo-environmental groups would claim that closing a beach on an island wouldn't have any economic or cultural impacts. And many of the idiots in the Southern Environmental Law Center -- these ignorant buffoons -- don't even know what they have done. And I've got six questions for you. Why is the

public being punished for a government organization

breaking  
 its own rules? And yet, this same government organization is being paid to enforce the punishment. It's funny that the National Park Service failed to act to do their job to provide recreation and properly manage the Park for 39

years  
 and counting, but they're so swift to prevent recreation. The second question. Since when does the Judicial Branch use an Executive Order to overturn a Congressional law? Neither the Executive Branch nor the Judicial Branch have the power to change the law. It's unconstitutional.

That's  
 the basic foundation of representative government, that

laws  
 come from elected legislators, not kings or judges. The constitution used to mean something. It still means something to me. Maybe not to these animal murdering fascists, but it means something to me. The third

question.  
 Why is it, when the pretext for this mess hangs on the

NPS's  
 non-compliance with an Executive Order about ORVs, that pedestrians are banned from walking on the beach? How do they extrapolate walking from a failed plan to manage driving? And notice, that's to "manage driving," not ban

it  
 outright. Fourth question. Before closing a federal -- federally-promised beaches on an island, did the police state bother to gauge the economic impact before stealing the beaches? Has there been any compensation to the residents of the island who have lost their liberties, business and property values? Now I have to skip a whole bunch because of the time limits on freedom of speech. But the fifth question. Why is an arm of the Executive Branch writing up laws? That's not their responsibility. To say the NPS was so evil they kicked puppies would actually be

an  
 understatement, for these goons are murdering animals by traps, gas and bullets. Since 1984, the environmental groups are supporting the murder of animals, and separation of man from nature, and the public is trying to reverse it. The presence of people in the Park --

MR. SKIDMORE: Sir, your time has expired.

MR. DAWSON: I don't care. Elected officials agree with us -- have been to DC twice and talked with the senators. Our liberal government, our state government,

our  
 federal government -- all of our elected portion of government agree with us.

MR. SKIDMORE: Ryan, are you about to finish?

MR. DAWSON: Yeah, I'm about to finish when I'm finished.

to  
MR. SKIDMORE: I'm going to ask -- I'm asking you  
stop.

are  
MR. DAWSON: I don't care. And yet, the beaches  
closed. I've got two minutes -- I've got two or three  
sentences.

COURT REPORTER: You're off the record.

COURT REPORTER'S NOTE: There was off-the-  
record break at 6:25 p.m. until 6:26 p.m.

MR. SKIDMORE: Next speaker is Stephen Hissey,  
followed by Bill Barley, Brad Dunnagan, and Allen Burrus.

turf  
MR. STEPHEN HISSEY: My name is Steve Hissey. I  
live in Frisco. I love the whole Park, but my favorite

is Hatteras Inlet. Page 12 DEIS, I disagree on under  
Alternative F, Hatteras Inlet Spit, and North Ocracoke Spit  
would be non-ORV accesses areas year-round, with inner good  
roads that would allow access to the general area, but not  
the shoreline. I disagree with one mile closed on each

side  
of Hatteras Inlet as indicated by Table ES-2. Hatteras  
Inlet is the third most favorite area to recreate in the  
National Recreational Seashore. And I say, "Recreational  
Seashore." You're denying access to Hatteras Inlet to the  
old, the young, and especially the disabled. You mention  
your intent to improve Pole Road and place a parking lot  
near Hatteras Inlet. So, you want to take a pristine  
wilderness area with a natural sand road and change it. It  
reminds me of the old Joanie Mitchell song, "Pave Paradise  
and Put in a Parking Lot." Let me refresh your memory.  
When the Access Coalition in Dare County filed suit against  
U.S. Fish and Wildlife, for their attempted critical

habitat  
designation on both sides of the inlets in Cape Point, we  
won. The judge was from a higher court than that podunk  
court in Elizabeth City. He told U.S. Fish and Wildlife  
they were not allowed to designate areas that did not have  
the PCE, which is a Primary Constituent Element for the  
bird, and hopes that the PCE may someday form. Crested  
tidal mud flats and tidal pools for birds to forage and  
feed. Hatteras Inlet is dry, barren, windblown sand on the  
ocean side. And vegetation to the surf line in the inlet  
and sound side is right there; it comes right to it. There  
is no PCE there, either. There is no PCE at all at

Hatteras  
Inlet. If you designate an SMA or species management area  
at South Hatteras Inlet, we feel you are in direct

violation  
of the federal judge's ruling. We can't wait to tell him  
about it. Have a good evening.

MR. SKIDMORE: Bill Barley, Brad Dunnagan, Allen  
Burrus, and Wayne Blessing.

MR. BILL BARLEY: Yes. My name is Bill Barley. I

live in Buxton and have for close to 40 years. And I, too, have seen a lot of changes in the Park, and what we've been allowed to do. For many, many years there, we had the inner dunal roads. We could go from Cape Point campground. We could go straight through the campground to access the beach, or go on the inner dunal road and we could stop. We could cook out, and we could access the beaches from the inner dunal roads. Same way with Hatteras Inlet, was a flat. You could -- I mean, you could pay softball out there. It was like the bottom of the salt flats. Now, it's nothing but dunes, and you drive through the dunes, and boom, there's the inlet. It was not that way for many, many years. So, you've changed the dynamics. The Point was the same way. It was flat. So, I agree with everyone here that says, Well if the special interest groups, combined with you, spend their time and energy to create better habitat, instead of trying to take all the beaches. I mean, they remind me of somebody that rides along the road and sees trash on the side of the road and complains about it instead of stopping and picking it up. Now, on a recent trip out west, I was in Siltcoos, Oregon on the coast, and I went -- headed to the ocean. And I turned down a two-lane -- two-lane road. It reminded me -- I thought I was on the road between Avon and Buxton. The same dunes. The sea oats were the same. The sound was right there. It was identical to that where I live. And I kept going and I came up on a sign that said, "Oregon Dune National Recreational Area." I took a picture of the sign, and I wondered why our Park does not have a recreational area in it. They catered -- you could drive for 30 miles out on the dune. You could stop and camp anywhere you wanted. And they -- they pushed that. I mean, that was what the Park Service -- they were so friendly and nice about it. Yeah, go use it. Go use it. No problem. And so, on my way home, I stopped at Utah, and I saw a "Wind Canyon National Recreational Area." Had to stop. You could -- you could rent boats, jet skis. You could go to any part of the park and just plop down and camp. Stay. Stay, you know. And I wondered -- in 1937, Congress established Cape Hatteras National Seashore recreational area for the benefit and enjoyment of the people. And in '58, it was dedicated by Conrad Wirth, and he assured everyone, vehicular access.

I googled "National Park Service" a couple of days ago, and I found National monuments, National memorials, and when I went to National Recreation Area, both parks that I saw were in it. Cape Hatteras was not. It's not even listed on your site as a recreational area. And so, folks that's in North Carolina, South Carolina, Virginia, Maryland and Tennessee, none of those states have a National Recreation Area. So, if you take that whole circle, the closest one is outside the area. Thank you.

MR. SKIDMORE: Brad Dunnagan, followed by Allen Burrus, Wayne Blessing.

School, MR. BRAD DUNNAGAN: Hi. I'm Brad Dunnagan. I was elected SGA President of the Cape Hatteras Secondary which is where we're at right now. And I'm speaking on behalf of the student body, as well as many of the folks

out here right now. Let's see. Where do I start? A 1,000 meter buffer between piping plover nests and people. We know that predation causes over 50 percent of all the

deaths of the piping plover, whether it was their eggs, whether it was the piping plover themselves. And we know that humans cause less than 10 percent. So, if you have that 1,000 meter buffer between humans and the actual eggs, you're increasing predation, you're lowering human -- you're lowering human kills, which actually -- here, I've never seen a dead pip -- dead piping plover around here, unless

it was ripped into pieces by an animal. But, anyway, you're increasing the predation rate. And, you're restricting human rights, which everybody has a right to be on this Park, that they pay for. That they pay to run. They pay your paychecks. They pay -- let's see, they pay the Congressmen's paychecks. They pay President Obama's paycheck. And it's our responsibility as governing people to listen to the majority of our own people, and not the simple whim of a few.

MR. SKIDMORE: Allen Burrus is next, followed by Wayne Blessing, Warren Judge, and Bobby Outten.

provide MR. ALLEN BURRUS: That's a hard act to follow, young fellow. It takes nerve. Thank you for coming. We appreciate it. It'd be easy to play to the crowd, but that's not what I'm here for to do. I'd like to -- I'm going to talk about corridors. Corridors are a vital tool in providing access, while managing resources. They

a small path around temporary resources closed, in order to provide access to an open area that would otherwise be blocked. In some instances, corridors can be made through or around closed -- closure areas. And in other places, corridors can be established along the high tide line.

the  
are  
Since unfledging chicks are not found in nests between the ocean and the high tide line, this type of pass-through corridors would have no negative effect in wildlife. In

DEIS, as outlined on pages 12 and 17, and 468, corridors are

only allowed in management level portions of SMAs. These corridors, while theoretically possible, are subject to resource or safety closures at any time. I believe corridors should be maintained for pedestrians and ORVs in all areas of the National Seashore Recreational Area. Corridors should be established throughout the entire breeding and nesting season. Corridors should be provided in all areas of the seashore, including the highly restrictive Management Level 1 portions of SMAs, required under Alternative F. Corridors will provide valuable

access

without impairment or damage to protect the resources. I believe people and nature can live in harmony, and that science-based resources can be balanced while providing recreational access. And I believe it's very important

when

there is -- obviously closures are -- are statistically located that will not allow you to get to open areas. It can only be acc -- it can only be accessed through a corridor. Cape Point. Hatteras Inlet. I hope you will consider re-opening that and -- and Oregon Inlet. A good example there. Last year when a nest closed that inlet for long periods of time, or a corridor, or even an inner dunal road would have allowed that to be opened. And I hope you'll consider doing that. Thank you, and I appreciate

it.

MR. SKIDMORE: Thank you, Allen. Next is Wayne Blessing, followed by Warren Judge, Bobby Outten.

MR. WAYNE BLESSING: My name is Wayne Blessing. I first visited the seashore recreation area on July 4, 1959. I got hooked on surf fishing, and in 1962, I bought a 1941 Plymouth two-wheel drive as a beach buggy. I've had 17 buggies since, all of them four-wheel drive. In 1964, we bought a little house in Frisco. I retired in 1979, and currently spend 20 or 25 weeks per year here. It was the ability to motor the beach, looking for fish, that kept us interested for 50 years. During my long life, I've known that change is inevitable, and I've always followed the mantra that fair is fair. In the DEIS, I see a lot of change, but question the fairness. It appears to me that the starting point was with the Consent Decree, whereas the fairest starting point would have been with Alternative A, what we used to have. More specifically, I do agree with increasing parking places, increase pedestrian access, although I see no reason for making 27 and to 30 a pedestrian-only stretch. When I motor past pedestrians, almost inevitably, they smile and they wave and I wave

back.

I don't see resentment there. I haven't so far.

Additional

ramps and the inner dunal 49 North, makes sense, just as it used to do. The over-control or excessive regulation is,

to

me, seen in the bird closures. Why do we require a 1,000 meters when Cape Cod and Assateague get by with much, much less. I feel this is twisting the knife, once it is penetrated. I don't agree with the lack of shore access to Hatteras Inlet, and South Point, Ocracoke, or Oregon Inlet. I wish there were -- was a greater commitment to adoptive management of field closures and bypass routes to Cape

Point

and these other places. I saw turtle management go awry, 300 yards north of Frisco pier two years ago in the autumn. The beach was closed from dune to surf for at least one month. I have one page here, and I'm about done. And I didn't see the reason for that. I think the crux of this thing is in the following sentence or paragraph. I feel strongly that the Department of Interior and the Audubon consulted to influence local management to go beyond what

is

fair and justifiable to our side, to reduce chances of further litigation. I'm done.

MR. SKIDMORE: Thank you, Wayne. Next is Warren Judge, followed by Bobby Outten, Jim Corbett and Crystal Corbett.

MR. WARREN JUDGE: Thank you and good evening. I'm proud to stand with these folks at my back tonight. Not many of us have B.S.s or M.S.s or Ph.D.s behind our name, nor do we have doctor in front of the name. But, Mike, you've heard from people who have experience in this National Seashore Recreational Area. These folks know the birds. They know the turtles. Listen to them. I beg you to listen to them. We spend -- this nation spends hundreds of millions of dollars a year in preserving our history and our heritage. From the battlefields -- the Civil War battlefields of Virginia, to Mount Vernon, the Statue of Liberty, the Washington Monument, the Jefferson Memorial, the Raleigh -- Fort Raleigh, Wright Brothers Park, and the Cape Hatteras National Seashore recreational area. Don't need access? We need access to enjoy the park. We need access to go about our lives. A couple of weeks ago, a couple of my colleagues and I visited with the National

Park

Director in Washington DC. They were all excited in the Department of Interior that day, because the next day, President Obama was coming. The kick-off of a nationwide awareness campaign to bring people back to the National Parks, to re-ignite a passion in the American people to visit their National Parks. The -- the opportunity was not lost upon Allen and Bobby and I to draw, and segue with Director Jarvis, that this is what we're talking about.

National  
 Park. Let's give the people of this nation access to this  
 Buffers are the crux of our problem. We draw a line  
 perpendicular through a nest, and we go a 1,000 meters on  
 either side. Guys, that's not a buffer, that's a wall. It  
 stops access. There are varying opinions. For every  
 scientist in this country, there's going to be a different  
 opinion. Let's work together. Let's work together to give  
 the protection for the birds and the turtles, but give man,  
 woman, and child access throughout this National Seashore  
 recreational area. Negotiated rule-making. I went into  
 that optimistic, but oh so naive. In our very first  
 meeting, negotiated rule-making was decided that it had to  
 be unanimous. I don't know how unanimity and negotiation  
 go  
 in the same sentence. But, hopefully we can springboard  
 from these Hearings this week, and hopefully, you'll take  
 these comments and you'll reflect, and you'll work on  
 Alternative F. The North Carolina Wildlife Resource  
 Commission Director will be sending you comments, Gordon  
 Myers. There's a difference coming from the State of North  
 Carolina. The representation --  
 MR. SKIDMORE: Thirty seconds.  
 MR. JUDGE: -- in that seat during Reg-Neg was  
 incorrect. Please, please watch for Gordon's  
 recommendations on buffers, and please help us. Thank you.  
 MR. SKIDMORE: Bobby Outten, to be followed by Jim  
 Corbett and Crystal Corbett.  
 MR. BOBBY OUTTEN: Good evening. You've heard many  
 speakers tonight talk about access and the goal for all of  
 us is to allow access, to create access, to allow our  
 people  
 to use our beaches. We've talked to you about a number of  
 issues. We've talked to you about buffers. We've talked  
 to  
 you about regulations for unlisted birds. Tonight, I want  
 to speak to you just a second about turtles. Endangered  
 turtles represent about one percent in Hatteras in the  
 southeast. We have about one percent of the nests that  
 occur in the southeastern part of the United States. So,  
 we  
 have a very low percentage of turtle nests, and a very low  
 percentage of the whole turtle population that come out of  
 this area. We believe, even with that low percentage, that  
 turtles would benefit from the management practices now  
 used  
 in other federal seashores and a more proactive management  
 approach to nesting to achieve nesting success. This  
 includes relocating nests in desirable locations, as is  
 done  
 in other states and in other federally-controlled areas.  
 Again, the true measure of turtle success is not  
 necessarily  
 the number of nests that you achieve, but the number that



goal, successfully hatch and return to the sea. That is the goal, to increase that population, and we believe that active management can, in fact, make that goal successful. The Cape Hatteras National Seashore recreational area is on the northern-most fringe of the turtle nesting areas. And, in this area, weather and predators represent a much greater threat to turtles than do man. With regard to active management, the Loggerhead Recovery Plan recognizes, and I quote, "Historically, relocation of sea turtle nests at higher beach elevations or to hatcheries was a regularly recommended conservation management activity throughout the southeastern United States." This is in the 2009 second revision on page 52. Notwithstanding, the National Park Service, on page 125 of DEIS, relies upon approach used by the North Carolina Wildlife Resources Commission that discourages the movement of nests. This contradicts the U.S. Fish and Wildlife Service practice, and even the practice in Pea Island, which is located just adjacent to the park. By not supporting nest relocation, the Cape Hatteras National Seashore recreational area has lost over 46 percent of its nests laid in the last 11 years. Meanwhile, South Carolina relocated 41 percent of its nests during 2009, representing an incredibly low rate of about 7.7 percent, again making a strong case for active management of turtle nests. Thank you.

MR. SKIDMORE: Ladies and gentlemen, I'm trying not to cut people off in mid-sentence, or mid-thought, but we are not even half-way through, so let's continue to try to observe the three-minute restriction. The next speaker is Jim Corbett, followed by Crystal Corbett, Sharon Kennedy, and Derb Carter.

not COURT REPORTER'S NOTE: The next speaker is available.

MR. SKIDMORE: Okay. The next -- Jim Corbett will not be speaking, so Crystal Corbett, followed by Sharon Kennedy and Derb Carter.

with MS. CRYSTAL CORBETT: Good evening. I disagree with the plan F beach restrictions. It does not allow enough access to our Park, especially for those with disabilities. I've watched a lot of -- of men, literally limp up here tonight. They -- they need to be able to get on the beach to do what they enjoy, and that's fish. We have limited access ramps on the Seashore, and more and more of them seem to get closed with the nesting -- with the bird nesting. We need more access ramps, parking lots and walkways over to the beach. Most of us here live sound side. We have thousands in the summer that rent sound side. We need to be able to get to the beach to enjoy our Park. If beach

driving or human presence is detrimental to the birds, why were there less piping plover last year than the year before? According to your own resource management report from 2008, there was a 28 percent fledge rate last year. That is less than the years before the Consent Decree. There's no scientific reason for these statistics, but it can't be based on beach driving or human presence. If that were the case, there should be more fledged chicks with the new restrictions and closures. And there's not; there's less. The closures aren't working. My final comment. The National Park Service is supposed to provide a service to our Park, not a penalty. Thank you.

MR. SKIDMORE: Next is Sharon Kennedy, followed by Derb Carter, Chris Canfield, and Virginia Luizer.

MS. SHARON KENNEDY: My name is Sharon Peele Kennedy, and I'm a nine-generation Hatteras islander, half-pirate and half-indian. I'm here to represent the commercial fishermen of this island, that was included in that draft of the 1937 or whatever. And we want to know

why

there is so little reference to the commercial fishing industry's access to the beach. Yes, ya'll say it's included, that the way you've got the closures at -- set up -- how're we going to get there? They've been beach

fishing

here since horse and cart days, and now we're not going to be able to do that. And the Cape Point is very sacred to a lot of our native people here. We go there to forage for our food, and our recreation. We've all been taught to go there. Our children -- our school children go there to go fish. They go there to surf. They go there to learn wildlife, to see what birds and turtles look like. And now we're not going to be able to. If we can't go to the

beach,

then nobody should be on that beach. Mother nature can

take

care of herself. She doesn't need my tax dollars to pay

you

all to go there to monitor it. Okay? Also, if you go

there

on like 4th of July, Memorial weekend, you'll see thousands and hundreds of people on our beaches, generations enjoying this beach. The next day, you can't stick a toe in the water, because there's a storm. Mother nature, again,

takes

care of everything. I commend the Park Service, because if it wasn't for them, there would be no turtle or plover

eggs.

It would be golf courses and swimming pools. Don't let us down. Re-institute the respect that we used to have for

the

Park Service and we'll try to learn to co-exist with you. Now that you're closing our beaches, you're -- you're shutting all that down. So, we've been generous to you, be

generous back to us. Thank you.

MR. SKIDMORE: Derb Carter.

MR. DERB CARTER: I'm Derb Carter with the Southern Environmental Law Center. We represent National Audubon Society and Defender's of Wildlife. I've been coming to Hatteras and the seashore for 35 years, to drive on the beach, walk on the beach, bird on the beach, and fish on

the

beach. Frank Folb spoke earlier. He doesn't know this,

but

I bought my first drum rig from him in 1982. I caught my first drum on Cape Point a couple of nights later. A few years later, in 1988, as a volunteer, I coordinated the first statewide survey of breeding piping plovers in North Carolina. We had piping plovers breeding from Currituck to Holden Beach, near the South Carolina line. Much has changed during this period of time. More use of the beach. More vehicles on the beach. Birds on Cape Hatteras

declined

by 86 percent. Piping plovers no longer breed at Currituck or Holden Beach, and this park is one of their last

chances.

COURT REPORTER'S NOTE: The speaker was

drowned

out by the attendees.

MR. SKIDMORE: We need to hear the comment and have it recorded, please.

MAN ATTENDEE: You've heard it before. It's just the same rhetoric.

MR. CARTER: We're looking for four things in a final ORV plan. We looking for how it provides for access. Now when I say access, I mean ORV access -- but I also mean pedestrian access.

WOMAN ATTENDEE: No, you're not.

MR. CARTER: For those visitors who come the beach, who want to walk in an area that does not have ORVs or tire tracks. There are five other national seashores that have ORV plans on the Atlantic coast. A hundred and fifty miles of beach on the seashores, and they allow ORV use, seasonal or year-round on 26 miles of those 150 miles. There's 68 miles of National Seashore on Cape Hatteras. Your

preferred

plan would allow ORV use on 52 miles, or twice the amount allowed on these other five seashores combined.

COURT REPORTER'S NOTE: The audience disrupted the comments.

MR. CARTER: We're also looking at how this plan --

MR. SKIDMORE: Ladies and gentlemen, please let the commenter have his three minutes.

MAN ATTENDEE: Tell the truth then.

WOMAN ATTENDEE: Tell the truth.

MR. CARTER: We're also looking at how this plan provides for natural resource protection, particularly

are  
recovery of wildlife populations on the Seashore, and in particular, those threatened and endangered species that present.

MAN ATTENDEE: That's why you kill them.

MR. CARTER: We're looking at how the plan bases decisions on science. Yes, the best available science. We're not asking for anything more, but we can't have it settle for anything less. And finally, we're looking to make sure that the Park Service complies with its policies, regulations, and laws that govern management of this seashore, which was established by Congress for the use and enjoyment of all the citizens of the United States. Thank you very much.

MAN ATTENDEE: We see right through you. We see right through you.

will  
MR. SKIDMORE: Ladies and gentlemen, this is a process that is to allow everyone, regardless of what their opinion is, and whether you agree with it, allow them to give their comment to the National Park Service, and we

follow the ground rules and allow that to happen, if we're to have a meeting. The next speaker is Chris Canfield, followed by Virginia Luizer, Dean Johnson and Dave Scarborough.

has  
of  
100  
MR. CHRIS CANFIELD: My name is Chris Canfield, and I am the Director of Audubon in North Carolina. Audubon been involved in helping to protect this beautiful region North Carolina for generations of citizens for more than

years. Our founder, T. Gilbert Pearson, spent much time getting to know the landscape and the people of this area, and he had great affection for both, for good reason. I want to thank the Park Service for your efforts in this DEIS. You do a good job of clarifying the need for and the legal and scientific requirements for these management decisions. This did not come about in an arbitrarily instigated way by us or by the Park Service, but something requested decades ago by the leaders of our country and its citizens to safeguard all National Parks. Audubon has believed and continues to believe that resource protections can be done, while still allowing responsible ORV access. We find ourselves in a bit of a quandary with respect to

the  
opinions presented in the DEIS. On the one hand, Alternative F, the Park Service's preferred one, according to your own document, does not meet fully the resource protection goals you set out. It certainly has its strengths, but it's especially weak in dealing with migrating and wintering birds. On the other hand, Alternative D, the only one identified as fully meeting the resource protection needs, is unnecessarily restrictive,

especially for pedestrians, but also for ORVs. We look forward to a final plan that fine tunes the balance. Yes, it must be science-based, as you acknowledged in the report and as some have said here, particularly the adaptive management efforts you discussed must be aimed first, at meeting the natural resource protection goals you outlined. We fully support increased access for all through better parking, by upgrading existing ramps, and creative solutions favored prior to allowing people to get within walking distance of areas. We will provide more detailed written comments to the deadline. I want to close on a personal note. I want to say that I have been as frustrated and as heartsick by the tensions this issue has caused as anyone. I'm especially sympathetic to Park Service staff who have weathered this. I wish for all the sakes of everyone in this room -- I wish for the sake of everyone in this room, that this had been dealt with decades ago. But it wasn't. So, I hope we can eventually all find a way to make the best of the changes underway, and continue to share this beautiful natural resource with visitors from around the world. Thank you.

MAN ATTENDEE: Say goodbye. Boo.

MR. SKIDMORE: Again, I'm going to ask everyone to behave with courtesy to each speaker, so that we can receive the comments. That's what this process is for, and that's how this process must be. Next is Virginia Luizer, followed by Dean Johnson and David Scarborough.

MS. VIRGINIA LUIZER: My name is Virginia Luizer. I'm from Buxton, North Carolina. I am relatively new to the island. However, I came here to partake in a particular traditional and culture upon my retirement, a retirement I worked hard for. Yes, DOW and Audubon is right. This park should not and cannot be managed the same as other parks. One thing that I didn't see in the DEIS, is the fact that each of eight villages on this park are completely surrounded by federal property. There is no other park like that. These people sold you their land for promises. Our lives -- this is not -- this is not visitation and just tourism. It's our lives. What do we do if we can't go to the beach? You go to a restaurant once or twice. How many times can you visit the museum -- graveyard and museum? We are captives. And yes, there is the animosity, and yes, this is an environmental extremist. Even they agreed in the court-ordered Consent Decree, that the Interim Plan was

NEPA-compliant -- was EPA-compliant. It had a finding of no significant impact. But because it wasn't what they wanted, they sued. When Isabelle took out the inlet, the road down there north of Hatteras, they wanted to leave it out. To hell with the people down there. They don't need electric. They don't need services. They don't need access to care, to food. Right now, they're suing over the damn bridge, because they don't want it to land on Pea Island. This is not your typical park. This is a park with human people, living in well-established communities, that have been here for hundreds of years. And, yes, guess what? They're going to sue again. They just told you. They don't like Alternative F. You do anything other than what they want, they're gonna sue. Well, guess what? Do the Interim Plan. You'll save 1.7 million dollars per year, and you'll get to tell them that they don't own this place and that they can't destroy lives of people who live here. Mike Murray. Mike Murray, I'm sorry. You're not our neighbor. You're a god damn warden.

MR. SKIDMORE: The next commenter is Dean Johnson, followed by David Scarborough, John Couch, and Kevin McCabe.

MR. DEAN JOHNSON: My name's Dean Johnson. I'm a - number one, a sportsman that's been coming here for many years. I'm also a vendor that does a lot of business on Hatteras Island and Ocracoke Island. A lot of people that I do business with are here today. But I'm also, if we're talking about heritages -- the first Johnson came here in 1609, so that's, I guess, why there's so many of us Johnsons around here, in the United States. But, we fought in pretty much every war, including the one my mother calls the "first war of northern aggression." I want to simply speak on the socio-economic part of the DEIS. It states in Section F that the economic impact will be to the low end. Well, in my sales records, since the Consent Decree, I can prove that these businesses down here skyrocketed when you re-open beaches, and decline when you close beaches down. Nobody has asked me for any of my input, and I do a lot of business on these two islands. The other thing, I'll close with. On the three minutes that we're being held to, in your own four-page thing you handed out, it says, ". . .but all speakers will be allotted at least three minutes to provide

their comments," not "only and less than three minutes." So, if you can't get these four pages right, how can we agree with anything in the 800.

MR. SKIDMORE: David Scarborough.

MR. DAVID SCARBOROUGH: I'm David Scarborough. I live in Avon. And I will say that I have a lot of issues with the DEIS. I've read through that and identified those issues, and I intend to comment in writing on those. In a three minute session, though, it's impossible to get to all that. So, I will limit it to one comment. And this is related to turtles. I disagree with the following

statement

that's found on page 377 of the DEIS. The statement reads, "ORV and other recreational use would have long-term major impacts on sea turtles, due to the amount of seashore available for ORV use, and by allowing nighttime driving on the beach." The historical records found in the annual MPS turtle reports for the Cape Hatteras National Seashore do not support this conclusion. None of the events defined on page 369, which are required for the impact to be declared "major adverse", have occurred. Specifically, nesting females have not been killed. Complete or partial nest

loss

due to human activity has not occurred frequently. Hatchling disorientation or disruption due to humans have not occurred frequently. Direct hatchling mortality from human activity has not frequently occurred. These events have not occurred historically, and no pedestrian or ORV

use

behaviors suggest that they are likely to occur in the future. Further, due to the flawed major adverse finding

in

the DEIS, I agree with the plan -- I disagree with the plan to prohibit night ORV beach access in the May 1 through September 15 time frame. Night ORV and pedestrian access should be managed using the guidelines that were followed prior to the Consent Decree. Additionally, the Park

Service

should institute more proactive techniques to ensure turtle hatch rates are successful and some of which are used at

the

Pea Island National Wildlife Preserve. I would also say that there have been many comments made tonight that I really appreciate what I'm hearing from the crowd here and those comments are on target and will be in my written comments also. Thank you.

MR. SKIDMORE: The next speaker is John Couch, followed by Kevin McCabe and Daniel Willard.

MR. JOHN COUCH: Thank you very much. My name is John Couch, Post Office Box 751, Buxton, North Carolina, 27920. My first comment is going to be on pets and horse restrictions. The DEIS, page 136, says, "The prohibition

of

pets in the seashore during the bird breeding season,

including in front of the villages, equals to no pets in public areas, beaches, campgrounds, sound front, foot trails, Park maintained roads from March 15, my birthday, to July 31. I did a survey of my own today. I called the four largest rental companies today, and anywhere from 27 percent

to 38 percent, they have changed their houses to pet friendly properties. They have done the research. They have seen the trends that people travel with their pets. A lot of them would prefer to travel with their pets and not their children. However, it is -- it is unimaginable that RTI and even in this document, that they have not simply called the realty companies, which are the major employer down here, and have taken that into consideration. I also agree with the prior to speaker, David Scarborough, on his comments on the turtle programs. Also, the prior speaker, Dean Johnson. He spoke on something that I have -- occurs to my business, which is the Red Drum in Buxton. We have CarQuest Auto Parts. We have Lighthouse Service Center.

We have Red Drum Food Mart and Red Drum Tackle Shop. And when Cape Point closes down, we feel it. Dean Johnson feels it because he's in the ice business. And we can tell. Sales plummet. Our gas sales go down. We don't sell beer. We don't sell wine, drinks, all because of the Consent Decree, and with this DEIS that will continue. But, when the beaches at Cape Point open back up, business booms. The other thing is, is that when Cape Point closes down, nobody goes to Cape Point, doesn't pass our businesses, and my community's businesses in Buxton. They go elsewhere. So, for four months, we are displaced out of an economy pattern that is just absolutely uncalled for, ridiculous. You need to look at that economy and make some better decisions on that. Thanks.

MR. SKIDMORE: Kevin McCabe, who is followed by Daniel Willard, Dwight Rettie, and Larry Hardham.

MR. KEVIN McCABE: With only three minutes, I'm going to refer to Cape Point also. I have reviewed the 800 plus pages of the DEIS, and what I found deep in the pages was very disappointing. Cape Point needs to be presented with more respect in regards to human activities. The Cape Point area has been a very large part of this nation's maritime history and this island's culture. There's been a long-standing heritage of commercial and recreation fishing at the Point, that has fed families and this nation for centuries. It has been a social gathering place of people for many generations. Cape Point is a mecca for surf fishing, birding, shelling, wind surfing, surfing, and many other recreational activities. It is a destiny for many of the Park's visitors. I do understand that it is the southernmost breeding area for a very limited number of piping plovers, only when the conditions are just right.



The National Park was doing a decent job in helping these species before the Consent Decree, but neither you nor I are responsible for their fluctuating numbers. Storms and avian predation are by far, with no argument, the two biggest factors. The Park's own data shows it's not from visitors walking or running over nests or chicks. The bird enclosures near Cape Point are necessary, and I have always endorsed them as long as there is shore side access. I spent the last several months reviewing piping plover data at Cape Point. Over a 10-year period, the data showed that almost every single chick hatched in an enclosure, traveled west toward the salt pond, or lateral dune. Never east towards the North Beach or ocean. I know my birds very well and their activities after observing them for over 40 years. Please, or -- excuse me. There is no reason that Cape Point should ever be denied access when it is being monitored by so many Park biologists and enclosures are properly in place. The special interest groups, Audubon, Southern Environmental Law Center and Defenders of Wildlife, they created the latest outrageous buffers -- did this with little or no scientific justification and most intelligent people question their true motives. I would also like to know what they have done to help increase bird numbers in the National Park. So far, they have done absolutely nothing out here, and their influence should be very limited, when the final plan is drawn up. I am sure they will sue again, regardless. In closing, Mike, please keep this in mind. If the people of America really knew what was going on out here, we wouldn't be here tonight. Also remember what happened in the New Jersey/Virginia/Massachusetts elections. And don't forget Toyota's bad karma when they gave Audubon \$20,000,000. The good people of the United States are tired of being pushed and bullied around. Please give the Point special consideration and the full respect it deserves. And I have a e-mail from Walker Golder that says, "I look forward to driving out to the Point and always will." And I'd like this to go on that table instead of this one.

MR. SKIDMORE: Give it to the court reporter.

MR. McCABE: Okay.

MR. SKIDMORE: Next is Daniel Willard, followed by Dwight Rettie, Larry Hardham and Pat Weston.

MR. DANIEL WILLARD: Well, Mike, I really came here to gripe about the lack of maintenance that the Park has served for the past 50 some odd years. You ever tried to work here? But, really the only most important thing is nighttime driving. It has destroyed the weekend fishery of Cape Point and everywhere else. There's no reason that our

lights on the beach, which is very minimal at 3:00 a.m. in the morning, and the turtles are coming in, should affect the turtle population that bad. We are -- we have lost the weekend tourists from Virginia and all around North

Carolina

because of that. We still get the visitors for the whole week, mostly because they do not know about the closures

and

lack of beaches they can use. We need more parking, more access to the beaches, and we don't need the closures in front of the houses which we cannot access ourself. So, please try to fix this mess. Do some maintenance, not just blow it off, like you have done the '78 plan, the maintenance of the maritime forest, by closing down in '03, the drainage system out at Cape Point. And, don't forget

in

'82, when ya'll took responsibility of the jetties, to maintain -- that was built there by the Navy -- to maintain the Navy Base in the northern section of Buxton. All that has not been maintained, and now we've lost the Coast Guard base there, due to the Park Service maintenance problem. So, please try to fix this mess; will you. Thank you.

MR. SKIDMORE: Dwight Rettie is next, followed by Larry Hardham, Pat Weston and Bob Eakes. Dwight? Dwight Rettie?

WOMAN ATTENDEE: He left.

MAN ATTENDEE: He left.

MR. SKIDMORE: Okay, the next speaker is Larry Hardham.

MR. LARRY HARDHAM: Hi. I'm Larry Hardham. I'm a resident of Buxton. On page 219 and 220, of the DEIS,

under

the heading of "Natural Catastrophes" it says, "Periodic, short-term weather-related erosion events(e.g., atmospheric fronts, Nor'easter storms, tropical storms and hurricanes) are common phenomena throughout the loggerhead nesting range, and may vary considerably from year to year. It is reported that 24-1/2 percent of all loggerhead nests laid

in

Deerfield Beach, Florida in 1992 were lost or destroyed by Hurricane Andrew, as a result of storm surge; 22.7 percent loss of turtle loggerhead nest production on the southern portion of Hutchison Island in Florida; 19 percent of loggerhead nests in Melbourne Beach, Florida after a five-day Nor'easter storm in 1985. In Georgia, 16 percent of

the

loggerhead nests were lost to tropical storm systems in 2001. Nest loss was particularly high at Sapelo (54 percent) and Little Cumberland (28 percent)." The six percentages listed in the DEIS under "Natural Catastrophes" that I've just read averaged 27.3 percent, and these same events are listed in the revised 2009 Loggerhead Recovery Plan under the same heading on page 44, that heading being, "Natural Catastrophes." In fact, the DEIS paragraph is a

virtual quote from the Recovery Plan. On page 220 of the DEIS, it states under the heading of, "Threat Occurrences at Cape Hatteras National Seashore," "The majority of the turtle nest losses at the seashore from 1999 to 2007 were weather related, particularly due to hurricanes and other storms. During this time, six hurricanes caused impacts on nests. In 2003, Hurricane Isabelle destroyed 52 of the 87 nests..." I find it interesting that the Recovery Plan does not even mention the 52 of the 87 nests lost in 2003 at Cape Hatteras, which amounted to 59.8 percent of the nests, higher than anything mentioned as a catastrophic loss. Another interesting fact is that the Hatteras loss is not listed in the DEIS, that between 2000 and 2009, a ten-year period, the seashore has lost 36.4 percent of the nests laid in the seashore.

MR. SKIDMORE: Sir, your -- your time has expired.

MR. HARDHAM: The Recovery Plan seems to think that the State of Georgia losing 16 percent was catastrophic, and we lose 36 percent, and it's a non-event. It's ridiculous and for the Park to continue to pursue policies that have lead to this horrible loss rate is shameful.

MR. SKIDMORE: The next speaker is Pat Weston.

MS. WESTON: I'll waive my time. John Couch covered my subject nicely. Thank you.

MR. SKIDMORE: Okay. Thank you. Following then will be Bob Eakes, followed by Wayne Mathis and Jim Harris.

MR. BOB EAKES: Well, I'd like to change the name of Alternative F to Alternative F-us. This was not done at Reg-Neg. It's the environmental lobby side that's being talked about in F. It's not the access side. I greatly resented the Consent Decree. I wasn't a part of it. I wasn't afforded the ability to be a part of it. I also read

F in DEIS and I don't understand where it came from, Mike. It did not come from us. The buffers are too large. They're greatly too large. Anne Hecht routinely -- that's the wicked witch of the East, the piping plover guru of the world -- routinely gives permits for dredging and constructions at sites that don't use maximum buffers. I don't understand why we have to be penalized so severely. There is no provision for two weeks' past fledgling in the recovery plan. I can't think that you'd ever get sued any faster than to go beyond what the recovery plan calls for. The main area by Cape Point and parts of the inlets which should not have birds nesting there, they're going to be over-washed. There are places we want to be at. They

promised should -- you should allow access there. It's been  
 by past directors, by past secretaries, and by you. We can  
 work a system out that allows a bypass set of access and  
 still protect the resource. Use an adaptive resource  
 management plan that determines the right distances on the  
 colonial waterbirds. American oystercatchers and least  
 terns, you walk right up to them before they flush. Hell,  
 these terns nest on the tops of our buildings. They don't  
 care about us very much. They nest right in the middle of  
 our ramps. The judgment for success of colonial waterbirds  
 should take the dredge islands and Pea Island and the areas  
 in. Don't do it just based upon Cape Hatteras National  
 Seashore. We're being penalized for that. Sorry, it's  
 hard to talk fast when you only got three minutes. Turtle  
 mismanagement's been covered, but it's a joke in Cape  
 Hatteras National Seashore. I'm really pissed off about  
 campfires. You seem to be rewarding the front row cottage  
 owners, especially those that participated in Reg-Neg, by  
 allowing campfires. How're you going to take your kids to  
 the beach if you're in the fifth row, and take it -- go  
 over there and marshmallow -- have them roast marshmallows.  
 You're not. I got it. I want you in the EIS to tell us  
 what your vision of the next generation and the generation  
 of users after that are, 'cause it's obvious, Mike, that  
 this Park Service doesn't like our generation.  
 MR. SKIDMORE: Wayne Mathis, followed by Jim  
 Harris,  
 Darr Barshis, and Elaine Whitaker.  
 MR. WAYNE MATHIS: Thank you for the opportunity to  
 address the body on the subject of the DEIS and for hearing  
 the public's opinion. I hope that these opinions are  
 heeded. Most of these speakers have covered many of the  
 points I would address this evening. I'm going to  
 reiterate very few of them briefly. First of all, I deplore the  
 concept of mass punishment for the actions of a few which  
 are incorporated in here. This is almost a nazi-like  
 action on the part of the Park Service. I deplore the use of  
 inconsistent policies and the management of many of the  
 wildlife species present, inconsistent in that they are at  
 odds with practices which are more successful in other  
 areas, and which are implemented up in Pea Island, for  
 example. Third, I think that there is protections afforded  
 to non-threatened and not endangered species, which are not  
 justified or supportable, nor are they legislative mandated  
 in any way. And I think they are exceptionally onerous,  
 even Draconian, and restrictive on public access to a  
 public park. And I don't believe these should be supported.  
 There's the imposition of excessive buffers, which appear

not to be supportable, although they are defended as the best available science, because they appear in a Patuxant Protocol, which by design, was designed to provide the absolute extreme measures of protection for a species, and absolute extreme extent that they may exceed anything that is reasonable. I deplore the fact that in devising many of these policies, the Park Service appears to have abandoned the concepts of a multi-use park, or of adaptive

management.

I think you can adapt the habitats somewhat and improve

your

performance in bird nesting areas, and I believe that in declaring excessive areas from pedestrian use only, you are abandoning multiple use concepts. I, as an ORV operator, have no problem sharing the beach with a pedestrian, and I find it deplorable that some potential sociopath takes umbrage at seeing his fellow citizens recreating in a

manner

that is not suitable or appropriate in his own mind. So, I do not believe that pedestrian closures should be so extensive. You've heard several speakers address the fact that the piping plovers represent a very small population, breeding population here. Early in the presentation, someone pointed out that the numbers 20 years ago are about what they are now. I've heard a paid shill, who earns his living suing the government under the Endangered Species Act, have heard that these species are in trouble. And -- and the fact is that the species are recovering very nicely and its principle breeding area is to the north of us. I thank you again. I reserve the rights to extend and revise my remarks in a written presentation.

MR. SKIDMORE: Next is Jim Harris, followed by Darr Barshis and Elaine Whitaker.

MR. JIM HARRIS: I'm Jim Harris, Southern Shores, North Carolina. I wrote a pretty nice piece on how to improve the habitat at the Point, by clearing brush and making some swales, to let moisture go out. But, I'm not going to do that. I'm going to pick low-hanging fruit. Environmental laws were written with loop-holes, written by lawyers, so they could feast on these loop-holes. They did not care one bit about how this harms any of us, or you. There will always be tire tracks from law enforcement on these beaches, unless you want a pedestrian only to be

found

when the buzzards fly. I'm disappointed that the staff

that

wrote this DEIS are not here to answer for the mess they made.

MR. SKIDMORE: Darr Barshis, now to be followed by Elaine Whitaker.

MR. DARR BARSHIS: My name is Darr Barshis. I live in Hatteras Village. I'm here to speak about the need for cooperation of all the parties involved in formulating

these

new regulations. I drive an ORV and I spend most of my  
time at Hatteras Inlet and Cape Point. For some reason, there's  
a perception that ORV owners are anti-environment. I  
believe I speak for most of us in saying that couldn't be  
further from the truth. I see myself as a steward of the  
beach, not someone out there to exploit it. Local  
residents I see on the beach each day, I know feel the same way. I  
enjoy driving the beach in winter. I'm there in the most  
extreme conditions. Most often in winter, I'm alone on the  
beach. In the short three years I've lived here, I've  
called in at least half a dozen stranded sea turtles. As  
we know, when they leave the water for any length of time,  
they get cold and immobile. If not helped quickly while in this  
condition, we know they are soon attacked by sea gulls, who  
start their attack by pecking out the eyes. I keep the NPS  
biologist's cell phone number in my truck, and have called  
Michelle many times. Similarly, we have all seen  
waterbirds with some sort of injury on the beach. And there again,  
Michelle gets volunteers with proper equipment to the scene  
quickly. Locals know to carry towels in their vehicles for  
those times we encounter a bird tangled in fishing line or  
some other obstruction. We know covering the eyes calms  
the animal down, and allows us to remove the obstruction.  
Three years ago, I came upon an exhausted pilot whale stranded in  
the wash at Cape Point. The water was rough that day, and  
the current swift. The whale was exhausted. Fortunately,  
another vehicle came by with a large man, who helped me get  
the animal in the water, and around Cape Point, where the  
current carried it to its mate that had followed us just  
off shore. I know many locals have stories just like this,  
stories the public rarely hears and this regulatory debate  
does not consider. Animals saved by locals are not part of  
any recorded statistics. I want to express my support for  
the Coalition for Beach Access DEIS Assessment, and I want  
to thank those concerned residents for the time they put  
towards analyzing the issues. I want to emphasize that if  
closures are mandated, access corridors be provided around  
those closures. I support all efforts to keep the areas of  
Hatteras Inlet, Cape Point, and Ocracoke open to public  
access. These are significant recreational destinations.  
We all understand the Park Service is in an awkward  
position in this matter for not having implemented an ODV management  
plan years ago. We all understand we're subject to the  
rulings of a willing and wanting federal judge. We must,  
though, be mindful of the fact that when this regulatory

back and forth is all said and done, when the attorneys go home, the judge is sitting warm next to his fireplace, and none of the normal people dare travel to the blowing, stinging sand on a freezing beach, I'll be there, and I

know

a lot of these folks behind me will be there, too. Without access, we can't help. And without cooperation, we can't help each other.

MR. SKIDMORE: Elaine Whitaker.

MS. ELAINE WHITAKER: Good evening. My name is Elaine Whitaker. I've lived in Hatteras village for a

long,

long time. I'm a teacher/counselor here at Cape Hatteras Secondary School, and my husband is a charter boat captain. As bizarre as this may sound, if the Plan does not go like you want it to with your new implementation, I hope you

will

strongly consider the continued access of Hatteras Inlet

for

all shore fisherman, both recreationally and commercially.

MR. SKIDMORE: Next is George Boyd, followed by Thomas Woods. Is George Boyd here? The next card says Thomas and Ann Woods. Do you wish to speak?

COURT REPORTER'S NOTE: George Boyd, Thomas Woods and Ann Woods do not respond.

MR. SKIDMORE: Graham Whitaker?

MR. ROM WHITAKER: Well, it's Rom, like Romulus. But, anyway. Well, probably it's -- my spelling is not

real

well.

MR. SKIDMORE: Yeah, Rom.

MR. ROM WHITAKER: But, at any rate, I've run a -- I've run a charter boat in Hatteras Village for 23 years, and you say, well how does this affect me? Well, I can

tell

you a big majority of my customers have come down to this island, come to enjoy the beach, to go fishing on the

beach,

to bring their brand-new four-wheel drive truck down here, and go enjoy the beach. And it will greatly affect us. When the beach is closed, our business goes down. And I think anybody in my line of work will support that. I've heard it today. I've talked to two boat captains here lately, good friends of mine, whose grandfathers owned this land. And now, you are telling these guys -- their grandfather owned the land -- that they can't even walk out on that beach to go swimming, or surfing, or whatever.

But,

I've got children. One of my children -- one of my

youngest

boys was in the audience. I've also got a 21-year old. They love this island. They'd like to come back to this island to work, but they need a place to do it and a way to do it. I mean, I think that the Park Service, 30 or 35

should years ago, should have come up with an ORV plan. Why

we be penalized now because they didn't? All of a sudden, we're starting not at zero, but we're starting at a 20 to nothing ballgame, with 20 for the environmentalists, and that we're at zero. So, we're starting behind the eight-ball. I mean, let's at least start on an equal playing field, go back before the Consent Decree, where the Park Service was giving corridors and access to these probably most important fishing places on the whole east coast. You know, I used to think this country was for the people, by the people, but I've heard -- I don't know what number I am -- but I've heard about 50 comments to let us use our land that we are paying for. You, me, the taxpaying citizens of the United States own this land, not the Park Service. We want to use it. We paid for it. We should be able to use it. And I just hope that you'll find a way to provide the people access. Thank you.

MR. SKIDMORE: Thank you. You were, in fact, the 50th commenter. Next is Merrilee Schoolcraft, followed by Bill Belter, Stewart Couch, and Grandy Hooper.

of MAN ATTENDEE: Merrilee's not -- she went -- some her points were covered already.

MR. SKIDMORE: Okay. Bill Belter.

MR. BILL BELTER: Hi. My name's Bill Belter. I don't -- I didn't have anything written or prepared to say. But I do feel like I'm one of probably tens of thousands of folks or hundreds of thousands that really have come to these beaches, and even the folks in the Audubon Society, when they came here as children, during the '70s and '60s and '80s, they came from places where they didn't have, you know, their forefathers and the people before them, you know, they built on our beaches, and they didn't have access. And they -- they came here, and many of them were fishermen. And these -- these people on this island have been the best stewards. They've been stewards for hundreds of years. I think they've proved -- they've proved that -- that it's

important

to have a people and a town relationship. They've proved that. They set precedence. It's -- it's happened here -- it's been going on here, and if the people in the Park Service -- it seemed like the Park Service were -- were

more

friendly years ago, and it seemed like they almost were ashamed to set up some sort of program, because of the promises they did -- they knew that they made to the people that owned the land who sacrificed the land. They left

here

to fight wars, to go to shipyards. They didn't have a bridge. They were poor and -- and they gave their land away. Then not only -- some was taken and they gave it away. They wanted people -- they wanted -- they wanted



were people to come here, but -- 'cause probably 'cause they  
 so poor. And now, the folks have come here and what's made  
 this place so great, this community, that strong people  
 here, including the people that love the birds, decide they  
 want -- they want to go home and just know that nobody's on  
 this beach. So, they just feel good in their heart that  
 that little bird might be there. I think we all love the  
 birds, too. I know we do. I love the birds. But -- but I  
 want to be able -- what inspired me and my children and my  
 grandparents and great-grandparents -- and nobody knows me  
 here, and that's not -- that's not a big deal. I know

we're all visitors here. But I -- but I, too -- I came here -- I  
 have a heritage here, too. I -- I've got family buried  
 here. And that's not -- that's not even why I'm standing  
 here. I just -- I'm standing here mainly because of people  
 like me that -- I've come back here. My family -- part of  
 my family left but I've come back. But many other people  
 come back and can't live here, but they've been inspired by  
 this place. And we all want it -- I know we want to share  
 it with the folks that want to bring their cameras, and not  
 their fishing poles or their surfboards. But a lot of us  
 want to bring our families and just swim, or just enjoy the  
 peace and quiet and the beauty of the beach. Thank you.

MR. SKIDMORE: Next is Stewart Couch, followed  
 Grandy Hooper, Catherine Burrus, and Jennifer Burrus.

MR. STEWART COUCH: Hi. My name is Stewart Couch.  
 I'm from Buxton, North Carolina. I work in Avon. I don't  
 know what's happened to the Park Service. Thank God for

the Park Service. I -- I can say that. Thank you for being  
 here. I know there's a lot of animosity here, but it's  
 because we're not getting what we want. There's a dual  
 mandate from the Park Service to protect the resources, and  
 to provide for access. And I don't think it's happening.  
 But, Superintendent Murray, thank you. You -- you have a  
 hard job. I appreciate the Audubon Society and the  
 Defenders of Wildlife. They're part of the process and

they should have input. But, there needs to be a balance, and

we need to be able to access the beach. As I'm sure you're  
 aware, the environmental groups, and specifically Audubon  
 Society, the Defenders of Wildlife, through their legal

arm, the Southern Environmental Law Center, have been relentless  
 in their effort to transform large areas of Cape Hatteras  
 National Seashore recreational area from a seashore  
 recreational destination to be enjoyed by the public into a  
 wildlife sanctuary, with minimal human encroachment. I  
 don't see how we can have the dual mandate of access and --  
 and wildlife sanctuary brought into the recreational area.

think  
beach,  
in

And I think you're going too far to one group, who you  
is more powerful, than the people who want to use the  
and have been using the beach for a long time -- for a long  
time, since the Indians were here for a 1,000 years. The  
DEIS plan addresses more -- much more than just wanting to  
drive on the beach. We came up with this ORV plan. Now,  
my opinion, the environmental groups wish to critically  
influence a National Park Service to shift its dual mandate  
of providing for the protection of natural resources and  
wildlife, while simultaneously providing for the public's  
right to current and future recreational opportunities'  
access to a policy of denying human entry to large areas of  
the park, and severely restricting the public's access to  
all portions of the beach. And -- humans have a right to  
use the beach, too, and we've used it for a long time. I'm  
going to be submitting a written comment, but I would like  
to address a couple of things, until my time runs out. Any  
piping plover unfledged chick brood requires a 1,000 meter  
pedestrian access. That's 771 acres for one bird. That's  
crazy. That's on page 121 and 127. On page, I think it's  
366, the socio-economic data and analysis are incomplete

and

erroneous, and result in an understatement of the effect  
restrictions have upon the island in the region and the  
State of North Carolina. And I believe on page 368, the  
Park Service says we're not really sure on what's going to  
happen, but -- but the businesses will have to adapt. And  
out of 810 pages, there's only two paragraphs that address  
the economic impact. If I want to read, for my own  
pleasure, I'll read War and Peace. I've never read that,  
but I have 810 page tomb I can read. My brother, in his  
great infinite wisdom, John Couch, mentioned the pets.  
That's a big deal. That's on page 136. Michael Vick. He  
got really in trouble by denying the dogs. Don't deny the  
pets. Thank you.

MR. SKIDMORE: Next is Grandy Hooper, followed by  
Catherine Burrus, Jennifer Burrus, David Goodwin.

was

MR. GRANDY HOOPER: My name is Grandy Hooper. I  
born on this island in 1956. Probably one of the only  
handful in here who were born on the island. I bought my  
first surfboard in 1970. Could go on the beach. Do what

we

wanted to back then. The other day, I was taking pictures  
on the shore side of Little Kinnakeet Station, and even  
there, the Park Service is denying us access to the  
gravesites for our family up there. The road's been shut  
down. I've been in Iraq and Afghanistan. I've been

wounded

three times on two separate occasions. I'm dis -- the Army  
considers me disabled. My wife sorta doesn't. She made me

take the trash out before I came here. She doesn't think anything of that. But, you know, I want to take my girls

to

the beach. I don't have a prepared statement. I just -- I'm just trying to speak from my heart. I want my girls to grow up on this beach like I did, to be able to go surfing. This country was founded on freedom and it's being taken from us. I've -- I've been overseas fighting for my life, and I come back home and now I'm fighting for my

livelihood.

I'm now on reserve status because of my disability, supposedly. But, you know, so I have to have a job here. But it's being -- my livelihood's being taken away. It really is. It's -- it's going down. How am I supposed to support my family, after giving my service to my country?

I

come home and this is what I come home to. It's really pretty sad. So, Ayla and Lydia, hey, plover eggs, there're what's for breakfast.

MR. SKIDMORE: The next speaker is Catherine

Burrus,

followed by Jennifer Burrus. Is Catherine Burrus here? Jennifer Burrus?

COURT REPORTER'S NOTE: Catherine Burrus does not come forward.

MS. JENNIFER BURRUS: As he just said, my name is Jennifer Burrus. My family was one of the first to come to the Outer Banks. There were two brothers that came to Hatteras and Ocracoke Island off of the Mary Margaret. And I only say this because, you know, my family has been here

a

zillion years. They've survived depressions and storms and they're gonna survive, whatever law you pass. So that's

not

what bothers me. I mean, that's not going to break me or bend me. What bothers me is the lack of evidence in this 8.3 pound DEIS document. I just graduated from UNC-Chapel Hill, and throughout my whole academic history, I have never, ever submitted a written document without ample and adequate references and citations. And to know that a law that's being passed without ample and adequate research-based facts, it's just based on assumptions and it's gut-based. And that's kind of unnerving. I hope that I don't get stoned on the way out of here for -- for saying that. I've taken some varying classes at Chapel Hill, and I even worked alongside Sidney Mattock, studying the history and the extinction of the dusky seaside sparrow. So I understand the importance of -- of preserving wildlife. But, at the same time, I also understand the importance of having science and data and statistics and fact upon fact upon fact, saying why it's important to have a 1,000 meter buffer when, you know why -- why won't a 200 meter do? Why is that not adequate? And I think -- basically, I

challenge

you, I urge you, I beg you to take the time that is necessary to do the research, to find the facts. I think you -- you owe it to me and my family and everybody here.

I

think you owe it to us and we deserve to know why you're doing what you're doing and how you came to the conclusions you came to. I would like to see, you know, the control groups and the variables used and the research conducted by an unbiased third-party. So, that's basically all I have

to

say. Thank you very much.

MR. SKIDMORE: The next commenter is David Goodwin, and that'll be followed by Jeff -- I believe it's Odu -- Oden and then Judy Swartwood and Hal Lester.

MR. DAVID GOODWIN: My name is David Goodwin, and I'm speaking here on -- tonight -- on behalf of Cape Hatteras Business Allies, which represented the businesses on Hatteras and Ocracoke Islands during the negotiated rule making process. A little personal history. I've been coming to Hatteras island since the mid-'50s. I've lived here for 11 years. My father bought a house in Hatteras village in 1962, since at that time, he decided that that end of the island provided the best recreational experience for him, which in his case, was fishing. I'm going to

focus

my comments on Hatteras village and Hatteras Inlet. In all the -- in the National Park Service Preferred Alternative number F in the DEIS, I note with dismay that the beaches

of

Hatteras Inlet, on the Hatteras Inlet -- on the Hatteras Island side -- have been designated a special -- or SMA. This designation prohibits all entry into the inlet area by all persons, whether you're on an ORV or on foot, and it does so permanently. This designation removes one of the most sought after fishing and recreational areas of the seashore from any public use. Now, Oregon Inlet Spit and South Point in Ocracoke, both share some similarities with Hatteras Inlet, but actually there is no other area within the Seashore that provides for the diverse activities like Hatteras Inlet does. There you can fish, you can swim, sunbathe, play volleyball, take your children, your small kids and do many, many other recreational activities. It's a very, very family-friendly beach, particularly on the sound side. You've got to remember that not every visitor wants to recreate on the ocean side, with it's pounding waves and sometimes strong winds blowing sand. The rip at Hatteras Inlet is a well-known fishing spot that attracts fishermen -- fishermen from all over the country, and I

dare

say, the world. It's well-known and well-loved by many, many -- many people. So, visitors and residents alike will only fish in this area, many of them will, and make annual pilgrimages to take advantage of its offerings. In

Hatteras

Village itself, there are many businesses that rely on visitors that use this beach. There are tackle shops, beach equipment rental places, general merchandise stores that cater to beach goers, motels, campgrounds and rental housing providers, just to name a few. All these businesses in some form or fashion depend upon access to the beaches for their livelihood, particularly access to the Hatteras Inlet area. To close this area permanently to human use will severely impact these businesses. People drive by a good many good beaches to come to this seashore. With Hatteras Inlet removed from -- from human access, most visitors are just gonna go somewhere else. This will impact the local businesses adversely and diminish the visitor experience, particularly those with young children. Cape Hatteras Business Allies recommends that the Park Service reconsider its permanent closure of Hatteras Inlet. And we recommend changing the designation to one that will allow access to this area, at least on a seasonal basis. Thank you very much.

MR. SKIDMORE: Next is Jeff Oden, followed by Judy Swartwood and Hal Lester.

MR. JEFF ODEN: My name is Jeff Oden. I'm -- I'm a commercial fisherman and I also own and operate Sea Gull Motel, which depends 100 percent on beach access, and other, you know, 25 percent of that is from people who come here and beach fish as well. And my main -- main concern is -- as was previously mentioned by the previous speaker -- Hatteras Inlet. So, considering the time limits -- anyway, Hatteras requires that I focus on that area. The proposed South Point closure which, as I've been informed, could last indefinitely, is illogical for the following reasons.

First off, plovers have not been resident to this area in over three years, and the present closure in this area, I am told, is necessitated by possible mating behavior from a few oystercatchers. Now, I'm in agreement the efforts to protect wildlife are in order and, in fact, necessary in some cases. But, I am in disagreement that the present closure or future possible permanent closure are anything but an absurdity. The sound side closure which has been instituted for the third year at the new inlet outside of Hatteras Village, as I am told, for oystercatchers. Now, if oystercatchers will nest with cars whizzing by at 55 to 70 miles an hour, then there are certainly no reason that they couldn't -- that they wouldn't feel equally comfortable with a narrow corridor above the high tide line from the Coast

Guard station side where -- that allows beach access. As a motel owner, I've had numerous complaints over the last few years, and lost many customers that came to my village with one purpose, and that was to fish or recreation at the

South Point. And the simple fact is, with erosion what it is and the changes that have taken place on this point, that used to be flats, and now is transformed into dunes unsuitable for nesting, there is no logical reason for having --

having to be in this room defending my access to this area. What

- what will this closure mean to me personally? As a kid,

I grew up there. I learned to swim, I learned to fish, I spent every Sunday afternoon cooking out on that point, and -- and I surf there at present. And you know, the real kicker to this is, my grandfather used to own that point, from Hatteras Inlet Coast Guard Station all the way to --

to the South Point. He owned it. And all I've got to say is

- he was a slight man, and he walked with a cane, but I --

I feel pretty confident, even though I only got to know him

in the ten years -- the first ten years of my life -- that the first person that told him he would not be allowed on that South Point, with the assurances given to him in the interim, that cane would have been used for something besides walking.

MR. SKIDMORE: Judy Swartwood, to be followed by

Hal Lester and Michael Hilton.

MS. JUDY SWARTWOOD: Hi. I, too, was representing Cape Hatteras Business Allies, and let's -- let's talk

about the real economic impact. There are business owners like myself, who reside on our business property. We don't have a house somewhere else. So, when these people lose their businesses, they're gonna lose their homes, too. It's not just about jobs. It's about people's homes. There are people in this room right now who can't pay their electric bill, who are going to the food pantry for food. It's not whatever's in your book -- all that mumbo-jumbo and percentages and mathematical science. That's not the reality. The reality is there's people in this room right now that are hurting. And we are the people who are affected most by all of this. And I'm sorry, I don't mean to be rude, but I find it highly offensive that Derb Carter and Chris Canfield want to come here and take up six

minutes of time, when the people that live here that are being hurt aren't allowed to talk longer than that. It's just insane.

MR. SKIDMORE: Hal Lester.

MR. HAL LESTER: My name's Hal Lester. I'd like to formally say that I disagree with the National Park Service's Preferred Alternative for management of the National -- of the Cape Hatteras National recreational area.

But I do agree with just leaving us alone and making things back the way they were. I don't really have a prepared statement, so I'm going to just tell you a little story. I own a business here. I own a house here. When you shut down the Cape Point, which is in a -- very close to me in proximity to my business -- it affects my business greatly

-  
- 50 percent. Okay? And I can prove it. This year, I had to lay off everybody -- first time ever. Families are

being  
affected. Children. People. And Derb and the Audubon -- I'm sick of your fake sympathy for us, and if there is a Jesus up there, I know a man mentioned it earlier, I hope you rot in hell.

MR. SKIDMORE: Michael Hicton. Is Michael Hicton -  
-  
Hilton here? It could be Hilton. Michael Hilton? There's no Michael Hicton or Hilton?

WOMAN ATTENDEE: He left.

MR. SKIDMORE: Kelly Schoolcraft?

MR. KELLY SCHOOLCRAFT: Good afternoon. My name's Kelly Schoolcraft, and I'm a full-time commercial fisherman and I live in Frisco, North Carolina. Do ya'll know what the Magnuson-Stevens Act is? I -- if you don't, I suggest you read through it, because one of the things that's mentioned in there, is -- is a socio-economic impact study on how regulations affect the fishing industry. Our industry is constantly dealing with endangered species.

But  
yet, there is slowly becoming a balance between the threatened species and what the general fisherman needs. I suggest that ya'll do this study and not just take the word off of these people that these businesses are gonna be affected. This is mandated by Congress. It's in there. You should look at the guidelines put in that document, and apply those document -- those guidelines where it comes to the economic study to the regulations and stuff that you're trying to throw down on this island. There can be a

balance  
that  
to  
in there, but it's not as it is now. Ya'll should read document and apply those principles to what you're trying do to the businesses on this island. Thank you.

MR. SKIDMORE: The next speaker is Jimmie Webb, followed by Freddy James.

WOMAN ATTENDEE: Get'em Principal.

MR. JIMMIE WEBB: Three minutes is hardly enough to

even get cranked up for. I disagree with you, and your programs. You put out a document that's like Congress' documents, that's got everything in there except the truth. You listen to people who call themselves experts in certain areas, and they don't have any more degree than I got. Why come I can't be your expert? But, let's get on with it. I don't trust you. Why don't I trust you to do anything that you say that you do? Number one. What did we do to the Indians? We wrote out all this paperwork. And we go on

out

and told them what it said. But we didn't tell them about the small print. Where are the Indians? They're gone. Then we decided that we would save the buffalo. And we turned it over to the Department of Interior. I reckon

that

they have to have all this land, so that they could be

there

for us to see in the future. What did your people do? First thing you did, you culled the herds. You broke the herds down. Now you got less than you started with. That don't sound right. 'Course now, the cattlemen come out pretty good because they leased the grazing land to feed their cows, which I like beef, too. Well, what did we do

to

the wild horses? We did the same thing. We said we've got to have all this land set aside so that they can be there and prosper. What's happened to them? One time, they were hunting them down like dogs, selling their meat to the packing markets. Then we came up with the bright intelligent agreement that we'll put 'em in small herds. They're too big, so let's cull them. We culled them, then we decided that won't good enough. We put 'em in little pens, and we're gonna feed 'em. Started costing a lot. What're we gonna do with them now? But the grazing land

got

mustered out to the Cattlemen's Association for grazing cattle. American people are not trusting their government today. These people don't trust you. I don't trust you. Listen, there's been enough information these people have dug up, to counter 90 percent of what your experts came up with. It's like lawyers. Lawyers know the game. We can hire our expert to suit our particular needs. So, gang, I know you're good honest people, but I don't trust you. I don't think these people should trust you, either. Do what they said do. Give them a chance to survive and live on this island. One of the reasons I was here, was to --

WOMAN ATTENDEE: Let Jimmie talk.

MR. WEBB: -- all right. One last thing I want to ask you. What plans do you have for those people who have certain things that they can't walk on the beach? They've got to have some conveyance to get there. I can't walk across the sand. I smoked too many cigarettes. It's my fault, but I can't go. I still like it on the beach. All



ahead right, gang. I know that you're smiling, so that goes  
and tells me one thing. Ya'll have already decided. This meeting should have been held in the beginning. Thank you for your time. It's up.

MR. SKIDMORE: Freddy James.

MR. FREDDY JAMES: My name's Freddy James. I own a business in Buxton that was started by my dad in the '70s. And in the '80s, when wind surfing became popular, we did a program with the Park Service called "Wind Surf with a Ranger" which provided a great service to the visitors of the island to teach people -- we taught one person a week for free -- how to wind surf. That was brought through -- the rangers would get the group together and we would take  
a volunteer and teach them how to wind surf in the pond out  
at the Point. Slowly, your policy was to protect the birds as you -- as we were told by you -- that you blocked off the areas of the pond, slowly but surely, making it the point where there is now, where there's absolutely no access to this pond. What it's done is, by no access, you've allowed all the vegetation in the dunes to grow around it, which in turn has created an ideal habitat for all the predators  
that you're now trapping and killing, and doing nothing to deter new predators from coming near that area. So, you're doing nothing to address the -- nothing to address the predators, new predators coming in and killing the old -- what's actually there, and shoot -- I'm sorry. I had this written but had a moment of not reading it. Anyway, you slowly blocked off the access and allowed the vegetation to flourish, and you're not addressing the main cause of the failure rates of the nests, which is, in your own study,  
the mammal predation. If you go back to the way it was in the '80s, by flattening all the vegetation in the dunes, you're gonna allow much more breeding habitat for the birds, and eliminating a lot of the predator problem, because they don't have any ideal habitat to survive in. They're gonna go back across the dunes, and away from where the breeding ground is. Also, by limiting access, you've also pushed  
the breeding areas closer and closer to the surf line, which is the number two reason in your statement that -- the failure rates, which is the storms and ocean tide. So, you're pushing them further and further to the second main problem and not addressing adequately the first problem. So, by doing -- eliminating all the vegetation in the dunes,  
you're eliminating the two main problems, but nowhere in your DEIS does it -- does it address that at any point. And the main reason why it's a problem is due to your lack or -- or bad policy, which now you're trying to continue by more

closures, which is only going to increase the -- the mammal habitat -- or the predation habitat, and force the birds closer to the beach. So, they are more -- more susceptible to the storms. That's it.

MR. SKIDMORE: That concludes all of the cards that I have of individuals who had signed up, but did anyone's card get lost or mislaid, that I failed to call? Okay.

all

SUPERINTENDENT MURRAY: We really appreciate you coming tonight. And our meeting -- the public hearing is hereby adjourned. Thank you.

\*\*\*\*\*THE HEARING CONCLUDED AT 8:05 P.M.\*\*\*\*\*