

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

OCRACOKE SCHOOL
1 SCHOOLHOUSE ROAD
OCRACOKE, NORTH CAROLINA

APRIL 26, 2010

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CAPE

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

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
KENNY BALLANCE, OCRACOKE 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 Ocracoke Public Meeting on Off-Road Vehicle Management Plan/Draft Environmental Impact Statement commenced at 9:05 a.m. at the Ocracoke School, Ocracoke, North Carolina.

SUPERINTENDENT MICHAEL B. MURRAY: Good Morning. Welcome to this Public Hearing on the Cape Hatteras

National

Seashore Draft Off Road Vehicle Management Plan and Environmental Impact Statement. I'm the Park Superintendent. I want to review briefly the project time line for completing the Draft Environmental Impact Statement, the Final Environmental Impact Statement, and

the

Proposed Rule and the Final Rule. We are in the Public Review process or period for the DEIS. It ends May 11. And, we're currently conducting this week the Public Hearings. The sounds in the audience remind me -- which I need to take care of myself. The meeting etiquette would

be

to turn your cell phones and pagers off or in the vibrate silence mode, please.

COURT REPORTER'S NOTE: He turns off his own cell phone.

the

SUPT. MURRAY: I'll let this thing turn off. At

end of the public comment period, during the Spring and Summer 2010, the Park Service will be in the process of reviewing the public comments, and then we'll begin preparing the Final Environmental Impact Statement, which includes a written response to comments. We'll publish the proposed regulation some time during the Summer or Fall, 2010. I believe it'll more likely be in the fall. And then, there'll be a 60-day Public Comment Period on the proposed regulation. There'll be a time period of

reviewing

the public comments on the proposed regulation before the final regulation is prepared. Then the Final Environmental Impact Statement and Notice of Availability, which is a Federal Register Notice, letting people know that the Final EIS is available, will be published in the Fall of 2010. The Record of Decision will be completed before December

31,

2010. And then, the final regulation will be completed before April 1, 2011. There are several ways to comment on the Draft Environmental Impact Statement, including in person at this hearing. At this hearing, you can comment verbally, or in writing. You can submit comments on-line

at

what's called the "PEPC" website, the National Park Service planning website. The website is <http://parkplanning.nps.gov/caha>. So, you can input your comments there until midnight on May 11, Mountain Standard Time, or you can mail or hand-deliver written comments to me, the Superintendent, Cape Hatteras National Seashore,

1401 National Park Drive, Manteo, North Carolina. Comments must be received by midnight Mountain Time on May 11, 2010. Please refer to the information in the newsletter available at the sign-in desk for complete instructions on how to submit comments. People are curious, sometimes, why Mountain Time? The Park Service PEPC website is based in Denver, and it automatically shuts down receiving comments at midnight on the last day of the comment period. So, you get a couple of extra hours there. I'll now introduce the Hearing facilitator, Frank Skidmore. Thank you.

MR. FRANK SKIDMORE: Well, good morning. I'm pleased to be here. And my job is very simple and that is to help each one of you who have registered to deliver comments to come up and deliver your comments in a way that our recorder can pick up, and make sure that we get all of your thoughts and those are recorded to then be addressed later on. The ground rules have been handed out. I have several slides that merely go over the same ground rules that you've received to make sure that we all understand those. First of all, there's only one purpose for the comment, and that's to address the Environmental Impact Statement, and to address any part of the Environmental Impact Statement that you would like to address. And this is one of the ways that you can provide a comment. And all comments provided in any one of the ways are handled in the same manner. In the case this morning, your oral comments will be transcribed and become a written comment. The guiding principles. The second bullet there merely says that if we are quiet and respectful of each person who

comes

up, their comment will be accurately recorded, and we'll be able to address it. And so, we remain quiet and we allow everyone the chance to give their comment as clearly and without any interruption as we can. Next slide. I'll be calling people up in the order that they signed in, so you have to be signed in, in order to be called up. Please address, again, the EIS so that our comments get right to the point, and your viewpoints are well understood by those who will address them later. Each speaker is allocated a maximum of three minutes. And this is consistent

throughout

all the meetings. And to ensure that you are aware of how your time is going, at the 2 minute and 30 second point,

our

timekeeper will hold up a yellow warning card that you only have 30 seconds left. And then at the three minute point, there'll be a red card held up, meaning that your time has transpired. And please, at that moment, complete your comment right -- as quickly as possible. I probably won't cut you off in mid-sentence, but we need to conclude so we can move on to the next comment. At some point, the recording stops, just for consistency of the comments all

to

be of a certain length and no more. Yielding time to

are another is not part of the process. Again, the comments being directed to the Park Service, so that they can use those in coming to their Record of Decision. So, you'll be addressing Superintendent Murray with your comments. If someone has already addressed your point, and you wish to merely say you agree with a prior speaker or commenter, you may do so. And that, of course, leaves more time for others. As I say, the written and oral comments are considered exactly in the same manner. So, one can deliver a written comment in the same -- for the same effect as an oral comment. And I believe everyone has turned off their cell phones. And I'd like to genuinely thank you for

coming and participating. This is a part of what our system envisions when we have major decisions of this type to reach. Now, I'm going to start by calling three names.

And we actually have two chairs up here. If you wish, and you're a bit behind, you can come and stage yourself, so that a minimum amount of time is spent going from chair to speaker. So, the first three commenters, in order. It's Daphne Bennik. And please forgive me if I mispronounce,

but a point to make is that when you come up, please pronounce your name. And if you are representing some organization

or affiliation, please indicate that you are doing so, so that you are perhaps speaking for an organization as well as yourself. So, the first speaker will be Daphne Bennik.

The second speaker will be Eugene Ballance. And Scott Bradley will be the third speaker. With that, Daphne. And if the other two would like to come forward, if you're not in good position, please do so.

Daphne MS. DAPHNE BENNIK: Good morning. My name is

Bennik, and I'm speaking today on behalf of the Ocracoke Members of the Hatteras Ocracoke Council, which operates under the umbrella of the Outer Banks Chamber of Commerce. With the exception of the Village of Ocracoke, the entire island is owned by the U.S. Government and managed by the National Park Service, as part of the Cape Hatteras

National Seashore. We take huge exception as a result of the Economic Impact Study presented in the Draft Environmental Impact Statement. The Village of Ocracoke is little more than a passing thought to those who wrote the Economic Impact Section of the Draft Environmental Impact Statement. Although it has its own economic character and challenges, apparently addressed under the heading of "Seashore Villages," a little investigation would have shown that

each of the villages in the Seashore is unique, and economic

impact can't be addressed in the blanket forum, or a one-size-fits all approach. Although Ocracoke Village is home to only 10 to 15 percent of Hyde County's population, it provides approximately 50 percent of the tax base for the entire county. That's a huge burden and responsibility for a village that has only about 600 acres of buildable land. Any negative impact that's experienced in the village has a ripple effect that makes what is one of the poorest counties in the state, into an even more economically depressed area.

Any decrease in revenues is felt in the schoolrooms, the health department, and all other county agencies that provide services. According to U.S. Census data, the average wage earner in Hyde County can expect to make \$22,356.00 a year. For a family of four, that's just about \$100 more than the federal poverty level. The Economic Impact Data in the DEIS does not attempt to address the impact of Alternative F on Ocracoke's small businesses, nor the pain that will be felt by the community. The conclusion

to the section on economic impacts of Alternative F states, "This uncertainty may impact small businesses disproportionately." If the company that was paid to do the

Economic Impact Study had taken any time to learn the geography and character of the area, they would realize that

Ocracoke is a collection of small businesses. There are no major industrial plants or employers, which isn't surprising, when considering the fact that we can only be reached by ferry or plane. Our infrastructure will not sustain other industries. The economic engine of the village has long been commercial fishing and tourism. However, many commercial fishers have had to adapt to federal rules for that industry, which has forced them into other occupations. Most all are related to tourism.

MR. SKIDMORE: You're at 30 seconds.

MS. BENNIK: Is it over?

WOMAN ATTENDEE: No.

MR. SKIDMORE: Thirty more seconds.

MS. BENNIK: Oh. Okay. Sorry. The Economic Analysis suggests that small businesses that are negatively impacted can adapt over time. There are no suggestions as to what it might be that we can adapt to. Thank you.

MR. SKIDMORE: Thank you very much, Daphne. The next commenter is Eugene Ballance.

MR. EUGENE BALLANCE: Hello. I'm Gene Ballance, and I'm a Hyde County Commissioner from Ocracoke, and also a commercial fisherman. In terms of specific things I've read in the Environmental Impact Statement, the 1,000 meter

almost closure seems a big round excessive number, and seems
 that punitive. I think it could be done better than that. On
 be the -- I take exception to commercial fishermen and
 not commercial fishing vehicles being called "non-essential."
 We provide food for people and it even says in the plan
 that the harvest of fish may mean greater prey encounters for
 be plovers and be beneficial to them. So, I think we should
 given, in addition to the permit that we have, we should be
 able to stay on our tradition of being able to provide food
 for people here, as we've done for hundreds of years and
 not be closed out from the resource closures. I don't think
 this would be a big thing to do, being's there's not that
 many of us left for various reasons. And, it could be done
 by requiring to have proof of sale within a short time
 period. Thank you.

MR. SKIDMORE: Thank you very much. The next
 speaker will be Scott Bradley, followed by Greg Honeycutt
 and Gary Oliver.

MR. SCOTT BRADLEY: Good morning. My name is Scott
 Bradley. I'm a full-time resident here on Ocracoke. I'd
 like to speak to two issues. One is the buffers, as set
 forth on pages 121 to 127, and also about potential
 restrictions on pets on the beach on page 136. I think, as
 Gene commented, the buffers are large. They are too large
 and they're inflexible -- they appear to be inflexible.
 So, you need to put the science out there that justifies their
 size. I'm told that all decisions of this nature have to
 be made on valid science. So, we need to see the science that
 most says that these closures are justified. Obviously, the
 nesting excessive one involves the piping plovers. A 1,000 meters
 for unfledged chicks, and 50 meters for breeding and
 buffer. I think these are excessive. Perhaps 200 meters
 for the unfledged chicks is reasonable. This especially
 involves South Point, where over the last several years,
 we've seen a steady loss of access. It seems like there's
 from five, and then there was three percent of the area
 open, and sometimes, there's none. So, unless there's
 to verifiable science that can justify it otherwise, we need
 the keep at least half -- I'm sorry -- about five percent of
 area open, which would be a zone maybe of a 100 to 150 feet
 in from all along the shore line. And also, return to the
 pre-consent decree area on the back side of -- the sound
 side of South Point where there used to be still water for

swim disabled people and older folks to go, where they could
 in calm waters. And, finally, we need to establish the ORV
 pass-throughs, when there have to be closures, just like I
 think maybe you did, Mike -- you did when you were up at
 Cape Cod. The second issue is pets on the beach. I drive
 the beach on a daily basis and I've never seen a pet or a
 dog chase a bird. It's even very rare to see a dog running
 unattended. Yes. People do have their dogs by their car
 sometimes, or by their beach chairs not on the leash. But,
 I've never seen them threaten the local resources. I'm

told that about a third of our houses, our rental houses, are
 pet-friendly. And, certainly, all these people don't take
 their pets to the beach. But, you'll be sending a message
 that Ocracoke is not the pet-friendly vacation destination.
 Thank you.

MR. SKIDMORE: Thank you, Scott. Greg Honeycutt.

lived MR. GREG HONEYCUTT: I'm Greg Honeycutt. I've
 on the Outer Banks for 32 years with businesses in Dare
 County for 31. My business is in the Corolla Duck area.
 Despite the economy, it's stayed somewhat stable. My
 businesses in the Nags Head area, especially Hatteras
 Island, have suffered greatly in the last two years. My
 business in Hatteras Island had been the largest growing
 part of my business percentage-wise up until two years ago.
 I've been a resident of Ocracoke for 13 years; a visitor to
 Ocracoke for 32. I disagree with the size of the buffer
 area for bird species. I feel strongly that ORV access
 should be provided to South Point through a corridor during
 nesting, and a reasonable access when birds hatch, at least
 during daylight hours. I know we have a problem with --
 now, I don't have a problem with the permit system and fee,
 if the monies collected are used for ORV access and
 protection of the species, such as turtle egg incubation
 and/or relocation of turtle eggs. I don't like the fact
 that North Point of Ocracoke will be closed to RV -- to RVs
 forever, year round, especially since North Point is larger
 than it's been in probably 30 years. But if a compromise
 can be worked out with buffers and South Point access, I

can go along with that. It's all about being reasonable and
 providing a common-sense approach that protects ORV use and
 protects wildlife.

be MR. SKIDMORE: Thank you, Greg. Gary Oliver will
 next, followed by Peregrine White and Jim Keene.

MR. GARY OLIVER: I'm Gary Oliver. I own the Outer
 Banks Fishing Pier in Nags Head, and Fishing Unlimited.
 I've been there for 40 years. In the DEIS, first page, it
 states, "To preserve and protect the natural coastal
 resources and natural processes of access on the Outer
 Banks." Access to the surf is, indeed, the most natural

historical process in the seashore. It's been used by generations and much of the beach has been accessible except by ORV. There are also several places where it talks about conflicts among users. I've never -- I don't know what you're talking about. I don't see any justification for that. If it really happens, it's insignificant. Another natural and cultural process is the role of the Park Service in the park. For years, ya'll have been partners with the communities of Dare County, and worked closely with us and have adjusted with us. When the interim plan came through, it took away your ability to adjust to changing conditions, and it's caused a little bit of stress, which is unfortunate, which we hate to see. Talk about the surf zone -- that area, we drive and fish and swim and congregate, is an area that is least suitable for nests. You've got to remember, a third of all nests on the seashore are lost by high tides and storms. Therefore, some of the closures along the beach, I oppose. Oregon Inlet Spit is one area that is accreted a lot this year. It's an important area. It closed. There's so much congestion between ramp two and ramp four, that it's hard for people to get around. And with the beaches in Nags Head and Kill Devil Hills closed in the summertime, and also, 15 miles of Pea Island closed, congestion is often heavy there. So, a car over there -- a ORV corridor would be a good idea. Down along the north shore of Hatteras Island, I think a 150-foot surf line all the way down should be opened, subject to closure because of buffers and nests. The South Beach of Ocracoke could also be the same. The buffers are excessive. A 1,000 foot buffer for a unfledged plover chick -- there are places this island is 1,000 meters wide. This is not the prairie. This is a small island. It's a barrier island. I think that they need to be adjusted accordingly to the size of the area. Species management areas which ya'll talk about, areas where there has been a lot of nesting in previously. ML1, I believe, is too restrictive. You need to -- ML2 allows for some flexibility in managing the area for the Park Service for changes and changing condition. And I thank you for my three-minute time.

MR. SKIDMORE: Thank you, Gary. Peregrine White is next, followed by Jim Keene and Gary Gross.

MR. PEREGRINE WHITE: Good morning. I'm Peregrine White. I'm the chairman of the Republican Party for Dare County. For the past two years, we've been following the Environmental Impact Statements as they have come out. We've been following the Interim Plan that was put in 2007. I attended many of the hearings for the negotiated, or the

un-negotiated plan that was held in Kill Devil Hills. In 2009, we presented a petition to the State party, which I have a copy of for Mike. This year, the County party and the Third Congregational District also signed a resolution, asking the support of the -- Senator Burr, and at one time, Senator Dole and Senator Hagan's position that the -- we go back to the 2007 plan and negotiate from there in good faith. One of the other speakers spoke about turtle nests. One of the pictures that I -- that I gave Mike is where I was visiting this last year for a wedding. Martin County, Florida, has not one or two or a dozen turtle nests. They have hundreds of turtle nests down that coast. The educational sign that you have, Mike, on the first picture, shows the type of education they do, showing you that -- what is the event, what will affect the turtles, and what will not. In the second picture is one of their turtle closures. I'm standing eight feet from that. There's no restriction down there on people walking by them. Now this -- the beach I was on is within about 100 to 150 feet,

which

is walkable of the parking lots, of which there are, just about every half mile, along there. This is a tourist

area.

There are hotels on the same area, with walkways down to

the

beach, and they are not restricted as to the pedestrian use of their beach. The other thing I was at was at Fort Matanzas, which is a national monument. We walked the

beach

there, and I was as close as I am to you, from bird nests. In fact, one of the birds didn't respect their nesting

area,

which was behind the barrier. The guide that we were with actually had the materials with her, and fenced in the area where the bird nest was, so we wouldn't disturb the bird. This is a bird, sitting on a nest in the rocks on the edge of the beach. The restrictions that are in the EIS and the plan are far excessive from my experience. Thank you.

MR. SKIDMORE: Thank you, Peregrine. The next is Jim Keene, followed by Gary Gross and Jim Harris.

MR. JIM KEENE: My name is Jim Keene. I'm a resident of Nags Head and President of the North Carolina Beach Buggy Association. There's three points that I'd

like

to make this morning. The first one is Alternative F,

which

is really what we're here talking about. That's the Preferred Plan, as it is going forward. But every place

you

see Alternative F, you find it followed by a simple

sentence

that says, "Management Based on Advisory Committee Input." As a member of the Negotiated Rule Making Advisory Committee, I strongly object to the reference that

Alternative F reflects, in any important measure, the consensus or even a majority agreement from those who served on this committee. And these references are on a whole list of pages which I'll give to you. The National Park Service initially refused to record or broadcast our meetings, and now inaccurately states that this document is a result of our actions. It reminds me all too much of Pontius Pilate. Of the 30 members that were there, 27 voting members, 30 government reps who abstained from voting, the overwhelming majority proposed -- or opposed, excuse me, the excessive buffers, the nighttime closures, the inconsistent village closures, the pre-nesting closures, and the excessive permanent closures, et cetera, et cetera. While the committee could not reach consensus, it is untenable that the National Park Service has totally ignored the input of an overwhelming majority in favor of the pre-conceived regulations supported by a small minority group of three to five. The second point I want to make is traditional and cultural properties. The DEIS was prepared with indifference to the traditional and cultural values attached to the surf zone access. This failure stands in direct violation of the National Park Service's legal responsibility under Section 106 of the National Environmental Policy Act and NEPA the framework as a whole. The surf zone is particularly shown throughout this document on pages 15, 18, 259, et cetera, et cetera, has long had an unbroken history as both the location for traditional economic activities, but also historical cultural activities that continue to present time. The National Park Service has failed to do a proper study, and has published a DEIS without completing the required studies that were requested by me, 15 months in advance of this DEIS's publication date. These studies must be completed, and subject to a Section 106 review before the final DEIS is released and published. Excessive resource closures and buffers that are established for non-ESA listed species, including American oystercatchers, black skimmers, common terns, least terns, Wilson's plovers, et cetera. They are listed birds, listed on the protected wildlife species of North Carolina, as North Carolina special concerns species --

MR. SKIDMORE: You have 30 seconds left.

MR. KEENE: The excessive closures as defined within the DEIS Species Management Strategies on pages 121 through 126 -- Table 10 -- in no way reflect protections of four of these species by the State of North Carolina on their list. The excessive closures granted these species by National

Park Service has and will close more beach access than the closures afforded the ESA list of piping plovers. We recommend that National Park Service not establish closures in excess of those defined and established by the State of North Carolina. Thank you.

MR. SKIDMORE: Thank you, Jim. Next is Gary Gross.

MR. GARY GROSS: Yes. I'd like to begin this morning with a fundamental point about the Hearing. I respectfully submit that this Hearing should have been held in the evening. I believe that it's unfair to ask the people of Hyde County to miss work, or abandon their businesses in order to attend this important Public Hearing about their future. In fact, the Swan Quarter Ferry

doesn't

even leave until 10:00, making it virtually impossible for the people on the mainland to participate in this important event. I'd like to comment on how turtles are managed in the Draft Environmental Impact Statement. Endangered sea turtles would benefit from more proactive management practices that are now in place, including in other federal facilities. With more proactive management, including nest relocation, a better rate of nesting success can be achieved. We must always remember that the true measure of turtle management success

-- it's not the number of nests in a given area, but the number that successfully hatch. Here are the facts as to why the DEIS should be modified in its final form to include more proactive nest relocation. The seashore's on the Northern-most fringe of the turtle nesting locations in the Southeast. In this area, it is weather, number one, predation number two, that represents the greatest threat

to

sea turtles. It's not people. It's not night driving. In fact, people on the beach at night will help reduce predators. The Loggerhead Recovery Plans historically recognized relocation as a regular conservation practice. Meanwhile, North Carolina's Wildlife Resources Commission recommends relocation as a last resort, preferring a philosophy that lets nature take its course. In page 125 of the DEIS, the Park Service relies upon the approach used by North Carolina, which allows nest relocation only for those under imminent threat. This contradicts the practice done by U.S. Fish and Wildlife in the Pea Island Wildlife Refuge just a brief distance away, on the North end of Hatteras Island. By not supporting nest relocation, Hatteras seashore has lost over 46 percent of the nests

laid

in the past 11 years. Meanwhile, we see in South Carolina in 2009, 40 percent of its nests which resulted in and were relocated, which had an incredibly low rate of lost nests

of

only 7.7 percent. This makes a compelling case for nest relocation. The turtle management practices outlined in

the

DEIS on page 125 and 392 to 396, should be modified to allow more proactive nest relocation as a tool for species recovery. Thank you.

MR. SKIDMORE: Thank you, Gary. Next will be Jim Harris, followed by Bill Mandulak, and George Chamberlin.

MR. JIM HARRIS: I'm Jim Harris. I live in Dare County. Nowhere in the DEIS do you address pedestrians, who are the largest user group in this Park. You don't have any signs for them, no training, no nothing. Even here in this little document, "Develop regulations and procedures to carefully manage ORV use/access to the seashore..." -- that's the people that walk that access to the seashore. Under page 58 of the DEIS, "Education and Outreach. Post signs regarding applicable ORV regulations and ORV access ramp, beach routes and sound side areas. Information on beach closures and sound seashore resources is readily available and presented in a clear manner to the public." That's not quite true. Nowhere does it say, "pedestrians." There are no rules for pedestrians. Pedestrians in the first three weeks of Cyndy Holda's reports, say, "17 pedestrians violated resource closures. One ORV did." Next, I would like to talk about DEIS, Chapter 3, Page 256. Your little pie chart showing where vehicles were. And you say, "Over half the vehicles were located around Cape Point and the Bodie Island Spit on July 4, 2009." Both of those locations were closed on that date. So, it couldn't possibly be true. And if you base anything on a lie, you're producing another lie. And I don't like that.

MR. SKIDMORE: Thank you, Jim. Bill Mandulak, followed by George Chamberlin and David Eshan.

MR. BILL MANDULAK: My name is Bill Mandulak. I'm representing the Coastal Conservation Association of North Carolina. I've been coming to the Outer Banks for over 30 years, fishing, and recreating along the Cape Hatteras National Seashore recreation area. I tried to go through the 800 pages or so, and I will tell you that it is a great -- great indication of "bureaucratic obstacation". It is absolutely impossible for everyone to go through this. It is like reading War and Peace without the attendant gripping novel, that should be attended with it. You know, as sportsmen, we're lucky to get through the sports page and the comic section and the front page, let alone to read this entire document. But my point is, that there are several options in here. It's very difficult to go through all the options. But what's very disturbing is that there's no -- there is a Environmental Preferred Option, an NPS Preferred Option. There is no User Preferred Option. There is no option in here that describes what the predominant users of

the park would like to have in their option, for access to the beach. To suggest that a recreation area as this Park was established, should have closures with no human activity

on the surf zone is absolutely absurd. Several people have -- and I'm speaking specifically to Option F -- several people have mentioned the excessive buffers. They are very inconsistent with other places that have the same bird activity and the same -- same turtle activity. They're very

excessive and they're very inconsistent. Night driving to extend to November 15, is well beyond what we've seen anywhere. If a nest is still there at -- in November, chances are pretty good it's not going to hatch at all because of cold weather that would have killed the eggs. The one thing that's really disturbing is there is all of these various activities to prevent ORV acc -- disturbance of birds, and yet there's no information to expand the habitat around the Salt Pond. No recognition of the birds moving to Spoil Islands. And finally, there's no implementation of some of the things that are done up in the

Northeast, particularly for plovers. There are some large cages that are put around -- around nests up there that keep

predators out, and so forth. None of those actions are described, and they -- and yet we focus on ORV access, which

is less than one percent, you know, a small fraction of one percent of the activity around -- around the birds. So, I think that you really need to reconsider that -- those buffers, et cetera. Thank you.

MR. SKIDMORE: Thank you, Bill. Next is George Chamberlin.

MR. GEORGE CHAMBERLIN: Good morning, ladies and gentlemen. Thank you very much for the time. My name is George Chamberlin. My wife, Elizabeth, and I own a business

here on Ocracoke, a hotel. My wife, Betty, is one of the originals and I learned a lot of the history from her mom, who was actually here when the Park Service land was transferred to the Park Service. I'll file a complete report with the U.S. Park Service prior to the May deadline,

but I wish to present these comments to you today, so that you may have some sense of my feelings, and those I have spoken with regarding the published DEIS. I do wish to also

make a point that we have not asked when we could meet with this group, or for how long we could speak; we were told.

I

fear that the result of your plan will be presented in much the same manner. We will, in the final analysis, and after proper comments, be told what will happen to the Outer

Banks, and that the most -- most of the cry for logic and reason will not prevail. I can only hope this statement will not be true, and offer the following suggestions. Important decisions must not be made that are based on general estimates and incomplete data. NPS conclusions should be, as in the business world, based on and

referenced

by actual historical facts or data, and from information that has been obtained by face-to-face discussions with visitors, residents and business owners in the affected areas, not by three men in response to a document that forces us to disprove a negative, inaccurate or general statements such as minimum to moderate impact. What does that mean? Additional restrictions and those from previous regulations also require factual data and logic. For example, if you require that pets be banned from certain areas, you must realize that no pets means no people. The simple logical fact is that those people that have pets consider them, for the most part, family members, and will not readily leave those pets for a weekend or more to visit the Outer Banks. They will take their family to other locations, and a loss of revenue will be felt by the businesses of the area, and not by the rule makers. The DEIS not only fails to take into account the economic

impact

of the proposal, it hardly mentions the human issues involved. Historically, beach access and enjoyment of the Outer Banks was meant to be a special place where people

and

wildlife interacted. The Outer Banks, and specifically Ocracoke, was never intended to be a wilderness area. Yet, this proposal does nothing to enhance wildlife, other than to prohibit humans from within overly-restricted areas, and to somehow reduce predators.

MR. SKIDMORE: Thirty seconds left.

MR. CHAMBERLIN: Logical rules and regulations are certainly required to ensure that an educated visitor to

the

park area knows the rules and are enforced by an educated Park Service staff. But the Outer Banks and, specifically, Ocracoke, was not given to the Park Service so that it

could

be turned into a wildlife-only wilderness area, to be controlled by outside zealots and poorly managed by big government. We also realize the pressures that are now being put on the Park Service by special interest groups

and

the courts.

MR. SKIDMORE: Your time is up.

MR. CHAMBERLIN: The rest of my comments are written.

MR. SKIDMORE: Thank you very much. David Eshan, followed by Scott Tyson and John Manning.

MR. DAVID ESHAN: Good morning. I'm David Eshan.

I represented an Ocracoke civic business, at REGNEG. I'd like to see everybody come out this morning. I have a few points I'd like to make. First one. Starting at the North end is the North Point of Ocracoke. Closing down this area completely to ORVs except for a quarter mile on either side of ramp 59 is just a shame. There has not been a piping plover nest there in the last ten years. As on Chart 200 -

- piping plover nests -- no nests since -- when there was one in 1996, and only four chicks have fledged there in the last 18 years. That's kind of a big area to close down completely, for little gain. Also, new ramps -- from installing the new ramps, page 100. Ramps 62 to 64, are open to ORVs. This area has been a safety closure my entire life. Now, we're closing down areas that are safe to open up areas that have been considered unsafe for the past 30 years or more. Yes, we do need these other areas open, if they're going to close them down, but why should we close down safe areas and open up unsafe areas? Also, on page 100, a half a mile southwest of ramp 68 to 1.2 miles northeast of ramp 70, has dates of closures from November 1 to -- ORV route from November 1 to March 14. These dates need to be changed. Having these dates totally blocks out our spring and fall fishing seasons. No access in March, or half of March, all of April, May, and September, and October, we're losing when people like to come to the beach to go fishing. Also, on page 101, the 1.2 miles northeast of ramp 70 to a half mile northeast of ramp 70, these dates are also in the DEIS are -- the April 1 to October 31 should also be changed. Same thing. We're blocking out specific times of the year when we have fisherman that are here primarily to beach fish. If we don't have these times, then it's really going to hurt business. The last comment I'd like to make is on page 101, half a mile southwest of ramp 72 to inlet. In the DEIS, it states it's three miles. If you go there and measure it, it's 1.3 miles. NPS has a closure of -- "floating" closure of one mile, so how's it going to float? There is nowhere else for it to float. And also in that, it says, "Access to the corridor would be allowed on the shoreline to the inlet." That's the floating corridor. Let's see, let me finish up. If resource protection staff determines that any single activity or collection of activities is negative impact on shore bird

uses specific location, the NPS may implement, add restrictions or on compatible activity. That means they're going to close it down. So --

MR. SKIDMORE: Your time is up.

MR. ESHAN: Thank you.

MR. SKIDMORE: Thank you very much. Scott Tyson will be followed by John Manning and Leslie Lanier.

MR. SCOTT TYSON: My name is Scott Tyson. I'm from Charlotte, North Carolina. I come to Ocracoke five or six different times a year. And I've been doing so for 40 years, and this is the first time I've ever been here and not been able to access South Point. It's very sad.

That's

the reason we come here, is to fish South Point, and to enjoy the natural beauty of the vastness of the area. It's a huge amount of room down there. As far as the closures

to

birds, and SMAs go, ML1 is overly restrictive to pedestrian ORV corridors. Bypasses should be provided through, around or below high tide line and all SMAs during an entire breeding and nesting season, within guidelines to maintain access. Should the large inflexible buffers -- buffers should use breeding and nesting buffered distances to establish ORV pass-through only corridors to ensure beach access is always maintained. Piping plover unfledged

chicks

buffers should move with the brood as it relocates to a reliable food source, not expanded so as to expand economic opportunities, as well as increased visitor experience with no harm to wildlife. It should be noted that 85 percent of the American oystercatcher nests, 83 percent is due to either predation or storm or lunar tides. Only three percent of those nests are harmed by human interference. The NPS does not adequately consider locations neighboring the recreational area that are part of the same ecosystems, villages, dredges, Spoil Islands, Pea Island National Wildlife Refuge. Dredges in Spoil Islands typically have fewer predators to threaten nesting birds. Bird activity within neighboring areas should be tracked and included in target productivity levels. Fluctuations in trends and recreational area bird populations should be viewed

relative

to reasonable and steady experiences, not in isolation. Reason of Influence. The reason of influence incorporates the North beach communities, including Southern Shores and Duck. These areas are almost completely disconnected from ORVs in access issues relating to the seashore. Inclusion of the northern beaches in analysis significantly dilutes estimates of economic impact on the seashore villages. Nowhere is it clearly addressed that overwhelmingly -- the overwhelming majority of negative impact will be felt by small businesses in the seashore villages, rather than overall economic interests -- interest within greater

region

of impact. Overall Visitor Counts. Overall visitor counts appears to include visitors to Fort Raleigh National Historic Site and Wright Brothers National Memorial. The large percent of these visitors vacation in the Northern beach communities, and recreate on non-federal beaches outside the seashore. Visitors who patronize Fort Raleigh National Historic Site and Wright Brothers National Memorial, but do not visit the actual seashore areas, need to be factored out.

MR. SKIDMORE: Thirty seconds remaining.

MR. TYSON: It should be noted that the people that use these beaches are the people that take care of the beaches, and clean the beaches, and look out for the beaches, and look out for the wildlife out there. It is

not

the people that are trying to shut down the beaches. They're just trying to shut them down for their own

personal

monetary gain. Mr. Murray, I'd like to thank you for all your hard work. Thank you.

MR. SKIDMORE: Thank you, Scott. Next is John Manning, who'll be followed by Leslie Lanier and Tom Burke.

MR. JOHN MANNING: Everything that I wanted to say has been pretty well covered. I'll pass and shorten the meeting.

MR. SKIDMORE: Thank you, John. Leslie Lanier.

MS. LESLIE LANIER: Hi. My name's Leslie Lanier.

I

own a small business on the island. I do want to say I agree with, I think, everything that's been said. Daphne Bennick, for sure. Mr. Oliver. And for sure, the best statement I've heard is the "bureaucratic obstacation".

The

document is incredibly hard to read, as are many of our government publications. In the past couple of years, I've lost two full-time employees. Is it all due to beach closures? I'm sure it's not. But the beach closures do

not

help. There needs to be a corridor, so that pedestrians

and

ORV drivers can get down through the -- past the nests, whether it be the piping plover or the turtles. I don't

see

a whole lot about the predation -- the predators -- that's what's killing the birds. It's not our dogs. It's not the people. It's not the children. Cape Lookout Seashore,

this

winter, lost, I think, 92 turtles in one weekend. We can't help the cold. We can keep dogs on leashes, and we're good at doing that. And you're good at making us do that, the Park Service is. We can keep our children away from the enclosed nests. They do not have to be a thousand feet. There can be a corridor and I think that's where you need

to

is
me
-
- spend your time. You do need to put a personal aspect on the plan. Less income for my business is less employees, less taxes to Hyde County, which is -- I don't know, help -- is the second poorest county in the state, maybe. Our - the people that do come to Ocracoke are not the people that go to the Wright Brothers Memorial all the time. I mean, you get millions up there. We don't get those millions. Our ferry systems have been cut. We need the Park Service to work with us, and to work with Ocracoke and Dare County, particularly the southern parts of the Dare County, to help us out. Thank you.

MR. SKIDMORE: Thank you, Leslie. Next will be Tom Burke, followed by David Flanagan and Cecil Duke.

fish.
- MR. TOM BURKE: My name is Tom Burke. I live in Nags Head, North Carolina. I'm down here this week to

Went
- That's why I'm here. I rented a house for the week. I'm eating in restaurants. I'm visiting shops. I'm going to local grocery stores. I'm spending my money. Back to the plan itself. I got on my web -- I got on my computer.

absurd.
- to the Park Service's website, downloaded two files. It's in two files, because they're both so large. It took me roughly a half hour from the time I started to even find Alternative F. To expect someone to read 800 pages, and come in here and comment a week or two later is just

factoplan that
- So, I'm going to just limit my comments to Alternative F, which in fact, I did read. I disagree with what's in Alternative F, because, it does not recognize the de Interim Plan. And the Interim Plan's important. I want to come back to that. But, as a result of your recommended plan, Alternative F, it negatively -- it's going to negatively impact the experience that our visitors, guests, have when they come to the Outer Banks, and it also damages our local economy. I would like you guys to just consider going back to the Interim Plan, the Interim Management

Plan.
- When that was announced, no one liked it. I didn't like it because it restricted my access. The bird people didn't like it because they felt it was too lenient. And I said, Well, no one likes it, it must be right. There must be something to it. The plan that you're recommending now, what's in DEIS, quite frankly, if you're -- if the Park Service signature wasn't on it, I would swear this was written by the Audubon Society because, frankly, it's for the birds. Thank you very much.

MR. SKIDMORE: Thank you, Tom. The next one to speak is David Flanagan, followed by Cecil Duke and Charles Klinger.

MR. DAVID FLANAGAN: I'm Dave Flanagan. I'm a resident of Nags Head, North Carolina. Part of my comments have been touched on by Mr. Burke, for my comment today is in regards to routes and areas. I disagree with

Alternative

F restrictions. These restrictions exceed those under the Consent Decree, the Interim Management Strategy, and the de facto ORV plan previously in place under Superintendent Bailey, which was Superintendent number seven. I would

like

to see the Interim Management Plan reinstated into this process. I believe if we could get back to the Interim -- Interim Management Plan, this would give us all some type

of

working area for the Park Service, and also these organizations. As a past Director and Vice President of Beach Buggy Association, we have also worked a great deal with the Park Service under that plan. I'd like to see

that

plan reinstated. Thank you.

MR. SKIDMORE: Thank you, you David. Cecil Duke.

MR. CECIL DUKE: My name is Cecil Duke. I live in Richmond, Virginia. I disagree with Alternative F of the DEIS in regards to the law enforcement practices. It is

not

right to punish all users of the park because there are not enough law officers to cover all of the laws and impact statements put upon us. Violations such as night access, improper driving, access of closed areas, both pedestrian and ORV. Because proper law enforcement is not available when a violation is found, after the fact, the Park Service answer is to close more beach to all. Many organizations have been requesting more Park Service law officers for years. And our citizens who own the park deserve to have them. As more and more areas are compressed, forcing beach goes into close quarters, user issues could appear, again, needing at times, law enforcement ranger's presence. I

hope

that the lack of proper staffing of law enforcement rangers will never be used as a tool to close even more beach to beach driving. I have, over the years, called the law enforcement ranger several times, to report violations in progress. And I have never had a response. I have even been told by dispatchers to obtain as much information of the violators, and personally take out a warrant against those involved in the violation. Thank you for this opportunity to speak.

MR. SKIDMORE: Thank you, Cecil. The next speaker will be Charles Klinger, followed by Richard Dimmig and

Alan

Sutton.

MR. CHARLES KLINGER: Hi. My name's Charles Klinger. I live in Great Falls, Virginia. And my comments are in reference to Alternative F, and specifically the

area closures due to turtles. And I think that the .5 meter from nest to water is largely, too big. And that if you visualize a football field from one end zone, that's what you've got. So, I think that this is way too large, and I think it should be more like the keyhole method that ya'll had before. I thank you.

MR. SKIDMORE: Thank you, Charles. Next is Richard Dimming, followed by Alan Sutton, and Allen Burrus.

MR. RICHARD DIMMIG: Good morning. My name is Richard Dimmig and I'm from Pocono Pines, Pennsylvania. I've spent about -- I've spent about half the year down

here in Nags Head Acres, where my wife and I live, and my daughter's there, and we -- we originally came here because of the free and open beaches. And our families have many, many friends. And I totally disagree with pretty much everything that's in Plan F. I think it's -- there's no consideration for people, the ORVs, the local businesses, the economy. And, we know many people from Pennsylvania that no longer come to the Outer Banks because of the fact that they've been unable to get on the beaches, where they're restricted or, you know, it's like it's losing control. I think when you're predator management, you have to be careful that you're not picking winners and losers because not all the animals deserve to die, either. And, the inflexible borders for the piping plover, 1,000 meters or 700 acres, is totally out of control. So, thank you.

MR. SKIDMORE: Thank you, Richard. Alan Sutton is next, followed by Allen Burrus, and Warren Judge.

MR. ALAN SUTTON: Hello. I'm Alan Sutton, a small business owner on Ocracoke. Superintendent Murray, I disagree with the statement, "There would be 1.0 mile of 'floating' ocean shoreline area for nonbreeding shore

birds. Area would be bypassed via the ORV corridor on the upper beach during nonbreeding season." The statement's found on page 101 under Alternative F, Oceanside Location, 0.5

miles, Southwest of ramp 72 to the inlet. Species Management Area. Page 124, on nonbreeding shorebird SMAs, ocean shoreline areas, states, "If resource protection staff determines that any single activity or collection of activities is negatively impacting shorebird use of a specific location, the NPS may implement additional restrictions on compatible activities." These statements allow for ORV access or visitor use experiences to be restricted and potentially eliminated year round, if they are found to be negatively impacting shorebird use. This

is inconsistent with the assumption that Alternative F socio-economic impacts would be long-term negligible to minor adverse or beneficial as stated on page 145. As someone that was asked for economic consequences of closures, I can

meet. assure you that Ocracoke South Point is not defined as the specific location where the ocean and inlet shorelines

South Point is the term that the visitors and businesses' owners use to define the 2.5 mile area from ramp 72 to the inlet and along the inlet. Restricting access throughout any of this region will severely affect the socio-economics of Ocracoke. Most of the entire sound side mud flats are already closed year round for nesting and non-breeding shorebirds. These flats and sound side shoreline area are closed to ORVs, pedestrians, and any visitor experience. This closed area accounts for well over half of the South Point area. Additional closures for non-breeding

shorebirds

is not needed. I recommend that that statement regarding non-breeding shorebirds be removed from the South Point area. I have additional written comments that I will

submit

in writing regarding the excessive buffer -- the

excessively

large buffer sizes for nesting birds, the unneeded

nighttime

restrictions on drum fisherman that are extremely sensitive to light, the inadequate and inappropriate economic data, the closures of North Ocracoke, and the date surrounding other ramps as stated by David Scott Eshan, and the availability of permits and the ease of access. My last comment is that it is disappointing that this plan does not more clearly represent the majority of the people effected.

MR. SKIDMORE: Thank you, Alan. Allen Burrus is next, followed by Warren Judge and Bobby Outten.

MR. ALLEN BURRUS: My name's Allen Burrus. I own a grocery store in Hatteras Village that was started in 1866 by my great-great-grandfather, and I'm still a visitor,

even

though I'll be buried in a graveyard that has ancestors

that

were buried there 300 years ago. So, I've got one federal group saying I'm a visitor, and another one that Mike and myself attended the other day that thinks that I should be put in a pen and studied, because I'm an endangered

species.

So, it all works different ways. But, what I'm really here today for is buffers, or closures, or important management practices for species recovery. However, to benefit the protected species and the visiting public, all buffers must be based on peer review science. Once buffers are established, they must be routinely monitored throughout

the

breeding season, to ensure that resources are effectively protected and public access is provided. The extreme buffers outlined in DEIS pages 121 to 127 must be modified in the final version of the Environmental Impact Statement, that 1,000 meter buffer for the piping plover required in

Alternative F is excessive and punitive, and not based on peer review science. This 1,000 meter buffer can only be fully appreciated when it is understood that this is a minimum distance that is required in all directions. The nest of unfledged chicks on a linear distance is about a mile and a quarter, and it "floats". A more appropriate, yet effective buffer, is 200 meters. Ample science

evidence

and precedence exists to support a 200-meter buffer. As part of the E -- N-E-P-A process, NEPA, I formally request the National Park Service provide peer review science that justifies a 1,000-meter closure in all direction, buffers for other species, including American oystercatchers, least terns, colonial waterbirds must be also be changed. A 30-meter buffer, which should be established for these birds rather than the 300 meter outlined in DEIS. Thank you.

MR. SKIDMORE: Thank you, Alan. Next will be

Warren

Judge, followed by Bobby Outten and Derb Carter.

MR. WARREN JUDGE: Good morning. I'm Warren Judge. I'm Chairman of the Dare County Board of Commissioners.

I'm

here today representing the 33,000 people who live in Dare County, and the 6,000,000 visitors that we serve as host to every year. The Dare County Board of Commissioners, on behalf of those people, has always stood for free and open access to Cape Hatteras National Seashore Recreational

Area.

We also believe in conservation and protection of species and wildlife. Unlike the special interest groups and the opponents of access, we believe that these two can go hand in hand, and can exist together and, at the same time, to provide that access that we support. Dare County supports and requests that corridors be created and maintained in

all

areas of the Cape Hatteras National Seashore Recreational Area. Corridors provide a path around temporary resource closures in order to provide an access to an open area that would otherwise be blocked. Corridors can be established below the high tide line. Since unfledged chicks are not found in nests between the ocean and the high tide line, this type of pass-through corridor would have no negative effect on the wildlife. Corridors should be provided,

Mike,

in all areas of the seashore, including the highly restrictive Management Level One portions of the SMA, required under the Preferred Alternative. And we would

like

to request that we don't use Management Level One, that you use Management Level Two. Corridors worked with success in the 2007 Management Plan. Corridors are for valuable access, provide valuable access without impairment or

damage

to protected species. Hatteras Island is extremely

important to Dare County. It represents -- in the last
 five years, it represents 28.4 percent of our tourism income. It represents 22 percent of our ad valorem tax base. It's critical. It's critical to the State, to Dare County, and to the State of North Carolina. Cape Hatteras National Seashore Recreational Area is a -- is a people going to the beach for whatever they do -- sunbathe, walk on the beach, sea shell, bird watch, swim, take their family, fish. The Seashore was developed to be accessed by vehicles. We have less than 800 parking spaces in the entire seashore. The ramps that are designed to get people across to the -- from the road to the beach are built for cars. They're not built for pedestrians, although pedestrians use them. We support everything that I say about corridors. We need corridors to provide access to everybody in Cape Hatteras National Seashore recreational area. Thank you.

MR. SKIDMORE: Thank you, Warren. Next will be Bobby Outten, followed by Derb Carter and Linda Harper.

MR. BOBBY OUTTEN: Hi. I'm Bobby Outten. I'm here to speak to you about Alternative F and about the protections given to the non-endangered birds. The Endangered Species Act requires protection for endangered species, and we acknowledge that and we understand that

that has to be done. While we don't necessarily agree with the buffers, we acknowledge the need to follow the Endangered Species Act. The Park Service may also have some

obligation to protect any species of animal that lives in the park at some level. What we object to is elevating the protections given to non-endangered species to levels that you've given to the endangered species. To my knowledge, only the endangered species that we're talking about in the bird population is the piping plover. North Carolina identifies the number of colonial waterbirds as species of concern. What that means in North Carolina is, is that that's a bird that needs to be looked at and monitored. That does not mean that there's any level of regulation given by the

State or requested by the State. And yet, those birds are being protected at extremely high levels that cause closures.

The result of that is, if you look at Oregon Inlet where there were no piping plover, the endangered species last year, pre-nesting closures began on March 11. They became resource closures on March 23. On July 16, an American oystercatcher chick fledged, but because it wasn't flying properly, the closures continued until August 16. So, even though there were no endangered species at Oregon Inlet,

Oregon Inlet remained closed from March 11 to August 6, 2009. We think that's an extremely long closure for a non-endangered, non-threatened species of birds that isn't protected at all under North Carolina law, and can't understand why it's elevated to these great levels of protection under this plan. Similarly, at Cape Point, pre-nesting closures began on March 12, 2009. They became resource closures for American oystercatchers on April 14. On July 16, an American oystercatcher chick fledged, but again was not proficient in flying in the air. Cape Point was closed until August 27, 2009. Again, extremely long

and

this is more than 140-day closure in the height of the season for birds that aren't on any list. We don't understand and don't agree with that. But, we request that the buffers be modified, so that pre-nesting closures be only had for endangered species, not threatened species. Because the colonial waterbirds do not return to same nest each year, such closures are unnecessary in warranty and result in closures that aren't needed and have severe economic impacts in Dare County. Thank you.

MR. SKIDMORE: Thank you very much. Derb Carter is next, followed by Linda Harper and Greg O'Connell.

MR. DERB CARTER: I'm Derb Carter, with the

Southern

Environmental Law Center in Chapel Hill. We represent the National Audubon Society and Defenders of Wildlife. I've been coming to the Seashore on Hatteras and Ocracoke for 35 years, multiple times a year. I drive on the beach. I

walk

on the beach. I enjoy birding. I enjoy fishing on the beaches. I've seen a lot of changes in that amount of

time.

I know a lot of you have been here longer than I have, but just in that amount of time, there's certainly been a lot

of

changes. We have more people who want to come here. And most noticeably, a lot more driving on the beach. When I came in my old Cherokee, most of the people you saw on the beach were trying to get to a particular spot to fish.

Now,

around my neighborhood in Chapel Hill, everyone has a four-wheel drive. And you come to the beach now, and there's just a lot more vehicles on the beach. Audubon and Defender's brought this to our attention based on their concern about the impacts of that ORV-use on breeding birds in particular on the Seashore. We looked into and found

two

things. One is that, over a period of time, State biologists, Park Service biologists, had documented an 86 percent decline in breeding birds on the Seashore. We also looked into the situation regarding ORV-use, and it quickly became apparent that the Park Service had not met their

long-standing obligation to manage that use. And that's
 how we got involved. And we're looking for four things in a
 final ORV management plan. First, we're looking for
 access.

We think that it's important that people who come to the
 Seashore can access the beaches and the seashore. We're
 also looking for a balance access that provides places to
 go, not only for ORVs but for pedestrians. There are

people -- I know many of them -- who come to this seashore because
 they want to walk on a beach that actually is free from
 ORVs, and that access is as important to many people as the
 access is to those, like me, who have an ORV and want to
 access certain areas. We've looked at the five other
 national seashores on the Atlantic Coast that have ORV
 plans. There's 150 miles in those seashores. They allow
 ORVs on 26 miles. Alternative F provides access on 52 --

on 52 miles here, out of 68, or twice that allowed on all the
 other five national seashores on the Atlantic coast that
 have ORV plans. The final three things we're looking at is
 resource protection. We want these decisions based on the
 best scientific information available, and we want the Park
 Service to meet its obligations to manage natural resources
 in a way that can provide for their recovery on the
 Seashore. Thank you very much.

MR. SKIDMORE: Thank you, Derb. Next is Linda
 Harper, followed by Greg O'Donnell, and Jon Chamberlain.

MS. LINDA HARPER: I'm Linda Harper. I have been a
 resident of the Outer Banks since 1969, and enjoyed fishing
 and the seashore for 40 years. During that time, I have
 seen the areas that can be used grow smaller, and as that
 has happened, the use in the areas that we can use is more
 concentrated, which seems to me to cause over-use in those
 areas. Further restrictions of areas and further closures
 will also impact the towns and villages in Dare County that
 allow four-wheel drive access, Nags Head and Kill Devil
 Hills and Corolla and Carova, probably resulting in more
 restrictions in those areas, because they'll become over-
 used and over-crowded. Thank you.

MR. SKIDMORE: Next is Greg O'Connell.

MR. GREG O'CONNELL: My name's Greg O'Connell. I'm
 from Mays Landing, New Jersey. I'm a proud member of New
 Jersey Beach Buggy Association and I'm here today as a
 representative of the Recreational Fishing Alliance. I'd
 like to start off by saying that a number of comments and
 points were addressed by other speakers. We support many

of the people that spoke here today. To point out a couple,
 Mr. Oliver, Mr. Keene, Mr. Eshan, and Mr. Sutton. As a
 fisherman that's traveling 450 miles to get down here, some
 of the concerns that I have with Alternative F are not

being

guaranteed or not knowing what areas are going to be open. A number of the best fishing places could be closed, and without knowing in advance with enough time to plan a vacation, there's little chance of somebody like me from

New

Jersey, renting a house or booking rooms and planning on coming down here on a vacation unless I know where I'm

going

to be able to fish, and knowing that I'm going to have access to some of the best fishing locations. We obviously support corridors. We would recommend to the NPS that there's a number of beaches in other states that are

managed

with different types of enclosures and corridors, and certainly a lot less restrictive buffers than what's presented in this DEIS. Obviously, we would strongly suggest that you guys look at the cultural and historical value of surf fishing in this area. Without having access to the beach, there's very little reason to come down here, and there's very little difference between what you have here on the Outer Banks as opposed to what other areas

have,

in terms of their -- in their beaches and things. So,

there

would be no reason for me to, you know, not go to New

Jersey

beaches, versus coming down here. The whole reason for coming down here is the fact that we have access to a great deal of shoreline, and it's just a long-standing tradition to come down here and be able to access places like Cape Point and the South Point on Ocracoke. In conclusion, we would support the Interim Management strategy that was in place prior to -- in 2007 and prior to 2007. The Park Service personnel is highly educated. They're trained. It was a plan that was put in place to be protective of both the wildlife, and also worked for fisherman. I would strongly suggest -- or we would strongly suggest that you

go

back to that, and allow your personnel to be able to make decisions and, you know, try to make it work for both parties. Thank you.

MR. SKIDMORE: Thank you very much. Next will be Jon Chamberlain, followed by Vince O'Neal and Betty Oelschlegel. Jon Chamberlain.

COURT REPORTER'S NOTE: Mr. Chamberlain is not present to speak.

MR. SKIDMORE: He perhaps had to leave. So, Vince O'Neal.

MR. VINCE O'NEAL: Vince O'Neal. My mother and father's families lived here for many years. They've been here for many generations. I'm a commercial fisherman

part-

time and a business owner. Have a family. My kids are 3, 11 and 13, and I'm hoping they'll be able to survive here

for generations like we have. My father's land was a lot -

-
was taken in the '50s, and his grandfather -- his grandfather and my grandfather. Anyway, when they took the land in the '50s, there were supposedly promises made with government he could continue to use it. He was always bitter about his land being taken. Being a World War II veteran, he called the Park Service the Gestapo. I do not have that view. I am glad it is a national seashore. I'm glad that we're able to use it, and I'm proud to be able to take my kids over and my friends and family and say, "Hey, this is yours." It's not a Myrtle Beach. It's not a Virginia Beach. You, as the Park Service, are the stewards and the caretakers of our land. There's a lot of good points been made here today. I hope you'll listen. Take into consideration the special interest groups, the biologists, the guy who looks in a microscope all day long, helps makes these decisions. But, don't let it weigh too heavily. These people all have great ideas, and we'll hope you'll pay attention to them. Commercial fisherman, we've been dealing with these sea turtle issues and so forth, for quite a while now. Now, everybody's having to deal with them. So, we're used to dealing with this. But, we're in

a

threat to being shut down also. But, it goes hand in hand with these special interest groups, and the seashore and so on. It all goes to the same process, basically. The fate of our villages and communities are in your hands. We expect you to deliver a plan that will allow our families and future generations to survive in the Outer Banks.

Thank

you.

MR. SKIDMORE: Thank you very much. Next will be Betty Oelschlegel, followed by Rudy Austin.

MS. BETTY JANE OELSCHLEGEL: My name is Betty Jane Oelschlegel, and I'm a business owner here on the island. And I would like to talk about the economy, and the effect that this will have on the economy. I'd like to respond to the Southern Poverty [sic] Environmental Center. He's speaking about the number of miles of open beach, access beach, but I'm wondering whether or not that access has always been restricted. Ours has been more open and now

you

are talking about restricting it. I feel like we deal with a lot of stresses here on the Outer Banks. I feel like we have a lifeline, that Route 12, and that stream of tourists coming here is our lifeline. There's so many things that affect that lifeline, that it -- it can get downright

scary,

if you have a hurricane, if you have a Northeaster. This

is

one thing that we cannot control. We've been able to streamline a lot and been able to solve a lot of problems, and we get pretty creative, and we're pretty prepared. But

is this is something we cannot prepare against. And my fear

that I'm now working three jobs, that maybe I will have to take a fourth job, if the stream of tourists is even more restricted than it's been. Thank you.

MR. SKIDMORE: Thank you very much. Rudy Austin.

talked MR. RUDY AUSTIN: My name's Rudy Austin and, at the present time, I'm the President of the Civic Business. I think everybody in this community, the ones that I've

to, are just interested in this thing being fact. We think the buffered things are really extravagant, and I feel like I can speak to this with a little bit of experience. I do boat tours and bird tours and so forth, and I've been doing it for over 40 years. I'm not going to tell you how much over 40 years, but I've been doing it over 40 years. And I go to the bird nests and areas and I show people the birds. I take the bird counters and the amount of distance you all have put down here is ridiculous. I watched oystercatchers last year. Went with them 150 feet up. They never got excited. They never flew. They finished their nest. They fledged and left. I'm watching a pair this year that are nesting -- the same thing. A couple years ago on -- I've been watching these birds on Cape Lookout National

Seashore,

and Cape Hatteras. About three years ago, we had a situation over there with the beach cutting tool, and they left a sand spit of about 350 feet on the ocean side, and I was able to go up in the back as well as other boats. And on that sand spit, we had a group of terns, plovers, and so forth, that started nesting, and there was a high -- that was a lot of shells. They like that shelly bottom. The Park Service went in there and marked it off. Just simply marked it off. People walked on the ocean side and boats went back in the back side and went right by it, within 150 to 200 feet of the birds. They never got excited. They never flew away. I sat there day in and day out and

watched

them through my binoculars, while I was waiting for people to walk down the beach. People walked on the outside of

the

-- of the corridor that they had -- they had marked off,

and

as far as I know, every nest hatched and every bird left. And about ten days to two weeks after that, the whole place was over-washed. So, it did away with that particular habitat. What I'd like to see you do is not to restrict yourself. Be flexible in these buffers. Don't lock yourself in for ten years, you know. That's just, you know -- just be flexible. The Park Service has done an outstanding job regardless of what other people are saying, as far as I know on this island, in past years, marking off the nests, and so forth. They've really done a good job.

flexible.

And, just let the Park Service do their job and be

And we thank you.

MR. SKIDMORE: Thank you, Rudy. That concludes our list of speakers. As the process facilitator, I'd like to thank everybody and compliment you for the courtesy and manner in which you've conducted this Hearing. So, with that, I'll turn it over to Superintendent Murray.

SUPT. MURRAY: Thank you all very much for coming this morning, and the Hearing is hereby adjourned.

***** THE HEARING CONCLUDED AT 10:30 A.M.*****