

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

McKIMMON CONFERENCE & TRAINING CENTER
N.C. STATE UNIVERSITY CAMPUS
1101 GORMAN STREET
RALEIGH, NORTH CAROLINA

APRIL 28, 2010

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

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MR. FRANK SKIDMORE, FACILITATOR
MS. LORI FOX
MR. RUDI BYRON

COURT REPORTER - LINDA W. LITTLE

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COURT REPORTER'S NOTE: The public
the Draft Environmental Impact Statement/Off-Road Vehicle
Management Plan for Cape Hatteras National Seashore
at 6:00 p.m. at the McKimmon Conference & Training Center
North Carolina State University, Raleigh, North Carolina.
MR. FRANK SKIDMORE: Good evening, ladies and
gentlemen. We're going to begin here in a moment.

SUPERINTENDENT MICHAEL B. MURRAY: Good evening, my
name's Mike Murray. I'm the Superintendent of Cape
National Seashore. I want to welcome you tonight to this
public hearing on the Draft Off-Road Vehicle Management
Plan, and Environmental Impact Statement for the seashore.
I want to quickly review the project time line for
developing a plan and regulation. We're currently -- let
ask -- the people in the back of the room, can you hear me,
okay?
AUDIENCE: Yes.
SUPERINTENDENT MURRAY: All right, thank you.

in the public review period for the draft EIS. It ends on
May 11, 2010. This week we're conducting public hearings.
On Monday we were in Ocracoke, and Buxton, yesterday Kill
Devil Hills, obviously, tonight in Raleigh, and tomorrow
night we'll be in Hampton, Virginia.

Following the closure of the public comment period,
the National Park Service will review the comments, and
begin work on the Final Environmental Impact Statement,
which will include written responses to the comments. And
that internal work will be during the Spring and Summer of
2010. This Fall we'll publish the proposed regulation, and
then there'll be a 60-day public comment period on that.
Afterwards, the Park Service will review the comments, and
then begin preparing the final regulation. And if the
environment -- so, it's kind of two parallel processes
on. The Environmental Impact Statement for the ORV Plan,
and then the regulation that goes along with them. In the
Fall, we will also publish the Final Environmental Impact
Statement, and notice of availability. That's a Federal
Register notice that lets you, the public, know that the
final EIS is available and has been completed. Then there
be a Record of Decision, which is the Final Decision
Document, and that's scheduled to occur before December 31,
2010. And then the final regulation will be published
before April 1, 2011. That's the project time line. How
comment on the Draft Environmental Impact Statement, well,

you can do so here tonight, either orally or in writing. You can turn in comments to us, you can do it online, from now through May 11, at the website posted there. The website's also given in the newsletter you probably received

at the check-in-desk. The website, obviously, is (<http://parkplanning.nps.gov/caha>) c-a-h-a is the four letter acronym for Cape Hatteras. There's a place to comment if you go to that website, or you can submit written

comments by mail, or hand-delivered to me, the Superintendent, Cape Hatteras National Seashore, 1401 National Park Drive, Manteo, North Carolina. Electronic comments must be received by midnight on May 11, and again, please refer to the newsletter for how to submit comments. I'm now going to turn the meeting over to the facilitator for the hearing, Frank Skidmore, Frank.

MR. SKIDMORE: Thank you, and good evening. As shown up there -- I'll be going through the ground rules first. Can everyone hear me? As shown up there in the first bullet, the purpose of this hearing is to receive comments on the DEIS, and we stress DEIS; it means it's a draft. That means comments can be important; there're -- there're likely to be many good ideas out there, so we are very anxious to receive those ideas. My role as facilitator

is to facilitate a fair process that allows everyone who has

signed up to be heard and have their comments accurately recorded by the Court Reporter, and understood by the National Park Service, as well as everyone else. So, it's very important that we maintain mutual respect and courtesy,

so that comments can be understood and heard. Please remain

quiet as individuals are delivering their comments. Whether

you agree or disagree, please let all of the points of view come across accurately. Of course, we want to avoid any disruption. You must be signed up to speak, and it's our intention that each person that is signed up will speak once

tonight. That's to allow the maximum number of people to present their views. Please keep your comments on point, so

that they can be most effective and be understood and incorporated and responded to. Each speaker has been allotted three minutes for

the -- a maximum of three minutes for their comments. And to ensure that you understand, as your time is moving to the

three minute point, we have a system where the time keeper will hold up a yellow card with "There are 30 seconds remaining," when you've used -- in other words, 2 minutes

and 30 seconds, and then we'll hold up a red card when your 3-minute time period has elapsed. When you see the red card, please close out your comment, if you have not already done so. Yielding your time to someone else is not part of the procedure. I would ask speakers to address the Superintendent of the Park Service and refrain from addressing the audience or asking for audience participation, because, again, let's remember that what we're trying to do is get these comments down accurately for the Court Reporter to transcribe into writing, so they can be properly addressed. If someone addresses your point before you get there, you may decline to speak, or you may indicate, "I agree with this individual," or "these individuals, and I'd like my opinion to be recorded as theirs." That's all perfectly acceptable. The point is that a written comment is addressed in the same way as an oral comment tonight. If, for some reason you have it cut off, your 3 minutes have elapsed, and you still have points you wish to make, those points can be delivered, and they'll be received and addressed in the same way, as if they had been delivered orally. One obvious thing, please turn your cell phones to "Off," or to "Vibrate." We all forget to do that. And to allow things to move more quickly, I will be indicating more than one speaker at a time. I'll be indicating the next three or four speakers. We have three chairs up here reserved for individuals to allow them to queue. So, if you're back in the middle of a row, you won't have to spend our valuable time trying to make your way up here. So, what I would hope is when I indicate one individual as the next speaker, and the following people are next, if you are not going to be able to get up here quickly, please come on up and kind of position yourself so that you can move in quickly for the next comment. Again, I'd like to thank you for coming here and participating, and I know we'll get good ideas.

So, with that -- let's start the process. The first speaker, and please forgive me if I mispronounce any names, but this is Darges or Darges, that will be followed by Michael Gery, and Jim Lea. Oh, thank you. Please go right there to the microphone, right there, sir. And if you have a written comment, please bring it up here and lay it right here on the desk.

MR. JIM DARGES: Good evening, my name is Jim Darges. I am an NC State graduate with a degree in Zoology, so it's probably not surprising that I like birds, mammals, reptiles, and fish. The Draft EIS Proposals to me do not

appear at all to be in keeping with the spirit and the intended purpose of the Cape Hatteras National Seashore and recreation area. The enabling legislation foresaw a park that people could come to and engage in a variety of seashore activities. Because of the remoteness of the

park,

off-road vehicle use was necessary, and still remains so to this day. Specifically contained in some of these

proposals

are resource -- resource management plans that are overreaching, overprotective, and uneven. For example, predator control, vegetation management, vast bird buffers; these are not consistent or needed in a park where off-road vehicle use is needed to be able to access the entire park. Additionally, I think that the DEIS has underestimated the economic impact, not only to the local economy, but statewide, possibly even further up and down the eastern seaboard. In conclusion, I feel that wildlife and park visitors can coexist, but this draft does not seem to envision that. I strongly recommend that a position paper published by the Coalition for Beach Access be examined for alternatives that would allow us all to enjoy the park and allow the resources to be properly managed. Thank you.

MR. SKIDMORE: Thank you, Jim. Next is Michael Gery.

MR. MICHAEL GERY: Thank you. My name is Michael Gery. I live on Roanoke Island in Dare County, and you all need to know that there are plenty of people in Dare County who support and respect the thoroughness and even

handedness

of this entire process that you all are going through. I want to conclude my remarks from last night, which I mainly said that this plan should have been done 30 years ago, and really represents the 30 year's worth of damage that needs to be repaired at the park. So, during the next 10 to 15 years, you need to analyze whether or not to repair all

that

damage instead of maintaining the ecology as it is today. As it stands today, the National Park Service basically has saved paradise and put up a parking lot. Your own

visitors'

activities survey showed that 80 percent more respondents engaged in walking than driving on the beach. 55 percent more were there to enjoy solitude than were there to drive or do surf fishing. I support Alternative F. I believe that you should add more pedestrian areas instead of

keeping

the quiet kids in the playpen and letting the bullies run free, and then giving them only 25 percent of the beach to walk on without the intrusion of the vehicles. So, I respectfully suggest that you add a pedestrian only area just north of Ramp 43 and between Ramp 59 and Ramp 67 on Ocracoke. There's no explained reason why you need a new ramp and a new ORV area for two miles there, as well as the

Ocracoke Daze area should be open year round to pedestrians only. Otherwise, the most visited beach in Ocracoke does not allow pedestrians only. I believe that serious and responsible ORV drivers, and there are many of them, have long resented the joy riding cowboys that come down and drive wildly and raise hell on the beach. It's past time they are charged for the privileges of driving on the

beach.

Other National Seashores charge \$50.00 a week, or \$150.00 for a year. Consider it a parking fee. Anywhere else we'd pay about \$7.00 a day. Putting it in perspective, North Carolina charges \$15.00 one way to bring a vehicle to Ocracoke, and private businesses charge \$75.00 to carry a vehicle over to Cape Lookout National Seashore. The DEIS proposes that the Park Services allow commercial fishermen anywhere in the National Seashore, which is they've long

had

that privilege, and that needs to be protected. But if anyone can just show a recent receipt from a local fish house to be considered a commercial fisherman, that rule is open for widespread of use. You need to monitor, explain how you're going to monitor, and enforce the rule that protects the access for the commercial fishermen. Finally, the failure to come up with a plan 30 years ago has cost us a lot of money and heartache. So, I suggest that you, before implementing a plan, show it to a new panel of legal authorities, so that we don't find ourselves in court

again.

Thanks.

Lea,

MR. SKIDMORE: Thank you, Michael. Next is Jim

who'll be followed by Rusty Whiteheart, and Dick Heiser.

MR. JIM LEA: Good evening, Mr. Superintendent, my name is Jim Lea. I'm a Buxton home owner, and a professor at UNC Chapel Hill at the School of Medicine. I have to tell you that I find the DEIS ORV Management Plan to be deeply flawed, especially in its handling of bird and

turtle

ecology, description of risk to wildlife posed by ORV's pedestrians and pets; its dismissal of habitat management strategies for preserving both recreation and conservation, and its short-sighted treatment of the economic

consequences

-- the action alternatives for the residents of the outer banks and the entire State of North Carolina. On pages 281 and 284 the DEIS acknowledges that beach related tourism drives the economy of the area, but none of the action alternatives specifically provide for protecting that vital element of residence life. Acknowledging only the businesses on the islands may receive light to moderate damage, when beach closures force recreational visitors to take their money elsewhere. Nor, as one of our earlier speakers said, does the analysis address the economic

damage

to the rest of North Carolina. And the loss of revenue is generated by the state's third ranked producer of tourism related taxes. As tourism is directly diminished on the Bodie, Hatteras, and Ocracoke Islands, as it will be if the DEIS goes forward as written, the State's budgets for education, roads, and other mandates, will go to the chopping block, or everyone's taxes will go up, or both. And all North Carolinians would then be able to say to

their

neighbors on the Outer Banks, now, I really feel your pain. In addition, the documentation that justifies it

restricting

public access to the seashore's beaches reminds me of the best available science that for thousands of years kept our ancestors believing the world was flat. What's presented

of

scientific substance throughout is often scattered observations, seasoned with the observer's preferences instead of peer replicated, independent experimental

studies

that real science should be made of. Page 208 describes weather and tides as a significant risk factor for the plovers. "A strong thunderstorm was noted on the night before a Nest 2 on South Beach was discovered lost. However, the loss was characterized as unknown because it cannot be shown conclusively that weather was the cause. But on the next page we read, "The impact of accretion had been postulated to be greater on beaches with high human

use

because of the presence of pets and trash." The relationship between humans and predators is not characterized as unknown because it cannot be shown conclusive. Whatever happened to burden of proof? It's universally accepted grimace of science, business, and most other goal oriented, organized endeavors, but if you can't measure it, you can't manage it. The DEIS I'm

reading

today is woefully short of accreditable measurement and should not be a basis for any attempt at ORV and beach use management. I'm submitting more extensive comments in writing, but for now, thanks very much.

MR. SKIDMORE: Thank you Jim. Next is Rusty Whiteheart, who'll be followed by Dick Heiser, and Tom

Rose.

MR. RUSTY WHITEHEART: The first National Park I visited was Yellowstone National Park, America's first National Park. The north entrance to Yellowstone National Park was a stone gate. Engraved on that gate is, "For the Benefit and Enjoyment of the People." That's the vision of the National Park Service. The vision of Teddy Roosevelt, the principle of --

AUDIENCE: Can't hear.

MR. SKIDMORE: A little closer to the microphone.

MR. WHITEHEART: That's the principle the National

Park Service is founded on, and the vision of Teddy Roosevelt. In reviewing this document, I see on the very first page, "Approved access, increased population,

polarity in sport utility vehicles have resulted in a dramatic increase in the vehicle use on seashore beaches. There's been a decline in most beach nesting bird population on the seashore since the 1990's." This statement implies a cause and effect. Then on page 265 I read, "Although there -- there are some data from various sources about the number

of vehicles on the beach, none of the sources have the scope

or reliability to provide a robust estimate of vehicles on the beach." First you say there's a dramatic increase of vehicles on the beach, and then later on, you say you don't have enough information to even make an estimate on how

many vehicles are on the beach, much less actual accounts of how many users are on the beach. It goes on, on page 563 to say, "Unfortunately, the data on visitation, and especially broken down by different types of seashore visitors, are

not complete enough to provide reliable estimates of baseline visitation." So, not only do we not know how many vehicles are on the beach, we don't know where they're on the beach, and you also don't know why 2.1 million visitors are in the park. Yet, you can still say in the DEIS project that

small businesses will experience long-term negligible to moderate adverse impacts. It would be one thing if we were talking about a small park that was a single location. In this case, we're talking about a park that's 90 miles long, crosses two inlets and multiple villages. I bet a large percentage of those 2.1 million people never cross the Bonner Bridge. And a much, much -- very small percentage

of them ever actually make it to Hatteras, or Ocracoke, or the beaches in those areas. The preferred alternative is not substantially different from the current Consent Decree. Yet, you do not have baseline data on visitation before the Consent Decree. There's no way for the National Park Service to do a realistic economic analysis of the impacts and the implementation of preferred alternatives. And that's an extreme disservice to the people of Hatteras and Ocracoke Island. From the document, we know that shorebird species has declined from 1996 to 2003. And you know it suggests that ORV use is the cause, but what happened

during that time period? You have tropical storm Fran, Bertha, Bonnie, Floyd, Isabelle, and then the US DEIS document that was used in the science behind this states, "Accordingly, the tides or weather may alter habitat enough to render it unsuitable for nesting. This may lead to territory

abandonment among breeds." In summary, I'm opposed to
Alternative F; I think we can do more adaptive management
to
allow access to key areas where visitors will be. Thank
you.

MR. SKIDMORE: Thank you, Rusty. Dick Heiser will
be next, followed by Tom Rose, then I have a card that
says,
Dr. Greysolynne, J. F. Hyman, I don't know if that's two
names or one?

MS. GREYSOLYNNE HYMAN: One.

MR. SKIDMORE: One, okay.

MR. GREYSOLYNNE HYMAN: Just long.

MR. DICK HEISER: How you doing, Mike? Okay, I'm
going to basically be brief, and you won't need that 30
second sign. Basically, I support the OBPA, the NCBBA, and
the Coalition for Beach Access, their stand regards DEIS.
The DEIS, as far as I can tell after reading is flawed. It
does not address the economics, which we have heard. It
does not address other areas, and some of the -- excuse me,
some areas, it does seem to over address. So, I look at it
as a slanted view of items. And I will address those items
in writing to you this coming week.

MR. SKIDMORE: Thank you, Dick. Next is Tom Rose.

MR. TOM ROSE: Thank you for allowing me to speak.
My name is Tom Rose, and I'm a native North Carolinian.

For

over 60 years, I've had the privilege of visiting the
Hatteras Seashore, Nags Head areas. Then my father, my
grandfather retired at Hatteras, fishing, swimming, diving,
enjoying the wildlife, and worrying in my later years, now,
about the wildlife. In college, I studied something that
was very interesting. I learned that in North Carolina we
had islands of white pines. And in short term, our folks
would go out, climb up the loblolly pines, look for islands
of white pines and go cut them down for ships' masts. We
don't have those white pines anymore. There's a lot of

wild

stuff that is lost now. So, I'm for maximum protection of
those. I guess, I've changed over the years. I was
probably one of those cowboys driving on the beach, many,
many years ago -- 40 years and 50 years ago, actually. And
now, I would like to see it all protected, because I've
learned my lesson. I've seen the wild things disappear.
I've seen Hatteras change, and I no longer feel very
comfortable with exploiting those resources. And I would
urge you to take the maximum protection for those

resources.

I will submit additional comments through email. Thank
you.

MR. SKIDMORE: Thank you, Tom. Next is Dr. Hyman.

DR. GEYSOLYNNE HYMAN: Thank you for getting my
name

correct. That's not an easy thing to do. I'm a home owner

on Hatteras Island, and I'm here this evening to be a voice for the voiceless. For the leatherback sea turtles, for the loggerhead sea turtles, the green sea turtles, the piping plovers, the American oystercatchers, and even those lowly arthropods, the ghost crabs. I am also here as a voice for our children and grandchildren, and their children and grandchildren. Let us not deprive them of the excitement of seeing a boil of baby sea turtles that have just hatched, and are headed out to sea, or a spotting of fluffy young plover. Let us teach by example. Let us teach the value of sharing by sharing our beaches with wildlife. Surely, we can spare a few limited areas. And for limited amounts of time, so that the nest of young and endangered and threatened creatures will be safe from harm. Recently, when the Park Service did restrict access to areas where turtles and plovers were nesting, the numbers of successful hatchings and fledgings doubled. By our example, we can teach our own young respect and reverence for life by letting them share the joy of all life on earth.

Therefore,

I endorse Alternative D for the protection of this all inspiring, but delicate environment, as proposed by the National Park Service. Thank you.

MR. SKIDMORE: Thank you very much. The next speaker is Robert Hyman, followed by Buster Towell, and Donna Bullock.

MR. ROBERT HYMAN: I'm kind of short, so I'd better adjust this microphone.

MR. SKIDMORE: Please do.

MR. ROBERT HYMAN: Thank you. Good evening. I would like to address you today as a property owner on Hatteras Island. I purchased my house seven years ago,

with

a view to retirement after many years of purchasing weekly rentals, because my family and I love the Outer Banks. I rented this property to vacationers until last September, a few months after I retired. I must tell you that I saw absolutely no difference in my rental volume because of stricter beach driving regulations. And I can show that on the books. What I have seen is that the vast majority of vacationers at the Outer Banks are families who have come here for the simple pleasures of the National Seashore. They have come to enjoy the waves, walk along the beach, enjoy the scenery and the wildlife, and play in the sand,

as

do I and my family. I have seen a marked increase of sea turtles and shorebirds during the period of stricter beach driving regulations. My family and I have enjoyed volunteering to help watch of sea turtle nests, and have helped to rescue distressed sea turtles. In fact, one of

the volunteer activities was my son's at Enloe High School. Before he went off to Carolina to go to college, he, in fact, sat on some nests, and we sat there with him. I have come to plead with you to preserve the National Seashore as a National Seashore, as a place where I am glad to spend much of my retirement, in a place where natural wonders attract so many tourists that it has become a world destination. Therefore, I endorse Alternative D, as recommended by the National Park Service, for the

protection

of this wonderful, yet fragile environment.

MR. SKIDMORE: Thank you, Robert. Next is Buster Towell, followed by Donna Bullock, and John Yates.

MR. BUSTER TOWELL: Thank you. My name is Buster Towell; I'm 59 years old. I am a surf fisherman, and I am employed, and have been for 20 years, in the North Carolina Division of Water Quality as an Environmental Senior Specialist. I've told you I'm a surf fisherman, and, by God, that is my passion in life. I love the Outer Banks like everybody in this room. And what has been discussed

by

several speakers tonight is the environmental implications that this may have. I'm very concerned about that. I have friends who retired from State Government who live in Avon and on Ocracoke. I'm concerned that, excuse me, -- like a kid who gets his hand slapped too many times reaching in

the

cookie jar, at some point in time, that kid's going to

learn

his lesson, and he's not going to do that anymore. People who go and spend their money to help the tax dollars, which actually, I would assume, help the Park Service, are going to quit going there if certain -- I'm not going to say rights because there are no rights -- but privileges are taken away. With that said, we're going through a census now; we're finishing up a census, and I see that the time lines will jive up with this completing a census, and going and checking to see how many people actually live or are permanent,

full-time residents on the banks, how many people really do visit this facility every year. It would seem to me that less people going across the bridge and coming across the two ferries would mean less people visiting your park. Which has got to be -- some big accountant, somewhere in Washington has got to be saying, "Wait a minute, you're not serving this public, you know, we're going to cut your funding." So, you could shoot yourself in the foot, so to speak. So, I would really appreciate a closer look at the economic aspect of this. Thank you.

MR. SKIDMORE: Thank you, Buster. Next is Donna Bullock, followed by John Yates, and Jack Shea.

MS. DONNA BULLOCK: Good evening. My name is Donna Bullock. Thanks.

COURT REPORTER NOTE: Microphone is adjusted.

MS. BULLOCK: I am a property owner on Hatteras Island, Hatteras village. And I would like to say that I

do

agree with speaker number one. He had some very well

spoken

comments. And also the DEIS, I totally disagree with the economic impact of this area. I have seen a large drop in visitors, and business in this area. I personally know a lot of the business owners in this area. And I think to close off the beaches to ORV's would be really detrimental to their way of life. And just because I have a four by four, does not mean I'm a wild cowboy, because I am not. And we think that we should have the right to access the areas that

my

are -- there're not accessible, you know, by foot. Also,

family enjoys it, and we have two children and several grandchildren, and it's a lot easier to throw them in the truck and go with our fishing rods and toys, and have a

nice

spot on the beach. So, I would suggest and beg you to re-evaluate the economics and the fairness of closing these beaches. Thank you.

MR. SKIDMORE: Thank you, Donna. Next, is John Yates, followed by Jack Shea, and David Joyner.

MR. JOHN YATES: Good evening. Good evening Mr. Murray, thank you for allowing me to speak. I've been

a

resident of North Carolina since 1965. And since 1965, I have used the Outer Banks of North Carolina. I have been a steward of the beaches, I've been a steward of the

wildlife.

I have protected birds; if I saw a bird in jeopardy, I've taken my time to stop what I was doing to rescue that bird, or to rescue that -- I've never driven over a turtle nest, never left trash on the beach. I've always picked up the trash of others. That being said, my kids grew up on Hatteras Island. I carried them back and forth. I lived

in

eastern North Carolina for years. Now, I want my grandkids to be able to visit that island. The last few years since the Consent Decree, it has been heart breaking to go across Oregon Inlet Bridge and see nobody at Oregon Inlet on the spit, no families. Used to, that was families with little children enjoying the beach. Now, there's nobody there in the summer. That's -- that's heart breaking. I go to the seashore now, probably, 10, 8 to 10, 15 times a year, okay. And I've had open heart surgery, so I can't walk to the beach. I can't walk for miles, and I'm not -- I'm 65 years old. I was in the court the day that Judge Boyle ruled, made the ruling that he did to force you people to change from the management plan that you already had worked on

hard

to establish; the plan which you had worked hard to

establish, which is Alternative A, was a workable plan. That plan helped the environment and it allowed for continued use of the beach. What we've seen since that court ruling, though, has been closing of the beaches, not sharing of the beaches. What we've seen is if a bird nest sets up at Ramp 43, and another one sets up at Ramp 45 or 55, we shut down the whole beach. The area from Salvo all the way to Hatteras village, it's shut down basically, in the summer. That's miles -- that's miles and miles of beach, and yet, when you go back to look at the map, those areas are shut down for two to three birds, or two to three nests. Yes, there's an area to share. I've never seen a puffer plover pay taxes. I'm a tax-paying American

citizen.

The constitution guarantees me the right to use those beaches. I think there's an alternative here for all of us to share the beaches and to be able to have access. Thank you very much.

MR. SKIDMORE: Thank you, John. Next is Jack Shea, who'll be followed by David Joyner, and Judy Latham.

MR. JACK SHEA: Good evening, Superintendent. My name is Jack Shea. I'm a Dare County Commissioner. There are many aspects of the DEIS that I find objectionable. However, tonight I would like to focus your attention on

the

extreme buffers given to piping plover unfledged chicks as outlined on pages 121 to 124 of the DEIS. Alternative F requires a minimum -- 1000 meter buffer in all directions. This represents a linear distance of 2000 meters, or 6500 and 61 feet, or expressed in miles, is 1.24 miles. This gigantic buffer is equivalent to the following; 40 olympic size swimming pools; 18 professional football fields, 6 nemesis class aircraft carriers. What if these extreme closures were imposed on our decision makers of Washington DC, instead of the people of Cape Hatteras National

Seashore

Recreational area. For example, a nest of unfledged piping plover chicks in the middle of the National Mall,

surrounded

by the Smithsonian buildings would shut down the entire area. The closure would extend all the way from the Grant Memorial on the west lawn of the US Capital, all the way to the Washington Monument. Furthermore, anyone standing in the middle of Pennsylvania Avenue, in front of the White House, is closer to the oval office than a family can get

to

a piping plover nest while on the beaches of Cape Hatteras National Seashore Recreational area. Here we see that non-endangered bird get's a larger protector buffer than the President of the United States. These comparisons to geography in Washington DC are important because the National Park Service and the Department of the Interior need to understand precisely what would happen if these regulations were imposed in their recreational area, in

recovering
would

their backyard. More consistent with the species plan would be a protective buffer of 200 meters. This still provide a quarantine area of one-quarter mile, or 8 olympic size swimming pools. The purpose of protective buffers is to facilitate recovery of species. This can be accomplished with 200 meter buffers, that have proven to be effective elsewhere, including other federal lands. The bottom line, there is no justification for 1000 meter buffers in the DEIS. This should be changed in Alternative F, in favor of more practical and effective 200 meter buffers. Thank you for considering my comments.

Scott

MR. SKIDMORE: Thank you, very much, sir. Next is David Joyner, who will be followed by Judy Latham, and King.

of

MR. DAVID JOYNER: Good evening. My name is David Joyner. I'm Vice-President of the North Carolina Beach Buggy Association. I've been coming to the Cape Hatteras National Seashore recreational area with my family since 1960. After years of standing on concrete, going up and down chimneys, my knees are weak, and I can no longer walk great distances. Cape Hatteras National Seashore Recreational area belongs to all citizens, of this United States. It is not just for the young and fit, but for everyone, including those with limited mobility. For every mile of beach set aside for permanent resource closures and pedestrian only areas, you are denying access to hundreds

people with disabilities. Not just folks like me, but the young men and women who are fighting our wars, and coming home with missing limbs. Those with disabilities cannot make it though the soft sand between parking lots and the ocean. Families with small children cannot carry everything a family needs for a day at the beach on their backs. Including vehicle corridors through seasonal resource closures to allow access to open areas that would otherwise be inaccessible because everyone could not walk to them. We need our vehicles to access areas for recreation, and the vehicle needs to stay with us on the beach in the event of a medical emergency, or of a sudden storm. A special use permit to allow a handicapped person to be transported to the beach, and then the vehicle having to be moved, is unacceptable. When you write this final driving plan for the park, please remember it is about access; not denial to a treasure known as the Cape Hatteras Seashore Recreational area. Please do not keep me and others from having the joy of being by the ocean. Thank you.

King.

MR. SKIDMORE: Thank you very much. Next is Judy Latham, who will be followed by Scott King, and Vickie

MS. JUDY LATHAM: I'm Judy Latham, an ordinary

private citizen, a widow of modest means, and I live here
 in Wake County. My one acre organic garden is backyard
 wildlife habitat number 27392. I maintain five bird
 feeders, two fountains and a bird bath. I am also a very
 poor, but enthusiastic, surf fisher-woman. I'm not strong
 enough to cast very far, but that doesn't mean I don't
 enjoying trying just as much as anybody else. I've loved
 the Outer Banks since my first visit in 1970. My husband
 proposed to me in the shadow of the Ocracoke Light House.
 And we watched the first sunrise of the new millennium from
 the beach in Buxton. When he died suddenly, it was there I
 fled to for my first Christmas without him. I can't afford
 to buy an ocean front cottage; I can't even afford to rent
 one without sharing. But I can afford to own a four-wheel
 drive vehicle, which has transported me and my bad foot out
 to paradise from time to time. My fear with any of the

DEIS

alternatives is that those opportunities will diminish, or
 disappear entirely. I cannot support any one of the six.
 It is my belief the buffers, even in Alternative F, are
 excessive and have no scientific basis. The economic data
 is vague and geographically irrelevant. Also, in my
 opinion, TCP consideration has gotten short shift. The
 scenario I see playing out is that extensive closures will
 pressure some service businesses to fail, so that when the
 beaches do occasionally open for visitors, the remaining
 services will be inadequate and/or priced for the wealthy
 only, and that leaves me out. During the current global
 financial crises, American citizens need National Parks for
 low cost recreation more than ever. I am bitterly
 disappointed that my government has defended itself and me
 so passively. The only upside, I suppose, some would say

is

that there's full employment among environmental lawyers.

I

submit that I am the truly threatened species at Cape
 Hatteras, not the plovers. I strongly urge a compromise
 plan for the Proaxis Coalition Position Statement. And

I'll

make additional specific comments electronically. Thank
 you.

MR. SKIDMORE: Thank you, very much. Next is Scott
 King, followed by Vickie King, and then Jeffery Carroll.

MR. SCOTT KING: My name is Scott King. I live in
 Durham, North Carolina. I present these comments on the
 DEIS Cape Hatteras National Seashore conclusion in the
 public record. I disagree with Alternative F proposal to
 place a 1000 meter in all direction buffer zone about an
 unplaced piping plover chick group. This large of an area
 is unprecedented and is inconsistent with other national
 seashores. There is no peer reviewed scientific study to
 substantiate the need for such a large buffer at the Cape
 Hatteras National Seashore. A 200-meter buffer zone that

moves with the chick group is more appropriate. Furthermore, I do not support any of the draft alternatives offered by the National Park Service. I do support the Coalition for Beach Access's ORV and Management Environmental Impact position statement as a reasonable alternative. Thank you for consideration of my comments.

next,

MR. SKIDMORE: Thank you, sir. Vickie King is

followed by Jeffery Carroll and Stuart McRae.

MS. VICKIE KING: Good evening. My name is Vickie King. I live in Durham, North Carolina. For the record, I do not support any of the alternatives offered by the National Park Service. Humans and birds have successfully coexisted on this seashore for many years with minimal intervention. With more rational and/or scientific approaches, I believe there is a better way to manage wildlife and ORV access. I fully support the Coalition for Beach Access's ORV Management Environmental Impact position statement. I will also make further comments via the appropriate channels. Thank you for this opportunity.

Jeffery

MR. SKIDMORE: Thank you very much. Next is

Carroll, who will be followed by Stuart McRae, and Chris Canfield.

MR. JEFFERY CARROLL: I would like to decline my time, but I do agree with several of the people that have spoken. Thank you.

MR. SKIDMORE: Stuart McRae, and he'll be followed by Chris Canfield.

that

concerns

MR. STUART MCRAE: Hello, Mr. Superintendent. I'm Stuart McRae. I live in Cary, North Carolina, and I've lived in North Carolina for most of my life. I was born here, I'm a nature lover, and a very bad fisherman. I have visited Cape Hatteras National Seashore for over 25 years for family vacations, fishing and just for the solitude

Service

at

the

much

the environment provides there. I have a number of concerns with the recommended ORV management plan. Stricter protection needs to be in line for the potential species benefit. I believe protection and use must be balanced and the current recommendation is out of balance. North Carolina is on the southern end of the plover nesting area and since 1992, according to US Fishing and Wildlife

data, North Carolina has accounted for only an average of 3.3 of the east coast breeding pairs. The breeding pairs

Cape Hatteras have only averaged .6 of the total east coast population -- .6 -- so, physically, nothing we do here is going to have a major impact on the plover population on

east coast. I believe our conservation tax dollars are

shows better spent in other areas for conservation. No data

that stricter ORV and pedestrian closures will have a significant impact on the plovers' breeding or turtle nesting. The plover nesting population declined significantly during '97 to 2001. This decline matched, almost directly, with a dramatic increase in Dare County Building permits. The US Fishing and Wildlife Service documents show the human population increase has a very negative effect on plover nesting. If you look at the curves for that data, they match exactly. So, what has happened? The population stayed relative constant until 2007, when it started increasing again. That matched up exactly with the dramatic increase of predator control in Cape Hatteras National Seashores. On an average, before 2006, there was an average of 50 predators per year got exterminated. In 2007 there was a significant increase of 304, 382 in 2008, and 464 in 2009. This seems to me has a much better impact on the plover breeding, than any ORV track. The park visitation in the '92 to 2010 time frame has stayed relatively constant; there is no data that suggested ORV use has increased or decreased in that time frame. So, there's no data there. The current Consent Decree has not shown any results, and it's not shown -- no statistically significant results. The nesting was up 30 percent year to year in 2008, and it was down 30 percent year to year, I'm sorry. Up 30 percent in 2008. Down 30 percent year to year in 2009. That's a wash in my mind. The areas -- specific areas that I will provide more comments on are of the need for pass-throughs for pedestrians and ORVs for closure areas, limit any closures to May 15 to September 15; that is sufficient around the turtle breeding or nesting, and not to limit night access from 7:00 A.M. to 7:00 P.M. The current till 10:00 P.M.

and

24 hours with a permit after that, as is the current, is enough protection and is more in line with the protection

on

other beaches of North Carolina. Thank you very much.

MR. SKIDMORE: Thank you, Stuart. Next is Chris Canfield, who will be followed by Mike Berry, and Nancy Johnson.

MR CHRIS CANFIELD: I'm Chris Canfield, and I'm the Director of Audubon North Carolina. And I'm proud to represent the more than 10,000 members and nine chapters that we have across the state, who have deep commitment to conservation of natural resources in local communities of North Carolina. We've had some voices heard tonight

willing

to stand up for natural resources, and I appreciate them. But I, also, want to speak about some of the voices you won't hear in these hearings. They are people who care deeply about how our natural treasures like Cape Hatteras are managed. But there are people, who, because of the air

of intimidation and the range of misinformation created by some segments of the local Outer Banks population, are fearful of speaking out. I can't blame them. My staff and I have been subject to unspeakable slurs and threats to our safety, as have park staff. So have others who tried to speak out for responsible natural resource protection. It is part of our job, sadly, but it is probably asking too much of a volunteer to face that kind of intimidation. So, I do hope you will listen to these quieter voices, through written or web comments. And, like your leaders know, these public hearing comments are but a selective slice of views. Among those other views are certainly people who don't believe vehicles should be on the beach at all. That has not, nor has it ever been Audubon's position. But I do get criticism from constituents, who are appalled we support the kinds of vehicle uses we do, and we do support multiple uses on the beach. I also know that the issues of insiders versus outsiders having say in how the parks are managed has been with the Park Service since its inception. >From my view, there is no such thing as an outsider when speaking of the way land's put into the National Trust for all to enjoy are managed. So, please, weigh all comments you receive with that in mind. And, similarly, I know that this has been portrayed at times as pitting fisherman and women against bird lovers. That does not have to be the model that we face. Audubon has a long history of managing on the southern coast sanctuaries for birds and turtles that, also, do allow for various kinds of recreation. And a case in point is an email I received today from someone I don't even know. But the woman is a fisher woman and said the following, "Hi, I like to fish on one of the islands we manage and notice that the birds have already began to lay their eggs on the north end of the island. You have to really be careful and watch out for them when you walk. I know those areas get roped off usually when the birds began laying eggs. Just wanted to let ya'll know. The area gets a lot of traffic now that the warmer weather is here." We thanked her for her email and her concern, and we let her know that indeed our staff had roped off that area. We believe that once responsible plans are put in place, that kind of mutually respectful and cooperative relationship with all users of the seashore can come into being, and we do look forward to that day. Thank you.

MR. SKIDMORE: Thank you, Chris. Next, is Mike Berry, followed by Nancy Johnson, and Bernie McCants.

MR. MIKE BERRY: Good evening. My name is Mike Berry. I'm a resident of Chapel Hill, North Carolina. I am a retired manager and a scientist of US CPA. I served on the faculty at the University of North Carolina, taught at Duke University, teaching environmental management science and policy for over 20 years. I want to say right now that I agree in totality with Professor Jim Lea, speaker number three's, comments with regards to science. I'll say more about that later. Mike, I want to address Alternative F, the comments, particularly to your preferred strategy. As I read Alternative F from a policy point of view, it reads not primarily as an ORV management plan, but more like an access -- a public access restriction plan. As I read it, it looks as if we're using a 35-year-old Executive Order to change public policy. To convert and transform Cape Hatteras National Seashore Recreational area into a national bird and turtle use area. That's how it comes across as I read it, professional point of view. I don't know if that's the intention or not, but nowhere in the enabling legislation of a park that was set aside 70 years ago for the enjoyment of American -- hard working American citizens, is there any indication that the legislation permits or intends that pedestrians and vehicle access be denied for a major part of the year, especially the vacation season, when people want to take their families out there. When I read Alternative F, I find that it strengthens and codifies the denial of access provisions in the Consent Decree, which were imposed on us on April 30, 2008, without public review and public input. Of the majority of regulatory negotiation committee stake holders, 19 out of 24 did not in any way recommend a transfer of those restricting provisions into any final OR plan. Somehow, in the DEIS it says that -- that the REG-NEG recommended that. It was surely not the recommendation of hundreds of citizens who -- who looked -- who made comments throughout that process. Nowhere in the DAIS does it mention that the amount of time that these areas will be closed under Alternative F. You gave good indication of that in your testimony with Judge Boyle, a couple of weeks back. For example, 130 days lost at Cape Point, 80 days at South Point. I'll conclude my remarks; I ask you to pay very close attention to the 15 comments that I put in my recent summary, especially comments 14 and 15, that have to do with science and conflict of interest.

MR. SKIDMORE: Thank you, sir. Next up, Nancy Johnson, followed by Bernie McCants, and Chris Nowak.

MS. NANCY JOHNSON: Hi, my name is Nancy Johnson. I'm a resident of North Carolina and a property owner on Hatteras Island. I oppose the DEIS Alternative F on all accounts, and support the position statement of the Coalition for Beach Access. The impact of the unrealistic buffers and beach closures effects Cape Hatteras in a

myriad
to

of ways. The one close to my heart is the loss of access disabled people. The Cape Hatteras National Seashore was created with a series of ramps to allow four-wheel drive access to the beach, while preserving the dune line. As a result, there are few parking spaces. For over two million visitors, Dare County reports 149 spaces, 25 of these are handicap, of those 25, 10 are at Coquine Beach, which is

not

even on Hatteras Island. Of the 15 on Hatteras Island, I challenge you to show me one that has wheel chair access. My elderly parents fall into this category. They are also property owners in Avon, and I'm speaking for them, too.

My

father is an amputee and has trouble negotiating hard

packed

sand, let alone the soft dune sand. The only way for them to fish and enjoy the beach they love is by four-wheel drive. Without this beach -- without this, the beaches are 100 percent off limits to them. My family and I have visited and owned property on Hatteras Island for over 35 years. We have always been good stewards of the seashore. On more than one occasion, it's been us calling the Park Service to tell them where there were unmarked nests. By adopting Alternative F, you will effectively disenfranchise a large segment of the population. I am asking you to consider the human lives here, not just the animal lives. We have coexisted for many years so far, and we can

continue

to do so. Thank you.

Bernie

MR. SKIDMORE: Thank you very much. Next, is

McCants, who will be followed by Chris Nowak, and William Berryhill.

I'm

MR. BERNIE MCCANTS: My name is Bernie McCants.

from Raleigh, North Carolina. I am a North Carolinian, and I climbed Hatteras Lighthouse the first time in 1961. I'm

a

responsible pedestrian and OR angler, shell picker, bird watcher of Cape Hatteras --

MR. SKIDMORE: Sir, could you adjust the microphone up a little bit better.

MR. MCCANTS: Excuse me, can you hear me now?

MR. SKIDMORE: Okay.

MR. MCCANTS: I spend three or four weeks each year on the seashore from Oregon Inlet to Ocracoke Inlet. The

Organic Act is also used as justification of restricting human usage within the parks as it pertains to conserving the scenery, the natural and historic objects, and the wildlife herein. However, also contained in that Organic Act is the following: "To provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The Consent Decree, as in the National Park Service preferred Alternative F, will leave the seashore impaired for me, my son, future generations of McCants, and lifeline of

visitors

for the fundamental purpose for which the seashore was created, which was recreation. Unfortunately, other than the provisions dealing with vehicle characteristics, and visitor education, I find that the recommendations in the alternatives, especially, in Alternative F, subjugate

public

recreational opportunities at the seashore to overly restrictive measures reported to protect certain species. With over 36 years involved in clinical research, the data provided by National Park Service and other sources are clear that predation and weather events are the primary determinants in the survival of the birds and turtles, but, most importantly, their offspring. Ever expanding closures have not, and they are not likely to change this. Thereby, Cape Lookout National Seashore has less draconian access restrictions and

flexible

adaptive management policies in place. The results have been equal, with better fledgling rates and turtle merges, while keeping much more the beach and sound unimpaired from visiting public. In short, I support the majority of the recommendations that have been provided by the Coalition of Beach Access, including vegetation management removal at

the

spits in Cape Point and proof habitat plovers and Colonial nesting birds; remove from the public use adjacent to the beaches, and for better evidence of space management of the turtle nesting sites. I do fully support expanding

closures

during hatching and fledgling periods when wildlife is at real increased risk from negative human -- their actions. Given the time constraints, I will provide specific

comments

in writing. That's all my time; I thank you for yours.

MR. SKIDMORE: Thank you, Bernie. Next, is Chris Nowak, followed by William Berryhill, and Alan Burrus. If at any time you can't hear back there, and it's important everyone hear, please, raise your hand and I'll try to adjust the microphone up here.

Nowak

MR. CHRIS NOWAK: Thank you. My name is Chris

and I'm here to voice my opposition to the draft, the DEIS as it exists today. I strongly disagree with the current

state of the resource management of Cape Hatteras National Seashore Recreation area based on the Consent Decree. It seems to me as I read this 800-plus page document, the options are given only built upon that faulty foundation. Initially, it is important for all to know that the DEIS is clearly not just an Off-Road Vehicle Plan, as is so often reported. It is an access plan; it is important for any beachgoer. I have but three main points I would like to touch on in my very limited time. Point number one, where is the human balance? The buffers, the closures, as we talked about tonight, are huge and unwarranted. For example, an un-endangered piping plover nest causes a 1000-meter closure in all directions. This is over 700 acres

for

a single nest. More successful the birds, the more area is allocated completely to them. What happens if this is actually successful? The human beach user needs also to be considered in this process. Should a single nest shut down an entire beach for everyone? The science doesn't directly support the need. Furthermore, on these closures the options seem to define that they will fail. Why else would such large enclosures be created, and then further measures also be taken. For example, page 136 defines no pets, even leashed, are allowed in any public areas -- the beaches, camp grounds, sound front, foot trails, or any park maintained roads -- at least March 15 through July 31. Point number two, of the six plans outlined, which one is advantageous for fishermen, surfers, and other beach users? It is clearly identified which is the environmental plan, Option D. And, also, the PNPS prefers Option F, but one major important option is missing; that is the one for the people who want to access their beach. Sadly, I did not find it in these 3 -- 800 pages. Point three, most of the options defined take evermore extreme measures to protect birds and turtles from humans. But the NPS reports, however, humans are consistently at the bottom of the list of problems for these animals. Predators and storms are

the

primary issues. Why is there no focus on updated predator control. There is only a cursory mentioned on page 124. The existing policies maybe reviewed in the future. To

look

at an example, an American oystercatcher nest failure statistics from the National Park Service indicate a

million

predation causes 50 percent, or 54 percent, of nest failures; storms and Lunar Tides, 29 percent; nest abandonment, 6 percent; avian predation, 5 percent; ghost crab predation, 3 percent. Finally, human interference, 3 percent total nest failures. Shouldn't the focus be on the 97 percent, and not the 3 percent. In summation, I encourage the creators of this documentation to take

another

look at the present situation and better fulfill the stated

mission. That is to balance the conservation of the resource with providing the recreational uses for which the park was created.

MR. SKIDMORE: Thank you very much. The next speaker is William Berryhill, followed by Alan Burrus, and Warren Judge.

MR. BERRYHILL: Mr. Superintendent, it's my pleasure to be here tonight. I'm a Raleigh native. Until recently, I was the Chief US Marshall for the Eastern District of North Carolina, which covered 44 counties, including Dare. And during that time, I spent over 40 years as a surf fisherman on the Outer Banks. So, I've been in law enforcement and a surf fisherman. And let me just say that I've observed that there are very few rangers that I see on the beaches enforcing existing Park Services regulations. We do see them, we just don't see them often enough, or in enough quantity to do the job of protecting the resource.

I would urge that, rather than a huge new DEIS, that we go back to hiring more rangers to enforce existing laws, to protect not only the ecology, but the fisherman and the public in general. I shall be submitting additional comments to you before May 11, but I did want to offer that observation as a former law enforcement officer. Thank

you, sir.

MR. SKIDMORE: Thank you, sir. Alan Burrus is followed by Warren Judge, and Jeff Hales.

MR. ALAN BURRUS: Good afternoon. How is everybody;

I hope they're doing well. Under the Endangered Species Act, all endangered species must be protected, however, there is no requirement in the ESA to give non-endangered species the same level of protection. I believe the National Park Service should re-evaluate its position in giving birds that are designated only as a North Carolina species of concern, the same protection as those truly endangered. This re-evaluation throughout all portions of DEIS is consistent with management practices in other Federal parks. The purpose of individual states, such as North Carolina, establishing a list of species of concern, is to earmark certain species for special statement monitoring and tracking. The management buffers described in DEIS page 121 to 127, should be modified to allow pre-nest enclosures for only endangered or threatened species. This would result in establishing pre-nest enclosures exclusively for the piping plovers, the only threatened bird species that is in the park. Additionally, monitoring and tracking birds for the purpose of determining resource of liability, all birds in the same ecosystem of the seashore should be counted. When conducting a sea -- when conducting a bird census of the

National Seashore Recreational area, it is imperative to count the birds on the nearby dredge islands, the spoil islands, that are located just yards away and within site of the seashore. These birds are all part of the same ecosystem and should be included. I, of course, believe that people and nature can live in harmony. But one of the concerns is on Hatteras Inlet, and what you're looking at on page 12, of the Alternative F, when you look at that and realize that -- that what you're trying to do is admirable. but if you're going to close long spread places for Colonial waterbirds and birds of interest for the North Carolina State, you still aren't going to be able to get there, even though you're proposing to put an area in there for parking and walking and doing those type of things. I think they should be protected; I don't have any problem with that, and I know, by mandate, you are supposed to protect them. But that not at the same rate that you're protecting other birds are endangered. Also, I have spoken before and will continue to speak for the fact that the dredging operations that are going on for the Ocracoke Inlet Ferry should -- that sand should be being pumped up on the eastern side; it would not only give protection to the shoreside, but it would allow the birds to have more dredge islands in which - which they prefer, and it gives them a lot more protection. Not only from us, as people that you're looking at, but for the main ground that they can colonize and be protected from the sea gull, which is their main predator. Thank you. And you guys have a good afternoon.

MR. SKIDMORE: Thank you, Alan. Warren Judge.

MR. WARREN JUDGE: Good evening, Mr. Superintendent,

I'm Warren Judge. I'm Chairman of the Dare County Board of Commissioners, representing over 30,000 people who live in Dare County, and over six million people who visit Dare County every year. Mr. Superintendent, you and the local men and women of the National Park Services should not bear the burdens of the past 30 years. The people who constantly speak to this point are not aware that three plans have been developed. Two of them -- all three of them by local Park Service and the people of Dare County, and those that had input. Two of them have sat and collected dust in the desk of Washington DC. The third plan was in effect and doing well, until its life was cut short by a Consent Decree in April of 2008. National Park statistics show that the 2007 management plan has had greater results than the Consent

Decree. And this is a plan that has United States Fishing and Wildlife sign off and input, replaced by a plan that

has
whims
interest
the

no signs and only numbers pulled out of the air by the
of special interest groups. Again, denying special
groups talk and sound bites, characterizing the whole of
users of the Cape Hatteras National Seashore by the acts of
a few. I hear the word bullies; the only bullies we're
aware of are those that want all people denied access and
removed from the island. And I hear the word "cowboys."
Mr. Superintendent, arrest any cowboys you find. We do not
tolerate that. The Dare County Sheriff's Department

arrests
the

drunk drivers, reckless drivers and speeders. We expect
same thing from the National Park Service. We support you
in that, and we stand ready to assist you, if asked. I
would like to join with President Obama in his call for the
young people in this country to get out of the house and to
experience the National Parks and Seashores. Please, let's
make sure that our young people who get out of the house
will be able to access The Cape Hatteras National Seashore.
We want to preserve this treasure for generations to come.
We need to make sure they can access the treasure. There
are a very limited number of public accesses in the
seashore, many miles apart, and just over 700 parking
spaces. A vacationer who owns, can afford to own, or can
afford to rent an ocean front house, has direct access to
the seashore. All other residents and visitors must rely

on

the method of access that was designed by the National Park
Service, and that is to drive on the beach, to drive to the
beach. The old, the sick, the handicapped, moms and dads
with young children, have no other means of access. These
punitive closures and lack of corridors, make inaccessible
the sections of the seashore that people use. Please
address both of these issues in your FEIS. Tonight, Judy
Latham spoke directly to the point. This is America's
beach; the people that need to get access are the people --
are the everyday people in this country. Please work on
this, address the Americans with Disabilities Act in
compliance by the Federal Government. Make sure that you
hold standards, the same that local government and private
business are held to. Thank you.

MR. SKIDMORE: The next speaker is Jeff Hales,
followed by Bobby Outten, and Nancy Sentar.

MR. JEFF HALES: Mike, I'd like to thank you for
taking the time to do this and to listen to us. My name is
Jeff Hales, and I am from Durham, North Carolina. I am a
native North Carolinian. I am a building contractor, I'm a
licensed Coast Guard Captain. I'm a member of the Outer

Banks Preservation Association, and a member of the North Carolina Beach Buggy Association. And I am an environmentalist, as all of these people are. It's in our best interest to look after the wildlife on the National Seashore. I am not a terrorist of lawyers. "I am not a cowboy, I'm not a killer of baby birds," and I'm quoting, "and turtles. I'm not a bully with a four-wheel drive." I'm simply a man who loves the Outer Banks. My first visit there was in 1958, and I've been there ever since. I'm

here

to ask you, Mike, to consider rethinking the National Parks Service Plan and come up with a common sense plan with the coalition. Don't let legal blackmail influence your decision, please. Remember the people you have met while

at

Cape Hatteras. You, of all people, know the organizations that prefer beach access do everything in their power to be good stewards of our beloved North Carolina Outer Banks. Remember the sportsmen and women who have helped the National Park Services keep the beaches of Cape Hatteras National Seashore clean and protected wildlife for the 30 years before you were made defendants, and not the managers of the most beautiful coastal area in this country. Thank you for your time.

MR. SKIDMORE: Next is Bobby Outten, followed by Nancy Senter, and Tracey Filomena.

intuitive

MR. BOBBY OUTTEN: Good evening. It seems

that restrictions on access have economic consequences, yet when we look at the DEIS, it has little economic analysis, and it addresses the issue by saying that, in effect, the economic impact is negligible, and that the communities

will

adapt to the negligible impact. We ask and we insist that you look closer at the economic impacts on the ground, on Hatteras Island. Using broad economic data for all of Dare County masks the direct and significant impact the closures have had to the villages. Alternative F, in our view, is more restricted than the current Consent Decree. Intuitively, again, you would think that that would have more significant impact. We have a history with the

Consent

Decree, so, let's look at a few of the impacts that it has caused economically on Hatteras Island. We recognize that the statistics that we have have taken place during a down economic recession. We, also, recognize that at the beginning stages of the Consent Decree there was some oil

or

gas price issues. But the villages on Hatteras Island have been hit, disproportionately greater than the Northern Outer Banks. During the 2004 fall fishing season, for example, the Dare County unemployment rate was about 6.8 percent.

On

the other hand, the village of Salvo was at like 28 percent, Buxton is 16 and a half percent, and Rodanthe, 12.4 percent. What's the difference in these two areas; the difference is the Consent Decree. Those things were in effect during those times on the southern beaches; they were not in effect, and did not impact the northern beaches. You heard last night from an ice supplier; he gave you statistics that his ice sales on Hatteras Island changed by nearly a 100 percent between the date closures came into effect and the date that the beaches were reopened. Again, a significant impact. In Dare County Food Stamp allocations on Hatteras Island, if you look county wide, they're up around 59 percent. On Hatteras Island, they're up 81.6 percent. The county north of Oregon Inlet, they're only up 56.6 percent. Again, a very significant negative impact on Hatteras Island. If you go to the island and look at the local community and talk to the people down there, the Cape Hatteras United Methodist Church men's assistance fund, in 2008 they spent about \$56,000. By October of 2009, in that year, they had used their whole \$56,000 allotment. In Hyde County, Ocracoke has about 50 percent of the tax base, and they have only about 10 percent of the people. The average weekly -- the average wage in Hyde County is about \$22,000, again, about a hundred dollars more than the poverty level. Small economic impacts on Ocracoke have significant economic impacts throughout the county. These are but a few of the impacts that you'll see. You need to go to the island; you need to talk to the businesses; you need to talk to the shop owners; and you'll find there are, in fact, significant impacts that need to be addressed in the DEIS. Thank you.

MR. SKIDMORE: Thank you, Bobby. Next is Nancy Senter, followed by Tracey Filomena, and Karen Wheless.

MS. NANCY SENTER: Hello, my name is Nancy Senter, and I live in Cary, and we have a small seasonal home in the village of Avon. So, we go to the beach as often as we can, mostly every other weekend. My family, my children, we very much enjoy the Outer Banks. We're a steward of the beach. It hurts my heart when we go over Oregon Inlet Bridge and it's empty, the beaches are empty because the special interest groups have denied access to families to the beach.

I have two grandchildren who are very much enjoying the beach right now, and I would hate -- I think it would be a travesty if they could only experience the beach through

looking at pictures in a book because they can't have
 access
 any more. So, please, I'm in very much support of the
 people who have spoke before; they've said more than I
 could
 ever say, to keep the beaches open. Keep them accessible
 to
 families and people. Thank you.
 MR. SKIDMORE: Thank you, Nancy. Next, is Tracey
 Filomena.
 MS. TRACEY FILOMENA: My name is Tracey Filomena.
 I'm a resident of Cary. I was born in Carteret County.
 MR. SKIDMORE: If you could move the microphone up
 a
 little bit; there you go.
 MS. FILOMENA: I was born in Carteret County; I've
 grown up around the beach. My mother, who just spoke, owns
 a house in Avon. I speak on behalf of my three-year-old
 and
 my five-year-old. Every day after I pick them up from
 preschool, "Mommy can we go to the beach house?" "No,
 'cause we're four and half hours away from Cape Hatteras."
 Every time we get a chance to go to the beach, we're there.
 "Mommy, can we go fishing, can we take our cars and trucks
 out, can we build sand castles, can we do these things?"
 Sure, we can do that, 'cause we can take all of our
 shovels,
 and our buckets and stuff with us to the sand, to the
 ocean,
 for them to put their feet in the water. "Mommy, can we
 take a walk on the beach?" Sure, we've walked on the beach
 and they get exhausted, and I have to carry them all the
 way
 back to the truck. On occasions, when we don't walk with
 the kids, we can walk a lot further. We've made some
 really
 cool discoveries that we would not ever be able to take our
 kids to. We've discovered a shipwreck. We would not,
 otherwise, be able to take our children, my children, my
 mother's grandchildren to see these awesome things that the
 beach unfolds whenever storms roll in, when the sand moves
 and shifts. It's nice for them to say, "Mommy, look how
 the
 beach has changed." You can't access that if we can't
 drive
 out on the beach. It's too much for me to take my three-
 year-old, and my five-year-old, one on each hip, with
 shovels and buckets. It's just impossible. I speak on
 behalf of my three-year-old and five-year-old; they like
 the
 beach. We don't go to any other beach, because it's too
 much to go. I don't like Topsail, I don't like
 Wrightsville; they're awesome beaches; I can't get my kids
 there. They don't have fun there; we go to Hatteras. And

they're like, "Mommy, I like the beach house." I speak on behalf of them. Please keep our beaches open.

MR. SKIDMORE: Thank you, Tracey. Next, is Karen Wheless, followed by Reid Miller, and Gary Gross.

MS. KAREN WHELESS: My name is Karen Wheless. I live in the Louisburg, North Carolina area, and I stand in support of the HR718. As a life line -- life-long North Carolina resident and a current property owner in Avon, North Carolina, I have enjoyed and hope to enjoy, and continue to enjoy, the treasured National Seashore Recreation area, Cape Hatteras, North Carolina, along with other Americans, and the general public here today. For years to come, we hope to be able to enjoy these beaches. That's why I'm making these public comments. I make these comments on behalf of my husband, who first introduced me

to

the Outer Banks prior to being married to him 13 years ago. I'm a life-long North Carolina resident, but before that, I would go to Ocean Drive. It was called Ocean Drive back then, and, you know, I would go to these other beaches, and he just had to take me to Hatteras. And I didn't

understand

what he meant, I mean, it was almost like a religion. The first time that I ever went there, and I'm kind of getting choked up here, but the people that go to that beach, they actually take better care of the beach than any other place I've ever been. They live for that little slice of heaven that they find there. I don't know if I can talk about

this

any more, but things are really out of hand. This whole situation is out of hand, and I think common sense will

tell

you that this recreation area of Cape Hatteras can be managed for the people and the wildlife. I live on a 55-acre farm in the Louisburg area. And some of the comments that I've heard made here earlier today, the name calling

of

people, it's just uncharacteristic of the people that love that beach. You know, the economy of the people that live there -- this breaks my heart. It's -- it's tough living there. They live there because they love it, and this has really effected their life, you know, their livelihoods. Even back before I went to the beach for the first time, I remembered my father going to the beach, in the '50s and '60s. We were never able to go there at the time, but he would go with his fishing buddies, who had a single engine plane, and they would land on the beach, and they would

fish

on the beach. And I know things have to change, you can't land planes on a beach anymore, but let's just use some common sense here. That is all I ask. In summary,

wildlife

and visitors can co-exist, and I stand in support of HR718. Thank you.

MR. SKIDMORE: Thank you, Karen. Next is Reid Miller followed by Gary Gross, and Joe Powell.

MR. REID MILLER: Mr. Murray, I'm Reid Miller from Cary, North Carolina. I started coming to the beach in 1962. We started camping at Buxton with a tarp. I've been there 50 years; I now have a tent. I can't afford a house, much like most of the people, or a lot of people that go down here. They come because they can afford \$20.00 a night to camp out, and they have an SUV that they can drive on

the

beach, and can take their children out to enjoy the -- the out of doors. And, you know, this is what a last refuge is -- this is one of the last places you can go with your family, and have an inexpensive vacation. Our family of my six children and my wife are stewards of the beach. And I brought them up to respect the beach. And, yeah, I don't disagree that there should be some training for folks that are coming down here. We don't need "Ya-whos" driving up and down the beach. We need to teach people about the

beach

and how to use it properly. I think the buffers are way

out

of hand, you know, killing all the predators for the birds. Allowing no pets on the beach just doesn't make any sense

to

me. I do agree with Jim Lea, the Professor from North Carolina, and Judy Latham, the bird lady, and the gentleman from Dare County. Thank you, very much.

MR. SKIDMORE: Thank you, Reid. Gary Gross, followed by Joe Powell, and Leon Walsh.

MR. GARY GROSS: My name is Gary Gross. Tonight I would like to set the record straight about something said yesterday at the Kill Devil Hills hearing -- the ghost of the core of really understanding the route scenarios that are designated in the DEIS. An SCLC spokesperson said, and I quote, "The preferred alternative from the way we counted it, looks like it preserves 52 miles of the seashore's 68 total miles as accessible to ORVs, at least some portion of the year. That leaves only 16 miles that are accessible only to pedestrians. That doesn't strike us as fair."

Now,

listen to this part. "We would like to see equal access

for

pedestrian users of the beach, as well as ORV users." Now, this is a very clever shell game. It's like at a carnival, where the fast talker gets the audience all twisted up and confused, so you can't follow the action. Let's slow it down; let's look at the facts. According to the Park Service chart on DEIS, page 101, 29 miles are classified as open year round to ORVs. That means it's designated as an ORV route, with theoretical access, not guaranteed access. It can be shut down at a moment's notice for any breeding

or

nesting behavior. Last year, for example, during the

important July 4th weekend, only 21 miles were actually open; not 29, and certainly not 52. And those open areas did not include access to Oregon Inlet and Cape Point and other key areas, where children can safely play, that may have been technically open, but with no way to get there. Think of it as this way; it's like saying Yellowstone Park is open, but failing to mention that the area around Old Faithful is closed. A visitor to that park would return home with a very bad experience. Also, on July 4, compared to the 21 miles of ORV access, there were actually 26 miles of pedestrian only access, plus 6 miles of limited pedestrian access. This proves that there is not the imbalance between ORV and pedestrian access the SCLC would have you believe. And, in Alternative D, the one they prefer, get this: there would be 27 miles open for ORV and 40 miles for pedestrian only. Is this the equal access

they

talked about last night? No, it's all part of the shell game that I am confident that the Park Service and the public will have the wisdom to discern. Thank you.

MR. SKIDMORE: Thank you, Gary. Next is Joe Powell followed by Leon Walsh, and Christina Ballance Hicks.

MR. JOE POWELL: Hello, can you hear me? Hello, my name is Joe Powell and I'm from Raleigh, and the fine State of North Carolina. And we have been connected to the Outer Banks and Ocracoke ever since our family has -- since the very early 1900s. The colony here of Raleigh is not based on Umstead Park; Umstead Park is here. If they have some change in Umstead Park, I don't think I would even become aware of it. However, the economy in Ocracoke is based on the water, it's based on access to the beaches. And in comparison there, I think, that the businesses and all

there

are just dependent on people coming down there, because

they

enjoy the beaches and they want to get out to the water.

My

dad, he was 91, we just lost him a few years ago. We have two houses at Ocracoke and our extended families, that's cousins and everything, we own about 16 houses on Ocracoke, and we are not in the real estate business. And so, we enjoy doing it as a family, and my dad was 91 when we lost him a few years ago, and he was handicapped. He was not an alzheimer's patient in any regard, and he wanted to go down to Ocracoke. And I've got three brothers -- he said, "I want to go down to Ocracoke." So, we went down there and

we

got in our trucks, went down there, and stayed at the

house,

and we rode out on the beach. "I'd like to go down to

South

Point." He knew the beach like the back of his hand, and that's what he wanted to do. Handicapped people -- got a

in good friend, got a 15-year-old cheerleading daughter, was
 a one car accident. She was in -- she's in Christopher
 Reeve's shape. She can access Ocracoke -- four-wheel drive
 vehicle -- go out there, and carry all of her equipment.
 Experience, live the experience, not just hear about it.
 Small children, if you have a wife and the wife needs a
 break, "Hey, that's okay, hun, I'll just take all the
 stuff,
 put it in there. Diapers, play pen, the whole nine yards,
 let's go out to the beach." Just drive the four-wheel
 drive
 vehicle up there, nothing about cowboying; let's sit out
 and
 just have a family time. Have the experience, not just
 talk
 about it. I'm from a fishing family; going out there,
 swimming, sandcastles, the whole experience, cooking out on
 the beach, all the sunscreens, the toys, the tents, not to
 mention the water that you've got to take out there to
 drink
 every -- every so often. Let's think about parking over
 there on the road and carrying all those supplies over
 there. Fishers, coolers, buried plenty of fish in the
 sand.
 When I was a little kid in the '60s, we didn't have four-
 wheel drives then, forgot where I buried them. The
 financial -- the financial impact to the -- for revenue
 loss
 to the islands down there is going to be -- it's just going
 to get started. Your trips from the guys, and I could have
 gone to the other beaches, but no, where was Ocracoke,
 where
 is Ocracoke? Oh, it's a great place -- take people there,
 oh, they love it. Drive down there and five or six people

-

- sorry. (TIME WAS UP.)

MR. SKIDMORE: Next, is Leon Walsh, followed by
 Christina Ballance Hicks, and Chris Ballance.

MR. LEON WALSH: Thank you, Mike. Excuse me for
 reading. My name is Leon Walsh. By training and
 profession, I'm an environmental engineer and a research
 scientist. I'm a North Carolina native, a frequent visitor
 to the Cape Hatteras Seashore, and I believe in responsible
 management of the Cape Hatteras Seashore Park -- I believe
 in responsible management. I would encourage you guys, the
 Park Service, to develop real and flexible management plans
 for the park's many users and resources. As published,

each

of the DEIS options, one through six, automatically
 restricts the ability of the Park Service professionals to
 manage the operations of the Cape Hatteras Park for the
 benefit of all users and resources. I believe the DEIS

127, includes minimum standoff buffers, such as pages 121 to
are 210, 468 and others, for various species, and users that
reviews, arbitrary, and have little scientific basis in peer
scientific literature. Reference to earlier comments from
I Mike Berry, Judy Latham, very nice. From this standpoint,

cannot personally support any of the six options for
management published in the DEIS, as I believe that any
automatic minimum buffers, minimum boundaries, et cetera,
restricts real management, based on the needs of the park
users and resources that are fluid. I request NPS
professional park managers to consider my comments and
develop real management plans, without arbitrary minimum
standoff buffers for area closures. Please put together a
plan that returns the management of Cape Hatteras Seashore
to you, the professional managers. Thank you, and I'll
provide some additional comments in writing. In the last
few seconds I have left -- how much?

MS. RUDI BYRON, TIME KEEPER: A minute.

my MR. LEON WALSH: I want to tell you a story about
dad. When he was 72, he called me, using a pay phone from
what was then the Coast Guard Station at the south side of
Oregon Inlet. He was broken down in his car with his dog,
out on the south point of Oregon Inlet. Now, that is years
ago, and I tell you this, just as a sample of how people
can use this park if they have access. He hitchhiked to
Manteo,
bought parts, went back, repaired his car, and caught three
bluefish that weighed over 12 pounds. Now, that's an old
timer for you. When he was 79 years old, he suffered colon
cancer. We built a PVC pipe frame seat, put it in the
truck, and took him to the beach in warm weather, because
he couldn't go in cold weather. He loved to watch the sunset
at Oregon Inlet, and that's the only way we could get him
out there. He could only stay out of the truck for a few
minutes at a time. He could stay out, watch it, get back
in the truck. And if you can bring us to that, we would
appreciate it. Thank you.

Parker. MR. SKIDMORE: Thank you very much. Christina
Ballance Hicks, followed by Chris Ballance, and Kyle

Hatteras MS. CHRISTINA BALLANCE HICKS: Good evening. My
came name is Christina Ballance Hicks. I am a native of
village, and I have lived there all of my life, until I
to Raleigh to pursue a college education in Veterinary

Medicine. After I graduate on May 15 of this year, I hope to return home to Hatteras village to work, and to live.

My

family roots run deep on the Outer Banks, tracing back to the early 1800s, including light keepers and fishermen. Life in my village, both recreational and business,

revolves

around the seashore. The inability to access the seashore would have significant socioeconomic impact on both my village, and life within my village. The National Park Service states in the DEIS on page 136, of the prohibition of pets in the Cape Hatteras National Seashore during bird breeding seasons, including in front of the villages. I disagree with this. The Cape Hatteras National Seashore, also, includes beaches, campgrounds, sound front, foot trails, park maintained roads, and the lighthouse. A leash law is already in effect that requires pets on the seashore to be on a leash, six-foot long or less, thus minimizing

the

effects of these pets on breeding birds. And bringing the responsibility of keeping pets away from the nesting areas, are on the owners of the pets, as well as our law enforcement. On pages 121 through 127, the DEIS states information about the buffer zones, or closures of the seashore, due to breeding, nesting, and unfledged chicks of birds that are endangered, as well as birds that are not endangered. I disagree with the size of these buffer

areas.

National Park Services could successfully manage these

areas

with smaller buffer zones, and ORV pass-through only corridors, as other National Seashore Parks have done in other areas along the east coast. These areas have documented more recent -- more resident birds than we do, and have fewer closures than we currently have. On page 210, the National Park Service DEIS states, "That even with the resource closures in place, protected species are still at risk from pedestrians and ORVs." I disagree with this statement as well. With an increase in visitor

information,

education, and signage, ORV violations continue to

decrease.

It is documented that no piping plover deaths have ever

been

attributed to visitor ORVs, but only to National Park Service vehicles. Pedestrian violations are much more significant than ORV violations. On pages 1 through 830, nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by families, businesses, and the livelihood in the seashore villages. Please take into consideration the lives of the locals when deciding the fates of our beaches. Thank you very much.

MR. SKIDMORE: Thank you Christina. Next is Chris Ballance, followed by Kyle Parker, and Derb Carter.

Chris MS. CHRIS BALLANCE: Good evening. My name is Ballance and I live in Hatteras Village.

MR. SKIDMORE: Could you adjust the microphone? Thank you.

MS. BALLANCE: My name is Chris Ballance and I live in Hatteras Village. I'm strongly opposed to the closures proposed on pages 97 through 101 of the DEIS. My family

has enjoyed the Hatteras Point for generations for such activities as fishing, both recreational and commercial, surfing, horseback riding, picnics, et cetera. Traditionally, many families, would load up their children, take them to the Hatteras Point, where they would swim, fish, crab, spend the whole day in a great environment. A lot of family values were taught and learned at Hatteras Inlet. My husband and many others of his generation

learned to drive on the flats that were once there. Hatteras Inlet has always been a place where families could go and enjoy a day at the beach. There's no reason that people, birds and turtles can't both enjoy the traditional uses of this area, as they have for generations. I'm, also, strongly opposed to the restrictions proposed on page 136 of the DEIS, as to the animals on the beach. My husband and I walk our dogs every day to the beach. No dog on a leash is going to disturb any nesting bird or turtle. We own a business at Hatteras, and much of our income comes from summer rentals. Now, about 30 percent of the cottage rentals on the water are dog-friendly. This, of course, means that many vacationers come with their pets to enjoy the beach, and with the existing leash laws, this is not a problem. There is a large shipwreck that is along our walk on the beach that changes daily. Sometimes, it's almost completely uncovered, and it's quite large, and other days, all you

can see are the rusty iron spikes sticking out of the sand. It's amazing and wonderful to watch what nature does to our beach, and this late 1800s shipwreck. This is part of our heritage and historical use of the beach with our children and grandchildren, and our pets, too. It's essential that this be maintained for its traditional use now and for further generations. Thank you.

MR. SKIDMORE: Thank you very much. Next is Kyle Parker, followed by Derb Carter, and Geoff Gisler.

MR. KYLE PARKER: Good evening. My name is Kyle Parker. I'm a Raleigh, North Carolina native. I wanted to go on record to say that I'm opposed to Alternative F. I decided that I'm going to submit my detailed comments in writing, but I wanted to take the opportunity to support Professor Lea and the Commission of Judges.

MR. SKIDMORE: Thank you very much. Next is Derb Carter, followed by Geoff Gisler, and Russ MacIntyre.

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 going to Cape Hatteras National Seashore for 35 years to fish, to bird, and to enjoy the beaches. I became involved pretty directly in this to attempt to halt the precipitous decline in breeding birds on the seashore -- 86 percent over a very short period of time. We filed a lawsuit based on the fact that the National Park Service

had

not met its obligation to have an ORV management plan, and went to Federal Court along with Dare and Hyde County, the ORV groups, and the National Park Service, to represent it, to propose a temporary plan, until we can get a final plan in place. That plan's been in place for two years. During that period of time, we can report that all breeding birds on the seashore that were targeted have increased. We've had a record sea turtle nesting year, and -- and National Seashore vegetation has increased during that period of time. What I want to talk to tonight about is the alternatives that are presented in the draft DEIS. Alternative F would allow ORV use, either seasonal or year round, on 52 of the 68 miles of National Seashore. This is twice the mileage of where ORV use is allowed of the other five National Seashores on the Atlantic Coast that have ORV plans. 16 miles would be set aside for use as pedestrian areas only. In other words, areas that the vast majority

of

the visitors who go to the National Seashore could enjoy free of vehicles and free of ORV use. Alternative D will allow ORV use, either seasonal or year round, on 40 miles

of

the National Seashore. And this is identified in the Draft DEIS as the Environmentally Preferred Alternative. It's

the

only alternative in the DEIS that's offered to us that we can support. It's the only alternative in the DEIS that

the

National Park Services has identified as meeting its obligations to protect wildlife. However, we believe it

can

be more flexible in allowing more pedestrian use and more access. The final point I want to make is the lack of a

no-

action alternative. A true

no-action alternative, under the legal requirements that

are

applicable to the National Seashores, driving is

prohibited,

unless it's allowed by a special regulation. We believe a true no-action alternative would look at no driving on the seashore, and that would be the proper environmental baseline. Thank you very much, and we'll be submitting detailed written comments.

MR. SKIDMORE: Thank you Derb. Next is Geoff,

followed by Russ MacIntyre, and Phillip Anderson.

MR. GEOFF GISLER: Geoff Gisler with the Southern Environmental Law Center. I just want to follow up on the comments last night, make a few viewpoints. This is often depicted as a birds versus people sort of decision, and

what

we found, and what I think has been clear over the last two years, is that we can have both by protecting birds and sea turtles during their critical times in their life cycles, when they're breeding, when they're nesting, when they're migrating through into their other breeding or migrating roosting route. By protecting the birds during those sensitive times, we can increase their populations on the seashore and have the seashore provide that function it was designed to hold in promoting our natural resources. We

can

also have many, many, miles of beach open to access both pedestrians and ORV users. Earlier, it was mentioned that during the 4th of July last year, only 20 miles, or approximately, was opened to ORV use. Much of the

remaining

of the seashore was opened to pedestrians in front of -- in front of villages not closed because of resources. So,

what

we see is there's 68 miles of beach, there's plenty for resources and people. What's also clear is that, under the law, if there is a conflict between the resources and the people, the Park Services must side on the side of the resources; that the Organic Act and the enabling

legislation

of the seashore, the regulations that are in place to guide ORV use, demand -- and National Park Services demand that

if

there is a conflict between recreational use and Natural Resource Protection, that the Park Service must side on the -- with the Natural Resource Protection. We also know that at the seashore, there is evidence that even responsible

ORV

use can harm wildlife. Researchers at this institution

from

NC State that have studied wildlife and breeding behavior

on

the seashore, have documented that fledgling success is

much

lower with partial beach enclosures than it is with full beach closures. We know that birds are more likely to fledge if there's a full beach closure, because even responsible ORV use can disturb their feeding, can disturb nesting, and can disturb their development, in that fragile time period. What this plan must do is provide a legally defensible basis for the future of management of the seashore. And, as Mr. Carter just mentioned, Alternative D is the only one that the DEIS identifies as fully meeting these obligations to protect Natural Resources on the

seashore, and must serve as the starting point for developing a plan to manage the seashore over the next 10

or

15 years on the DEIS. Thank you.

MR. SKIDMORE: Thank you, Geoff. Next is Russ MacIntyre, followed by Phillip Anderson, and Melissa Schwartz.

I'd

like to thank Superintendent Murray for allowing me this opportunity to speak. Mine is a personal note, I'm here representing my family and my friends that like to fish,

and

I'm a fisherman. I live in Rocky Mount, North Carolina,

but

I've been visiting the Outer Banks since 1956. So, I've

had

the opportunity to see that area change and, also, the restrictions to be able to go actually to the beach. I can't afford an ocean-front cottage, so, for me, it's been

a

four-wheel drive truck to take us out to the beach. That's been a big part of our life, not only on weekends, but our summer vacation. See, restricted now -- and initially, I felt kind of guilty when the Consent Decree was first enacted 'cause I thought I was killing all these birds and turtles. I looked at all the data, and I looked at all the information. I lost my guilt. I see no proof that I, as a responsible fisherman, have been killing animals. I just don't -- I don't see it, you can't convince me of it. Others have shown that the data probably is not correct,

but

I just read last night the DEIS and saw where the predatory animals are responsible for a lot of the death of the

birds.

And I now understand that the Park Service has been killing these animals, and I don't think that's right. So, I haven't seen the proof where I'm harming in what I do. I clean up after others, I try to maintain calm, and if somebody's being a cowboy or whatever, I sometimes stand

up,

and stand up and try to slow them down. Because it's part of my responsibility of taking care of the beach. So, I'm opposed to any further restrictions; I think, we've already had plenty of restrictions. There was mention of the

father

that went out to South Inlet. There used to be a ramp there. There's no longer a ramp there; there's been no new ramps added; they've just taken away ramps. So, I'm

opposed

to any further restrictions, and I do not see the evidence presented that we are harmful. Thank you very much.

MR. SKIDMORE: Thank you, Russ. Next is Phillip Anderson, and Phillip will be followed by Melissa Schwartz,

and Joel Idol.

MR. PHILLIP ANDERSON: Good evening. Thank you for allowing me to have my piece said. Mr. Murray, this is the third time I've talked before you. I'd make the comment that --

MR. SKIDMORE: Could you -- you need to get closer to the microphone, please sir.

MR. ANDERSON: Sorry, about that. I certainly hope that this time my notes are recognized. In the previous meetings I've been to, 90 percent of the folks in these meetings have said, "I want pro access to the beach, I want to be out there, and I want to be responsible, and everything the Park Service since then has been towards the bird side." We're big on the preferred to protect, not prohibit. Going back through this plan here, number F is way worse than the Consent Decree is right now. And that

is

very prohibitive, and it was not supposed to be part of a precedent-setting lawsuit. It was supposed to be just for the Consent Decree; was not supposed to apply to the park plan. On 486, the inflexible bird closures, 1000-

meter

enclosure for the plovers, I think is excessive. You are allowed by law to have 200 to 1000-meter enclosures. In

the

past, the Park Service has been able to sit out there and say, "We're going to put a 600-meter enclosure around here. We're going to set out the fish and wildlife, and we're going to figure out where we can have good access to the birds, or good access to the beach, protection for the birds, and allow everyone to strike a balance." And that's how it was in 2007; they had the best bird year in 15

years,

and we had really good access out there. I don't have a whole lot of things out here to go along with the statements, but on page 136, the pet provisions -- no pets in any part of the public areas of the park between March 15, or -- yeah, March 15 and July 31. That's, I think, unacceptable. People come here from all over the country. They're not going to come from Iowa, drive out here to pay money to climb that lighthouse, and then realize that I can't leave my dog in the parking lot at the lighthouse, while I climb this track. Because four and half miles away there might be a plover nest. That road is cut through a maritime forrest, miles away from where the birds are. Are you going to ban anybody from walking down the Cape

Hatteras

Lighthouse road with their dog? I don't think that is very acceptable. That's about all I've got to say. I'm going

to

have a much more coherent and concise written statement for you. My name is Phillip Anderson. I live here in Raleigh, North Carolina. I use Cape Hatteras National Seashore almost every weekend, and these are things I believe in.

Thank you.

MR. SKIDMORE: Thank you, Phillip. Next is Melissa Schwartz, to be followed by Joel Idol.

MS. MELISSA SCHWARTZ: Good evening. My name is Melissa Schwartz, and I can tell you I'm a relative

newcomer

to North Carolina, and I moved here nine years ago from California. And I can tell you what an amazing resource

the

Cape Hatteras Seashore is. I mean, I came here, saw the lighthouse for the very first time, had an opportunity to touch the lighthouse, and had an opportunity to experience the serenity, and the amazing beaches that this coast has. And I will be completely honest. I am not as educated as probably I should have, but I would think that just common sense and education, that being to help people and animals cohabitate together on the beach, makes more sense to me than prohibiting any sort of access. I have friends that live on the coast, who are trying to make their livelihood. I know that the tourism season over the summer is the majority of where their money comes from. And, if the beaches are closed, you're going to be putting a lot of people out of business, and a lot of people are going to be having to leave the island, because they're not going to have revenue to be able to support their life. You know, I look at where I came from, in San Diego, where we would

have

the sea lions that would come up on Children's Beach, and people knew -- just give them a wide berth. I would think that the people here in North Carolina and the visitors to North Carolina would know, if they see a turtle, give it a berth. You know, if they see a bird and they see eggs,

give

it its space. Makes common sense to me. But then, again, I'm not a native, I'm new to here, but I would say, please, don't close the beaches because it such an amazing, amazing resource to this state. Thank you.

MR. SKIDMORE: Thank you, Melissa. Joel.

MR. JOEL IDOL: Yeah, I wasn't prepared to speak tonight, but I felt like I had to. My name is Joel Idol.

I

grew up on a Carolina tobacco farm. I have a degree in forestry. I'm an environment specialist with the North Carolina Department of Environmental Natural Resources. I care about the environment and I care about our natural resources. I'm sure everybody here does, or nobody would

be

here.

MR. SKIDMORE: Sir, could you address the Superintendent?

MR. JOEL IDOL: Nobody would be here -- in their each and own individual special way. But that's not the question. Access -- access is the question. And I have a lot to weigh in on this subject, both biologically,

ecologically, economic, emotional. Cape Hatteras National Seashore has been an integral part of my life for 35 years and my family, many years, or longer than that. For what is too much to put into words here, but what I would like to do is, I'd like to ask everyone here to consider in a different light, the ramifications of what you're thinking about and what you're proposing. I have a few questions -- how many people in this room have walked to Hatteras Point? How many people in this room have walked to South Point Ocracoke? How many people in this room have walked the Pole Road to Hatteras Inlet? Consider it -- now, consider carrying your lunch, your water, your fishing gear; you don't fish, fine. Imagine carrying a backpack full of seashells out; imagine carrying your telephoto lens, your tripod, and your camera out and back. Just consider it, and that's on a good day, you're young and hip. No, seriously, you consider now, you have family, you have children, you have elderly, you have sick and ill. My mom has MS; she can't even walk through the house, but she still goes to the seashore every year. Just imagine yourself there, then, and if they don't go, you don't go. What's fair for one is fair for all. It's going to effect everybody the same way. Everybody needs to think about that. That's all I have to say.

MR. SKIDMORE: Thank you very much. That concludes the list and the cards I have. Have I lost any cards -- have we lost any cards? Has everyone that submitted a card to speak had their chance to speak? Well, I thank you for your cooperation, for good comments that observed the time limits and the rules.

SUPERINTENDENT MURRAY: On behalf of the National Park Service, I want to thank you all for coming tonight. The hearing is hereby adjourned.

***** THE HEARING CONCLUDED AT 8:04 P.M. *****

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